Yurok Tribe Council  
Action Meeting  
Thursday, October 7, 2021  
https://www.gotomeet.com/yuroktribe

ROLL CALL: 10:16 am

PRESENT: Frankie Myers, Vice Chairman; Sherri Provolt, Orick District; Ryan Ray, Requa District; Lori Hodge, East District; Lana McCovey, South District; Phillip Williams, North District; Mindy Natt, Pecwan District; Toby Vanlandingham, Weitchpec District

ABSENT: Joe James, Chairman (excused - ill)

QUORUM: 8 present, 1 absent, quorum present

OPENING PRAYER: Provided by Councilmember Williams.

REVIEW AGENDA/ADDITIONS/APPROVAL:

Motion by Councilmember Williams/Councilmember Provolt to approve agenda with additions YTEP21-054, YTP21-004, CA21-195, and EXDIR21-018. Motion carries by consensus.

CALENDAR:

November
3-North District Meeting 6-8pm
6-Requa District Meeting 2-4pm
8-East District Meeting 5-6:30pm
9-Pecwan District Meeting 4-6pm

December
Change December 8-9 to December 15-16 Council Meetings
Change December 21-23 to December 29

COUNCIL CHECK-IN:
Councilmember McCovey: Pass
Councilmember Williams: Pass
Councilmember Hodge: There is the Annual Meeting, Saturday, October 9th starting at 10am and I want to encourage everyone to attend.
Councilmember Vanlandingham: Pass
Councilmember Ray: I was just notified today the first disc golf basket has been installed. So they will be down there today installing them at Redwood RV. By Monday the basketball hoops will be installed at the Klamath emergency operations center. We should go back into construction within the next three weeks or a month anyway. Another update and upgrade that I need is regarding the Glen tower and internet. So if we can get an update sometime today, that would be great. It feels like this project is going downhill, so can we get an update on the Glen tower to see what's going on with the internet?

Councilmember Natt: I just wanted to say since we're now we're reopened, I want to get back on track trying to figure out the size of the orchard at Sregon. We want to get the size for the fencing and to get that installed to finish our projects that we're starting on. So, if Don can reach out to staff to coordinate another meeting so that we can start the process again. I know when we were shut down, everybody stopped doing projects. So now that we're back up and running, I want to try and get that done before it gets wintertime.

Councilmember Provolt: I want to take the opportunity to remind membership to reach out and let your families know about the Annual Meeting on a Saturday, October 9 at 10 o'clock. It will be virtual. One of the things that we need to think about as Council is how to get information to you about the presentations so that you can either see them on our website or if you want hard copied documents, we'll have to figure that out. So just to let membership know, we are talking about how we can get information to you for the membership meeting. Thank you.

Vice Chairman Myers: I'm good, we have a big schedule today.

Chairman James: Not present.

TRIBAL MEMBER COMMENT: None provided.


CONSENT AGENDA ITEMS:

OTA21-088 Yurok v. BOR -Retro approve 3 filings
Submitted by Dawn Baum

Motion by Councilmember Hodge/Councilmember Williams for retroactive approval for filing in Yurok v. BOR and 1) Opposition brief to KWUA motion to lift the stay, 2) Opposition brief to KID amicus brief and 3) Proposed order in joint stipulation with the federal government in the Klamath tribes to lift the stay for the purpose of filing a Supremacy Clause against OWRD and KWUA. Motion carries by consensus.

OTA21-089, Request for State Agreement regarding IVE & ICWA
Submitted by Tamara Honrado

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Motion by Councilmember Hodge/Councilmember Williams to retroactively approve Chairman to sign letter requesting a statewide ICWA and IVE transfer protocol agreement. Motion carries by consensus.

INTRODUCTIONS:
Update from Recreation Coordinator, Darrin Ferris. Discussion on current tasks, budget, and sport league(s). Planning session needed to include interdepartmental coordination with YHHS.

AGENDA ITEMS:

Health & Human Services
Rhiannon McCovey, Madison Green, Melissa Mendoza, and Springwind Marshall presents YHHS21-042, TANF Cash Aid Payment Increase
Submitted by Rhiannon McCovey
Motion by Councilmember Williams/Councilmember Provolt to approve proposed TANF payment increase for TANF cash aid families. Motion carries by consensus.

YHHS-045, CSBG 2021-Memorandum of Agreement with NCIDC
Submitted by Melissa Mendoza
Motion by Councilmember Hodge/Councilmember Vanlandingham in support of a Memorandum of Agreement with Northern California Indian development Council (NCIDC) for Community Service Block Grant (CSBG) Emergency Assistance funding to tribal members in the service area, funded by NCIDC and authorized Chairman and Secretary signature to attest on associated documents. CSBG restricts indirect an only 12% is allowable, the remaining indirect covered by account 8201 base funding. Motion carries by consensus.

Housing Authority
Nicole Sager presents
YIHA21-024, Conflict of Interest Policy
Submitted by Nicole Sager
Motion made by Councilmember Hodge/Councilmember Provolt to approve the Yurok Indian Housing Authority’s Conflict of Interest Policy as approved by the Board of Commissioners on September 14th and reviewed by Office Tribal Attorney. Motion carries by consensus.

BREAK: 11:10am-11:25am

AGENDA ITEMS:
Office of Tribal Attorney
Maggie Poffenbarger presents
OTA21-090, Certificate of Good Standing
Submitted by Maggie Poffenbarger
Motion by Councilmember Hodge/Councilmember Williams to review and approve Certificate of Good Standing for Yurok Construction Corporation two enable SAM.gov registration. Motion carries by consensus.
Kori Cordero presents
OTA21-091, California Public Utilities Commission Proceeding 21.06.017
Submitted by Kori Cordero

**Motion by Councilmember Natt/Councilmember Williams to direct OTA to file a motion for a party status in California Public Utilities Commission (CPUC) proceeding R21.06.017 and to file all other documents and filings necessary to advance the interest of the Yurok Tribe in consultation with the Yurok Tribal Council. Motion carries by consensus.**

OTA21-092, California Public Utilities Commission Proceeding 20.08.021
Submitted by Kori Cordero

**Motion by Councilmember Hodge/Councilmember Natt to direct OTA to follow motion for party status in California Public Utilities Commission (CPUC) proceeding R20. 08. 021 and to file all other documents and filings necessary to advance the interests of the Yurok Tribe in consultation with the Yurok Tribal Council. Motion carries by consensus.**

**Planning**
Don Daines presents
P21-073, Contract Approval Kepel Intake Whitson
Submitted by Don Daines

**Motion by Councilmember Natt/Councilmember Hodge to approve and authorize Chairman to sign the contract agreement with Whitson Inc. to perform construction services on the 10-M47 Kepel Intake Protection including a rehab of piping for an existing concrete intake structure with installation of a new 4-inch ductile iron pipe along Hwy 169 on McKinnon Hill. Motion carries by consensus.**

Henry Solares presents
P21-074, Indian Community Development Block Grant
Submitted by Henry Solares

**To review options and make a selection for the Yurok Tribe's FY 2021 Community Development Block Grant via HUD due October 25, 2021. Total federal request is $799,998.00 proposed to fund either a community garden or Wellness Village. No cost share required, indirect cost are allowed, and authorized the Chairman to sign all necessary documents and Resolution #21-113. Item tabled to Special Meeting October 12, 2021.**

**TRIBAL MEMBER COMMENT:**
Raymond Bacon: South district. I would like to see a community garden development in the South district. Currently, we don’t have anything in place. We do have the Aawok Bonnie Green Center. I don’t see any plans for the community garden there for the largest tribal membership district. So, if we could put that on the list, that would be much appreciated. Thank you.

Nicole Provolt: Orick district. I've just been listening. I try to listen to all the meetings. I really liked what Councilmember Ray said about the audit, the points, what kind of score for each
project, and what would be more likely to be approved or to be granted. Maybe I just missed it, but a better scope of the types of projects that could be used for these funds. So, I see a community garden and a grocery store. I just recommend to make very clear at the annual membership meeting exactly what these funds are and the types of ideas that could be funded. Thank you.

Jessica Clayburn: This is Jessica Clayburn, Requa district. Maybe if we could think of adding some cold room spaces or something that would help community members. There really isn’t access to that type of facility in our community. Like if you harvest game, raise some pigs or something like that, a place to put it while you’re processing it. So, not for commercialism, but for feeding your family. I would like to see that in our community,

Council
CA21-186, Watershed’s new office space
Submitted by councilmember Ray

Motion by Councilmember Ray/Councilmember Williams to approve $150,000 of funding to replace Watershed’s office facility with funding to come from ARPA. Roll call: Vice Chair Myers-Chairing, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Provolt-no, Councilmember Natt-no, Councilmember Vanlandingham-yes, Councilmember McCovey-yes, Councilmember Williams-yes. Yes-5, no-2, abs-0, np-1. Motion carries.

LUNCH: 1:04pm-2:07pm

TRIBAL MEMBER COMMENT: None provided.

AGENDA ITEMS:
Council
CA21-188, 2021 Carbon Sales
Tim Hayden and Javier Kinney present
Submitted by Councilmember Provolt

Motion by Councilmember Williams/Councilmember Hodge to approve funds received from recent carbon credit sales in the amount of $$$__________ to be deposited in Morgan Stanley CWSRF California Water State Revolving fund (CWSRF) repayment fund xxx712. Item moved to Executive Session.

Prosecutor
Rosemary Deck presents
PRO21-004, Not Invisible Act of 2019
Submitted by Rosemary Deck

Motion by Councilmember Williams/Councilmember McCovey to retroactively approve Chairman to sign letter submitting comments on Not Invisible Act of 2019. Motion carries by consensus.
CA21-189, Equipment for Cemeteries
Submitted by councilmember Natt
Requested motion to purchase equipment from Miller Farms for cemeteries upkeep and
maintenance. Equipment will be stored at the Wautek Firehouse and community members will
have to check out equipment with Yurok staff and those community members will be held
responsible for any lost or damaged equipment. Funding to come from community donations
budget 50 GL 6391 not to exceed $____. Authorize Pecwan district account at Pek-tah, all
purchases to be authorized by Councilmember Natt.

Motion made by Councilmember Natt seconded by Councilmember Hodge to purchase
equipment for Wautek community members to use to keep up with cemeteries maintenance.
Council designates $1100.00 from Budget 50 GL 6391 ($250.00) and Budget 50 GL 6260
($850.00). Motion carries by consensus.

TRIBAL MEMBER COMMENT:
Rose Sylvia: Pecwan district. When I listened to this and I see each time Mindy put something
forward it always gets changed, which I think is a little bit problematic. It’s a small community
here. But as far as the cemetery, I really think that there’s a mixed message that goes out to the
community. I think that the Council was involved in the expansion of the cemetery, like it had to
go through Council approval whether they could expand it or not. There was Rosie's program,
which they put out applications to do fencing around cemeteries. I applied for the little
cemetery down by the basketball court and I’ve never heard anything back. That’s been like
before COVID. It's always like down in this area. So the community isn't a huge community and
you talk about us taking care of what we can. There’s some of us that take care of what we can,
but it's really kind of sad. I’ve took pictures to the Council before on how your playground looks
in Klamath and how it looks here now. And it's even worse. Now, the trees are growing, nobody
ever did anything about it. I've gone to Council about that truck down there and how horrible
the little Wautek community looks, and nobody did anything about it. And so now you’re
talking about somebody taking care of the cemetery. I know that I went to a Culture Committee
meeting and they were talking about doing maps of who’s buried there because they’re going
to lose that information. Then they talked about putting in the rows because there is nobody
taking care of it. So, when people come home to bury someone, they just put them wherever
they want to put them, but there are no rows. And so ultimately at some point, the tribe as the
governing body to the area really needs to consider coming up with that group who’s going to
take care of things. The tribe can keep saying that it’s not their business, but it is their business
sometime. And it really needs to be a discussion about when it becomes your complete
business. I just think it’s confusing when I listened to the conversations. And as far as
equipment, when it first started, I was kind of excited about that because I’ve already told
Patrick that I'm going to borrow his weed eater to clean around the firehouse. Because if I went
out there and took pictures right now and showed you what the day labor crew did, it's not
good. It doesn’t look good. There are piles of weeds out there. There's garbage, the same thing
down there at the basketball court. And so, I just think there needs to be a little bit more help
in that regard. It's the community who sees that there needs to be help. And so, they're going
to try to step forward and say they need something and then it just kind of falls apart. At least
that's kind of what I hear. Thank you.

AGENDA ITEMS:

Council
CA21-194, September 21-22, 2021 Council Meeting minutes
Submitted by Georgiana Gensaw, Council Operations Coordinator

Motion by Councilmember Natt/Councilmember Hodge to approve with edits and corrections
council meeting minutes for September 21 (Gaming), September 21 (Finance and Planning),
and September 22 (Action). Motion carries by consensus.

Tribal Police
P21-004, Boat Purchase
Submitted by Chief O’Rourke

Motion by Councilmember Provolt/Councilmember Vanlandingham to approve purchase of
22’ Inboard Jet Boat from Bolton Powerboats. DOJ approved our request to reallocate funds
for the cost increase of the boat, boat graphics, radio and radio installation. Approved grant
total will remain $271,318.00. Motion carries by consensus.

Environmental
EP21-054, YTEP EPA FY222 PPG Grant Agreement
Submitted by Louisa McCovey

Motion by Councilmember Ray/Councilmember Hodge to approve the attached agreement
and budget for YTEP’s FY22 Performance Partnership Grant #BG-97907921-1 in the amount of
$1,098,923 with a match of $20,700 that will be met through in-kind services of equipment
use and personnel. Full indirect charges are allowable. Motion carries by consensus.

Council
CA21-195, Sue-meg donation
Submitted by Councilmember Provolt

Motion by Councilmember Williams/Councilmember Provolt to approve a community
donation of $250 (Budget 50 GL 6391) to support an event coordinated by Seventh
Generation Fund to celebrate the re-naming to Sue-Meg State Park. Event will be held at Sue-
Meg on October 16, 2021. Directive to staff to help facilitate the event. Motion carries by
consensus.

Break: 3:15pm – 3:30pm

EXECUTIVE SESSION: 3:30pm-5:12pm
Items out of Executive Session:
ExDir21-018, CDFI Staffing issues
Submitted by Don Barnes
Directive to Executive Director to bring item to YEDC Board.

Councilmember Natt leave 4:40pm for personal reasons.
Councilmember Provolt leaves 5:00pm for personal reasons.

P21-069, Land Purchase
Submitted by Michael Gerace

Directive to Michael Gerace to continue follow up and investigate said property as discussed in Executive Session.

TRIBAL MEMBER COMMENT: None provided.

CLOSING PRAYER: Provided by Councilmember Ray.

ADJOURN: 5:23pm

MINUTES APPROVED ON: October 28, 2021

Sherri K. Provolt, Secretary 11/1/21