

**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

44 Councilmember Ray: I was just notified today the first disc golf basket has been installed. So
45 they will be down there today installing them at Redwood RV. By Monday the basketball hoops
46 will be installed at the Klamath emergency operations center. We should go back into
47 construction within the next three weeks or a month anyway. Another update and upgrade that
48 I need is regarding the Glen tower and internet. So if we can get an update sometime today,
49 that would be great. It feels like this project is going downhill, so can we get an update on the
50 Glen tower to see what's going on with the internet?

51
52 Councilmember Natt: I just wanted to say since we're now we're reopened, I want to get back
53 on track trying to figure out the size of the orchard at Sregon. We want to get the size for the
54 fencing and to get that installed to finish our projects that we're starting on. So, if Don can
55 reach out to staff to coordinate another meeting so that we can start the process again. I know
56 when we were shut down, everybody stopped doing projects. So now that we're back up and
57 running, I want to try and get that done before it gets wintertime.

58
59 Councilmember Provolt: I want to take the opportunity to remind membership to reach out and
60 let your families know about the Annual Meeting on a Saturday, October 9 at 10 o'clock. It will
61 be virtual. One of the things that we need to think about as Council is how to get information to
62 you about the presentations so that you can either see them on our website or if you want hard
63 copied documents, we'll have to figure that out. So just to let membership know, we are talking
64 about how we can get information to you for the membership meeting. Thank you.

65
66 Vice Chairman Myers: I'm good, we have a big schedule today.

67
68 Chairman James: Not present.

69
70 **TRIBAL MEMBER COMMENT:** None provided.

71
72 **EXECUTIVE SESSION:** P21-069 Land Purchase, P21-077 Land Purchase, EXDIR21-018 CDFI
73 Staffing, and Glen Internet Tower.

74
75 **CONSENT AGENDA ITEMS:**
76 OTA21-088 Yurok v. BOR -Retro approve 3 filings
77 Submitted by Dawn Baum

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

83
84 OTA21-089, Request for State Agreement regarding IVE & ICWA
85 Submitted by Tamara Honrado

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

89
90 **INTRODUCTIONS:**
91 Update from Recreation Coordinator, Darrin Ferris. Discussion on current tasks, budget, and
92 sport league(s). Planning session needed to include interdepartmental coordination with YHHS.
93

94 **AGENDA ITEMS:**
95 **Health & Human Services**
96 Rhiannon McCovey, Madison Green, Melissa Mendoza, and Springwind Marshall presents
97 YHHS21-042, TANF Cash Aid Payment Increase
98 Submitted by Rhiannon McCovey

99 **Motion by Councilmember Williams/Councilmember Provolt to approve proposed TANF**
100 **payment increase for TANF cash aid families. Motion carries by consensus.**

101
102 YHHS-045, CSBG 2021-Memorandum of Agreement with NCIDC
103 Submitted by Melissa Mendoza

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

110
111 **Housing Authority**
112 Nicole Sager presents
113 YIHA21-024, Conflict of Interest Policy
114 Submitted by Nicole Sager

115 **Motion made by Councilmember Hodge/Councilmember Provolt to approve the Yurok Indian**
116 **Housing Authority's Conflict of Interest Policy as approved by the Board of Commissioners on**
117 **September 14th and reviewed by Office Tribal Attorney. Motion carries by consensus.**

118
119 **BREAK: 11:10am-11:25am**

120
121 **AGENDA ITEMS:**
122 **Office of Tribal Attorney**
123 Maggie Poffenbarger presents
124 OTA21-090, Certificate of Good Standing
125 Submitted by Maggie Poffenbarger

126 **Motion by Councilmember Hodge/Councilmember Williams to review and approve Certificate**
127 **of Good Standing for Yurok Construction Corporation two enable SAM.gov registration.**
128 **Motion carries by consensus.**

129
130 Kori Cordero presents
131 OTA21-091, California Public Utilities Commission Proceeding 21.06.017
132 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.

137
138 OTA21-092, California Public Utilities Commission Proceeding 20.08.021
139 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

145 Don Daines presents
146 P21-073, Contract Approval Kepel Intake Whitson
147 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.

154
155 Henry Solares presents
156 P21-074, Indian Community Development Block Grant
157 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:

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

169
170 Nicole Provolt: Orick district. I've just been listening. I try to listen to all the meetings. I really
171 liked what Councilmember Ray said about the audit, the points, what kind of score for each

172 project, and what would be more likely to be approved or to be granted. Maybe I just missed it,
173 but a better scope of the types of projects that could be used for these funds. So, I see a
174 community garden and a grocery store. I just recommend to make very clear at the annual
175 membership meeting exactly what these funds are and the types of ideas that could be funded.
176 Thank you.

177
178 Jessica Clayburn: This is Jessica Clayburn, Requa district. Maybe if we could think of adding
179 some cold room spaces or something that would help community members. There really isn't
180 access to that type of facility in our community. Like if you harvest game, raise some pigs or
181 something like that, a place to put it while you're processing it. So, not for commercialism, but
182 for feeding your family. I would like to see that in our community,
183

184 **Council**

185 CA21-186, Watershed's new office space

186 Submitted by councilmember Ray

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

192
193 **LUNCH:** 1:04pm-2:07pm

194
195 **TRIBAL MEMBER COMMENT:** None provided.

196
197 **AGENDA ITEMS:**

198 **Council**

199 CA21-188, 2021 Carbon Sales

200 Tim Hayden and Javier Kinney present

201 Submitted by Councilmember Provolt

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

206
207 **Prosecutor**

208 Rosemary Deck presents

209 PRO21-004, Not Invisible Act of 2019

210 Submitted by Rosemary Deck

211 **Motion by Councilmember Williams/Councilmember McCovey to retroactively approve**
212 **Chairman to sign letter submitting comments on Not Invisible Act of 2019. Motion carries by**
213 **consensus.**

214

215 CA21-189, Equipment for Cemeteries
216 Submitted by councilmember Natt
217 Requested motion to purchase equipment from Miller Farms for cemeteries upkeep and
218 maintenance. Equipment will be stored at the Wautek Firehouse and community members will
219 have to check out equipment with Yurok staff and those community members will be held
220 responsible for any lost or damaged equipment. Funding to come from community donations
221 budget 50 GL 6391 not to exceed \$ _____. Authorize Pecwan district account at Pek-tah, all
222 purchases to be authorized by Councilmember Natt.

223
224 **Motion made by Councilmember Natt seconded by Councilmember Hodge to purchase**
225 **equipment for Wautek community members to use to keep up with cemeteries maintenance.**
226 **Council designates \$1100.00 from Budget 50 GL 6391 (\$250.00) and Budget 50 GL 6260**
227 **(\$850.00). Motion carries by consensus.**

228
229 **TRIBAL MEMBER COMMENT:**

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

258 to try to step forward and say they need something and then it just kind of falls apart. At least
259 that's kind of what I hear. Thank you.

260

261 **AGENDA ITEMS:**

262 **Council**

263 CA21-194, September 21-22, 2021 Council Meeting minutes

264 Submitted by Georgiana Gensaw, Council Operations Coordinator

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

268

269 **Tribal Police**

270 P21-004, Boat Purchase

271 Submitted by Chief O'Rourke

272 **Motion by Councilmember Provolt/Councilmember Vanlandingham to approve purchase of**
273 **22' Inboard Jet Boat from Bolton Powerboats. DOJ approved our request to reallocate funds**
274 **for the cost increase of the boat, boat graphics, radio and radio installation. Approved grant**
275 **total will remain \$271,318.00. Motion carries by consensus.**

276

277 **Environmental**

278 EP21-054, YTEP EPA FY222 PPG Grant Agreement

279 Submitted by Louisa McCovey

280 **Motion by Councilmember Ray/Councilmember Hodge to approve the attached agreement**
281 **and budget for YTEP's FY22 Performance Partnership Grant #BG-97907921-1 in the amount of**
282 **\$1,098,923 with a match of \$20,700 that will be met through in-kind services of equipment**
283 **use and personnel. Full indirect charges are allowable. Motion carries by consensus.**

284

285 **Council**

286 CA21-195, Sue-meg donation

287 Submitted by Councilmember Provolt

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

293

294 Break: 3:15pm – 3:30pm

295

296 **EXECUTIVE SESSION: 3:30pm-5:12pm**

297 Items out of Executive Session:

298

299 ExDir21-018, CDFI Staffing issues

300 Submitted by Don Barnes

301 **Directive to Executive Director to bring item to YEDC Board.**

302

303 Councilmember Natt leave 4:40pm for personal reasons.

304 Councilmember Provolt leaves 5:00pm for personal reasons.

305

306 P21-069, Land Purchase

307 Submitted by Michael Gerace

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

310

311 **TRIBAL MEMBER COMMENT:** None provided.

312

313 **CLOSING PRAYER:** Provided by Councilmember Ray.

314

315 **ADJOURN:** 5:23pm

316

317 **MINUTES APPROVED ON:** **October 28, 2021**

318 
319 _____

320 **Sherri K. Provolt, Secretary** **Date**

11/1/21