

1 **YUOK TRIBAL COUNCIL**  
2 **ACTION MEETING**  
3 **THURSDAY, FEBRUARY 23, 2023**  
4 <https://us06web.zoom.us/j/92549693537>

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6 **ROLL CALL:** 10:20am

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8 **PRESENT:** Joe James, Chairman; Sherri Provolt, Orick District; Mindy Natt, Pecwan  
9 District; Ryan Ray, Requa District; Wes Crawford, East District; Phillip  
10 Williams, North District; Lana McCovey, South District

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12 **ABSENT:** Frankie Myers, Vice Chairman; Toby Vanlandingham, Weitchpec District  
13 (No internet connection due to severe weather conditions)

14  
15 **STAFF:** Don Barnes, Executive Director; Taralyn Ipiña, Chief Operations Officer;  
16 Kori Cordero, Office of Tribal Attorney; Michael Maranger, Chief Financial  
17 Officer; Georgiana Gensaw, Council Operations Coordinator (recorder).

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19 **QUORUM:** 7 present, 2 absent, quorum present.

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21 **OPENING PRAYER:** Provided by Councilmember Williams.

22  
23 **REVIEW AGENDA/ADDITIONS/APPROVAL:**

24 **Motion made by Councilmember Provolt/Councilmember Natt to approve the agenda with**  
25 **additions of YHHS23-16 MOU with CDSS, PRO23-003 BIA One Time Funding, and CA23-61 Lost**  
26 **Coast Wind Contract extension. Motion carries by consensus.**

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28 **CALENDAR:**

29 Monday, February 27- YEDC Meeting is cancelled.

30 Friday, February 24-YAC Meeting. Chairman will follow up to set a meeting time.

31  
32 **COUNCIL CHECK IN:**

33 **Councilmember McCovey** – Pass

34  
35 **Councilmember Natt** – Pass

36  
37 **Councilmember Provolt** – I would like to thank the Tribal Members that attended the Willow  
38 Creek Grand Opening and the Council meeting yesterday even though the weather was no  
39 favorable. I am excited to have the building open to provide services. Please be safe.

40  
41 **Councilmember Ray** –Pass

42  
43 **Councilmember Crawford** – I agree with Councilmember Provolt. Thanks everyone for work  
44 done to get the Willow Creek site completed. We are pleased with the turnout. The East

45 District Meeting held after the Council Meeting went to 8:45 pm. There were quite a few  
46 attending, and they were a fun group.

47

48 **Councilmember Williams** – Pass.

49

50 **Councilmember Vanlandingham** – Not present.

51

52 **Vice Chairman Myers** –Not present.

53

54 **Chairman James** – We had a good day yesterday with the opening of the East District Building  
55 and the Eureka 3<sup>rd</sup> Street Building will be opening soon.

56

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

58

59 **EXECUTIVE SESSION:**

60 P23-008 Property Purchase

61 OTA23-002, Appointment Tribal Court

62 OTA23-014, JUUL Litigation

63 Tribal Member Emergency (Natt)

64 Legal Update (Williams)

65

66 **CONSENT AGENDA ITEMS:**

67 **Natural Resources**

68 *Environmental Department*

69 ENVR23-006, Grant Acceptance

70 Submitted by Louisa McCovey

71

**Motion made by Councilmember Williams/Councilmember Provolt to approve the attached grant agreement for the Environmental Department’s FY23 USEPA Performance Partnership Grant, amendment #BG-97907921-4 totaling \$251,177, no match is required and full indirect charges are allowable. Motion carries by consensus.**

75

76 **Council**

77 CA23-059, February 9, 2023 Council Meeting Minutes

78 Submitted by Councilmember Provolt

79

**Motion made by Councilmember Williams/Councilmember Provolt to approve with edits and corrections February 9, 2023 Council Planning/Action Meeting Minutes. Motion carries by consensus.**

82

83 **AGENDA ITEMS:**

84 **Administration Division**

85 *Public Health*

86 PH23-001, Vaccine Incentive

87 Submitted by Don Barnes

88 **Motion made by Councilmember Natt/Councilmember Williams to approve and accept this**  
89 **one-time funding of \$50,000.00 from CA Indian Manpower Consortium for implementing a**  
90 **vaccine incentive program. Funding to be paid out using Public Health’s Vaccine incentive**  
91 **application attached. Motion carries by consensus.**

92  
93 **Yurok Economic Development Corporation**

94 YEDC23-002, Letter of Support  
95 Submitted by Sara Barbour

96 **Motion made by Councilmember Williams/Councilmember Natt to approve for the Yurok**  
97 **Tribal Chairman to sign letter of support for the City of Crescent City’s RAISE grant**  
98 **application, in partnership with Elk Valley Rancheria. Their application will seek funding for**  
99 **key components of Front Street completion and a Cultural Inclusion Project. Motion carries**  
100 **by consensus.**

101  
102 **Office of the Prosecutor**

103 PRO23-002, MMIP Multi-Disciplinary Team Invitation  
104 Submitted by Katherine Katcher

105 **Motion made by Councilmember Williams/Councilmember Natt to approve the Yurok Tribe’s**  
106 **participation in the Cahuilla Consortium’s MMIP Multi-Disciplinary team and approve**  
107 **Katherine Katcher to organize the Tribe’s participation. Motion carries by consensus.**

108  
109 **Yurok Indian Housing Authority**

110 YIHA23-003, YIHA Procurement Policy  
111 Submitted by Nicole Sager

112 **Motion made by Councilmember Ray/Councilmember Provolt to approve the updated YIHA**  
113 **procurement policy to reflect compliance with the Tribe’s Procurement Policy, YIHA policies**  
114 **and 2CFR 200. Motion carries by consensus.**

115  
116 YIHA23-004, Tax Credit Property Policy  
117 Submitted by Nicole Sager

118 **Motion made by Councilmember Provolt/Councilmember Natt to approve YIHA’s edited Tax**  
119 **Credit Eligibility, Admissions, and Occupancy Policy revisions for compliance with State of**  
120 **California Occupancy standards. Motion carries by consensus.**

121  
122 YIHA23-005, Tentative Subdivision  
123 Submitted by Nicole Sager

124 **Motion made by Councilmember Natt/Councilmember Crawford to approve the tentative**  
125 **subdivision map parcel 531-076-020-000. Approval based on the existing high density**  
126 **residential development for the Tulley Creek area. Motion carries by consensus.**

127  
128 YIHA23-006, Monthly Report  
129 Submitted by Nicole Sager

130 **Motion made by Councilmember Provolt/Councilmember Natt to approve the YIHA monthly**  
131 **report for February as submitted by Nicole Sager, Executive Director. Motion carries by**  
132 **consensus.**

133  
134 **Yurok Health & Human Services Division**  
135 *Yurok Health & Human Services*  
136 YHHS23-005, TANF Contract Heyomue Village Consulting  
137 Submitted by Dorothy Sylvia

138 **To approve contract for Heyomue Village Consulting (Lisa Sanderson) in the amount of**  
139 **\$18,000 to provide culturally focused facilitation of prevention curriculum's for TANF clients**  
140 **and at risk families. Item pulled by Department.**

141  
142 **Natural Resources Division**  
143 *Fisheries Department*  
144 FISH23-022, Arcata Office Building for Sale  
145 Submitted by Barry McCovey, Jr.

146 **Motion made by Councilmember Natt/Councilmember Provolt for approval to discuss the**  
147 **potential purchase of an office building in Arcata, CA with various Tribal Departments and**  
148 **Corporations. Motion carries by consensus.**

149  
150 **Office of Tribal Attorney**  
151 OTA23-007, Amended Controlled Substances Ordinance  
152 Submitted by Annie Perry

153 **Motion Made by Councilmember Williams/Councilmember Natt to review public comment**  
154 **and approve attached proposed final Controlled Substances Ordinance. Roll call: Vice**  
155 **Chairman Myers-np, Councilmember Crawford-yes, Councilmember Ray-yes, Councilmember**  
156 **Vanlandingham-np, Councilmember Provolt-no, Councilmember Natt-yes, Councilmember**  
157 **Williams-yes, Councilmember McCovey-no. Yes-4, No-2, Abs-0, not present-2. Motion denied.**

158 **Statement for the Record:**  
159 Councilmember Provolt: I am concerned about water usage, managing natural resources,  
160 pesticides, and drought issues. I am also concerned there is no oversight over these personal  
161 gardens and the potential harm to our rivers and streams. Those are my reasons for voting no.

162  
163 OTA23-008, Amended Probate Trust Ordinance  
164 Submitted by Annie Perry

165 ~~**Motion made by Councilmember Provolt/Councilmember Williams to review public comment**~~  
166 ~~**and approve attached proposed final Probate Trust Ordinance and approve Resolution #23-**~~  
167 ~~**26. Motions withdrawn. Item tabled to March 22, 2023.**~~

168  
169 OTA23-015, Acceptance of Broadband Grant Award  
170 Submitted by Kori Cordero

171 **Motion made by Councilmember Natt/Councilmember Provolt to retroactively approve Yurok**  
172 **Tribe staff to submit a California Public Utilities Commission Local Agency Technical**  
173 **Assistance grant application, 2) Chairman to sign an acceptance letter for the Yurok Tribe's to**

174 **the California Public Utilities Commission Local Agency Technical Assistance Program. Motion**  
175 **carries by consensus.**

176  
177 **Council**

178 CA22-312, Increase Burial Assistance for Tribal Members  
179 Submitted by Councilmember Williams

180 **Motion to increase Burial Assistance for Tribal Members to \$7,000.00. Item tabled.**

181  
182 CA23-028, Waiver of Tribal Member Past Due Water Bill  
183 Submitted by Councilmember Ray

184 **Motion to approve waiver of Tribal Member Past Due Water Bill. Item tabled.**

185  
186 CA23-058, Nomination of Sandra Lowry to Culture Committee  
187 Submitted by Councilmember Ray

188 **Motion made by Councilmember Williams/Councilmember Natt pursuant to Chairman’s**  
189 **constitutional authority, Chairman James appoints Sandra Lowry ad Requa District Culture**  
190 **Committee alternate with the advice and consent of the Tribal Council. Motion carries by**  
191 **consensus.**

192  
193 CA23-060, Councilmember Provolt to Yurok Economic Development Corporation Board of  
194 Directors Nomination  
195 Submitted by Chairman James

196 **Motion made by Councilmember Williams/Councilmember Natt pursuant to Chairman’s**  
197 **constitutional authority, Chairman James appoints Councilmember Sherri Provolt to the**  
198 **Yurok Economic Development Corporation Board of Directors with the advice and consent of**  
199 **the Tribal Council. Motion carries by consensus.**

200  
201 **Office of Tribal Prosecutor**  
202 PRO23-003, BIA One Time Funding Request  
203 Submitted by Rosemary Deck

204 **Motion made by Councilmember Provolt/Councilmember Williams to approve the Office of**  
205 **Tribal Prosecutor to request one-time disbursement from the BIS to fund operating expenses**  
206 **and authorize Chairman to sign documentation. Motion carries by consensus.**

207  
208 **Yurok Health & Human Services**  
209 YHHS23-016, MOU CDSS & Yurok Tribe Tribal Core constituent  
210 Submitted by Jessica Fawn Canez

211 **Motion made by Councilmember Ray/Councilmember Williams approval of the MOU with**  
212 **the California Department of Social Services for the Tribal Core Constituent (TCC)**  
213 **participation in the development of the Child Welfare Services California Automated**  
214 **Response and Engagement System (CWS-CARES) and Child Welfare Digital Services (CWDS),**  
215 **subject to final OTA edits. Motion carries by consensus.**

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217 Councilmember McCovey leaves meeting family emergency.

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**LUNCH:** 12:04pm-1:05pm

**TRIBAL MEMBER COMMENT:** None provided.

**EXECUTIVE SESSION:** 1:04pm-1:55pm

- P23-008 Property Purchase
- OTA23-002, Appointment Tribal Court
- OTA23-014, JUUL Litigation
- CARB23-006 Statkraft Proposed Sale
- CA23-61 Lost Coast Wind Contract
- Tribal Member Emergency (Natt)
- Legal Update (Williams)

Action out of Executive Session:

**AGENDA ITEMS:**

- P23-008, Property Purchase
- Submitted by Marion Frye

**Motion to approve the Planning Department to negotiate property purchase, and to authorize Chairman to sign all necessary purchase documents, including Resolution #23-22 granting a limited waiver of sovereign immunity in connection with the purchase agreement, and in favor of the seller, the estate of Sherry Natt. Item tabled.**

- OTA23-014, JUUL Labs, Inc. Litigation Settlement
- Submitted by Annie Perry

**Motion made by Councilmember Natt/Councilmember Williams to approve participation in JUUL Labs, Inc. settlement and to sign a “letter to All Tribes” and a “Release of All Claims”, including Resolution #23-25 for Limited Waiver of Sovereign Immunity for arbitration of the settlement. Roll call: Vice Chairman Myers-np, Councilmember Crawford-yes, Councilmember Ray-yes, Councilmember Vanlandingham-np, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-np. Yes-5, No-0, Abs-0, not present-3. Motion carries.**

- OTA23-002, Appointment of Chief Judge for Tribal Court
- Submitted by Maggie Poffenbarger
- To approve attached contract and appoint Judge Abinanti as Chief Judge pursuant to Chairman James Constitutional Authority, with advice and consent on Council, and authorize Chairman to sign.

**Motion made by Councilmember Natt/Councilmember Provolt to approve attached contract for judicial services with edits with Abby Abinanti and authorize Chair to sign. Roll call: Vice Chairman Myers-np, Councilmember Crawford-no, Councilmember Ray-no, Councilmember Vanlandingham-np, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-no, Councilmember McCovey-np. Yes-2, No-3, Abs-0, not present-3. Motion denied.**

263 CA23-61 Lost Coast Wind Contract  
264 Submitted by Vice Chairman Myers

265 **Agenda item not discussed as Vice Chairman not available to present.**

266  
267 **Motion made by Councilmember Provolt/Councilmember Williams to suspend the rules and**  
268 **add CARB23-006, StatKraft Resolution 23-027. Motion carries by consensus.**

269  
270 CARB23-006, StatKraft Proposed Sales Transaction  
271 Submitted by Javier Kinney

272 **Motion made by Councilmember Natt/Councilmember Provolt to approve pending final OTA**  
273 **review the carbon offset sales agreement with StatKraft and to approve Resolution# 23-27 for**  
274 **a Limited Waiver of Sovereign Immunity in favor of Statkraft. Please see attached**  
275 **memorandum. Roll call: Vice Chairman Myers-np, Councilmember Crawford-yes,**  
276 **Councilmember Ray-yes, Councilmember Vanlandingham-np, Councilmember Provolt-yes,**  
277 **Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-np. Yes-5,**  
278 **No-0, Abs-0, not present-3. Motion carries**

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

281  
282 **CLOSING PRAYER:** Provided by Chairman James.

283  
284 **ADJOURN:** 2:13pm

285  
286 **MEETING MINUTES APPROVED ON:**

**March 9, 2023**

287  
288 

03/14/2023

289  
290 **Sherri K. Provolt, Secretary**

**Date**