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**YUROK TRIBAL COUNCIL
ACTION MEETING
THURSDAY, AUGUST 26, 2021
<https://www.gotomeet.me/yuroktribe>**

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ROLL CALL: 10:02am

PRESENT: Joe James, Chairman; Sherri Provolt, Orick District; Mindy Natt, Pecwan District; Ryan Ray, Requa District; Lori Hodge, East District; Toby Vanlandingham, Weitchpec; Lana McCovey, South District (arrives at 11:24am); Phillip Williams, North District.

ABSENT: Frankie Myers, Vice Chairman (travel, water meeting)

STAFF: Don Barnes, Executive Director, Taralyn Ipiña, Council Operations Director, Georgiana Gensaw (recorder), Dawn Baum, General Counsel.

QUORUM: 8 present, 1 absent, quorum present

OPENING PRAYER: Provided by Councilmember Williams.

REVIEW AGENDA/ADDITIONS/APPROVAL:

Motion by Councilmember Vanlandingham/Councilmember Provolt to accept the agenda with additions of PH21-009 Vaccine Incentive, OTA21-083 Settlement Vote, CA21-149 Save the Redwoods Letter, CA21-150 Business Property Purchase, and EXDIR21-016 Wildlife Emergency Response. Motion carries by consensus.

REVIEW CALENDAR/ADDITIONS:

August-no additions.

September-no additions.

NEW EMPLOYEE INTRODUCTIONS: No employee introductions.

TRIBAL MEMBER COMMENT:

John Wolf: I am curious to ask a question about the 12 plants of marijuana for the Reservation. Is there not a referendum for marijuana on the agenda today?

Chairman James responds indicating this matter is on the agenda today.

COUNCIL CHECK IN:

Councilmember Provolt: Skue-yen' 'ue-koy, I want to thank the staff for yesterday for showing the California Energy Commission all the initiatives we are doing to protect our home, our environment, and our communities. We always do a really good job of telling our story. I also want to thank the firefighters for doing a tremendous job in fighting fires in Northern California.

44 And lastly, I want to thank Council Operations for making the Council calendar so visible for
45 Tribal members on the Yurok website. If you click on the calendar, you can today meeting on
46 the calendar, and when you click on the meeting, there is a link to today's agenda. So thank you
47 to Council Operations for making that easy for Tribal members.

48

49 Councilmember Natt: Pass.

50

51 Councilmember Ray: Pass.

52

53 Councilmember Hodge: I will be having an East District meeting on September 13, 5-6:30pm.
54 Hopefully, we can get some postcards out so members have the information to attend.

55

56 Councilmember Williams: Pass

57

58 Councilmember McCovey: Not present.

59

60 Councilmember Vanlandingham: Pass

61

62 Vice Chair Myers: Not present.

63

64 Chairman James: Monday, I made a quick trip to Sacramento to attend a Cultural Awareness
65 Event to remove a monument. There were a lot of the Sacramento tribes in attendance. We
66 (Yurok Tribe) got to be there for the vote. We also supported the removal of this monument
67 that does not represent indigenous people of California. During the day, I attended some
68 meetings with CalFire. It was a quick trip and I look forward to continuing the work with
69 California legislature for Yurok wants and needs as we move forward.

70

71 **EXECUTIVE SESSION: 10:15am-10:27am**

72 Council went into a short Executive Session to discuss agenda items.

73 CA21-146, ARP Land Purchase

74

75 **CONSENT ITEMS:** None provided

76

77 **AGENDA ITEMS- American Rescue Plan Act Funding Request**

78 **Tribal Court**

79 TC21-014, Yurok Domestic Violence Shelter

80 Submitted by: Jessica Carter, Court Director/Co-Sponsor Chairman James.

81

82 **Motion by Councilmember Vanlandingham/Councilmember Williams to approve the Tribal**
83 **Court's request for American Rescue Plan funding for the costs of a Yurok Domestic Violence**
84 **Shelter (category 3.16) and to purchase a generator for the YUROK Justice Center (Category**
85 **1.7) for a total amount of \$800,000. Roll call; Vice Chair Myers-np, Councilmember Hodge-**
86 **yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-**
87 **yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-np.**
Yes-6, no-0, abs-0, np-2. Motion carries.

88
89 11:24am Councilmember McCovey arrives.

90
91 **Public Health**

92 PH21-008, Public Health Department
93 Submitted by: Hollie Strahm.

94 **Motion by Councilmember Williams/Councilmember Provolt to approve CARES Act**
95 **American’s Rescue Plan- BIA funding request & budget for the Yurok Public Health**
96 **Department. Roll call; Vice Chair Myers-np, Councilmember Hodge-no, Councilmember Ray-**
97 **yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-**
98 **no, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-5, no-2, abs-0, np-1.**
99 **Motion carries.**

100
101 **Public Works**

102 YPUD21-011, Tulley Creek Complex Kenek Public Water System
103 Submitted by: Mike Searcy

104 **Motion by Councilmember Vanlandingham/Councilmember Provolt to approve the use of BIA**
105 **ARPA funds in the amount of \$550,000 be allocated to YPUD and Planning to cover the**
106 **shortfall in EPA/IHS budget for completion of the Tulley Creek Complex Kenek Public Water**
107 **System. Contingent upon exhausting all funding sources. Any unused money to be come back**
108 **to Council. Roll call; Vice Chair Myers-np, Councilmember Hodge-yes, Councilmember Ray-**
109 **yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-**
110 **yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-7, no-0, abs-0, np-2.**
111 **Motion carries.**

112
113 **Council**

114 CA21-141, American Rescue Planning Proposal
115 Submitted by: Councilmember Williams

116 **Motion by Councilmember Hodge/Councilmember Williams to develop American Rescue Plan**
117 **act proposal with proposed expenditures and present to the Tribal membership. Motion**
118 **carries by consensus.**

119
120 CA21-147, Tulley Creek Council Chambers/ Community Center
121 Submitted by: Councilmember Vanlandingham.
122 To authorize \$4.2 million in American Rescue Plan Act funding for Tulley Creek Council
123 Chambers/Community Center.

124 **Motion by Councilmember Vanlandingham/Councilmember Natt authorizing 4.2 million for**
125 **Weitchpec Community Center, 2 million for Morek Won expansion, 1 million for East District**
126 **housing, 1 million for Orick District housing, 2 million for South District infrastructure. Roll**
127 **call; Vice Chair Myers-np, Councilmember Hodge-no, Councilmember Ray-no, Councilmember**
128 **Vanlandingham-yes, Councilmember Provolt-no, Councilmember Natt-yes, Councilmember**
129 **Williams-no, Councilmember McCovey-no. Yes-2, no-5, abs-0, np-1. Motion denied.**

130
131 **LUNCH:** 12:20pm-1:30pm

132
133 **TRIBAL MEMBER COMMENT:** None provided.

134
135 **AGENDA ITEMS:**

136 **Office of Tribal Attorney**

137 OTA21-080, Adult Guardianship Code

138 Submitted by: Kori Cordero, Associate General Counsel

139 **Motion by Councilmember Natt/Councilmember Williams to approve the final, attached**
140 **Adult Guardianship Ordinance, authorize Chairman to sign, and Secretary to attest. Roll call;**
141 **Vice Chair Myers-np, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember**
142 **Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember**
143 **Williams-yes, Councilmember McCovey-yes. Yes-7, no-0, abs-0, np-1. Motion carries.**

144
145 OTA21-081, Klamath River Code

146 Submitted by: Kori Cordero, Associate General Counsel

147 **Motion to approve the final, attached Rights of Heyhl-keek 'We-roy Ordinance, authorize**
148 **Chair to sign, and Secretary to attest. Item tabled.**

149
150 **Planning**

151 P21-062, Spencer Electric Contract

152 Submitted by: Michael Gerace

153 **Motion by Councilmember Ray/Councilmember Provolt to approve and authorize the**
154 **Chairman to sign the sole source contract with Spencer Electric to provide labor and material**
155 **to install fiber, data, and conduit to new and existing buildings in Tulley Creek. Signature**
156 **pending contract review and approval from all departments. Motion carries by consensus.**

157
158 P21-065, Purchase of 12 Passenger Transit Van

159 Submitted by: Melissa Miguelina

160 **Motion by Councilmember Williams/Councilmember Hodge to approve purchase of a new 12**
161 **passenger Transit Van/Bus for replacement from FTA Project 11863 in the amount of**
162 **\$84,046.50. Motion carries by consensus.**

163
164 **Watershed**

165 WS21-006, Road Maintenance
166 Submitted by: Richard Nelson

167 **Motion by Councilmember Hodge/Councilmember Williams to approve request to re-contract**
168 **BIA Maintenance for FY 21, FY22, and FY23; and to approve attached scope of work, budget,**
169 **and Resolution #21-89 with edits. Request for Council to approve the Chairman to sign**
170 **contract once completed. Motion carries by consensus.**

171
172 **Economic Development**

173 YEDC21-016, Hawaii550 401 (k) contract
174 Submitted by: Sara Barbour

175 **Motion by Councilmember Provolt/Councilmember McCovey approval of Resolution #21-77,**
176 **Wavier of Sovereign Immunity in favor of Hawaii5500 LLC for binding arbitration. Chairman to**
177 **sign and Secretary to attest. Roll call; Vice Chair Myers-np, Councilmember Hodge-yes,**
178 **Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes,**
179 **Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-7,**
180 **no-0, abs-0, np-1. Motion carries.**

181
182 **Indian Housing Authority**

183 YIHA21-020, ICDBG-ARP Grant
184 Submitted by: Nicole Sager

185 **Motion by Councilmember Provolt/Councilmember Vanlandingham to approve the Yurok**
186 **Indian Housing Authority to submit a grant application to the US Housing and Urban**
187 **Development (HUD) for the Indian Community Development- American Relief Act Funds**
188 **(ICDBG-ARP) by Resolution #21-94 and Resolution #21-95; and for the Chairman to sign and**
189 **the Secretary to attest. Motion carries by consensus.**

190
191 YIHA21-021, Elder Emergency Assistance Policy
192 Submitted by: Nicole Sager

193 **Motion by Councilmember Provolt/Councilmember Williams to approve the edited Elder**
194 **Emergency Assistance Policy as approved by the Board of Commission on May 11, 2021.**
195 **Motion carries by consensus.**

196
197 YIHA21-022, August Monthly Report
198 Submitted by: Nicole Sager

199 **Motion by Councilmember Hodge/Councilmember Vanlandingham to request approval for**
200 **the Yurok Indian Housing Authority's August monthly report as submitted by Nicole Sager,**
201 **Executive Director. Motion carries by consensus.**

202

203 **Public works**

204 YPUD21-010, Board Vacancy

205 Submitted by: Mike Searcy

206 **Motion by Councilmember Vanlandingham/Councilmember Williams to declare the position**
207 **held by Board Member Barry McCovey, Jr. vacant due to his resignation and appoint Harlan**
208 **Alvarado to the At-Large position on the Yurok Public Utilities Department Board to preserve**
209 **a quorum. Motion carries by consensus.**

210

211 **Council**

212 CA21-140, July 28-29, 2021 Council Meeting Minutes

213 Submitted by: Georgiana Gensaw, Council Operations.

214 **Motion by Councilmember Hodge/Councilmember Provolt to approve with edits and**
215 **corrections Council Meetings minutes for July 28-29, 2021. Minutes will be sent to Council**
216 **ASAP. Motion carries by consensus.**

217

218 CA21-142, Referendum for Marijuana Cultivation

219 Submitted by Councilmember Vanlandingham

220 **Referendum to allow for cultivation of more than 25 marijuana plants per enrolled Yurok**
221 **Tribal member on reservation. Set for a work session 8/30/2021.**

222

223 **TRIBAL MEMBER COMMENT:**

224 Rose Sylvia; Pecwan District, I don't know if you Council, has been following the marijuana thing
225 nationally. The assumption behind legalized marijuana was that it was going to reduce opioid
226 use, but it hasn't and opioid use has gone up. As a tribal member, I notice everything gets sent
227 to the Attorneys and its hard sometimes hard to understand things written by an attorney. I
228 think those of us that live here on the Reservation should have a weighted voted, the neighbor
229 who moves in to grow weed, doesn't affect those that live in Eureka or Crescent City. I heard
230 one of you say that the referendum is confusing and it comes out the way you want it to sway
231 the vote. If you have 8 tribal members in your home, how many plants do you get to grow? I am
232 not for growing it, I grew up with it and my brothers grew it. If it's not about having jobs on the
233 reservation, then we need to look at other avenues. I would appreciate the opportunity to have
234 meeting just about marijuana.

235

236 Mary Jackson: My two cents are I would like to see is this for personal use. Is this for profit? Or
237 medicinal purposes because none of that is identified at all in the medical field I work with
238 cancer patients medical marijuana still helps with appetite. We also have the Yurok Agricultural
239 Corporation, do they have the components to approve permits, water sources, not using
240 pesticides, etc.

241

242 CA21-143, August 12, 2021 Council Meeting Minutes

243 Submitted by: Council Operations Director

244 **Motion by Councilmember Provolt/Councilmember Williams to approve August 12, 2021**
245 **Council Action meeting minutes. Motion carries by consensus.**

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BREAK: 3:30pm-3:50pm

OTA21-083, Vote on Mallinckrodt
Submitted by: Kori Cordero

Motion by Councilmember Provolt/Councilmember Williams to direct to outside counsel to vote no on the proposed restructuring/settlement in the Mallinckrodt (opioid) bankruptcy proceeding and direct staff to issue a press release after the vote is conducted. Motion carries by consensus.

EXDIR21-016, Emergency Funds for Tribal Wildfire Response
Submitted by: Don Barnes

Motion made by Councilmember Provolt/Councilmember Williams to authorize ARPA set aside in the amount of \$250,000 to be programmed for tribal emergency response in the event of tribal member displacement because of wildfire activity and conditions (evacuations & emergency respite). Funds will only be used for emergency lodging, gas, per diem for affected Tribal members and will be returned to the ARPA fund if not needed. Motion carries by consensus

PH21-009, COVID Vaccine Incentive Raffle
Submitted by: Hollie Strahm
Motion for Council to approve COVID Vaccine Incentive Raffle procedures.

Directive to Executive and Public Health will work together to coordinate events and raffles.

CA21-149, Letter of Support for STRL
Submitted by Councilmember Provolt

Motion made by Councilmember Provolt/Councilmember Williams to approve a letter of support for Save the Redwoods League application to the Wildlife Conservation Board's Public Access Program for the Redwood National and State Parks (RNSP) Trails Gateway: Initial Access Project. Motion carries by consensus.

EXECUTIVE SESSION: 4:50pm - 6:50pm

CA21-146, Land Purchase
CA21-150, Business Opportunity
YEDC 21-017, Board Vacancy

Exclusion
Discussion of re-opening

Motion made by Councilmember McCovey/Councilmember Williams to work pass 6:00pm. Motion carries by consensus.

Actions out of Executive Session:
YEDC21-017, Board Vacancies

289 Submitted by: Sara Barbour
290 Selection of new Board Members for YEDC to fill two seat vacancies.

Motion by Councilmember Natt/Councilmember Williams to approve appointment of Dr. Blythe George by Chairman James with the advice and consent of Council to fill one of the vacant seats on the Yurok Economic Development Board. Motion carries by consensus.

294
295 CA21-150, Business Property Purchase-Orick District
296 Submitted by Councilmember Provolt

Directive to the Executive Director to work with Staff on negotiations of identified property as discussed in Executive Session and bring back to Council.

299
300 CA21-146, Potential Land Purchase –Tribal Member Housing
301 Submitted by Chairman James
302 Executive Session: To authorize purchase of land for tribal member housing development.
303 Funding to come from American Recue Plan Act funding.

Directive to the Executive Director to work with Staff on negotiations of identified property as discussed in Executive Session and bring back to Council.

306
307 Exclusion

Directive to staff to move forward with Exclusion Orders.

309
310 TRIBAL MEMBER COMMENT : None provided.

311
312 **CLOSING PRAYER:** Provided by Chairman James.

313
314 **ADJOURN:** 7:05pm

315
316 **MEETING MINUTES APPROVED ON:**

September 9, 2021

317
318 

09/14/2021

319
320 **Sherri K. Provolt, Secretary**

Date