ROLL CALL: 10:06am

PRESENT: Joe James, Chairman; Sherri Provolt, Orick District; Mindy Natt, Pecwan District; Ryan Ray, Requa District (11:00); Wes Crawford, East District; Phillip Williams, North District; Toby Vanlandingham, Weitchpec District; Lana McCovey, South District

ABSENT: Frankie Myers, Vice Chairman (travel)

STAFF: Don Barnes, Executive Director; Taralyn Ipiña, Chief Operations Officer; Melodie Meyer, Office of Tribal Attorney; Georgiana Gensaw, Council Operations Coordinator (recorder).

QUORUM: 8 present, 1 absent, quorum present.

OPENING PRAYER: Provided by Councilmember Williams.

REVIEW AGENDA/ADDITIONS/APPROVAL:
Motion made by Councilmember Williams/Councilmember Crawford to accept the agenda with the additions of OTA 23-051, OTA23-052, FISH23-074, and P23-053. Motion carries by consensus.

REVIEW CALENDAR/ADDITIONS:
YEDC23-014, Request to Schedule a Work Session
Submitted by Raymond Bacon, YEDC Executive Director

Council consensus to set September 11, 2023, 1pm-3pm for Council to schedule a work session with YEDC Board and staff to discuss funding strategies, where funding is going, and how extra taxation or fees would affect upcoming and potential projects.

CALENDAR:
September 5-North District Meeting.
September 11-Pecwan District Meeting 3pm-5pm at Wautek Firehouse.
Margaret Keating Work Session needs to be rescheduled.

INTRODUCTION OF NEW EMPLOYEE(S):
Daraxa Mattice, Human Resources Director

COUNCIL CHECK IN:
Councilmember Vanlandingham - Pass
Councilmember Williams – In the North District, we are having rough times. I didn’t attend the Salmon Festival because we had elders in need without power. I checked on elders to make sure their generators were working, some were in the dark, no food. I spent 3 days going from home to home. We have a lot of single women that don’t have anyone to help them. We have 77 elders in the North District, the supplies start going fast. There were only two gas stations, and they were swamped. There are a lot of resources there, but everything was cash only. We need to do better. YIHA came through in a big way. I am thankful for the staff at YIHA and volunteers from the community. Tribal member Mary Jackson is one strong lady, she made spaghetti and cut watermelons. Education staff came through and served over 200 meals on a single day. Some people did not have a hot meal for three days. We have elders who have problems with smoke from the fires. Thankful for the staff that delivered food to the elders.

Councilmember Crawford – Great Salmon Festival, got to see a lot of people, it went well. I heard the softball tourney was a success. We need to address hopelessness and despair with our youth. Caring and understanding need to be addressed. I can’t wait for the new Wellness Village and Youth Center in Weitchpec. We need to make sure everyone understands. It’s really impacting our kids today. We lost two years of academics due to Covid; this will impact our youth down the road.

Councilmember Ray – Not present

Councilmember Natt – I just want to mention a concern that YEDC does not have their meetings upriver. There are a lot of store and gas station concerns. Hopefully we can make it happen. The community really wants to voice their concern.

Councilmember Provolt – I want to thank the staff that worked extra hard last week. The Salmon Festival was very successful, we had a lot of activities. Thank you staff for making that a good festival. In addition to the work at the Salmon Festival, many staff focused on the needs of our communities during power outages and fires. Thankful for the staff and community members to pull together in time of need.

Vice-Chairman – Not present

Councilmember McCovey - Pass

Chairman – We are aware of the fires and doing the best we can. We need to lead with our hearts. At the end of the day, there are a lot of people going through hard times without money or food. All small things matter. We had a good meeting with Stanford and YHHS staff. Some issues we discussed were very emotional. I did meet with Congressman Huffman highly opposing the offshore wind project developers Crowley. Thank you.

EXECUTIVE SESSION:
YTEL23-003, Property Purchase
CA23-222, Strawberry Rock
Litigation Update
CA Lobbyist Selection
TRIBAL MEMBER COMMENT:

Bertha Peters:

- I’m from the Pecwan District. I have heard some unpleasant things about what goes on within this Tribal Council. One is with the Chairperson, or Chairman. First of all, the act of wrongfully dismissing a person without the Council being aware of it, going over the Supervisor authority and doing that himself.

- I’ve heard that he has gone to the financial department and had them withdraw money to pay a regular staff person, not a contract person, a staff person, like if it was his okay to do it without the Council’s consent.

- Last time I talked to you guys about it, I told you guys that you are his boss, not him acting alone. Some people say, it’s his right as the CEO. But I say, he does not have a right to go to the finance department and take money from the tribal members to pay a person, that’s just a regular staff person because he fires them unlawfully. He needs Council approval. Otherwise, it’s like a form of embezzlement. And all of you guys allowed it.

- You guys are saying that’s the Chair’s decision and you guys don’t have a darn thing to say to him? That’s not correct. You guys are his boss. I don’t know how many times we must tell you that, that you are his boss, he is not yours. And when you guys got elected, you should have known that. You’re representing the people. And to me, it doesn’t show a good reputation.

Rose Sylvia:

- I’m from the Pecwan area. I have two or three things. The first thing that I would talk about is that you guys have your Council Ordinance, and under the Council Ordinance if someone feels Council has acted wrongly, they can file a complaint under the Council Ordinance. And in that Ordinance, it says that whatever the conclusion is, it needs to be put out to the people. And I believe it says in the newspaper, but I haven’t reviewed it lately. And so, I want to know how many times there have been claims against Council and how many times have that been put out to the public? I’m sorry, Toby, I’m not going to pick on you, but on a Facebook post, you had said that you had been filed against three times, and that each time it was unsubstantiated, but the public doesn’t know what the claims were, or what the results were. I also know that you, Joe, have been filed against. And that’s an area of contention from the people that filed the complaint because it was never brought to conclusion.

- Once again, I am going to say that is an ordinance. That is an adopted law of this tribe, and that law must be followed. And it’s not being followed. If you are not resolving the issue to a conclusion, and the people are not informed about that conclusion, then you have not followed an ordinance. I want to urge Council to follow the laws that they’ve adopted. It says, you are the legislators, you make the rules for this organization. And in making those rules, it is the Chairman’s responsibility to enforce those policies and those
rules, and that's not happening. And I think it's hugely important, because in election years, people need to look at what those claims were filed.

- I also want to speak to the HR position. When I left the tribe, the first thing you guys did was you revised my job description to make it a 12/13 grade. This has been a contiguous issue within this tribe. When I left, you increased the position pay scale. I knew that that was done so that you could increase the Risk Managers wage, and sure enough, the Risk Managers pay scale was increased. Things are being done to benefit certain people. We had worked for several years to fix it so that there was equity among the Directors of this tribe. And now you have two non-Yuroks Directors. I'm going to assume they're being paid more than the rest of our directors who are Yurok.

- Another issue is when you are a Yurok Tribal Member and get elected and you work for the Yurok Tribe, you must give up your job. You cannot work for the Yurok Tribe and be a Council member for the Yurok Tribe. But if you are from another tribe, and you work for the Yurok tribe, and you get elected, you get to hold your job. And I think that that's unfair, that we would treat our own tribal members differently than we would treat another tribal member. At the very least, the very minimum, I cannot see paying someone full time to be with Yurok Tribe when they're not putting in full time, so I'm going to assume that the individual is using their vacation time to attend meetings for their council, and in doing that, you're still paying them full time.

- Is that person still accruing vacation that full time. Should they be reduced to 75% or 50% or something like that because I can't see how they do their regular job and be on another tribal council and still work full time. I think it's unfair. I think the whole idea is unfair. I've asked several council members and they said there is nothing they can do. There's no rule. At the very least, there needs to also be a signed non-disclosure agreement. Yurok and Hoopa don't always agree, so you need the non-disclosure and that needs to be immediate. That should have been an immediate document developed by your OTA and put forward. I'm going to say this, you're our rule makers, you're our legislators, you can put in a document immediately. I'm not asking for someone to lose their job, but I think that we can't be paying them while they're doing another job. Thank you.

Elizabeth Davis: I just noticed that the Chief of Police is online, and I would like to have some information about how the river closure is going, whether we have 24-hour patrol during the time of no fishing. If we could just have an update on how that is progressing, please.

CA23-222, Meeting with Chris Peters, RE: Strawberry Rock 11am
Submitted by Councilmember Sherri Provolt

A meeting with Chris Peters, 7th Generation Fund on August 23, 2023, regarding the Tribes position on Strawberry Rock. SET FOR AUGUST 23, 2023, at 11am. Discussion only, no action.
EXECUTIVE SESSION: CA23-222, Strawberry Rock 11:20-12:00

No action out of Executive Session.

RATIFICATION OF POLL VOTE:

Administration Division
Finance Department
FIN23-019, Transfer of $3 Million dollars from Morgan Stanley
Submitted by Michael Maranger, CFO

Motion made by Councilmember Vanlandingham/Councilmember Provolt to ratify a poll approve the transfer of $3,000,000 from the Morgan Stanley Wellness Center Account to the Umpqua Bank Operating Account (xxxxxx5158). Motion pulled. Revisited later in the meeting.

TRIBAL MEMBER COMMENT:
Rose Sylvia:
From what I have heard the Tribe has spent more money than they have. What is the money going to be spent on? Who are we paying? Where is this going? Maybe we should think about slowing down on the spending? What happens if we go into a recession? Why even put money into Morgan Stanley, but maybe just leave it in the bank. When money is moved it’s really concerning. We’ve heard that it’s for payroll, that the mill isn’t paid for. That the construction company is putting us in the hole. I want more details. Can we afford to do what we are doing? Can you answer that?

Elizabeth Davis: What is property insurance and what about the construction company? Are they having cash flow problems? Do we not have a budget for that? We keep buying property, do we not have a budget to pay our property insurance? Regarding payroll? What happens after September 1?

Bertha Peters: How and when are you going to pay the money back? A while back you borrowed money back from another project in Weitchpec and was that paid back? Staff are not back to work, and Willow Creek doesn’t have a phone. It’s not right. We talked about conflicts of interest, and about Council being on the Board of a Corporation. And it was true then and it was true now.

LUNCH: 12:45pm-1:45pm
PRESENTATIONS/REVIEW OF FINANCIAL REPORTS:
Morgan Stanely Financial Report – Tabled

AGENDA ITEMS:
Council
FIN23-019, Transfer of $3 Million dollars from Morgan Stanley
Submitted by Michael Maranger, CFO
Motion made by Councilmember Natt/Councilmember Vanlandingham to ratify a poll approve the transfer of $3,000,000 from the Morgan Stanley Wellness Center Account to the Umpqua Bank Operating Account (xxxxxxxx5158). Motion carries by consensus.

Madison Green, Eli Hensher-Aubrey present for agenda item
CA23-209, Elder Services Representative Positions Planning Session
Submitted by Councilmember Sherri Provolt

Staff to provide a report if positions have been filled, services delivered, number of contacts made, training provided and status of Elder Coordination Meetings. Update to be provided on a scheduled Council Planning Meeting. SET FOT AUGUST 23, 2023. Discussion only, no action.

TRIBAL MEMBER COMMENT:
Jewel Frank:
We are in crisis regarding this wildfire smoke. I have checked on a few elders, the ones I can get to. Some elders don’t have air filters or transportation. I hope YHHS are making an emergency list of needs for elders. I’ve been watching Facebook and seeing how CM Williams in North District is really putting in the work and hours. Good job.

2:35 Councilmember McCovey loses internet and leaves the meeting.

TC23-020, Friendship House Planning Session - 2pm
Submitted by Jessica Carter, Tribal Court

Planning Session with Friendship House regarding the Wellness Center Partnership. Set for August 23, 2023, at 2pm. Discussion only, no action.

CA23-217, Elder Firewood Program
Submitted by Councilmember Sherri Provolt

Direct staff to develop a comprehensive plan for Elders Firewood Program in preparation for 2023-2024 Winter. Staff to provide update to Council in September. In coordination with Forestry and Executive Office. Set for August 23, 2023. Discussion only, no action.

BREAK: 3:12pm-3:30pm

AGENDA ITEMS
Health & Human Services Division
Tribal Court
Jessica Carter and Judge Abby present for agenda item
TC23-016, BIA TJS One Time Funding Request
Submitted by Jessica Carter, Tribal Court

Motion made by Councilmember Williams/Councilmember Vanlandingham to approve the Tribal Court submit a one-time funding request to the Bureau of Indian Affairs Office of Justice Services for Tribal Justice Support. Motion carries by consensus.

Finance
FIN23-020, Transfer of Opioid Settlement
Motion made by Councilmember Williams/Councilmember Natt for Council to approve the transfer of the Opioid Settlement of approximately $2,000,000 from the Umpqua Bank Operating Account (xxxxxx5158) to the Morgan Stanley Wellness Center Account. Motion carries by consensus.

Natural Resources Division
Fisheries Department
FISH23-071, McKinney Fire Restoration
Submitted by Barry McCovey, Jr., Fisheries
Motion made by Councilmember Ray/Councilmember Vanlandingham to approve environmental compliance documents for emergency construction operations on the McKinney Post Fire Restoration Project and authorize Chairman to sign all associated documents and permits. Motion carries by consensus.

FISH23-074, Amended Master Services Agreement with RES
Submitted by Barry McCovey, Jr.
Motion made by Councilmember Williams/Councilmember Ray to authorize Chairman to sign the amended Master Services Agreement between Resources Environmental Solutions and the Yurok Tribe, and to authorize Chairman to sign any future tasks orders, purchase orders, change orders, or amendments and to approve Resolution #23-095 granting a Limited Waiver of Sovereign Immunity. Roll call: Vice Chairman Myers-np, Councilmember Crawford-yes, Councilmember Ray-no, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-np. Yes-6, No-0, Abstain-0, Not present-2. Motion carries.

FISH23-073, Budget Modification
Submitted by Barry McCovey, Jr., Fisheries
Motion made by Councilmember Williams/Councilmember Ray to authorize the Fisheries Department to modify budget #7221k as described in attached documentation. Motion carries by consensus.

Administration Division
Human Resources Department
HR23-015, Tribal Court Job Descriptions
Submitted by Earl Jackson, Interim HR Director
Motion made by Councilmember Vanlandingham/Councilmember Williams to approve new job descriptions for Tribal Court. Supervising Staff Attorney, Court Administration Attorney, and Tribal Court Manager. Roll call: Vice Chairman Myers-np, Councilmember Crawford-yes, Councilmember Ray-no, Councilmember Vanlandingham-yes, Councilmember Provolt-no, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-np. Yes-4, No-2, Abstain-0, Not present-2. Motion carries.

Planning & Community Development Division
Planning Department
P23-053, FY23 Tribal Nature-Based Solutions Grant Program
Submitted by Ray Moisa, Grant Writer

Motion made by Councilmember Vanlandingham/Councilmember Natt to approve the submittal of the grant proposed to the CA Natural Resources Agency for the FY23 Tribal Nature-Based Solutions Grant Program; to approve and sign the attached Resolution #23-100; and in kind and/or up to $75,000 from Discretionary Fund. Roll call: Vice Chairman Myers-np, Councilmember Crawford-yes, Councilmember Ray-no, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-no, Councilmember McCovey-np. Yes-4, No-2, Abstain-0, Not present-2. Motion carries.

P23-046, Formula Grant to Tribes
Submitted by Ray Moisa, Grant Writer

Motion made by Councilmember Natt/Councilmember Crawford for Tribal Council to approve the submittal of a grant application to the U.S. Department of Energy in the amount of $139,787 due August 31 to support the consultant costs necessary to manage the installation of electric utility infrastructure in the Upriver portion of the Yurok Reservation and to approve and sign Resolution #23-094, with edits, attached. Motion carries by consensus.

Tribal Police
YTP23-002, Budget Modification Project 260
Submitted by Greg O’Rourke, Chief of Police

Motion made by Councilmember Vanlandingham/Councilmember Crawford to approve to move $5,695.00 from GL 6510 per Fiscal Request for the purchase of Trailer for Police Polaris Side by Side. Initial budget and mod supporting documents attached. Project total will remain $21,459.00. Motion carries by consensus.

Office of Self Governance
OSG23-007, Hawaii Relief Effort
Submitted by Magan Siaosi, Self-Governance Office Director

Discussion with the Tribal Council about donating to the Maui Strong Fund to support recovery for the devastating wildfires on Maui and approval for the OSG to develop a survey to gauge and direct impact on staff. Directive to survey staff of they have effect families by fires. Draft a letter of solidarity.

Yurok Telecommunications Corporation
YTEL23-002, CA Public Utilities Commission Grant
Submitted by Kori Cordero, YTEL CEO
To approve the Yurok Telecoms Corporation to submit an application for the California Public Utilities Commission Last Mile Federal Funding Account Grant Program

Directive for staff to proceed with negotiations with property owner as discussed in Executive Session.

BREAK: 4:39pm-4:50pm

AGENDA ITEMS:
Council

CA23-200, California Indian Manpower Consortium, Inc. Outreach Agreement
Submitted by Jodi Hoone, Grants & Compliance Director

Motion made by Councilmember Vanlandingham/Councilmember Provolt to approve acceptance of $30,000 from CA Indian Manpower Consortium, to support a Yurok Outreach Plan for language time in developing Yurok specific outreach materials, and for the procurement of the outreach supplies. No match, full indirect allowed. Motion carries by consensus.

CA23-226, Yurok Website-Office locations/contact Information
Submitted by Councilmember Sherri Provolt

Council consensus for directive to staff to update the Yurok Tribe Website with locations address’ and phone numbers of new tribal offices, including Willow Creek East Office, 3rd Street Eureka Office, North District, etc. Staff to provide an update on this directive in 30 days during the Council Action meeting on September 28, 2023.

CA23-227, Annual Meeting 2023
Submitted by Taralyn Ipina, COO

Council consensus to identify presentations for the October 7, 2023, Annual Membership Meeting. A) Dam Removal, etc. Discussion only.

CA23-228, Emergency Medical Assistance
Submitted by Chairman James

Motion made by Councilmember Williams/Councilmember Crawford for Council to donate in the amount of $1,550 to help assist an Elderly Tribal Member XXX-1889. $300 from Emergency Assistance, $250 from North District Travel, $500 from Chairmans Travel, $500 East District Travel. Motion carries by consensus.

CA23-229, Council Meeting Minutes July 25-27, 2023
Submitted by Councilmember Sherri Provolt

Motion made by Councilmember Williams/Councilmember Provolt to approve Council meeting minutes of July 25th (Gaming); July 25th (Finance); July 26th (Planning); and July 27th (Action). Minutes attached. Motion carries by consensus.

CA23-230, Letter to Harbor District
Submitted by Vice Chairman Myers

Motion made by Councilmember Natt/Councilmember Williams to authorize Chairman to sign letter to Humboldt Bay Harbor District regarding Offshore Wind Development and MMIP Crisis. Motion carries by consensus.

Office of Tribal Attorney

OTA23-051, Comments on Humboldt Marine Terminal Project
Submitted by Alex Mesher, Office of Tribal Attorney
Motion made by Councilmember Provolt/Councilmember Vanlandingham to approve the comment by Yurok Tribe for submission by OTA with OTA edits. Motion carries by consensus.

OTA23-052, Approving Existing Land Assignment Ordinance
Submitted by Alex Mesher, Office of Tribal Attorney

Motion made by Councilmember Vanlandingham/Councilmember Provolt to enact the version of the land assignment ordinance passed by emergency action June 23, 2022. Roll call:
Vice Chairman Myers-np, Councilmember Provolt-yes, Councilmember Crawford-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes Councilmember McCovey-np. Yes-6, No-0, Abstain-0, Not present-2. Motion carries.

TRIBAL MEMBER COMMENT: None provided.

EXECUTIVE SESSION: 5:13pm-7:00pm
YTEL23-003, Property Purchase
Submitted by Kori Cordero, YTEL CEO

Motion made by Councilmember Ray/Councilmember Provolt to direct Yurok Tribe staff to negotiate purchase of property according to terms approved by Council in Executive Session. Motion carries by consensus.

CLOSING PRAYER: Provided by Councilmember Natt.

ADJOURN: 7:03pm

MEETING MINUTES APPROVED ON: September 28, 2023

Sherri K. Provolt, Secretary

10/02/2023