

**YUROK TRIBAL COUNCIL
FINANCE/PLANNING/ACTION MEETING
WEDNESDAY, AUGUST 23, 2023
YUROK TANF OFFICE
1034 6th Street Eureka, CA 95501**

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

46 Councilmember Williams – In the North District, we are having rough times. I didn't attend the
47 Salmon Festival because we had elders in need without power. I checked on elders to make
48 sure their generators were working, some were in the dark, no food. I spent 3 days going from
49 home to home. We have a lot of single women that don't have anyone to help them. We have
50 77 elders in the North District, the supplies start going fast. There were only two gas stations,
51 and they were swamped. There are a lot of resources there, but everything was cash only. We
52 need to do better. YIHA came through in a big way. I am thankful for the staff at YIHA and
53 volunteers from the community. Tribal member Mary Jackson is one strong lady, she made
54 spaghetti and cut watermelons. Education staff came through and served over 200 meals on a
55 single day. Some people did not have a hot meal for three days. We have elders who have
56 problems with smoke from the fires. Thankful for the staff that delivered food to the elders.

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

63 Councilmember Ray – Not present

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

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

72 Vice-Chairman – Not present

73 Councilmember McCovey - Pass

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

79 **EXECUTIVE SESSION:**

80 YTEL23-003, Property Purchase

81 CA23-222, Strawberry Rock

82 Litigation Update

83 CA Lobbyist Selection

84

85 **TRIBAL MEMBER COMMENT:**

86 Bertha Peters:

- 87 • I'm from the Pecwan District. I have heard some unpleasant things about what goes on
88 within this Tribal Council. One is with the Chairperson, or Chairman. First of all, the act
89 of wrongfully dismissing a person without the Council being aware of it, going over the
90 Supervisor authority and doing that himself.
- 91 • I've heard that he has gone to the financial department and had them withdraw money
92 to pay a regular staff person, not a contract person, a staff person, like if it was his okay
93 to do it without the Council's consent.
- 94 • Last time I talked to you guys about it, I told you guys that you are his boss, not him
95 acting alone. Some people say, it's his right as the CEO. But I say, he does not have a right
96 to go to the finance department and take money from the tribal members to pay a
97 person, that's just a regular staff person because he fires them unlawfully. He needs
98 Council approval. Otherwise, it's like a form of embezzlement. And all of you guys
99 allowed it.
- 100 • You guys are saying that's the Chair's decision and you guys don't have a darn thing to
101 say to him? That's not correct. You guys are his boss. I don't know how many times we
102 must tell you that, that you are his boss, he is not yours. And when you guys got elected,
103 you should have known that. You're representing the people. And to me, it doesn't show
104 a good reputation.

105 Rose Sylvia:

- 106 • I'm from the Pecwan area. I have two or three things. The first thing that I would talk
107 about is that you guys have your Council Ordinance, and under the Council Ordinance if
108 someone feels Council has acted wrongly, they can file a complaint under the Council
109 Ordinance. And in that Ordinance, it says that whatever the conclusion is, it needs to be
110 put out to the people. And I believe it says in the newspaper, but I haven't reviewed it
111 lately. And so, I want to know how many times there have been claims against Council
112 and how many times have that been put out to the public? I'm sorry, Toby, I'm not going
113 to pick on you, but on a Facebook post, you had said that you had been filed against
114 three times, and that each time it was unsubstantiated, but the public doesn't know
115 what the claims were, or what the results were. I also know that you, Joe, have been
116 filed against. And that's an area of contention from the people that filed the complaint
117 because it was never brought to conclusion.
- 118 • Once again, I am going to say that is an ordinance. That is an adopted law of this tribe,
119 and that law must be followed. And it's not being followed. If you are not resolving the
120 issue to a conclusion, and the people are not informed about that conclusion, then you
121 have not followed an ordinance. I want to urge Council to follow the laws that they've
122 adopted. It says, you are the legislators, you make the rules for this organization. And in
123 making those rules, it is the Chairman's responsibility to enforce those policies and those

124 rules, and that's not happening. And I think it's hugely important, because in election
125 years, people need to look at what those claims were filed.

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

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

143 • Is that person still accruing vacation that full time. Should they be reduced to 75% or
144 50% or something like that because I can't see how they do their regular job and be on
145 another tribal council and still work full time. I think it's unfair. I think the whole idea is
146 unfair. I've asked several council members and they said there is nothing they can do.
147 There's no rule. At the very least, there needs to also be a signed non-disclosure
148 agreement. Yurok and Hoopa don't always agree, so you need the non-disclosure and
149 that needs to be immediate. That should have been an immediate document developed
150 by your OTA and put forward. I'm going to say this, you're our rule makers, you're our
151 legislators, you can put in a document immediately. I'm not asking for someone to lose
152 their job, but I think that we can't be paying them while they're doing another job.
153 Thank you.

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

157
158 CA23-222, Meeting with Chris Peters, RE: Strawberry Rock 11am
159 Submitted by Councilmember Sherri Provolt

160 **A meeting with Chris Peters, 7th Generation Fund on August 23, 2023, regarding the Tribes**
161 **position on Strawberry Rock. SET FOR AUGUST 23, 2023, at 11am. Discussion only, no action.**

162
163 **EXECUTIVE SESSION:** CA23-222, Strawberry Rock 11:20-12:00

164
165 No action out of Executive Session.

166
167 **RATIFICATION OF POLL VOTE:**

168 **Administration Division**

169 *Finance Department*

170 FIN23-019, Transfer of \$3 Million dollars from Morgan Stanley

171 Submitted by Michael Maranger, CFO

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

175
176 **TRIBAL MEMBER COMMENT:**

177 Rose Sylvia:

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

185
186 Elizabeth Davis: What is property insurance and what about the construction company? Are
187 they having cash flow problems? Do we not have a budget for that? We keep buying property,
188 do we not have a budget to pay our property insurance? Regarding payroll? What happens
189 after September 1?

190
191 Bertha Peters: How and when are you going to pay the money back? A while back you
192 borrowed money back from another project in Weitchpec and was that paid back?
193 Staff are not back to work, and Willow Creek doesn't have a phone. It's not right.
194 We talked about conflicts of interest, and about Council being on the Board of a Corporation.
195 And it was true then and it was true now.

196
197 **LUNCH:** 12:45pm-1:45pm

198 **PRESENTATIONS/REVIEW OF FINANCIAL REPORTS:**

199 Morgan Stanley Financial Report – Tabled

200 Yurok Tribe Financial Report – Tabled.

201
202 **AGENDA ITEMS:**

203 **Council**

204 FIN23-019, Transfer of \$3 Million dollars from Morgan Stanley

205 Submitted by Michael Maranger, CFO

206 **Motion made by Councilmember Natt/Councilmember Vanlandingham to ratify a poll**
207 **approve the transfer of \$3,000,000 from the Morgan Stanley Wellness Center Account to the**
208 **Umpqua Bank Operating Account (xxxxxx5158). Motion carries by consensus.**

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

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

216
217 **TRIBAL MEMBER COMMENT:**

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

223
224 2:35 Councilmember McCovey loses internet and leaves the meeting.

225
226 TC23-020, Friendship House Planning Session - 2pm
227 Submitted by Jessica Carter, Tribal Court

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

230
231 CA23-217, Elder Firewood Program
232 Submitted by Councilmember Sherri Provolt

233 **Direct staff to develop a comprehensive plan for Elders Firewood Program in preparation for**
234 **2023-2024 Winter. Staff to provide update to Council in September. In coordination with**
235 **Forestry and Executive Office. Set for August 23, 2023. Discussion only, no action.**

236
237 **BREAK: 3:12pm-3:30pm**

238
239 **AGENDA ITEMS**

240 **Health & Human Services Division**

241 *Tribal Court*

242 Jessica Carter and Judge Abby present for agenda item
243 TC23-016, BIA TJS One Time Funding Request
244 Submitted by Jessica Carter, Tribal Court

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

248
249 **Finance**

250 FIN23-020, Transfer of Opioid Settlement

251 Submitted by Michael Maranger, CFO

252 **Motion made by Councilmember Williams/Councilmember Natt for Council to approve the**
253 **transfer of the Opioid Settlement of approximately \$2,000,000 from the Umpqua Bank**
254 **Operating Account (xxxxxx5158) to the Morgan Stanley Wellness Center Account. Motion**
255 **carries by consensus.**

256

257 **Natural Resources Division**

258 *Fisheries Department*

259 FISH23-071, McKinney Fire Restoration

260 Submitted by Barry McCovey, Jr., Fisheries

261 **Motion made by Councilmember Ray/Councilmember Vanlandingham to approve**
262 **environmental compliance documents for emergency construction operations on the**
263 **McKinney Post Fire Restoration Project and authorize Chairman to sign all associated**
264 **documents and permits. Motion carries by consensus.**

265

266 FISH23-074, Amended Master Services Agreement with RES

267 Submitted by Barry McCovey, Jr.

268 **Motion made by Councilmember Williams/Councilmember Ray to authorize Chairman to sign**
269 **the amended Master Services Agreement between Resources Environmental Solutions and**
270 **the Yurok Tribe, and to authorize Chairman to sign any future tasks orders, purchase orders,**
271 **change orders, or amendments and to approve Resolution #23-095 granting a Limited Waiver**
272 **of Sovereign Immunity. Roll call: Vice Chairman Myers-np, Councilmember Crawford-yes,**
273 **Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes,**
274 **Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-np. Yes-6,**
275 **No-0, Abstain-0, Not present-2. Motion carries.**

276

277 FISH23-073, Budget Modification

278 Submitted by Barry McCovey, Jr., Fisheries

279 **Motion made by Councilmember Williams/Councilmember Ray to authorize the Fisheries**
280 **Department to modify budget #7221k as described in attached documentation. Motion**
281 **carries by consensus.**

282

283 **Administration Division**

284 *Human Resources Department*

285 HR23-015, Tribal Court Job Descriptions

286 Submitted by Earl Jackson, Interim HR Director

287 **Motion made by Councilmember Vanlandingham/Councilmember Williams to approve new**
288 **job descriptions for Tribal Court. Supervising Staff Attorney, Court Administration Attorney,**
289 **and Tribal Court Manager. Roll call: Vice Chairman Myers-np, Councilmember Crawford-yes,**
290 **Councilmember Ray-no, Councilmember Vanlandingham-yes, Councilmember Provolt-no,**
291 **Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-np. Yes-4,**
292 **No-2, Abstain-0, Not present-2. Motion carries.**

293

294 **Planning & Community Development Division**

295 *Planning Department*

296 P23-053, FY23 Tribal Nature-Based Solutions Grant Program
297 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.

305
306 P23-046, Formula Grant to Tribes
307 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.

313
314 **Tribal Police**

315 YTP23-002, Budget Modification Project 260
316 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.

321
322 **Office of Self Governance**

323 OSG23-007, Hawaii Relief Effort
324 Submitted by Magan Siasoi, 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.

329
330 **Yurok Telecommunications Corporation**

331 YTEL23-002, CA Public Utilities Commission Grant
332 Submitted by Kori Cordero, YTEL CEO

333 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.

337
338 **BREAK: 4:39pm-4:50pm**

339
340 **AGENDA ITEMS:**

341 **Council**
342 CA23-200, California Indian Manpower Consortium, Inc. Outreach Agreement
343 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.

349
350 CA23-226, Yurok Website-Office locations/contact Information
351 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.

356
357 CA23-227, Annual Meeting 2023
358 Submitted by Taralyn Ipina, COO

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

361
362 CA23-228, Emergency Medical Assistance
363 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.

368
369 CA23-229, Council Meeting Minutes July 25-27, 2023
370 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.

374
375 CA23-230, Letter to Harbor District
376 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.

380
381 **Office of Tribal Attorney**
382 OTA23-051, Comments on Humboldt Marine Terminal Project
383 Submitted by Alex Mesher, Office of Tribal Attorney

384 **Motion made by Councilmember Provolt/Councilmember Vanlandingham to approve the**
385 **comment by Yurok Tribe for submission by OTA with OTA edits. Motion carries by consensus.**

386
387 OTA23-052, Approving Existing Land Assignment Ordinance
388 Submitted by Alex Mesher, Office of Tribal Attorney

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

395
396 **TRIBAL MEMBER COMMENT:** None provided.

397
398 **EXECUTIVE SESSION:** 5:13pm-7:00pm

399
400 YTEL23-003, Property Purchase
401 Submitted by Kori Cordero, YTEL CEO

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

405
406 **CLOSING PRAYER:** Provided by Councilmember Natt.

407
408 **ADJOURN:** 7:03pm

409
410 **MEETING MINUTES APPROVED ON:** **September 28, 2023**

411 

412
413 _____
414 **Sherri K. Provolt, Secretary**

10/02/2023

Date