ROLL CALL: 10:00am

PRESENT: Joe James, Frankie Myers, Lori Hodge, Ryan Ray, Toby Vanlandingham, Sherri Provolt, Mindy Natt, Edward Aubrey, Lana McCovey

ABSENT: None

STAFF: Earl Jackson, Dawn Baum, Georgiana Gensaw (recorder)

QUORUM: 9 present, 0 absent, quorum present

OPENING PRAYER: Provided by Councilmember Aubrey

ADDITIONS TO AGENDA:
Motion made by Councilmember Ray/Councilmember Hodge to accept today’s agenda with additions. Motion carries by consensus.

EXECUTIVE SESSION: CA20-176, Investment Opportunity set for 3:30pm

COUNCIL CHECK IN:
Councilmember Vanlandingham: pass

Councilmember McCovey: I have concerns for recent Facebook posts and that tribal members are entitled to their opinions.

Councilmember Aubrey: I want to share why I’m wearing this shirt today.

Councilmember Hodge: (addressing the tribal membership) Thank you for joining the meeting today. I have questions from membership on if we can do a hatchery, and that we need to enforce our senior water rights.

Councilmember Ray: I had a District meeting and there were questions on CARES funding. We also met with the County on several items including Hunter Creek Park and Volunteer Fire Department. Also that the tax revenue is not making it way back to Klamath. I have received concerns about child care and tutoring needs.

Councilmember Natt: pass

August 20, 2020 Council Planning/Action meeting
Councilmember Provolt: I submitted a written report that covers several items including upcoming meeting with the City of Trinidad and if there is an update on the CDC grant.

Vice Chair Myers: I want to thank Chairman for speaking at the recent Natural Resource Committee Hearing hosted by Congressman Huffman.

Chairman: We have an important meeting with Berkshire Hathaway and PacificCorp regarding water issues. We met with Del Norte County Supervisor to discuss partnership with volunteer fire and Hunter Park. We are also requesting a government to government meeting with City of Trinidad.

TRIBAL MEMBER COMMENT:

Sue Masten: When there is a FOIA (Freedom of Information Act) request, what is Council considering a reasonable amount of time for the time to respond? What time frame to expect?

Lavonne Guido: I am for the cannabis items, it’s another revenue resource. It’s not a matter of if it will happen, it’s a matter of when it will happen; and Trump will cut off future funding.

Elizabeth Davis: I just wanted to say I am not for changing the zero tolerance policy. We practice drug and alcohol-free ceremonies. I think it is sending mixed messages. With cannabis production I think you can see the negative aspects, murders and burglaries. I am not for changing the zero-tolerance policy.

Allyson McCovey: I am speaking as a tribal member and I have spoken up before and I shared that the violence that the marijuana brings. I have heard that marijuana will save us, I think they are blinded by the money. It’s attractive. I was embarrassed of the Mad River Brewery. I stopped by there and I didn’t see one Yurok Tribal Member working there.

Laura Woods: A lot of people know that members of Council grow marijuana and are selling it. How many current businesses have made any kind of profit? But yet you just keep exploring others. There is danger in selling your spirit for money. Are we are going to be a clean and sober Tribe? I was at a ceremony recently and men have shown up clearly intoxicated and not one man stood up and asked them to leave. I have no confidence in the ability of our Tribe to make a whole, sound decision. From working from the court aspect I am against it. I see the aftermath from it.

Linda Gillette: I just wanted to agree with the tribal members that have spoken against growing marijuana on the reservation. We are sending the wrong message to the Youth of our tribe. I understand why we bought the brewery, but I think it’s sending the wrong message.

Robert Erickson: I disagree with all these people, I have personally been in the marijuana business for a long time. I personally believe that marijuana is like a tobacco growing Tribe.
Most of resources has been depleted. Not by us. I just have a completely different opinion than everyone else on the call.

Susan Masten: Usually the open Tribal Member comment are for non-agenda items. I have participated against the marijuana and the effects of my own family members. I think our bodies respond differently. I voted for medical marijuana to occur off reservation; but I see where it hurt our members and it starts them on a road of addiction. I want to talk about the zero tolerance and all the work that we have done to stop grows. I know the California water resource did an in depth study of our creeks near marijuana growth; and the market is pretty much saturated.

YaaMitch Erickson: I personally feel we should put the marijuana approval to a vote amongst our people because I know it was really hard to not only find this meeting but to join as well. If it wasn’t for Edward Aubrey posting it to my mom’s Facebook account I wouldn’t have been able to help my dad join.

**CONSENT ITEMS**

CA20-163, Council Meeting
Submitted by Georgiana Gensaw

Motion made by Council Member Vanlandingham/ Councilmember Aubrey to approve with edits and corrections Council meeting minutes for May, June, July and August 5th and 6th, 2020. Motion carries by consensus.

**AGENDA ITEMS**

**COUNCIL**

OTA20-089, Tsurai Ancestral Society Yurok Tribe Memorandum of Understanding
Submitted by Geneva Thompson

Motion to authorize Chairperson to sign the Tsurai Ancestral Society Yurok Tribe Memorandum of Understanding regarding the Tsurai study area in Trinidad. Item Tabled.

CA20-175, Van Wycke and Galindo Trails
Submitted by Councilmember Sherry Provolt

Discuss concerns and strategize direction regarding the Van Wycke Trial Connectivity Project and Galindo Street Trail projects proposed by City of Trinidad. Invitation forwarded to Tsurai Ancestry Society to participate in discussion.

Motion made by Councilmember Provolt/ Councilmember Vanlandingham to send letter requesting a scoping meeting with the City of Trinidad and Planning Department for the Van Wycke and Galindo Trails. (2)Request a Government to Government with the City of Trinidad. Motion carries by consensus.

**EDUCATION**

EDU20-011, Letter to the State of California
Submitted by Jim McQuillen

*August 20, 2020 Council Planning/Action meeting*
Motion made by Councilmember Ray/Councilmember Aubrey for Council to review and approve the Chairman to sign a confidential letter to the State of California to add support and consideration for students with special needs (IEP’s and Foster youth) when schools re-open, approve with OTA edits. The letter was developed by NCIDC and other community partners. Motion carries by consensus.

EDU20-020, Klamath Trinity Unified School District agreement
Submitted by Jim McQuillen

Request Council to review and approve the revised agreement with Klamath Trinity Joint Unified School District which will increase funding to help support student distant learning with needed computers/tablets. Item pulled.

ENROLLMENT/ELECTIONS
EE20-008, 2020 Emergency Election Ordinance
Submitted by Krystel Patapoff-Pruitt

Motion made by Councilmember Vanlandingham/Councilmember Aubrey to approve amendments to the emergency election ordinance for the 2020 Election due to the COVID-19 Pandemic. Motion carries by consensus.

CA20-177, Cannabis Marketplace
Submitted by Councilmember Natt

Motion made by Councilmember Natt/Vice Chair Myers to approve Advisory ballot measure on Cannabis marketplace for Primary Election Ballot. Roll call; Vice Chair Myers-yes, Councilmember Ray-yes, Councilmember Hodge-no, Councilmember Vanlandingham-yes, Councilmember Provolt-no, Councilmember Natt-yes, Councilmember Aubrey-yes, Councilmember McCovey-no. Yes-5, no-3, abs-0, np-0. Motion carries.

TRIBAL MEMBER COMMENT:
James Dunlap: You have overlooked policies and procedures. You are opening the flood gate, we have no officers down river. Look at fishing the chute. You cannot even patrol that, how can we patrol the reservation regarding cannabis.

Jewel Frank: This wasn't a wise decision, please don't forget we have people die over this mess. Four murders happened right in here in Weitchpec and even more downriver. There is nothing in this water but blue green algae. I have combed the mountains and there is trash all over left over by these grows.

Sue Masten: I am very disappointed in how this has come about and concerned over the rivers and what these grows are doing to the reservation.

Sid Nix: This pandemic has put a hindrance on use. We shouldn't even be taking about this in this way. We need to have regular meetings on such a big item as this.
Francis Ojeda: I am against this; giving people to grow their medical marijuana is one thing, but this is different.

Susie Long: I heard that Council was to going to reconsider this. You know I had people growing up on my property, I had no idea. I didn’t like and we know we can’t patrol the whole river.

Laura Woods: I think medical marijuana is one thing, but this shouldn’t be allowed. We cannot just make a big move like this, not all cannabis is healing. No matter how much you’re for it. As a Council who makes a profit off marijuana and grows, I think it’s a shame and we already have issues with offenders.

Sara Lindgren-Akana: I am recipient of medical marijuana and it’s not an easy thing to get. Now, that I have this card I can take it. I could take opioids, that’s easy to get, but I don’t want to do that. I want my life, not opioids and steroids. None of the cheap, a 215 card is not cheap. I am not saying I support handing out drugs to kids. Some people need this medicine to live and it should be treated as such.

Louisa McCovey: We can all see the side effects of these large scale grows. Is rescinding this allowing that happen? We don’t have the land or water resources to be able to support that.

Linda Gillette: This is Tribe making money, it’s about who is growing marijuana and who is going to benefit from this. It’s common knowledge to find out the who? When? Why? And Where? Has any of this been thought out?

ENVIRONMENTAL
YTEP20-011, Air Quality Monitoring grant
Submitted by Louisa McCovey

Motion made by Councilmember Vanlandingham/Councilmember Aubrey to request Council to approve and the Chairman to sign the Annual Funding Agreement G848017001, Project Statement number P19AC00888 with the Nation Park Service in the amount of $4,000 for YTEP to implement air quality monitoring in Redwood National Park. Indirect costs are allowed and there are no matching funds required. Motion carries by consensus.

YTEP20-012, Water Systems 1-year Transition plan
Submitted by Louisa McCovey

Motion made by Councilmember Vanlandingham/Councilmember Hodge to approve 2020 Public Water Systems 1-year Transition Plan. Motion carries by consensus.

YTEP20-013, Public Water Systems Job Descriptions
Submitted by Louisa McCovey

August 20, 2020 Council Planning/Action meeting

HUMAN RESOURCES
HR20-011, Budget for Benefits Director
Submitted by Rose Sylvia/Steve Edmiston
Motion made by Councilmember Vanlandingham/Councilmember McCovey to approve budget and funding for Benefits Director Position in preparation for medical self-insurance program. Funding to come from indirect cost funding pool. Motion carries by consensus.

INFORMATION SERVICES
IT20-024, Broadband Studies Contract
Submitted by Jessica Engle
Motion made by Councilmember Vanlandingham/Councilmember Aubrey to approve Chairperson to sign contract and related documents for Broadband Studies and business plan for Yurok Connect. Motion carries by consensus.

IT20-025, EBS Resolution
Submitted by Jessica Engle
Motion made by Councilmember Vanlandingham/Councilmember Provolt to approve Chairman to sign and Secretary to attest Resolution to apply for the EBS 2.5ghz Tribal Priority Window Resolution #20-078. Motion carries by consensus.

OFFICE OF TRIBAL ATTORNEY
OTA20-084, RES Yurok Teaming Agreement
Submitted by Geneva Thompson
Motion made by Councilmember Ray/Councilmember Hodge to authorize Chairperson to sign the RES Environmental Operating Company Yurok Teaming Agreement and to grant a limited waiver of sovereign immunity for the benefit of RES Environmental Operating Company through Resolution #20-86. Roll call; Councilmember McCovey-yes, Councilmember Aubrey-yes, Councilmember Provolt -yes, Councilmember Ray-yes, Councilmember Hodge-yes, Councilmember Natt – np, Councilmember Vanlandingham-yes, Vice Chair Myers-yes. Yes-7, no-0, abs-0, np-1. Motion carries.

OTA20-086, Emergency Public Health Ordinance/Criminal Law Ordinance
Submitted by Dawn Baum
Motion made Councilmember Aubrey/Councilmember Vanlandingham to approve revised Emergency Public Health Ordinance and Emergency Public Health Criminal Law Ordinance, authorize Chair to sign and Secretary to attest. Motion carries by consensus.

OTA20-087, Community Input Policy
Discussion only, no action.

OTA20-088, Tribal Land Transfer Policy
Submitted by Kori Cordero
Motion made by Councilmember Provolt/Councilmember Hodge to authorize OTA to submit written comments on the California Public Utilities Commission (CPUC) proposed Tribal Land Transfer Policy Guidelines in accordance with direction received during executive session and authorizing Chair to sign comments once complete with edits. Motion carries by consensus.

PLANNING
P20-030, National Park Service Agreement
Submitted by Patricia Ulmer Gensaw
Motion made by Councilmember Aubrey/Councilmember Vanlandingham to approve the Annual Funding Agreement P20AC00882 in the amount of $33,065.00 for trail repairs to be performed by Yurok Trails Crew at Redwood National Parks and authorize Chairman to sign all agreements related documents. Motion carries by consensus.

WATERSHED
WS20-015, Contract & Resolution with Humboldt County
Submitted by Richard Nelson
Motion made by Councilmember Ray/Councilmember McCovey to approve the Chairman to sign the sub-contract resolution between the Yurok Tribe and the County of Humboldt for the “Upgrading Critical Resource Recovery in Blue Creek Sanctuary” Resolution #20-88 pending OTA edits and approval. Roll call; Vice Chair Myers – yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Aubrey-yes, Councilmember McCovey- abstain. Yes-7, no-0, abs-1, np-0. Motion carries.

WILDLIFE
WILD20-014, Condor Veterinary Treatment Memorandum of Understanding
Submitted by Chris West
Motion made by Councilmember Vanlandingham/Councilmember Hodge to approve the Condor Veterinary Treatment Memorandum of Understanding and all necessary Chairman signatures on behalf of the Yurok Tribe. Motion carries by consensus.

COUNCIL
CA20-162, Tulley Creek and Police Station Contract
Submitted by Chairman James
To approve the Planning Department to execute all contracts necessary to complete the Tulley Creek Emergency Operation Center and Police Station project and authorize the
Chairperson to sign all related contracts provided they are within the project budget and have been reviewed using the standard internal contract review process. Item pulled.

CA20-169, Yurok Agriculture Corporation-Financial Information request
Submitted by Councilmember Ray

Motion made by Councilmember Ray/Councilmember Provolt for all corporations to submit; quarterly reports and financials starting September 22, 2020. Motion carries by consensus.

TRIBAL MEMBER COMMENT:
Susan Masten: It was an illegal action by moving Mill purchase to Yurok Agriculture Corporation when it was voted down by Council. Also, I like the idea of an Economic Summit to pass knowledge and give updates to Tribal Members.

Laura Woods: Misuse of funds. Not knowing your financials is bad business. Every month Housing has reports, the Board is made aware of every dollar coming in and going out, so for Council to be blind regarding financials. As Council you can request a profit/loss sheet, that way you can hedge off any questions or concerns. Every business has a profit loss. My husband and I owned an auto body repair shop, we had to know every detail of that business. I worked in banking and I had to know every single penny. I think you can be too trusting and too lenient. I promise if you had a Board of Commissioners, they would be watching it. The sooner we can get accountability going, the better.

Susie Long: I would like each of you to watch the movie called 100 years. It was the story of Eloise Cobell. It is about her life and her battle with the US government, and fighting against broken promises. I encourage you to watch the 100 Years movie.

EXECUTIVE SESSION: Executive Session held from 4:13-4:25pm. Investment opportunity, Personnel (Ray).

CA20-172, Council Group Email
Submitted by Councilmember Vanlandingham

To reaffirm Council commitment to confidentiality and designate all Council group emails as confidential and to prohibit the sharing of Council group emails with outside entities, friends or family unless specifically authorized. Discussion only no action.
TRIBAL MEMBER COMMENT:
Sue Masten: Your constitution states what is confidential and what is not. The use of Facebook, there are guidelines in the Facebook and emails. Personal opinion. That’s an item that I would be more worried about. Because you’re not presenting the whole story. Your opinion is reflective of your representative. When you don’t show the whole story. You can express your opinion during your district meeting and in a one and one conversations. It would be a great reminder to look at the Council ordinance.

Statement for the Record, Councilmember Vanlandingham: Council emails are not confidential unless marked so?

CA20-176, Investment Opportunity
Submitted by Vice Chair Myers
Motion made by Vice Chair Myers/Councilmember Aubrey to approve investment opportunity with the Yurok Tribe Construction Corporation in the amount of $250,000 from the Operational Reserve. Motion carries by consensus.

CA20-168, Regulation of Commercial grows
Submitted by Councilmember Aubrey
To direct staff to create policy for regulating commercial cannabis grows, manufacturing and distribution sales for recreational marijuana. Item pulled.

CA20-166, Commercial Cannabis
Submitted by Councilmember Aubrey
To create a policy for commercial cannabis grows on the Reservation. Item pulled.

CA20-167, Rescind Zero Tolerance Policy
Submitted by Councilmember Aubrey
Motion made by Councilmember Aubrey/Councilmember Vanlandingham to rescind the Zero Tolerance policy Resolution #06-65. Roll call; Vice Chair Myers-yes, Councilmember Ray-no, Councilmember Hodge-no, Councilmember Vanlandingham-yes, Councilmember Provolt-no, Councilmember Natt-yes, Councilmember Aubrey-yes, Councilmember McCovey-no, Chairman James-yes. Yes-5, no-4, abs-0, np-0. Motion carries.

CA20-165, Marijuana Zero Tolerance
Submitted by Councilmember Aubrey
To send Marijuana Zero Tolerance to ballot for membership vote. Directive to staff to draft language for ballot. Item pulled.

EDU20-024, Letter of support
Submitted by Jim McQuillen
Motion made by Councilmember Ray/Councilmember Aubrey to approve the Yurok Tribal Council to review and approve of a new five-year Demonstration Grant through the US Department of Education, authorize the Education Department to submit the grant on behalf of the Tribe and approve attached Resolution #20-103. Motion carries by consensus.

TRIBAL MEMBER COMMENT:
Jolena McLaughlin: I also support this as I have been an academic tutor for native students for 4 years and many of my students had IEP’s.

John Wolf: I am listening to this discussion and how we are going to institute the virtual learning for kids. What is the value in the Education Committee of they are not kept in the loop? I would be available for any kind of meeting.

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

Emergency Action Items:
YHHS20-20, CSBG
Submitted by Elaina Gueyger

Motion made by Councilmember Ray/Councilmember Provolt to approve CSBG Emergency Assistance MOU 20-CSBG 7000 for $14,488 along with Resolution #20-92 Chairman to sign all related documents. Motion carries by consensus.

OTA20-90, CTFC Member
Submitted by Tamara Honrado

Motion made by Councilmember Hodge/Councilmember Provolt to approve member Resolution #20-91 and Chairman’s signature and attestation by Council Secretary. Motion appoint two delegates Councilmember McCovey-Delegate and Councilmember Ray-Alternate from Council to membership with CTFC. Amend the resolution to include each delegate names. Motion carries by consensus.

OTA20-91, ACF
Submitted by Tamara Honrado

Motion made by Councilmember Ray/Councilmember Hodge to retroactive approval of Chairman’s signature regarding the June 11, 2020 Department of Health and Human Services Administration of Children and Families Tribal Consultation with YHHS regarding failure to implement AFCARS datapoints fully and other programming missteps. Motion carries by consensus.

TRIBAL MEMBER COMMENT: None provided

CLOSING PRAYER: Provided by Chairman James
ADJOURN: 6:53pm

MEETING MINUTES APPROVED ON: September 10, 2020

Sherri K. Provolt, Secretary

Date 09/15/20