YUROK TRIBAL COUNCIL
ACTION MEETING
THURSDAY, JUNE 9, 2022
https://zoom.us/j/92549693537

ROLL CALL: 10:03am

PRESENT: Joe James, Chairman; Frankie Myers, Vice Chairman; Sherri Provolt, Orick District; Mindy Natt, Pecwan District; Ryan Ray, Requa District; Lori Hodge, East District; Phillip Williams, North District; Lana McCovey, South District; Toby Vanlandingham, Weitchpec District.

ABSENT: None.

STAFF: Don Barnes, Executive Director; Taralyn Ipiña, Chief Operations Officer; Dawn Baum, Office of Tribal Attorney; Georgiana Gensaw (recorder).

QUORUM: 9 present, 0 absent, quorum present.

OPENING PRAYER: Provided by Vice Chairman Myers

REVIEW AGENDA/ADDITIONS/APPROVAL:

Motion by Councilmember Provolt/Councilmember Vanlandingham to approve agenda with additions YANCH22-005, Signature packet, T22-011 National Scenic Byways, OTA22-034 Sackett CWA Amicus Brief, OTA22-035 Opioid Litigation, CA22-148 Joint Powers Agreement with Redwood Coast Energy Authority and OTA22-032 Opioid Litigation II. Motion carries by consensus.

Council

CA22-148, Joint Powers Agreement with Redwood Coast Energy Authority (RCEA JPA)
Submitted by Vice Chairman Myers

Motion by Vice Chairman Myers/Councilmember Vanlandingham to approve Resolution #22-61 Approval of Joint Powers Agreement with Redwood Coast Energy Authority, and Limited Waiver of Sovereign Immunity for Purposes of Arbitration. Initial delegate Vice Chairman Myers, alternate Julie Chow. Roll call: Vice Chairman-Yes, Councilmember Hodge-Yes, Councilmember Ray-Yes, Councilmember Vanlandingham-Yes, Councilmember Provolt-Yes, Councilmember Natt-Yes, Councilmember Williams-Yes, Councilmember McCovey-Yes. Yes-8, No-0, Abstaining-0, Not present-0. Motion carries.

Transportation

T22-011, National Scenic Byways Program Grant $712,625.00
Submitted by Brandi Natt

Motion by Councilmember Natt/Councilmember Hodge to approve the Transportation Department to submit a grant application in the amount of $712,625.00 to the National Scenic Byways Program

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with a combination of in-kind contribution and cash match up to $142,525.00 Tribal Transportation Program (project 407) and authorize Chairman to sign all related documents. Motion carries by consensus.

Alliance CDFI
YANCH22-005, Resolution #22-043 Designation of Entity for SSBCI Funds
Submitted by Sara Barbour

Motion by Councilmember Hodge/Councilmember Vanlandingham for approval of Resolution #22-043 Designation of Yurok Alliance for Northern California Housing as implementing entity for State Small Business Credit Initiative, with edits. Approval for the Alliance to apply for SSBCI funds on behalf of the Tribe, receive awarded funds, and manage/facilitate SSBCI program(s). Motion carries by consensus.

Office of Tribal Attorney
OTA22-032, Opioid Litigation – Voting on Tribal Settlements
Submitted by Annie Perry

Motion by Councilmember Ray/Vice Chairman Myers to approve participation in two opioid settlements, to sign a Tribal Participation form for each of the two current settlements including Resolution #22-063 for Limited Waiver of Sovereign Immunity for arbitration of the settlement with edits. Discussion held in Executive Session on Wednesday, June 8th, 2022, with outside Counsel Dan Drachler. Roll call: Vice Chairman-Yes, Councilmember Hodge-Yes, Councilmember Ray-Yes, Councilmember Vanlandingham-Yes, Councilmember Provolt-Yes, Councilmember Natt-Np, Councilmember Williams-Yes, Councilmember McCovey-Yes. Yes-7, No-0, Abstaining-0, Not present-1. Motion carries.

OTA22-034, Sackett Clean Water Act Amicus Brief
Submitted by Melodie Meyer

Motion by Vice Chairman Myers/Councilmember Vanlandingham to authorize the Yurok Tribe to join an Amicus Brief in the Supreme Court case Sackett v. Environmental Protection Agency, memorandum attached. Motion carries by consensus.

OTA22-035, Opioid Litigation Settlement – Janssen
Submitted by Annie Perry

Motion by Councilmember Ray/Councilmember Hodge to approve participation in opioid settlement with Janssen (Johnson & Johnson) and to sign a Tribal Participation form, including Resolution #22-63 for Limited Waiver of Sovereign Immunity for arbitration of the settlement with edits. Discussion held in Executive Session on Wednesday, June 8th, 2022, with outside Counsel Dan Drachler. Roll call: Vice Chairman-Yes, Councilmember Hodge-Yes, Councilmember Ray-Yes, Councilmember Vanlandingham-Yes, Councilmember Provolt-Yes, Councilmember Natt-Np, Councilmember Williams-Yes, Councilmember McCovey-Yes. Yes-7, No-0, Abstaining-0, Not present-1. Motion carries.

CALENDAR:

June 9, 2022 Council Action Meeting
COUNCIL CHECK IN:

Vice Chair Myers: Pass

Councilmember Hodge: Good morning, I just wanted to remind everyone that I am the liaison for the Prey-go-neesh and Per-geesh Corporations. Our 8A corporation is really moving along great and they are acquiring contracts. So if anyone is interested in those corporations, please get a hold of me.

Councilmember Williams: We had elections and Yurok Tribal Member Sue Masten made the run off for Del Norte County Board of Supervisors for 5th District, and that’s a great accomplishment. It’s very important that our members get out and vote, it’s really important to have a Yurok representative. Thank you.

Councilmember McCovey: Pass.

Councilmember Vanlandingham: Pass

Councilmember Ray: Pass

Councilmember Natt: I want to schedule my district meeting for June 27th from 4:00pm-5:30pm in person meeting. Also, if I could get an update on the Head Start’s new building in Executive Session that would be appreciated.

Councilmember Provolt: Pass

Chairman James: Pass.

EXECUTIVE SESSION: Resighini, Personnel, Incident in Tulley Creek, Head Start building/ construction update, and CFMC MOU issue.

Chairman James recuses himself and asks for Vice Chairman Myers to take over chairing the meeting for Tribal Member Comment.

TRIBAL MEMBER COMMENT:

Shalishah James: Skue yen ue koy, Nek naw Shalishah James, mey who me chok Sregon, esi Hoopa. Ne
Chek Aawok Karen Taylor, Nep sech Aawok Jimmie James, Ne cuchas Aawok Josephine James, Ne’peche was Aawok Jimmie Toe James. I am speaking on behalf of Ne Toulas, Patty James. This statement is being read on behalf of Yurok elder Patti James, due to the fact Yurok Tribal Police has not taken a proper statement from her, nor has Humboldt County Sheriff Department as of today July 9th, 2022. The morning of June 6th, around 6am, dogs woke her up by barking approximately two hours. During the 8 o’clock hour she was awakened again by gun shots while sleeping in her bed. Startled by this loud noise, a window break, followed by more shots. She got scared and went into the bedroom to only hear a window cracking from top to bottom. She then rushed to the front room, where her daughter, Keyshan Bowen was laying on the couch. She told her the house was shot at and wasn’t sure where the shooting was coming from. Once they felt all was clear, Keyshan and Patti walked to property manager, Mike Tyler’s home, whom is also a Yurok Tribal Police Officer and YIHA Property Manager, to ask for assistance. After knocking for a while his wife answered the door saying he had COVID-19 so he would not be able to assist and told them to call 911. Keyshan called 911 at 9:07am, twice to report a shooting at the residence to an operator. While waiting for the Sheriff, a black vehicle cruised by, and she could not tell who was driving or recognize the vehicle. Shortly after the window had been shot Tom O’Rourke stopped by approaching Patti and apologizing to her for what happened. He stated he was shooting a bear. Her reply was: “you could have killed me”. He then tried to hug her at which feeling unsafe, she refused his gesture. Leaving him at her door to go into her home. She then contacted Tashina Henry-James and she came immediately. At which point Tom O’Rourke returned saying it was all an accident, offering a necklace and $100. He made the statement that if she took the Indian payment, she could not press charges against him. At which she refused payment because she did decide to press charges. Once he realized she was not accepting payment he immediately stated he was going to talk to Joe and resolve this as men should. Once YTP, Officers Tyler Gibson and James Kleinhans arrived around 11am, they seem only to question her name, social security number, phone number and a description of what happened. There was not an investigative initiative of this shooting incident. Mainly she was observed that her neighbors were not questioned by the on-scene officers. Instead, they went to the home of Office Tyler whom did not have knowledge of the incident because he has covid and did not take a statement from her. Patti is concerned because community residents had statements to make as witnesses, why was no one questioned? Furthermore, her concerns of an improper police response are valid. She called 911. She called YTP in Klamath and Klamath Main with no answer. Patti is also concerned about improper investigation into this alleged incident including statements on social media posted on June 8, 2022, a press release made by YTP on Facebook, without a complete Police Report. On the Facebook page, Klamath California Community, comments made by the spouse of YTP Officer Tyler, and I quote “There was no shooting in the Yurok Housing” These comments reaffirm that the welfare and seriousness of this incident and not being handled professionally. This also creates concerns unfairness in the YTPD and possible retaliation from his immediate family. This had caused her mental and emotional anxiety that only id made worse when compounded with her existing health issues. The actions of Thomas O’Rourke reckless behavior have caused her to leave her home for fear of safety and well-being.

Margo Robbins: I would like to bring to Council’s attention the opportunity to grass seed endeavor, we need to expand our prairies. The fires we are doing are opening more and more land for prairies, but we need to plant, and those seeds are not for sale. We could plant them and grow them to sell them. Last week I was collaborating with the Karuk Tribe to purchase more grass seeds, I was trying to reach
out to Yurok, but because of the MOU and it says that I must go through Rod. That is really problematic for me, I asked to notes forwarded to Will Proctor and Rod said, “Who is that? Does he work for the Yurok Tribe?” I also have asked Rod to reserve Morek Won for meetings and as far as I know that was never done. I didn’t mean to use names, I meant to use titles.

CONSENT ITEMS:

Office of Self Governance

OSG22-003, SB1413
Submitted by Kori Cordero
Motion made by Councilmember Hodge/Councilmember Vanlandingham to retroactively approve the Chairman’s signature of a letter of support for SB 14-13-increasing access to California Food Assistance Program (CFAP) for native people. Motion carries by consensus.

OSG22-004, AB1936
Submitted by Kori Cordero
Motion made by Councilmember Hodge/Councilmember Vanlandingham to retroactively approve the Chairman’s signature and submission of a letter of support for AB 1936—to change the name of UC Hasting’s College of Law in accordance with the wishes of the descendants of Native people harmed by Mr. Hastings. Motion carries by consensus.

OSG22-005, Support Tribal-led Initiatives
Submitted by Kori Cordero
Motion made by Councilmember Hodge/Councilmember Vanlandingham to retroactively approve the Chairman’s signature and submission of a letter of support for Governor Newsom’s $100 million proposal to Support Tribal-Led Initiatives. Motion carries by consensus.

Office of Tribal Attorney

OTA22-033, Yurok V. Reclamation Summary Judgement
Submitted by Dawn Baum
Motion made by Councilmember Hodge/Councilmember Vanlandingham to retro-approve filling of the summary judgement motion in Yurok v. Bureau of Reclamation. Motion carries by consensus.

AGENDA ITEMS:

Enrollment & Election

EE22-007, Blood Degree Corrections
Submitted by Krystel Patapoff-Pruitt
Motion by Councilmember Ray/Councilmember Hodge for approval of the recommendation of the Enrollment Committee, in a meeting held on June 1, 2022, to approve the blood degree corrections for the enrolled members listed on Resolution #22-058 who meet the requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe with edits. Motion carries by consensus.

EE22-008, Enrollment of New Members
Submitted by Krystel Patapoff-Pruitt
Motion by Councilmember Provolt/Councilmember Hodge for approval of the recommendation of the Enrollment Committee, in a meeting held on June 1, 2022, to enroll applicants listed on Resolution #22-059 who meet membership requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe with edits. Motion carries by consensus.

EE22-009, Denial of Applicants
Submitted by Krystel Patapoff-Pruitt

Motion by Councilmember Ray/Councilmember Williams for approval of the recommendation of the Enrollment Committee, in a meeting held on March 1, 2022, to deny enrollment of applicants DY-1024 through DY-1026 who do not meet membership requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe. Motion carries by consensus.

Alliance CDFI
YANCH22-007, Use of Tribal Seal
Submitted by Sara Barbour

Motion by Councilmember Ray/Councilmember Vanlandingham for approval for Yurok Alliance for Northern California Housing (Alliance CDFI) to use Yurok Tribal Seal on website, on letterhead and on promotional materials when appropriate. Motion carries by consensus.

Environmental
YTED22-024, Community Wealth Partners Grant
Submitted by Louisa McCovey

Motion by Councilmember Ray/Councilmember Vanlandingham to allow the Environmental Department to apply to the Community Wealth Partners grant totaling $49,999 over six months, no match is required, and full indirect costs are allowable. Motion carries by consensus.

YTED22-025, Section 128 (a) State and Tribal Response Grant
Submitted by Louisa McCovey

Motion by Councilmembers Hodge/Councilmember Vanlandingham to allow the Environmental Department to apply to the USEPA Section 128(a) State and Tribal Response Program Bipartisan Infrastructure Investment and Jobs Act Funding totaling $1,037,850, no match is required and full indirect is allowable. Motion carries by consensus.

YTED22-026, Weitchpec Food Village
Submitted by Louisa McCovey

Motion by Councilmember Vanlandingham/Councilmember Hodge to approve Resolution #22-057 for the Yurok Tribe Environmental Department’s Weitchpec Food Village located within APN 530-053-010 at Saints Rest Bar, otherwise known as The Flat with edits. Motion carries by consensus.

Fisheries
FISH22-036, Condor Aviation
Motion by Councilmember Vanlandingham/Councilmember Hodge to authorize Chairman to sign documents related to the acceptance of an award from the US Economic Development Administration in the amount of $4,961,932 which will be used to develop our airborne LiDAR enterprise Condor Aviation. Roll Call: Vice Chairman-Yes, Councilmember Hodge-Yes, Councilmember Ray-Yes, Councilmember Vanlandingham-Yes, Councilmember Provolt-Yes, Councilmember Natt-Yes, Councilmember Williams-Yes, Councilmember McCovey-Yes. Yes-8, No-0, Abstaining-0, Not present-0. Motion carries.

BREAK: 11:20am-11:30am

TRIBAL MEMBER COMMENT: None provided.

AGENDA ITEMS:

Housing Authority

YIHA22-009, Monthly Report
Submitted by Nicole Sager

Motion by Councilmember Vanlandingham/Vice Chairman Myers to approve the Monthly Report for the Yurok Indian Housing Authority as submitted by Nicole Sager, Executive Director for the YIHA. Motion carried by consensus.

YIHA22-010, Fiscal Year 2023 Housing Plan
Submitted by Nicole Sager

Motion by Councilmember Ray/Vice Chairman Myers to approve FY2023 Indian Housing Plan for submission to US Housing and Urban Development and for the Chairman to sign all related documents. Motion carries by consensus.

YIHA22-011, MOU Addendum 1 City of Arcata
Submitted by Nicole Sager

Motion by Vice Chairman Myers/Councilmember Vanlandingham to approve the Yurok Indian Housing Authority (YIHA) Memorandum of Understanding Addendum 1 with the City of Arcata for the completion of remaining activities in the Affordable Housing Sustainable Communities grant award to the YIHA. Motion carries by consensus.

YIHA22-012, Submit Grant Application
Submitted by Nicole Sager

Motion by Councilmember Hodge/Councilmember Williams to approve the Yurok Indian Housing Authority to submit an application to the Tribal Homeless Housing, Assistance, and Prevention grant program by Resolution #22-55, for the Chairman to sign related documents, and the Secretary to attest, with edits. Motion carries by consensus.

LUNCH: 12:19pm-1:15pm

EXECUTIVE SESSION 1:15pm-3:45pm
Resighini, Personnel, Incident in Tulley Creek, Head Start building/ construction update, and CFMC MOU issue.

Action out of Executive Session:

**Directive to OTA to draft response letter to Resighini Rancheria and other tasks as discussed in Executive Session.**

**Community Development**
Planning Department
P22-001, Fee-to-Trust Policy Exceptions
Submitted by Marion R. Frye

**Motion by Councilmember Ray/Councilmember Williams for Council approval for the Fee-to-Trust (FTT) Resolution 21-136 to reflect necessary changes due to removal of parcel 141-222-011-000 from the Bureau of Indian Affairs (BIA) FTT application and added statement to the Resolution 21-136 that the tribe will pay all taxes and liens prior to land taken into trust by BIA and to approve Chairman’s signature of the resolution. Motion carries by consensus.**

P22-005, CA Fee-to-Trust Consortium Membership
Submitted by Marion R. Frye

**Motion by Councilmember Vanlandingham/Councilmember Williams to grant approval to rejoin the California Fee-to-Trust Consortium with the fee of $3,000 per year and authorize the Chairperson to sign all required documents including Resolution #22-09 and Memorandum of Understanding with the Bureau of Indian Affairs. Motion carries by consensus.**

**Transportation**
T22-012, Funding Opportunity
Submitted by Brandi Natt

**Motion by Vice Chairman Myers/Councilmember Vanlandingham to approve State of California 5311 (f) funding opportunity application for $209,766.00 and Resolution #22-38 authorizing the federal funding under FTA with the local share of $93,703.00 being provided by the Humboldt County Association of Governments and authorize Chairman to sign all related documents. Motion carries by consensus.**

**Office of Self Governance**
OSG22-002, UCLA Law Publication
Submitted by Kori Cordero

**Council consensus to table. Motion to approve co-sponsorship of the UCLA Law Tribal Legal Development Clinic’s Forthcoming 2022 Broadband Publication, including use of the Yurok Tribe’s seal and images provided by the Yurok Tribe’s PR Director.**

**Tribal Court**
TC22-016, Office of Victims of Crime Grant
Submitted by Angi Cavaliere
Motion by Councilmember Vanlandingham/Councilmember Williams to approve the submission of FY2022 Office for Victims of Crime (OVC) Tribal Victim Set-Aside Formula grant application and authorize the Chairperson to sign all related documentation. Motion carries by Consensus.

Council

CA22-134, Tribal College Travel
Submitted by Taralyn Ipina

Motion by Councilmember Vanlandingham/Councilmember Provolt to authorize any Council to attend California Tribal College Certificate Program in Tribal Leadership & Governance on July 18-21, 2022 in Wheatland, CA. Motion carries by consensus.

CA22-135, April Council Meeting Minutes
Submitted by Secretary Provolt

Motion made by Councilmember Provolt/Councilmember Williams to approve minutes of April 5th (Action Meeting); April 19th (Gaming and Finance Meeting); April 19th, (Planning Meeting) and April 20th (Action Meeting), with edits. Minutes attached. Motion carries by consensus.

CA22-136, Rick Management Program
Submitted by Chairman James

Motion by Councilmember Vanlandingham/Vice Chairman Myers to transfer $250,000 from the Tribe’s initial start-up funding of Group Health Self-Insured Program from the Yurok Tribal Risk Management Program into the All-Lines-Aggregate (ALA) Self-Insured Plan, Initial funding (Start-Up) effective July 1, 2022. Motion carries by consensus.

CA22-139, East District ARPA Funds
Submitted by Councilmember Hodge

Motion by Vice Chairman Myers/Councilmember Hodge to address negative economic impact due to COVID-19, the Tribal Council authorizes the transfer of East District’s $1,000,000 American Rescue Plan Act (ARPA) funding to Yurok Tribe Construction Corporation (YTCC) for housing, Small Business Economic Assistance and Travel/Tourism property acquisition. Motion carries by consensus.

CA22-140, Self-Governance Conference
Submitted by Councilmember McCovey

Motion by Councilmember Ray/Councilmember Williams to authorize Councilmember McCovey and Council to attend 2022 Tribal Self Governance Conference on August 1-4, 2022 in Burlingame, CA. Motion carries by consensus.

CA22-141, Yurok Craft Fair
Submitted by Councilmember Williams

Motion by Councilmember Provolt/Councilmember Hodge to coordinate another Craft Fair in Crescent City for July 4th, and approve $250.00 community donation. Motion carries by consensus.
CA22-142, Youth Football Donation
Submitted by Councilmember Ray

Motion to approve donation in the amount of $50 each X4 =$200.00 Community Donation Fund to Tribal Members listed on donation from CA22-142. Additionally approval of $200 from Requa Youth Fund and $80 Vice Chairman Youth Fund. Motion carries by consensus.

CA22-143, Basketball Camp Donation
Submitted by Councilmember Ray

Motion to approve in the amount of $280 to Tribal member(s) listed on community donation form CA22-143 with $50.00 from Community Donation, $150.00 from Requa District Youth fund, and $80.00 from Vice Chairman Youth Fund. Motion carries by consensus.

CA22-144, Youth Prevention Services Donation
Submitted by Councilmember Ray

Motion to approve a donation in the amount of $250.00 to Tribal Program that promotes Health & wellness as identified on Community Donation form CA22-144, and $150.00 from Vice Chairman Youth Fund. Motion carries by consensus.

CA22-147, Environmental Clean-up on Yurok Reservation
Submitted by Councilmember Ray

Motion by Councilmember Ray/Councilmember Williams to address negative economic impact due to COVID-19 to allocate $20,000 from ARPA Funding for an environmental clean-up of undesirable debris and potential hazardous materials on Yurok Reservation. Motion carries by consensus.

CA22-132, Weitchpec Office Remodel
Submitted by Councilmember Hodge

Update Council in front office remodel at Weitchpec building. Discussion item, no action.

CA22-133, Native Americans in Philanthropy Travel
Submitted by Councilmember Williams


Office of Tribal Attorney
OTA22-031, Legal Services Contract
Submitted by Alex Mojado

Motion made by Councilmember Provolt/Councilmember McCovey to approve the attached Engagement Agreement up to the amount of $6,300 and Resolution #22-65 with a Limited Waiver of Sovereign Immunity and authorize the Chairperson to sign all necessary documents and Secretary to attest, with edits. Roll Call: Vice Chairman-Yes, Councilmember Hodge-No, Councilmember Ray-Yes, Councilmember Vanlandingham-Yes, Councilmember Provolt-Yes, Councilmember Natt-Yes,
Councilmember Williams-No, Councilmember McCovey-Yes. Yes-6, No-2, Abstaining-0, Not present-0. Motion carries.

TRIBAL MEMBER COMMENT: None provided.

CLOSING PRAYER: Provided by Councilmember Williams.

ADJOURN: 6:30pm

MEETING MINUTES APPROVED ON: July 28, 2022

Sherri K. Provolt, Secretary

Date: 07/29/22