

**YUROK TRIBAL COUNCIL  
ACTION MEETING  
THURSDAY, MAY 21, 2020  
ONLINE**

**ROLL CALL:** 10:22AM

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

**ABSENT:** Mindy Natt (excused)

**STAFF:** Elly Hoopes, Taralyn Ipiña, Dawn Baum, Georgiana Gensaw

**QUORUM:** 8 present, 1 absent, quorum present

**OPENING PRAYER:** Provided by Chairman James

**TRIBAL MEMBER COMMENT 9:30AM:**

Chairman James opens the Tribal Member Comment Session by addressing the Tribal Membership. As of 9:32AM 36 people are logged on to this meeting.

Jade Tyner: I would love to be a part of the policy (committee), I would like to submit my name for that.

Linda Gillette: I am a Yurok Tribal Member, I am not employed by the Yurok Tribe, but I have been employed by tribal entities, I believe that you Tribal Council are hiding behind tribal policies. I know that people; HR Director will forward the PAN to the Executive Director and Chairman. Who signed this PAN? If this relationship is not beneficial to the Tribe then the Tribe can let them go. Matter of conflict of interest, it is well known in Indian Country of the relationship because Mr. Javier Kinney and yourself Mr. James, you should have recused yourself from signing this PAN. The tribe has the progressive discipline policy, I believe policy A, B and C were not followed in this situation. And lastly, I would like to request that Council hire an independent third party and bring them on. Thank you for your time and letting me speak.

James Gensaw, Sr.: Thank you for creating new policies, what about accountable and restorative justice? I was wondering how Council is going to make this right with the victim(s)? How do we mend these hurt? The restorative justices. I am just trying to figure this out if Council has figured out how to fix their wrongs.

Roberta Lindgren: I am Yurok elder and come from Tsuari Village. I have spent the majority of my life in the Human Resources field. All complaints need to be investigated, often most of the complaints, victims and the abuser are all tribal member. Did Javier Kinney go to rehab? Has

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44 Javier tried to work to gain people's forgiveness? Javier's conduct is going to continue. He  
45 needs a medical evaluation. He will be okay for a while. I would like for him to get the  
46 assistance. This is not the first time this has happened. Because lots of women have gotten a  
47 hold of me and I have directed them to their personnel office, not to the Chairman, but to the  
48 personnel department. I hope this taken care in a professional way.

49  
50 Linda Gillete: I just learned that a Councilmember put in an action item to hire a 3<sup>rd</sup> party  
51 investigator and it was denied. I would think that an advisory committee would be needed for  
52 any future complaints.

53  
54 Roberta Lindgren: All job notices should be sent to all Tribal Members. I understand in this  
55 situation he was the only applicant.

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57 **ADDITIONS TO AGENDA**

58 **Motion made by Councilmember Aubrey/Councilmember Vanlandingham to accept today's**  
59 **agenda.**

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61 **EXECUTIVE SESSION: 10:39-11:58AM, Council Meeting procedures**  
62 **AGENDA ITEMS**

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64 **Motion made by Councilmember Provolt/Councilmember Aubrey to suspend the rules and**  
65 **add CA20-129. Motion carries by consensus.**

66  
67 Submitted by Chairman James  
68 CA20-129, Yurok Tribal Advisor Team-Policies and Procedure Assessment

69 **Motion made by Councilmember Provolt/Councilmember Aubrey to approve Yurok Tribal**  
70 **Advisory Team and 3rd Party Legal Counsel to review and investigate Policies and Procedures,**  
71 **review how communications of Policies and Procedures are adhered to for Yurok Tribal**  
72 **Government, provide report of actions to be implemented. Outside Legal Counsel will**  
73 **conduct investigations of employee allegations of bullying, harassing and sexual misconduct.**  
74 **Funding for 3rd Party Investigator to come from indirect funding. Roll call; Vice Chair Myers-**  
75 **yes, Councilmember Hodge-yes, Councilmember Hodge-yes, Councilmember Vanlandingham-**  
76 **yes, Councilmember Provolt-yes, Councilmember Natt-np, Councilmember Aubrey-yes,**  
77 **Councilmember McCovey-yes. Yes-7, no-0, abs-0, np-1. Motion carries.**

78  
79 **CONSENT AGENDA ITEMS**

80 EXDIR20-014, Judge Abinanti 2020 Tribal Court-State Court Forum  
81 Submitted by Elly Hoopes

82 **Motion made by Councilmember Provolt/Councilmember Hodge for approval from Chairman**  
83 **to nominate Judge Abinanti to be re-appointed on the 2020 Tribal-Court State Court Forum.**  
84 **Motion carries by consensus.**

85

86 CA20-115, April 21 & 22, Council meeting minutes  
87 Submitted by Georgiana Gensaw, Council Operations Coordinator

**Motion made by Councilmember Provolt/Councilmember Hodge to approve with edits and corrections Council meeting for April 21 & 22, 2020. Motion carries by consensus.**

91 CA20-116, May 6 & 7, 2020 Council meeting minutes  
92 Submitted by Georgiana Gensaw, Council Operations Coordinator

**Motion made by Councilmember Provolt/Councilmember Hodge to approve with edits and corrections Council meeting for May 6 & 7, 2020. Motion carries by consensus.**

96 OTA20-050, Yurok Country Designs Fictitious Business  
97 Submitted by Geneva Thompson

**Motion made by Councilmember Provolt/Councilmember Hodge to record “Yurok Country Designs” as a fictitious business name for the Yurok Economic Development Corporation and direct the Office of the Tribal Attorney to issue a certificate of fictitious name to the Yurok Economic Development. Motion carries by consensus.**

103 **AGENDA ITEMS**

104 CA20-108, Essential Frontline workers  
105 Submitted by Councilmember Vanlandingham

**Discussion/action on acknowledging our frontline essential workers who are not able to work from home and faithfully doing their regular duties and additional duties as assigned. Discussion only, referred to Executive Director for more information.**

110 **Fisheries**

111 FISH20-042, I-5 Rentals  
112 Submitted by Dave Hillemeier

**Motion made by Councilmember Hodge/Councilmember Vanlandingham to authorize approval and signature by the Chairman of the attached contract with I-5 Rentals contingent upon approval by Office of Tribal Attorney and review by the other departments during signature process (see attached memo, draft contract, prior action item, and RFP process summary for more information). Motion carries by consensus.**

119 FISH20-044, Harvest Management Database Contract  
120 Submitted by Dave Hillemeier

**Motion made by Councilmember Vanlandingham/Vice Chair Myers to authorize entering into the attached contract with FlowWest to assist with database development for the Harvest Management Division contingent upon the Office of Tribal Attorney’s review/approval of the contract, and incorporation of their edits. See attached memo and contract for more information. Motion carries by consensus.**

127 FISH20-045, Trinity Hatchery data

128 Submitted by Dave Hillemeier

129 **Motion made by Councilmember Provolt/Councilmember Hodge to approve the attached**  
130 **contract with Thomas Gast and Associates Environmental Consultants, contingent upon**  
131 **approval by the Office of Tribal Attorney, to conduct data compilation associated with Trinity**  
132 **River Hatchery (see attached memo, contract and Request for Qualifications for more**  
133 **information). Motion carries by consensus.**

134

135 **TRIBAL MEMBER COMMENT 12:30PM:**

136 Laura Woods: I am speaking to you as a Yurok Tribal Member living in the Orick District. Actions  
137 speak louder than words. I have some suggestions; 1) In order for healing to begin you need to  
138 terminate Mr. Kinney immediately, in my opinion he's done nothing to try to prove that he has  
139 addressed his problems, issues or his bad behavior; and therefore that does not qualify him for  
140 a second, third or even tenth chance at this point. No healing can occur, while he is working for  
141 the Tribe. 2) Chairman, you took an oath an office to uphold our Constitution, (cites the Yurok  
142 Constitution) and it is my opinion you have failed to protect and have not fulfilled your oath of  
143 office. #3) We need to revamp our hiring and firing policies and procedures not just our hiring,  
144 but our firing as well. It is my humble opinion if this person was terminated in the correct  
145 manner last fall, we wouldn't be in the position now. I believe that Mr. Chairman should recuse  
146 himself from any hiring or firing of Mr. Kinney, it is clear he cannot be fair or unbiased even to  
147 the point of committing political suicide. I believe we need to contract an independent to do all  
148 the investigations. I also believe that we need to have a woman advisory committee that goes  
149 to Council meetings as a watch dog to make sure that women Council Members are not being  
150 bullied or silenced. Number 7, I was personally bullied by Mr. Kinney and I wish I had filed the  
151 paperwork that Mr. Chair talked about this morning. I have worked with Mr. Kinney's victims. I  
152 wish I had written down my complaint when I was harassed by this person, I wish with all my  
153 heart I had filed. I hope that through all this trauma we'll come out of this better and stronger.  
154 For now, it is time to fight for a better and safer work environment for all of us.

155

156 James Dunlap: First off, the mention of the new tribal policies, I wonder if Tribal Members had a  
157 chance to make comments on them before they were enacted. My concern is, reading up on  
158 Facebook, a lot of this stuff, is family versus family and tradition. It is always a question of  
159 selective traditionalism and selective activism and I am going to leave that here until something  
160 happens. Other families are not or were not getting involved until action needed to be taken.  
161 My other question is about the Casino, when is it going to open? I mean it is over 5 years and  
162 it's showing no financial improvement? Why not have machines at Pem-Mey and Pektah? What  
163 about dam removal? And the upcoming water wars? And is OTA getting ready to get the water  
164 away from the Upper Basin. What about Last Chance Grade? That's major construction, we  
165 need to be prepared. My other issue, (which) is personal, is regarding TERO fees for a Tribal  
166 Member. As a Tribal Member I am charged the same fee as a non-Tribal Member. My last job I  
167 had three tribal members on that job and yet I had to pay over \$600 in TERO fees. I am going to  
168 bring my comments to other meetings. Thank you for the food box I received yesterday.

169

170 Stephanie Weldon: I am in the South District, I know I have made comments at earlier meetings  
171 and in order to not be repetitious, but at the professional work that I do. I have been contacted  
172 by other people in my line of work that have contacted about how Councilmembers are able to  
173 get actions item in front of Council? I do not think everyone knows that process and that they  
174 have to be approved. I feel that as a Tribal Member we are out of balanced. I want to support  
175 what Laura Woods said earlier about a woman's group attending meetings. I was disappointed  
176 that my Councilmember was silenced. I think we have to be upfront about it, we have to get in  
177 balance. We have to lead by example. I think that's a solution some sort of feedback to  
178 women's advisory group or even Culture Committee drafting what is culture values and  
179 behaviors that our leadership and staff are expected to fall and what happens when they are  
180 not followed, so that it's not just one family's belief over another because we all come from  
181 different beliefs. Trauma as well as our history has impacted some people's knowledges, ways  
182 and beliefs and it gets into a situation of who knows more. I want to encourage you (Council) to  
183 use our elders and Culture Committee to come up with what restorative justice looks like and  
184 options and how to utilize it. So, our leaders, staff and our Tribe as whole has that to utilize.  
185

186 Allyson McCovey: I am South District member, I guess I need to look at specific places in our  
187 Constitution I am curious about (how) the power is distributed. As a Tribal Member one of  
188 things that I love is our value that I don't have to be right, but that I can sit and listen to my  
189 family and let them guide me. I have been working for the Tribe for a long time. When I worked  
190 in Education, I would often have to bring Education Committees ideas be heard. I am afraid that  
191 we have moved away from that and it is one person's say.  
192

193 Tribal Member Comments Ends at 12:59PM  
194

195 **BREAK 1:00-1:20PM**

196 **AGENDA ITEMS**

197 **Human Resources**

198 Rose Sylvia, Rod Mendes, Serene Hayden presents

199 HR20-009, Development of an Office of Emergency Services Department

200 **Motion made by Vice Chair Myers/Councilmember Vanlandingham approval of Office of**  
201 **Emergency Services Department structure and job description for Office of Emergency Service**  
202 **Director. Motion carries by consensus.**

203

204 **Office of Tribal Attorney**

205 OTA20-048, Watershed Regenerative Ventures

206 Submitted by Geneva EB Thompson

207 **Motion made by Councilmember Hodge/Councilmember McCovey to certify Watershed**  
208 **Regenerative Ventures' Articles of Incorporation and to authorize the Office of the Tribal**  
209 **Attorney to issue a certificate of incorporation. Motion carries by consensus.**

210

211 OTA20-051, Water Pollution Control Ordinance

212 Submitted by Maggie Poffenbarger

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213 **Motion made by Councilmember Vanlandingham/Councilmember Aubrey to approve Water**  
214 **Pollution Control Ordinance. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes,**  
215 **Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes,**  
216 **Councilmember Natt-np, Councilmember Aubrey-yes, Councilmember McCovey-yes. Yes-7,**  
217 **no-0, abs-0, np-1. Motion carries.**

218  
219 OTA20-052, Yurok Tribe Construction Corporation Agreement  
220 Submitted by Geneva EB Thompson

221 **Motion made by Councilmember Aubrey/Vice Chair Myers to authorize Chairperson to sign**  
222 **the memorandum of understanding (MOU) between the Yurok Office of the Tribal Attorney**  
223 **(OTA) and the Yurok Tribe Construction Corporation. Motion carries by consensus.**

224  
225 OTA20-053, Emergency Yurok Public Utilities District Ordinance  
226 Submitted by Maggie Poffenbarger

227 **Motion made by Councilmember Vanlandingham/Vice Chair Myers to authorize a new draft**  
228 **of the emergency Yurok Public Utility District Ordinance to include provisions for the Drought**  
229 **Contingency Plan and authorize Chairman to sign and secretary to attest. Roll call; Vice Chair**  
230 **Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember**  
231 **Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-np, Councilmember**  
232 **Aubrey-yes, Councilmember McCovey-yes. Yes-7, no-0, abs-0, np-1. Motion carries.**

233  
234 OTA20-054, Dakota Access Pipeline Amicus Brief  
235 Submitted by Dawn Baum

236 **Motion made by Councilmember Aubrey/Councilmember McCovey to approve signing on to**  
237 **the tribal amicus brief in Standing Rock v. United States Army Corp of Engineers. Motion**  
238 **carries by consensus.**

239  
240 OTA20-055, Wetlands Ordinance  
241 Submitted by Maggie Poffenbarger

242 **Motion made by Councilmember Vanlandingham/Councilmember McCovey to adopt the**  
243 **Wetlands Ordinance and authorize Chairman to sign and Secretary to attest. Roll call; Vice**  
244 **Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember**  
245 **Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-np, Councilmember**  
246 **Aubrey-yes, Councilmember McCovey-yes. Yes-7, no-0, abs-0, np-1. Motion carries.**

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248 OTA20-056, Hemp Ordinance  
249 Submitted by Maggie Poffenbarger

250 **Motion made by Councilmember Vanlandingham/Councilmember McCovey to adopt the**  
251 **Hemp Ordinance, and authorize Chairman to sign and Secretary to attest. Roll call; Vice Chair**  
252 **Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember**  
253 **Vanlandingham-yes, Councilmember Provolt-no, Councilmember Natt-np, Councilmember**  
254 **Aubrey-yes, Councilmember McCovey-yes. Yes-7, no-1, abs-0, np-1. Motion carries.**

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OTA20-057, Settlement Agreement  
Submitted by Kori Cordero

**Motion made by Councilmember Vanlandingham/Councilmember McCovey to retroactively approve Chairman James signature on attached Settlement Agreement and Resolution #20-61 with Limited Waiver of Sovereign Immunity and Corresponding property transfer related YTCV2016-050, authorize Chairman James to sign other documents necessary to complete the property transfer pursuant to attached Settlement Agreement. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-np, Councilmember Aubrey-yes, Councilmember McCovey-yes. Yes-7, no-0, abs-0, np-1. Motion carries.**

OTA20-059, Jail Agreement  
Submitted by Kori Cordero

**Motion made by Councilmember McCovey/Councilmember Aubrey to approve and sign the attached "Agreement to House Inmates" with Del Norte County and Resolution #20-59 limited waiver of Yurok sovereign immunity in favor of Del Norte County. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-np, Councilmember Aubrey-yes, Councilmember McCovey-yes. Yes-7, no-0, abs-0, np-1. Motion carries.**

**Yurok Indian Housing Authority**

Nicole Sager, Peggy O'Neill presents  
YIHA20-011, Indian Community Development Block grant application  
Submitted by Nicole Sager

**Motion made by Councilmember Provolt/Councilmember Hodge to request approval for the submission of the 2020 Indian Community Development Block grant CARES application to the US Housing and Urban Development for COVID-19 preparation for purchase of Ravenwood Motel for use as a quarantine facility as needed for elders and at-risk tribal members. And to approve corresponding Resolution #20-60 and for the Chairperson to sign relevant documents and for the secretary to attest. Motion carries by consensus.**

YIHA20-008, Abbreviated Indian Housing Plan COVID-19 Funds  
Submitted by Nicole Sager

**Motion made by Councilmember Provolt/Councilmember Aubrey to approve the Yurok Indian Housing Authority to submit the 2020 Abbreviated Indian Housing Plan to US Housing and Urban Development (HUD) for the Yurok portion of the HUD CARES Act funds. Motion carries by consensus.**

YIHA20-009, Monthly Report  
Submitted by Nicole Sager

296 **Motion made by Councilmember Vanlandingham/Councilmember Hodge to approve the May**  
297 **monthly report for the Yurok Indian Housing Authority submitted by Executive Director,**  
298 **Nicole Sager. Motion carries by consensus.**

299  
300 Nicole Sager, Manuel Sanchez presents  
301 YIHA20-010, Tulley Creek Tax Credit Project RE: TERO fees  
302 Submitted by Nicole Sager

303 **To request approval to waive the TERO fees for the Yurok Indian Housing Authority during**  
304 **construction of the Tulley Creek Woo-Mehl project. All other aspects of the TERO Ordinance**  
305 **will be adhered to. Item tabled.**

306  
307 **BREAK: 3:06-3:30PM**

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309 **AGENDA ITEMS**

310 Jim McQuillen presents  
311 EDU20-010, South Site loan  
312 Submitted by Jim McQuillen

313 **Motion made by Councilmember Aubrey/Councilmember Vanlandingham to approve paying**  
314 **off the South Site Building Loan balance funding to come from Morgan Stanley account**  
315 **Operational Reserve. Motion carries by consensus.**

316  
317 CA20-128, Worthgroup Waiver of Sovereign Immunity  
318 Submitted by Chairman James

319 **Motion made by Council Ray/Councilmember Aubrey to approve Resolution #20-62 Limited**  
320 **Waiver of Sovereign Immunity in favor of Worthgroup Architects. Roll call; Vice Chair Myers-**  
321 **chairing, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember**  
322 **Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-np, Councilmember**  
323 **Aubrey-yes, Councilmember McCovey-yes. Yes-6, no-0, abs-0, np-1. Motion carries.**

324  
325 CA20-127, Chip Seal Lower Cappell and New Village Road  
326 Submitted by Councilmember Vanlandingham

327 **Motion made by Councilmember Vanlandingham/Councilmember Provolt to approve**  
328 **\$83,500.00 from TTP funds to be allocated for road maintenance activities and \$83, 674.26**  
329 **from Carbon funding to chip seal lower Cappell and New Village Road. Authorize Chairman to**  
330 **sign all documents necessary and direct Roads Department to pursue funding and/or develop**  
331 **partnerships to chip seal Tulley Creek Road and McKinnon Hill Road. Motion carries by**  
332 **consensus.**

333  
334 **EXECUTIVE SESSION:** CA20-124 Communications, Business update (Provolt) 4:00 pm.  
335 CA20-124, Executive Session: Communications  
336 Submitted by Councilmember Hodge



337 **Executive Session CA-124 RE: Communications between staff and Council. Discussion only, no**  
338 **action.**

339  
340 EXDIR20-015, Salmon Festival  
341 Submitted by Matt Mais

342 **Motion made by Councilmember McCovey/Councilmember Hodge to approve the**  
343 **cancellation of the 2020 Klamath Salmon Festival. Please see attached memo. Motion carries**  
344 **by consensus.**

345  
346 4:15PM Chairman James leaves for the day

347  
348 **TRIBAL MEMBER COMMENT 4:30PM:**

349 Annelia Hillman: I do appreciate this step. I think there needs to be some more steps, but I do  
350 appreciate this. I think it is timely.

351  
352 Linda Gillete: I have a quick question, I just want to clarify what was just said, in that outside  
353 legal counsel will conduct investigations of employee allegations of bullying, harassment and  
354 sexual misconduct and that funding will come from indirect funding. Is this regarding what is  
355 going on right now? But my question is, is it going to include the Javier situation for this third  
356 party outside investigator? I appreciate that, thank you for listening to the Tribal Members.

357  
358 Barbara McQuillen: Will employees be placed on leave during investigations?

359  
360 Virginia Hedrick: I just wanted to ask a question and it can be answered at another time if it  
361 needs to be. I see this motion here is related to employees of the Yurok Tribe and I wonder  
362 about what were to happen if an employee were to harass a non-employee in the workplace or  
363 on work related travel. And how that individual would go about filing that? Would this policy  
364 cover that situation?

365  
366 Vice Chair Myers responds.

367  
368 James Gensaw: Is there any update on Council member Toby's proposal on cares funding?

369  
370 James Dunlap: I read on Facebook a Proposal for CARES funding, when can tribal members get  
371 more information about that? Or when we will be told about how the money was spent?

372  
373 Barbara McQuillen: How much did the tribe receive in CARES funding?

374  
375 Stephanie Weldon: When we can change the platform of Councilmembers so Tribal  
376 Membership can be apart of the whole meeting and not just the Tribal Member Comment  
377 portion? We would like to be apart of the whole meeting.

378  
379 Walter Huffman: Does the closure affect Riverside RV and its ability to have guests?

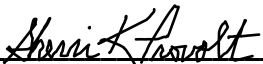
380  
381 James Dunlap: I live next to Riverside, and there are occupants there. So I'm not sure where  
382 that information is coming from that it's closed. I don't see Del Norte County closing.  
383  
384 Councilmember Vanlandingham/YEDC Board Member: All campgrounds are supposed to be  
385 closed to visitors, those living there are able to stay.  
386  
387 Kapoor Tripp: I would suggest that you only issue citations to non-resident tribal members who  
388 are fishing and eeling when obvious social distancing guidelines are not being followed and  
389 practiced.  
390  
391 Councilmember Toby Vanlandingham: Cultural activities are allowed under our closure order.

392  
393 Tribal Member Comment ends at 5:07PM

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395 **CLOSING PRAYER:** Provided by Tribal Member James Gensaw Sr.

396  
397 **ADJOURN:** 5:08PM

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400 **MEETING MINUTES APPROVED ON:** August 20, 2020

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**Sherri K. Provolt, Secretary**

\_\_\_\_\_ 8/25/2020  
**Date**