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

Linda Gillette: I just learned that a Councilmember put in an action item to hire a 3rd party investigator and it was denied. I would think that an advisory committee would be needed for any future complaints.

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

ADDITIONS TO AGENDA
Motion made by Councilmember Aubrey/Councilmember Vanlandingham to accept today’s agenda.

EXECUTIVE SESSION: 10:39-11:58AM, Council Meeting procedures
AGENDA ITEMS
Motion made by Councilmember Provolt/Councilmember Aubrey to suspend the rules and add CA20-129. Motion carries by consensus.

Submitted by Chairman James
CA20-129, Yurok Tribal Advisor Team-Policies and Procedure Assessment
Motion made by Councilmember Provolt/Councilmember Aubrey to approve Yurok Tribal Advisory Team and 3rd Party Legal Counsel to review and investigate Policies and Procedures, review how communications of Policies and Procedures are adhered to for Yurok Tribal Government, provide report of actions to be implemented. Outside Legal Counsel will conduct investigations of employee allegations of bullying, harassing and sexual misconduct. Funding for 3rd Party Investigator to come from indirect funding. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Hodge-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.

CONSENT AGENDA ITEMS
EXDIR20-014, Judge Abinanti 2020 Tribal Court-State Court Forum
Submitted by Elly Hoopes
Motion made by Councilmember Provolt/Councilmember Hodge for approval from Chairman to nominate Judge Abinanti to be re-appointed on the 2020 Tribal-Court State Court Forum. Motion carries by consensus.
CA20-115, April 21 & 22, Council meeting minutes
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.

CA20-116, May 6 & 7, 2020 Council meeting minutes
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.

OTA20-050, Yurok Country Designs Fictitious Business
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.

AGENDA ITEMS
CA20-108, Essential Frontline workers
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.

Fisheries
FISH20-042, I-5 Rentals
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.

FISH20-044, Harvest Management Database Contract
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.

FISH20-045, Trinity Hatchery data
May 21, 2020 Council Action meeting
Submitted by Dave Hillemeier

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

TRIBAL MEMBER COMMENT 12:30PM:
Laura Woods: I am speaking to you as a Yurok Tribal Member living in the Orick District. Actions speak louder than words. I have some suggestions; 1) In order for healing to begin you need to terminate Mr. Kinney immediately, in my opinion he’s done nothing to try to prove that he has addressed his problems, issues or his bad behavior; and therefore that does not qualify him for a second, third or even tenth chance at this point. No healing can occur, while he is working for the Tribe. 2) Chairman, you took an oath an office to uphold our Constitution, (cites the Yurok Constitution) and it is my opinion you have failed to protect and have not fulfilled your oath of office. #3) We need to revamp our hiring and firing policies and procedures not just our hiring, but our firing as well. It is my humble opinion if this person was terminated in the correct manner last fall, we wouldn’t be in the position now. I believe that Mr. Chairman should recuse himself from any hiring or firing of Mr. Kinney, it is clear he cannot be fair or unbiased even to the point of committing political suicide. I believe we need to contract an independent to do all the investigations. I also believe that we need to have a woman advisory committee that goes to Council meetings as a watch dog to make sure that women Council Members are not being bullied or silenced. Number 7, I was personally bullied by Mr. Kinney and I wish I had filed the paperwork that Mr. Chair talked about this morning. I have worked with Mr. Kinney’s victims. I wish I had written down my complaint when I was harassed by this person, I wish with all my heart I had filed. I hope that through all this trauma we’ll come out of this better and stronger. For now, it is time to fight for a better and safer work environment for all of us.

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

May 21, 2020 Council Action meeting
Stephanie Weldon: I am in the South District, I know I have made comments at earlier meetings and in order to not be repetitive, but at the professional work that I do. I have been contacted by other people in my line of work that have contacted about how Councilmembers are able to get actions item in front of Council? I do not think everyone knows that process and that they have to be approved. I feel that as a Tribal Member we are out of balance. I want to support what Laura Woods said earlier about a woman’s group attending meetings. I was disappointed that my Councilmember was silenced. I think we have to be upfront about it, we have to get in balance. We have to lead by example. I think that’s a solution some sort of feedback to women’s advisory group or even Culture Committee drafting what is culture values and behaviors that our leadership and staff are expected to fall and what happens when they are not followed, so that it’s not just one family’s belief over another because we all come from different beliefs. Trauma as well as our history has impacted some people’s knowledges, ways and beliefs and it gets into a situation of who knows more. I want to encourage you (Council) to use our elders and Culture Committee to come up with what restorative justice looks like and options and how to utilize it. So, our leaders, staff and our Tribe as whole has that to utilize.

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

Tribal Member Comments Ends at 12:59PM

BREAK 1:00-1:20PM

AGENDA ITEMS

Human Resources
Rose Sylvia, Rod Mendes, Serene Hayden presents
HR20-009, Development of an Office of Emergency Services Department

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

Office of Tribal Attorney
OTA20-048, Watershed Regenerative Ventures
Submitted by Geneva EB Thompson

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

OTA20-051, Water Pollution Control Ordinance
Submitted by Maggie Poffenbarger

May 21, 2020 Council Action meeting
Motion made by Councilmember Vanlandingham/Councilmember Aubrey to approve Water Pollution Control Ordinance. 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.

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

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

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

Motion made by Councilmember Vanlandingham/Vice Chair Myers to authorize a new draft of the emergency Yurok Public Utility District Ordinance to include provisions for the Drought Contingency Plan and authorize Chairman to sign and secretary to attest. 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.

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

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

OTA20-055, Wetlands Ordinance
Submitted by Maggie Poffenbarger

Motion made by Councilmember Vanlandingham/Councilmember McCovey to adopt the Wetlands Ordinance and authorize Chairman to sign and Secretary to attest. 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.

OTA20-056, Hemp Ordinance
Submitted by Maggie Poffenbarger

Motion made by Councilmember Vanlandingham/Councilmember McCovey to adopt the Hemp Ordinance, and authorize Chairman to sign and Secretary to attest. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-no, Councilmember Natt-np, Councilmember Aubrey-yes, Councilmember McCovey-yes. Yes-7, no-1, abs-0, np-1. Motion carries.
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
Motion made by Councilmember Vanlandingham/Councilmember Hodge to approve the May monthly report for the Yurok Indian Housing Authority submitted by Executive Director, Nicole Sager. Motion carries by consensus.

Nicole Sager, Manuel Sanchez presents
YIHA20-010, Tulley Creek Tax Credit Project RE: TERO fees
Submitted by Nicole Sager
To request approval to waive the TERO fees for the Yurok Indian Housing Authority during construction of the Tulley Creek Woo-Mehl project. All other aspects of the TERO Ordinance will be adhered to. Item tabled.

BREAK: 3:06-3:30PM

AGENDA ITEMS
Jim McQuillen presents
EDU20-010, South Site loan
Submitted by Jim McQuillen
Motion made by Councilmember Aubrey/Councilmember Vanlandingham to approve paying off the South Site Building Loan balance funding to come from Morgan Stanley account Operational Reserve. Motion carries by consensus.

CA20-128, Worthgroup Waiver of Sovereign Immunity
Submitted by Chairman James
Motion made by Council Ray/Councilmember Aubrey to approve Resolution #20-62 Limited Waiver of Sovereign Immunity in favor of Worthgroup Architects. Roll call; Vice Chair Myers-chairing, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-np, Councilmember Aubrey-yes, Councilmember McCovey-yes. Yes-6, no-0, abs-0, np-1. Motion carries.

CA20-127, Chip Seal Lower Cappell and New Village Road
Submitted by Councilmember Vanlandingham
Motion made by Councilmember Vanlandingham/Councilmember Provolt to approve $83,500.00 from TTP funds to be allocated for road maintenance activities and $83,674.26 from Carbon funding to chip seal lower Cappell and New Village Road. Authorize Chairman to sign all documents necessary and direct Roads Department to pursue funding and/or develop partnerships to chip seal Tulley Creek Road and McKinnon Hill Road. Motion carries by consensus.

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

May 21, 2020 Council Action meeting
Executive Session CA-124 RE: Communications between staff and Council. Discussion only, no action.

EXDIR20-015, Salmon Festival
Submitted by Matt Mais

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

4:15PM Chairman James leaves for the day

TRIBAL MEMBER COMMENT 4:30PM:
Annelia Hillman: I do appreciate this step. I think there needs to be some more steps, but I do appreciate this. I think it is timely.

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

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

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

Vice Chair Myers responds.

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

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

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

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

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

May 21, 2020 Council Action meeting
James Dunlap: I live next to Riverside, and there are occupants there. So I’m not sure where that information is coming from that it’s closed. I don’t see Del Norte County closing.

Councilmember Vanlandingham/YEDC Board Member: All campgrounds are supposed to be closed to visitors, those living there are able to stay.

Kapoon Tripp: I would suggest that you only issue citations to non-resident tribal members who are fishing and eeling when obvious social distancing guidelines are not being followed and practiced.

Councilmember Toby Vanlandingham: Cultural activities are allowed under our closure order.

Tribal Member Comment ends at 5:07PM

CLOSING PRAYER: Provided by Tribal Member James Gensaw Sr.

ADJOURN: 5:08PM

MEETING MINUTES APPROVED ON: August 20, 2020

Sherri K. Provolt, Secretary 8/25/2020