

**YUROK TRIBAL COUNCIL
ACTION MEETING
THURSDAY, JANUARY 26, 2023
WEITCHPEC TRIBAL OFFICE**

ROLL CALL: 10:00am

PRESENT: Frankie Myers, Vice Chairman; Sherri Provolt, Orick District; Mindy Natt, Pecwan District (11:38am); Ryan Ray, Requa District; Wes Crawford, East District; Phillip Williams, North District; Lana McCovey, South District; Toby Vanlandingham, Weitchpec District.

ABSENT: Joe James, Chairman (travel)

STAFF: Don Barnes, Executive Director; Dawn Baum, Office of Tribal Attorney; Michael Maranger, Chief Financial Officer; Georgiana Gensaw (recorder).

QUORUM: 8 present, 1 absent, quorum present.

OPENING PRAYER: Provided by Councilmember Crawford.

REVIEW AGENDA/ADDITIONS/APPROVAL:

Motion made by Councilmember Vanlandingham/Councilmember Crawford to accept the agenda with additions NR23-002 Master Land Use Agreement, CARB23-003 Climate Task Force travel for Mexico, P23-006 Clean Energy proposal, P23-005 Weitchpec Redwood tank, and OTA23-005 Opioid Litigation CVS. Motion carries by consensus.

REVIEW CALENDAR/ADDITIONS: No additions made.

COUNCIL CHECK IN:

Councilmember Vanlandingham: Pass.

Councilmember McCovey: Pass.

Councilmember Williams: Pass.

Councilmember Crawford:

- I ran into the Coach for the Hoopa Warriors baseball team and they wanted to extend their gratitude to the Tribe and would like to follow up with a financial sponsorship request.
- Also, and I remind myself of this too, is remember our words when on social media. We have the ability to make our membership feel good and proud and give hope.

Councilmember Ray: Pass.

Councilmember Natt: Pass.

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Councilmember Provolt:

- I just wanted to again, thank the staff for participating in the annual corporations meeting. The council appreciated all the comments and questions and hopefully we'll can heed to some of those suggestions and recommendations.
- I also want to just take a moment and thank the fisherman out in the ocean. I do hope that the new tribe starts getting more involved in ocean fishery to support the native fishermen and to advocate for our ocean fishing rights.

Vice Chairman Myers: Pass.

Chairman James: Not present (travel).

TRIBAL MEMBER COMMENT:

Charlene Colegrove: I would like my tribal member comment to be at the end of the day and to have it in closed doors (executive session). It's a housing issue.

EXECUTIVE SESSION:

OTA23-002, Appointment of Chief Judge for Tribal Court
OTA23-003, Opioid Litigation – Voting on Walmart Settlement
OTA23-004, Opioid Litigation – Voting on Walgreens Settlement
OTA23-006, Opioid Litigation – Voting on Teva/Allergan
Down River thefts (Vanlandingham)
Housing (Charlene/Vanlandingham)

CONSENT ITEMS: None provided.

AGENDA ITEMS:

Health & Human Services

Education Department

EDU23-007, R&D Consultant Report
Submitted by Jim McQuillen

Motion made by Councilmember Ray/Councilmember Vanlandingham for Council to review and approve R&D Consultants Recommendations for school improvement at Margaret Keating Elementary School. Motion carries by consensus.

Directive to Education Director to move forward with the recommended six 'low-hanging fruit' projects and to provide a report in 60 days.

OTA23-009, General Welfare
Submitted by Maggie Poffenbarger

Motion made by Councilmember Vanlandingham/Councilmember Williams to approve attached Yurok Culture, Elders, and Educational Program General Welfare Policy with edits and associated Resolution #23-10 and authorization Chairman to sign and Secretary to attest. Motion carries by consensus.

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Council

CA23-011, Klamath Boat Ramp Maintenance Agreement
Submitted by Councilmember Ray

Motion made by Councilmember Vanlandingham/Councilmember Ray to have the ~~TERO Department~~ Yurok Tribe to enter into an agreement with Del Norte County for the maintenance of the Klamath Boat Ramps (Day Labor). Motion carries by consensus.

CA23-021, NCTCA Corporation Charter
Submitted by Taralyn Ipiña

Motion made by Councilmember Vanlandingham/Councilmember Williams to approve the Yurok Tribe joining the Northern California Tribal Chairmans’s association and approve Resolution #23-09 with edits and the Corporations Charter. Motion carries by consensus.

CA23-022, Generator and Water in Fish Plant
Submitted by Councilmember Ray

Action/Discussion regarding Generators and Water in Fish Plant. Discussion only, no action.

11:38 Councilmember Natt arrives.

CA23-023, Purchase of Portable Bathroom
Submitted by Councilmember Ray

Motion made by Councilmember Ray/Councilmember Crawford to allocated \$25,000 from Logging II to purchase of portable bathrooms: 4 ADA (American Disabilities Act) compliant, 6 non-ADA bathroom and 1 handwashing station. Directive to Don Barnes, Executive Director to assign a department for this project. Motion carries by consensus.

TRIBAL MEMBER COMMENT:

Allyson McCovey: Please purchase hand washing stations. What about building outhouses in some of the locations?

Rose Sylvia: What about following what the forest service does for their outhouses?

CA23-024, Education Office Space
Submitted by Councilmember Provolt

~~Motion made by Councilmember Provolt/Councilmember McCovey~~ to approve Education Staff to utilized unused office space in back building at Aawok Bonnie Green Site until further assessment is completed by Executive (Space Committee). Motion pulled. Discussion only, no action.

CA23-025, Protecting Our Children Conference Travel
Submitted by Councilmember Williams

133 **Motion made by Councilmember Vanlandingham/Councilmember Provolt to approve travel**
134 **to Reno, NV for “Protecting Our Children” Conference, April 2-5, 2023, For Councilmember**
135 **Williams including any other interested Council. Motion carries by consensus.**

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137 CA23-031, Tish Tang Road Repairs
138 Submitted by Councilmember Crawford

139 **Motion made by Councilmember Natt/Councilmember Williams to have OTA write a letter to**
140 **Humboldt County Board of Directors of Roads, supporting the repair to Tish Tang Road in**
141 **Hoopa. This is an access road for Yurok Tribal members to receive Ambulatory, Health Care,**
142 **Mental Services, Dental Services as well as exercise. Motion carries by consensus.**

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144 **LUNCH: 12:33pm-1:30pm**

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146 **TRIBAL MEMBER COMMENT:**

147 Sam Alvarado: The tribe sent these letters offering help with water, propane, etc. but I don't
148 understand. I called Georgiana and I still didn't understand. Elizabeth had the applications, but
149 I'm not sure if it's a program through YIHA or YHHS.

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151 Herman Quinn: I'm concerned about the estuary. We need to do a better job of taking care of
152 where the fish first enter the River. Fishing is our way of life, and needs to be taken care of.

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154 **AGENDA ITEMS:**

155 CA23-030, HR Recruitment Task Force
156 Submitted by Councilmember Provolt

157 **Motion made by Councilmember Vanlandingham/Councilmember Williams to authorize**
158 **Councilmember Provolt to work with staff to create a Muti-disciplinary Team to access and**
159 **make recommendations regarding HR recruitment & application processes and include**
160 **feedback from Departments and Directors. Motion carries by consensus.**

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162 **TRIBAL MEMBER COMMENT:**

163 Herman Quinn: Not everyone has internet. Not every job should require a degree. Life
164 experiences should count. Empower our people, not just one, but the whole

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166 Allyson McCovey: I hope our members/community members always apply to our jobs. We
167 should keep encouraging them.

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169 Amanda Wilson, Requa District; I would like to encourage Council to re-evaluate the required
170 covid vaccine for Education staff, or offer a waiver just as other places do; such as UIHS or
171 Pelican Bay. This may be something that is deterring potential employees. It appears good
172 employees were lost and the only individuals that are affected by this are our kids.

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174 **BREAK: 2:00pm-2:10pm**

175 **EXECUTIVE SESSION: 2:10pm-2:20pm**

176 Housing issue. Discussion with Charlene Colegrove/Councilmember Vanlandingham.
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178 **BREAK: 2:20pm-2:30pm**

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180 **EXECUTIVE SESSION:**

181 OTA23-002 Appointment of Chief Judge

182 OTA23-010, Amicus Briefs

183 CARB23-003, Carbon Project Manager Travel

184 Opioid Litigation

185 Down River Thefts (Vanlandingham)

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187 **Directive to Tim Hayden for Carbon Projects Manager to provide an exit plan from selling**
188 **carbon credit, along with long term plan or Yurok Tribe role in carbon credits.**

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190 **BREAK: 3:32pm-3:43pm**

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192 **AGENDA ITEMS:**

193 **Motion made by Councilmember Ray/Councilmember Williams to suspend the rules and add**
194 **OTA23-010. Motion carries by consensus.**

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196 **Office of Tribal Attorney**

197 OTA23-002, Appointment of Chief Judge for Tribal Court

198 Submitted by Maggie Poffenbarger

199 **Motion to approve attached contract and appoint Judge Abinanti as Chief Judge pursuant to**
200 **Chairman James Constitutional authority, with advice and consent of Council, and authorize**
201 **Chairman to sign. Item tabled to next cycle.**

202

203 OTA23-003, Opioid Litigation – Voting on Walmart Settlement

204 Submitted by Annie Perry

205 **Motion made by Councilmember Williams/Councilmember Ray to approve participation in**
206 **opioid settlement with Walmart and to sign a Tribal Participation form, including Resolution**
207 **#23-05 for limited waiver of sovereign immunity for arbitration of the settlement. Roll call;**
208 **Vice Chair Myers-chairing, Councilmember Crawford-yes, Councilmember Ray-yes,**
209 **Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes,**
210 **Councilmember Williams-yes, Councilmember McCovey-yes. Yes-7, no-0, abstaining-0, not**
211 **present-1. Motion carries.**

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213 OTA23-004, Opioid Litigation – Voting on Walgreens Settlement

214 Submitted by Annie Perry

215 **Motion made by Councilmember Williams/Councilmember Vanlandingham to approve**
216 **participation in opioid settlement with Walgreens and to sign a Tribal Participation form,**
217 **including Resolution #23-06 for limited waiver of sovereign immunity for arbitration of the**
218 **settlement. Roll call; Vice Chair Myers-chairing, Councilmember Crawford-yes,**
219 **Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes,**
220 **Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-7,**
221 **no-0, abstaining-0, not present-1. Motion carries.**

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223 OTA23-005, Opioid Litigation- CVS
224 Submitted by Annie Perry

Motion made by Councilmember Provolt/Councilmember Vanlandingham to approve participation in opioid settlement with CVS and to sign a Tribal Participation form, including Resolution #23-07 for limited waiver of sovereign immunity for arbitration of the settlement. Roll call; Vice Chair Myers-chairing, Councilmember Crawford-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-7, no-0, abstaining-0, not present-1. Motion carries.

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233 OTA23-006, Opioid Litigation – Voting on Teva/Allergan
234 Submitted by Annie Perry

Motion made by Councilmember Vanlandingham/Councilmember Ray to approve participation in opioid settlement with Teva/Allergan and to sign a Tribal Participation form, including Resolution #23-08 for limited waiver of sovereign immunity for arbitration of the settlement. Roll call; Vice Chair Myers-chairing, Councilmember Crawford-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-7, no-0, abstaining-0, not present-1. Motion carries.

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243 OTA23-010, Amicus Brief in Arizona v Navajo Nation
244 Submitted by Alex Mesher

Motion made by Councilmember Ray/Councilmember Vanlandingham to authorize OTA to sign on behalf of the Tribe onto the amicus brief prepared in support of tribal water rights in the Supreme Court case Arizona v Navajo Nation. Motion carries by consensus.

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249 **Planning & Community Development Division**

250 *Planning Department*

251 P23-005, Weitchpec Redwood Tank 18-N37
252 Submitted by Cynthia Bones

Motion made by Councilmember Vanlandingham/Councilmember Ray to approve and authorize Chairperson to sign Indian Health Service MOA CA18-N37 Amendment #1 as well as all future amendments. MOA CA18-N37 provides additional funding to remove existing redwood tank and construct a new 60,000-gallon bolted steel tank. Additional funding in the amount of \$145,565.00. Motion carries by consensus.

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259 P23-006, Clean Energy Technology Deployment Grant Proposal
260 Submitted by Eugene O'Rourke

Motion made by Councilmember Natt/Councilmember Vanlandingham to authorize the Planning Department to submit a grant request to the US Department of Energy (DOE) for a grant of \$2,000,000 to support the installation of clean energy systems at several tribal buildings on tribal lands, and authorize the chairman to sign all necessary grant documents including resolution 23-004. Motion carries by consensus.

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267 **Carbon Program**

268 CARB23-003, Travel for 2023 Governor’s Climate & Forest Task Force Annual Meeting
269 Submitted by Javier Kinney

Motion made by Councilmember Crawford/Councilmember Natt to approve, and authorize Javier I. Kinney, Carbon Projects Manager, as a Yurok delegate to participate in the Governor’s Climate & Forest Task Force Annual Meeting, Yucatan Merida, Mexico as a speaker/presenter to highlight Yurok Carbon Projects, Nation Building Economic Initiatives, secure funding and preparations for COP28. Roll call: Vice Chair Myers-chairing, Councilmember Crawford-yes, Councilmember Ray-no, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-no. Yes-5, no-2, abstaining-0, not present-1. Motion carries.

STATEMENT FOR THE RECORD:

Councilmember Provolt: I am hesitant in approving. There is a list of conferences that have been outlined, but we need to assess which ones are critical to our specific carbon credit program and make those a priority. I encourage any Councilmembers to attend these conferences as it would be great to be involved at this level.

284 NR23-001 Green Diamond Resources Master Land Use Permit
285 Submitted by Tim Hayden

Motion made by Councilmember Natt/Councilmember Crawford to approve the 2023 Master Land Use Permit (MLUP) between the Yurok Tribe and Green Diamond Resources Company and Resolution 23-09 a limited waiver of sovereign immunity in favor of Green Diamond Resources Company, with edits. The permit authorizes staff access to Green Diamond Resources properties to conduct various monitoring and restoration activities. Roll call; Vice Chair Myers-chairing, Councilmember Crawford-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-7, no-0, abstaining-0, not present-1. Motion carries.

296 CA23-046, Illegal Dump sites at Pecwan Creek
297 Submitted by Councilmember Natt

Directive to Executive Director to have Yurok Environmental Department clean up illegal dump sites at Pecwan Creek.


TRIBAL MEMBER COMMENT: None provided.

CLOSING PRAYER: Provided by Vice Chairman Myers.

ADJOURN: 4:18pm

MEETING MINUTES APPROVED ON:

February 9, 2023

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310 _____
311 Sherri K. Provolt, Secretary

02/13/23

Date