

**YUOK TRIBAL COUNCIL  
ACTION MEETING  
THURSDAY, DECEMBER 17, 2020  
ONLINE**

**ROLL CALL:** 10:05am

**PRESENT:** Joe James, Frankie Myers, Sherri Provolt, Mindy Natt, Ryan Ray, Lori Hodge, Phillip Williams, Lana McCovey, Toby Vanlandingham

**ABSENT:** None

**STAFF:** Earl Jackson acting Executive Director, Taralyn Ipiña Council Operations Director, Dawn Baum General Counsel, Amy Cordalis General Counsel, Georgiana Gensaw (recorder), Don Barnes Self Governance Director

**QUORUM:** 9 present, 0 absent, quorum present

**OPENING PRAYER:** Provided by Vice Chair Myers.

**REVIEW AGENDA/ADDITIONS/APPROVAL:**

**Motion made by Councilmember Natt/Councilmember Ray to accept agenda with addition of NR20-012. Motion carries by consensus.**

**REVIEW CALENDAR/ADDITIONS:**

December 18-Special UIHS Board Meeting (McCovey)

December 21-Klamath Community Services District meeting at RHC 12pm

**COUNCIL CHECK IN:**

Councilmember Provolt: Skuey-yen ue koy, I was able to attend a meeting this morning for a tobacco policy for the grant that was received under Yurok Health and Human services. I will be a liaison for the staff working on those grant objectives. I want to thank the Council and staff for the work done this past year.

Councilmember Natt: Pass

Councilmember Ray: I would like to add my vacation to the calendar, December 21-January 1. I'm not going anywhere but it's a stay-cation.

Councilmember Hodge: I want to announce for this area, that they need school site tutoring. Please get a hold of Margo Robbins for information on these positions. Also, the school district

will be beginning to do the LCAP survey. We will be emailing that out to parents, we just want input on what to do with that funding to help students.

Councilmember Williams: I apologize for being late, I was having technical difficulties.

Councilmember McCovey: Pass

Councilmember Vanlandingham: Pass

Vice Chair Myers: Pass

Chairman James: Our last meeting to close out the year, as I mentioned in the staff meeting, we would not be able to do what we do without our staff. Thank you Council, I am looking forward to our work again for the New Year. Generators will arrive today; our staff are getting together the extension cord and a gas can accessories. It's the little things, but it makes it worthwhile.

**EXECUTIVE SESSION:**

OTA20-126, D. Cordalis Contract

OTA20-128, Attorney General Letter

CA20-237, A. Cordalis Contract

**TRIBAL MEMBER COMMENT:** None provided.

**CONSENT ITEMS:**

**Fisheries**

FISH20-090, Prairie Creek Restoration Project

Submitted by Dave Hillemeier

**Motion made by Councilmember Provolt/Councilmember Williams to authorize the Fisheries Department to negotiate an agreement with Redwood National and State Park to implement a restoration project on Prairie Creek. Motion carries by consensus.**

**AGENDA ITEMS:**

**Education**

EDU20-32, Contract with Del Norte County

Submitted by Jim McQuillen

**Motion made by Councilmember Ray/Councilmember Williams to approve this new funding contract with Del Norte County and the Yurok Tribe to provide Prevention and Early intervention activities at the Yurok Boys & Girls Club. With Edits from OTA. Motion makers pull motions for more information from Education. Council will address later in the day.**

**Enrollment**

Krystel Patapoff-Pruitt presents

EE20-015, New Members

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Submitted by Krystel Patapoff-Pruitt

**Motion made by Councilmember Vanlandingham/Councilmember Provolt approval of the recommendation of the Enrollment Committee in a meeting held on December 3, 2020 to enroll applicants listed on Resolution 20-0129 who meet membership requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe. Motion carries by consensus.**

EE20-016, Denial of Applicants

Submitted by Krystel Patapoff-Pruitt

**Motion made by Councilmember Ray/Councilmember Williams approval of the recommendation of the Enrollment Committee in meetings held on February 20, 2020 to deny enrollment of applicants DY-961 and DY-976 who do not meet membership requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe. Motion carries by consensus.**

EE20-017, Relinquishment

Submitted by Krystel Patapoff-Pruitt

**Motion made by Councilmember Vanlandingham/Councilmember Hodge approval of the recommendation of the Enrollment Committee in a meeting held December 3, 2020 to relinquish the Tribal Member listed on Resolution #20-130 pursuant to the membership requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe. Motion carries by consensus.**

### **Environmental Program**

Louisa McCovey presents

YTEP20-020, Cal Recycle Grant

Submitted by Louisa McCovey

**Motion made by Councilmember Ray/Councilmember Hodge to approve Resolution #20-134 to authorize the Yurok Tribe Environmental Program (YTEP) Food Sovereignty Division to apply to the 4<sup>th</sup> Cycle (FW4) Fiscal Year 2019-2020 Cal Recycle Food Waste Prevention and Rescue Grant and to enter into a grant agreement with Cal Recycle, following a second legal review. Motion carries by consensus.**

### **Information Services**

Jessica Engle presents

IT20-037, Tower Lease Agreement

**Motion made by Councilmember Ray/Councilmember Vanlandingham to approve lease for tower site in Klamath Glen and Chairman to sign agreement. Tabled until staff available.**

### **Natural Resources**

Javier Kinney presents

NR20-09, CARB Offset Protocol

Submitted by Javier I. Kinney

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**Motion made by Councilmember Vanlandingham/Councilmember Hodge to retroactively approve for the Compliance Task Force Interim report from the Yurok Tribe and California Forest Carbon Coalition. Motion carries by consensus.**

Tim Hayden presents  
NR20-012, Burch Property Acquisition  
Submitted by Tim Hayden

**Motion made by Councilmember McCovey/Councilmember Provolt to approve Natural Resources staff to work with the Western Rivers Conservancy (WRC) to develop a grant proposal to fully fund the purchase of 300-acre fee property known as the Burch property, WRC will donate the fee property to the Yurok Tribe for the purpose of expanding the Yurok Community Forest project. Motion carries by consensus.**

**Office of Tribal Attorney**

Dawn Baum presents  
OTA20-130, Civil Offenses Ordinance  
Submitted by Dawn Baum

**Motion made by Councilmember Vanlandingham/Councilmember McCovey to renew the Amendment to the Civil Offenses Ordinance for an additional 60 days and approve to go to out to public comment. Roll call; Vice Chair Myers-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, Abs-0, Np-0. Motion carries.**

**Planning**

Cynthia Bones and Sophia Lay presents  
P20-038, LACO Associates Contract  
Submitted by Cynthia Bones

**Motion made by Councilmember Vanlandingham/Councilmember Williams to approve supplemental Environmental Assessment contract with LACO Associates for Chairman's signature. Contract will be in the amount not to exceed \$14,908.00 and will fulfill the NEPA requirements for the Yurok Multi-purpose Justice Center Phase III project. Motion carries by consensus.**

Grant Klopmeier presents  
P20-043, General Engineering Contract  
Submitted by Grant Klopmeier

**Motion made by Councilmember Vanlandingham/Councilmember McCovey to approve attached general engineering contract and Action Item P20-043 in the amount of \$80,000 for Trinity Valley Consulting Engineers, Inc. selected bid is a TERO qualified entity. Motion carries by consensus.**

170 Gino O'Rourke presents  
171 P20-054, Swell Contract and Resolution (major action)  
172 Submitted by Gino O'Rourke

**Motion made by Councilmember Provolt/Councilmember Natt to approve and authorize the Chairperson to sign all documents necessary to install battery back up systems on multiple tribal facilities on the Upper Yurok Reservation including the contracts with Swell Energy Company (upon approval from the Office of Tribal Attorney) and Resolution # 20-128 granting a limited waiver of sovereign immunity in favor of Swell Energy company. Roll call; Vice Chair Myers-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, Abs-0, Np-1. Motion carries.**

181  
182 **Information Services**

183 Jessica Engle presents  
184 IT20-037, Tower Lease Agreement – Klamath Glen  
185 Submitted by Jessica Engle

**Motion made by Councilmember Ray/Councilmember Vanlandingham to approve lease for Tower site in Klamath Glen and Chairman to sign agreement. Motion carries by consensus.**

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189 **Wildlife**

190 Tiana Williams-Claussen presents  
191 WILD20-026, Wrangler Contract Extension  
192 Submitted by Tiana Williams-Claussen

**Motion made by Councilmember Vanlandingham/Councilmember Provolt to approve all extension for one year the contract between Yurok Tribe and Kassandra Dickerson (the wrangler) for the capture of feral cattle and all necessary Chairman signatures. Roll call; Vice Chair Myers-yes, Councilmember Hodge-no, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-no, Councilmember Williams-no, Councilmember McCovey-yes. Yes-5, No-3, Abs-0, Np-0. Motion carries.**

199  
200 **Statement for the Record:**

201 Vice Chair: I believe there is a conflict of interest and Council Members should have recused  
202 themselves.

203  
204 WILD20-027, Transfer expense  
205 Submitted by Tiana Williams-Claussen

**Motion made by Councilmember Ray/Councilmember Hodge to approve the transfer of \$43,968 from project 6024 to 6674. Motion carries by consensus.**

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209 WILD20-030, Feral Cattle eradication  
210 Submitted by Tiana Williams-Claussen

**Motion made by Councilmember Vanlandingham/Councilmember McCovey to approve submission of an application to the BIA invasive species program to continue feral cattle eradication, and Council's support of indirect, if required, not to exceed \$24,000. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-no, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-7, No-1, Abs-0, Np-0. Motion carries.**

**Directive to Executive Director to have Wildlife staff 1) send a letter to cattle owners, 2) set up a meeting with those owners, and 3) set up a work session.**

**TRIBAL MEMBER COMMENT:**

Rose Sylvia: Years ago Green Diamond blocked out us out, we bought a portable cattle pen to round up and hold our cows. Community members got mad because we were doing this. We are here today and now these are the Tribe's cows. You say you said that cows do damage, but they also clean up the river bar. If you look at Pecwan Creek everything is overgrown. When I was growing up there was nothing but a sand bar. What we thought about science today and it might not be good later. I know we have hunters of our own and we don't need to hire someone to come do that. These cows are the same cows. They travel. I think that some things being said are wrong. These cows don't belong to you. I don't like that the way leadership is looking at it.

Cindy Niles: You guys came in and killed cows that were owned by tribal members. We are not getting notices of them being hunting and we were supposed to be noticed if they are branded so we can get our cows. Now you guys are saying you're coming into Pecwan, I haven't heard anything about being notified. You are making it so we can't make a living off the cows. I think you're rude, really rude. You guys just kills the cows, next you will be trying to kill the horses. We as tribal members should have a say, what the hell is the matter with you guys?

**LUNCH 12:17-1:00pm**

**TRIBAL MEMBER COMMENT:** None provided.

**AGENDA ITEMS:**

WILD20-031, Feral Cattle exclusion  
Submitted by Tiana Williams-Claussen

**Motion made by Councilmember Hodge/Councilmember Provolt to approve submission of funding request to Bureau of Indian Affairs Invasive Species grant program related to feral cattle exclusion planning, and Council's support of indirect not to exceed \$30,000 if required. Motion carries by consensus.**

WILD20-032, Barred Owl removal  
Submitted by Tiana Williams-Claussen

**Motion made by Councilmember Hodge/Councilmember Provolt to approve submission of funding request to Bureau of Indian Affairs Invasive Species grant program related to barred owl removal implementations, and Council's support of indirect not to exceed \$27,000 if required. Motion carries by consensus.**

WILD20-033, Barred Owl monitoring  
Submitted by Tiana Williams-Claussen

**Motion made by Councilmember Vanlandingham/Councilmember McCovey to approve submission of a funding request to the Bureau of Indian Affairs Invasive Species grant program to barred owl and northern spotted owl monitoring and analysis and Council's support of indirect not to exceed \$24,000 if required. Motion carries by consensus.**

WILD20-034, Elk Restoration  
Submitted by Tiana Williams-Claussen

**Motion made by Vice Chairman Myers/Councilmember Hodge approve support of a funding request to the Bureau of Indian Affairs Forest Development grant program in support of elk restoration planning, and, if required, Council support of Indirect costs not to exceed \$10,000. Motion carries by consensus.**

#### **Yurok Indian Housing Authority**

Nicole Sager and Richard Myers Sr. presents  
YIHA20-027, HUD Annual Performance Report

**Motion made by Councilmember Williams/Councilmember Provolt to approve the 2019-2020 Annual Performance Report (APR) by Resolution number 20-131 as required by US Housing and Urban Development, and for the Chairman to sign the report and any related documents. The APR was approved by the Board of Commissioners on December 8, 2020. Motion carries by consensus.**

#### **Public Utilities**

Mike Searcy presents  
YPUD20-012, Water Billing

**Motion made by Councilmember McCovey/Councilmember Vanlandingham to approve the resumption of billing for water effective December 2020, and to credit customers for fees paid August-November 2020. Motion carries by consensus.**

#### **Education**

Jim McQuillen presents  
EDU20-32, Contract with Del Norte County  
Submitted by Jim McQuillen

**Motion made by Councilmember Provolt/Councilmember McCovey to approve this new funding contract with Del Norte County and the Yurok Tribe to provide Prevention and Early intervention activities at the Yurok Boys & Girls Club. With Edits from OTA. In addition,**

294 **approval of Resolution 20-134, Limited Waiver of Sovereign Immunity in favor of Del Norte**  
295 **County. Roll Call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes,**  
296 **Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes,**  
297 **Councilmember Williams-yes, Councilmember McCovey-yes. Yes-8, No-0, Abs-0, Np-0. Motion**  
298 **carries.**

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300 Chairman request addition item carried over from Council meeting on December 16, 2020.

301 **Motion made by Councilmember Vanlandingham/ Councilmember Hodge to suspend the**  
302 **rules and add CA20-271 to today's agenda. Motion carries by consensus.**

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304 **Council**

305 CA20-237, A. Cordalis contract

306 Submitted by Chairman James

307 **Item tabled.**

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309 CA20-270, Sovereign Immunity and Waivers

310 Submitted by Councilmember Provolt

311 **Motion made by Councilmember McCovey/Councilmember Hodge to have the Office of Tribal**  
312 **Attorney research developing a uniform Wavier of Sovereign Immunity to align with Tribal**  
313 **Codes and report back to Council for a work session in February. Motion carries by consensus.**

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315 CA20-271, Yurok Tribal Health Clinics

316 Submitted by Chairman James

317 **Motion made by Councilmember Vanlandingham/Councilmember Provolt to approve a draft**  
318 **request for proposal (RFP) for a feasibility study regarding the planning, development,**  
319 **implementation of Yurok Tribal Health Clinics. The Executive Office to coordinate with the**  
320 **Planning Department and other appropriate staff to provide a draft RFP for Council. Motion**  
321 **carries by consensus.**

322  
323 **TRIBAL MEMBER COMMENT:**

324 Rose Sylvia: I think this is an excellent idea, I was on Council when we were not in favor of  
325 compacting our health dollars, and UIHS would not be able to pay for the Arcata clinic. I think  
326 we have always done our health funds backwards.

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328 **BREAK 2:38-3:00pm**

329 **AGENDA ITEMS:**

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331 CA20-273, Recreation Coordinator

332 Submitted by Councilmember Ray

333 **Motion made by Councilmember Ray/Councilmember Provolt to approve Human Resources**  
334 **to advertise and fill the Recreation Coordinator job position. Position will be placed in YHHS**  
335 **Division on organization chart that Council previously approved. Motion carries by consensus.**

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CA20-275, Orick District-Education Committee-alternate  
Submitted by Councilmember Provolt

**Motion made by Councilmember Ray/Councilmember Hodge approve Chairman's appointment of Rachel Dowd as Orick District Alternate to the Education Committee and Councilmember Williams to Prey-go'-neesh Corporation. Roll Call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-abs, Councilmember Provolt-abs, Councilmember Natt-yes, Councilmember Williams-abs, Councilmember McCovey-yes. Yes-5, No-0, Abs-3, Np-0. Motion carries.**

**BREAK 3:29-3:40pm**

**EXECUTIVE SESSION 3:40-4:45pm**

OTA20-126, D. Cordalis Contract

OTA20-128, Attorney General letter

Items out of Executive Session:

**Tribal Attorney**

OTA20-126, D. Cordalis Contract

Submitted by Dawn Baum

**Motion made by Councilmember Hodge/Councilmember Provolt to approve legal contract with Daniel Cordalis. Roll Call; Vice Chair Myers-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, Abs-0, Np-0. Motion carries.**

OTA20-128, Attorney General letter (retro)

Submitted by Tamara Honrado

**Motion made by Councilmember Provolt/Councilmember Hodge to retroactive approval of Chairman's signature on letter requesting the Attorney General extend the Humboldt County Stipulated Judgement three (3) years. Motion carries by consensus.**

**TRIBAL MEMBER COMMENT:**

Rose Sylvia: I wanted to talk about the ordinances that have been approved, I try to keep track of them. In this last one I thought Council has extended to make comment, but when you look online it doesn't show that. When these ordinances go out right now, the community comes together and talk about it. I usually go around and tell members to pay attention this is going to be law. I think it's really important for the community to have time to talk to about. That's different than public comment. I know for me, with the land ordinance, I read the little verbiage and it just says it's easier to read. Not everyone has the ability to log in, and I know we can write them in, that's really hard. Then you might not understand the handwriting. I hope Council takes this into consideration that this is a difficult time and maybe we can postpone, I know that you try everything to get participation. A while back you were doing (Probate) ordinance and I really campaigned on the outside, I was going around to telling people this will

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379 affect your regalia and land. This is something that is serious. Thanks for your doing your job,  
380 it's a long job and I think you are doing a great job and I don't know that you hear that enough.

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382 **CLOSING PRAYER:** Provided by Chairman James.

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384 **ADJOURN:** 5:00pm

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386 **MEETING MINUTES APPROVED ON:** January 7, 2021

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390 **Sherri K. Provolt, Secretary**

1/22/2021

\_\_\_\_\_  
**Date**