

**OSAGE MINERALS COUNCIL
SPECIAL MEETING
MAY 26, 2016
OSAGE COUNCIL CHAMBERS
PAWHUSKA, OKLAHOMA
MINUTES**

Call to Order:

Chairman Everett Waller called the special meeting of the Osage Minerals Council to order at 10:00 A.M.

Opening Prayer:

Chairman Waller asked Councilman Talee Redcorn gave the opening prayer.

Roll Call:

Minerals Council Executive Administrative Assistant Lacey Reynolds called the roll. Osage Minerals Council Members present were Cynthia Boone, Joseph Cheshewalla, Galen Crum, Stephanie Erwin, Kathryn Red Corn, Talee Redcorn, Everett Waller and Andrew Yates. A quorum was declared.

Visitors to the meeting were Hope Waller and her son.

U.S. Department of Justice Settlement offer for attorney fees: Chairman Waller said, "Under our first agenda item, is there any comments on possibly adding one more piece of legislation today before the Minerals Council, over what Tom Fredericks has sent us? MOU?"

Councilman Yates said, "MOU, yes, I'd like to add that to the agenda." Councilwoman Erwin said, "I didn't think we could add anything to the agenda, after it was set up. Chairman Waller said, "That is subject to change. That's why I'm asking. I'd like to." Councilwoman Erwin: "Well, I mean, as far as posting and stuff, it looks like it was underhanded."

Chairman Waller asked: "Any other comments?"

Councilman Crum said, "I'd like to have them send another draft and they have to respond to that. It would take time, so we would be sending them another draft, and it would be appropriate to do. Thank you, much."

Chairman Waller said, "The Bureau of Indian Affairs will contact those people on their schedule."

Councilman Redcorn said "Councilman Crum, when you say, 'draft', there will be a time, later, when we have the final approval of that MOU. Just approve a draft of the MOU?"

Councilman Crum said, "Yes, what we're sending them our draft what we would accept, at that time, and they have to decide what they accept to change. We send them one, and they send us some changes, and then changes to that one, and so, if they accept it, I guess we would be accepting it, if they know whether it'll be an opportunity. Are they accepting our proposals, now? Well, it'd have to be final, I guess, by Everett to sign it. Actually, we're talking about Andrew's"

Chairman Waller said, "I say yes." Councilman Redcorn said, "Me, too."

Councilwoman Boone said, "Well, I read in the newspaper that, according to our special session meeting, we're not to have anything (*Gavel raps*) that says anything but what's on the agenda, and that was taken from the notes of our meeting. So, it's a rule one day, and change it, the next day. There's an incident right there, if we need to do the EIS, or we need another special meeting to discuss the BIA.

Councilman Waller said, "Yes. Then, I'd like to go on to Agenda Item #4. Councilman?"

Councilman Redcorn asked, "I just had a comment. Chairman, I thought it was your discretion that we discuss in meetings. That's my knowledge we probably would like to do. I mean, get it on the Agenda. But if it's something that the Chairman thinks...that's my understanding. Thank you, sir."

Chairman Waller said, "I'd like to take care of #4, first." **Councilman Yates said, "I make the motion to move into Executive..."** **Chairman Waller said, "Please make that in the form of a motion."**

Councilman Yates made the motion, second by Councilman Redcorn.

Chairman Waller said, "I have a motion on the floor, second by Councilman Redcorn. With that, call for the question.

MOTION PASSED: CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES, GALEN CRUM-YES, STEPHANIE ERWIN-YES, KATHRYN RED CORN-YES, TALEE REDCORN-YES, EVERETT WALLER-YES, ANDREW YATES-YES

EXECUTIVE SESSION – 10:07 A.M.

Motion by Councilman Yates, second by Councilman Crum to come out of Executive Session at 10:10 A.M. Chairman Waller said, "I have a motion on the floor by Councilwoman Erwin, second by Councilwoman Boone to come out of Executive Session. Without any discussion, call for the question.

MOTION PASSED: CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES, GALEN CRUM-YES, STEPHANIE ERWIN-YES, KATHRYN RED CORN-YES, TALEE REDCORN-YES, EVERETT WALLER-YES, ANDREW YATES-YES

Councilman Crum, being recognized, said, "You talk about going back to that other pattern, I agree with Councilman Redcorn that potentially, we can drop about a fourth of these that the Chairman sets the agenda, and we have the absolute right on every subject change, I would like to make every effort, always, to put everything on a – Oh, I'm sorry." Councilwoman Erwin said, "Yeah, we didn't finish (Agenda Item #) 4. We have a motion. Is there discussion?" Councilwoman Erwin asked, "Do you need someone to make a motion?" Chairman Waller replied, "That's all I need." Councilwoman Erwin, then, replied, "OK, I'll make that motion that we accept. Councilwoman Boone said, "I second." Councilwoman Erwin continued, "We accept the offer. OK."

Chairman Waller said, "I have a motion on the floor by Councilwoman Erwin, second by Councilwoman Boone to accept the offer that we'll vote on. So, with that, I don't think we need discussion. Call for the question."

MOTION PASSED: CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES, GALEN CRUM-YES, STEPHANIE ERWIN-YES, KATHRYN RED CORN-YES, TALEE REDCORN-YES, EVERETT WALLER-YES, ANDREW YATES-YES

Tom Fredericks' Visit: Chairman Waller said, "Before we end, Tom would like some answers. Time and overhead are what we're talking about, today. A couple of items – He wants to prepare us for what he thinks is going to be BIA's next element. Are you guys open to him coming back?" Councilman Redcorn, being recognized, said, "Thank you, Chairman. Tom, also, called me and said he'd like to come down, and meet with – He said he called the Chairman. He wants to meet. This is what he said to me. He said about why we done as much as we can do, but we need direction from the Minerals Council. So, I think I talked to Chairman and the... So now, with Tom telling us exactly what we want to do, I'm encouraged. I think it's time to speak boldly for the Osage Headright Holders, and I think today we want to do it, or whenever.

But I think the Nation... – This thing is recording? – ...that the Nation, I don't know what happened from 2006 'til now, but somehow or somehow the Nation feels that the Mineral Estate belongs to them. So, therefore, I would like to move in to discussion among ourselves, how we feel about that, as an Indian property owner, not just the Osage Headright that I own and cherish, but I own other Indian property, and some of us, around here, do, too. I'm not the only one. I find it alarming that someone else would come in and claim ownership of something that belongs to somebody else. Therefore, I think it's time that we discuss, among the Minerals Council, or maybe bring Tom into this...and we have to. He's our attorney, and we're going to settle this EIS or any other governmental matters, we need to work out that premise, first, among all the parties involved, be they white, Native or whatever, that they acknowledge the Trust relationship the Osage Headright Holders have with the United States. I'm hoping this MOU, I don't want to take it lightly, sign it and send it back to Tom. I'd like to really think this thing through, if we want to do it here, I think we've got the Government backed off through their attorney at the meeting at the Cultural Center. He had mentioned that they had removed the "Nation" as the part of the handouts that they gave to us. The EIS, before, had the "Osage Nation" the pamphlets that they handed out to us at the Cultural Center, last month, just said, "Osage". I talked to their attorney, and I said, in an open meeting, everyone heard it, 'You lopped off the rest after 'Osage', and they agree. So, now, I think what it's telling us that the Government's backed off on the notion that some entity might assume clear title of our property, and I think we need to make that the center of discussion, before we look forward to, say, regulation, or environmental or whatever." Chairman Waller asked, "Any other comments? Councilwoman Boone."

Councilwoman Boone, being recognized, said, "Thank you, Mr. Chairman. This is something that I've said since day one, when I read the Constitution that has it there in the book a couple of articles that they own all the property and I made the comment that there's, like, me taking over your house. I don't have any right to take over your property. You didn't give it to me, and the Minerals Council did not convey our Trust property to the Nation. So, I would be in agreement to hear any kind of comment from my attorney regarding that issue. Thank you."

Chairman Waller said, "I think we can do a conference call and then set it up. We'll do a special meeting in covering this other document. We will target the one that he has in hand, right now, this Councilman's talking about. Let's get that off our plate, and then we'll put the others on, and we'll all win from his advisement. Does anyone have a problem with us seeing how quick I can get him down here? With that, I'd like to have a motion to adjourn."

Land Lease: Councilwoman Erwin said, "I just want to make sure that everybody understands that there's a land lease out there. They're asking \$1,500, and as the price of oil goes down to a certain amount, they're going to ask for the wells to be plugged. I think that needs to be addressed by our attorney. I haven't got my hands on it, yet, but I will probably, by tomorrow. All right, I make a motion that we adjourn."

Councilman Yates asked, "Would you...", then Chairman Waller said, "Wait one second. Councilman?" The Councilman continued, "Oh, I just wanted to see whether we've been able to discuss the land lease." Chairman Waller said, "No, we'll go right ahead and call Tom Fredericks on a conference call, and if we have to, we'll set a time for next time. If we have to do a special meeting for it, it would be approximately next Wednesday or so. Then we'll call and let you know." Councilman Cheshewalla, agreed, "Yeah, I can do Wednesday." Chairman Waller asked, "Yes, sir?"

Councilman Crum said, "I didn't understand what..." Councilwoman Erwin said, "We got an email – I think you all got it yesterday, today – Anyway, it's about the land lease. The landowners – Yes, and I think it's another Drummond thing. Anyway, they're going to be asking for \$1,500 a year for use of the roads. Then, when the price of oil gets down so low, that you're going to have to plug the well. Now, he can do anything he wants, but this is a Trust issue, here. Councilman Crum and Councilman Yates both said, separately, "I got no such email." Councilwoman Erwin continued, "Well, OK. Susan Forman's the one's that sent it to me, and it came from some oil producers or something like that." Chairman Waller said, "Councilman?"

Councilman Redcorn, being recognized, said, "I think I got the same email I'm assuming as there might be something being drummed up in the BIA conditionally, that you got your lease as you were and others are accustomed to, Mr. Cheshewalla. Now, as Paul Revard Sander was supposed to staple an additional piece of paper to that lease, to do it additionally, and then, I think, maybe, additionally, another piece of paper with a stapled on the lease. It will include \$1,500 road fee, plus some kind of clause if the production falls below a certain level, the wells would be plugged. I don't know if it is true, but it's on the radar." Councilwoman Erwin stated, "Yeah, it's on the radar." Councilwoman Boone said, "It's out there on the streets." Councilman Redcorn continued, "Again, the MOU, we're going to sign. I'm going to go ahead and say we probably need to approve the MOU. But, I would like to leave the gate open for anytime the Osage Headright Holders, for the representatives want to re-enter the negotiation for environmental, the BIA has to respond. We want that language put in. Chairman Waller asked, "Is there a motion on the floor?"

Drumkeepers: Councilman Yates asked about the situation on the drumkeepers. Chairman Waller responded, "The situation falls in line with – Accounting would like a letter signed by me that will allow them to go ahead and send the money out to the drum. Do you think I need to vote on that, like we've agreed to go in?" Councilman Redcorn said, "No." Chairman Waller continued, "...or how would you like that?" Councilwoman Erwin said, "He's up against the general accounting principles. They spend it and give it back. I mean, what if they don't spend it for what they're supposed to? We don't get the receipts. I mean, it makes no difference to me, as long as you all know that." Councilwoman Red Corn said, "We don't have any rules how they have to spend it, we just give it to them." Chairman Waller said, "That's correct." Councilwoman Erwin said, "I know, but I'm talking about the Accounting people over there. That's their rules. Chairman Waller said, "That's why I put them in the actual letter. This was their request."

Councilwoman Boone, being recognized, said, "It has been a past practice of this Minerals Council to allow \$5,000 per drumkeeper, and once they have provided us the accurate information that indicates they spent all \$5,000 for drumkeeper expenses, then we gave them the \$5,000. I don't see a reason to change that now. I'm old school Osage. If you couldn't afford to take the drum, you shouldn't have taken it. I'm not in agreement for an Accounting person to come over here and tell us how to spend our money. I think that we should continue to continue to do it the way we have done it in the past. I did want to say that I did get a call, yesterday, from one of my constituents, and I told her that I would address this, and I may address it, again, later, when we do the budget, but she was real offended by the fact that we were giving money to drumkeepers to begin with."

Councilman Redcorn, being recognized, said, "I did talk to Leslie Young. She's in agreement, at least I believe she is, that Chairman Waller, sends the letter, she can go ahead, front the money to all our drumkeepers, which I support, and she felt like bringing back the accountability later was in line with what the Nation, and that's her – We can go back and forth on the Nation, but at least let me finish and say she feels her accounting process that would be acceptable to all the review they have to face. So, she had no issue with getting a letter from our Chairman to go ahead and let her do that for our drumkeepers. Chairman Waller said, "All three." Councilman Redcorn said, "All three. So I recommend no resolution, only a signature from our Chairman and we can move forward to get through the June dances."

Councilman Yates, being recognized, said, "I agree it's a donation to each drumkeeper, and the number on the payment is anything that is going to be usable for everyone. I think we should probably support our drumkeepers in what they've done without any stipulation, unless if you decide to look at that. But, I see no problems with that. It's a donation in support of the drum. How can you argue with that?" Councilwoman Boone, being recognized, said, "I'm not arguing with that. Councilman Yates replied, "Yes, you are." Councilwoman Erwin said, "I just want to make sure everybody understands they have an accounting process over there, whether we give then or now, it's whatever happens and the accounting process doesn't work out and they don't do what they're supposed to do, they're going to hold this man liable, because he's signed the letter. So I just want you all to know that we might be written up and put in the audit. So, it makes no difference to me. Give it to them." Councilman Yates said, "I vote for 'Yes'."

Councilman Crum, being recognized, said, "I will pay with fronting them the money, that part of it...I'm OK with it, either way, but I said if you're OK with it, then a simple vote by us is to go ahead and decide it without a resolution. I say, Everett, can't you think not doing it? It's just spending the money. So, do it on the back side sounds like she's saying they're still accepting the tickets and their charges, then I guess we could look at it, then. We used to have options in order to correct things.

Councilman Redcorn, being recognized, said "I appreciate all the comments. I think I'd like the Council to refresh the Council's memory. We passed a budget, and that budget has already instructed the Nation to handle our salaries, and the salaries of our employees. So, our approving that budget goes a long way with what, administratively, we've chosen. At least, I recall, we've chosen the Nation to handle our accounting, at least for salaries, and now, we're going to directly go to the Nation's Accounting to sum up our whatever outstanding documentation. So, it's just par for the course that this one certain line item, within an approved budget, continue on in the same vein. So, if there's a question from the Nation, and they say, 'Hey', which I don't think is a question, '...the Chief is asking is it OK with you guys that we front them the money?' and I think a letter from the Chairman will suffice."

Councilman Yates, being recognized, said, I make a motion that we hereby authorize the amount of \$5,000 for each drumkeeper, upon written request, for the receipts to be submitted at the conclusion of the dances." Chairman Waller said, "I'll have to ask for a motion before that one to suspend the rules."

Councilman Crum, being recognized, said, "Mr. Chairman, I move that we suspend the rules, and have this matter, today, and deal with this however we want to." Councilman Yates said, "I second it." Councilwoman Erwin, being recognized, asked, "Open for discussion?" Chairman Waller replied, "Right now." Councilwoman Erwin said, "I just want to say one thing. It would be nice if Leslie would put something in writing to us. She would see that it was alright with them. It's her accounting over there, but we need some kind of backup. Well, I still would like to have it in writing. I mean, you're putting this man in a position, if he signs a letter, it makes him totally responsible." Chairman Waller said, "That's fine." Councilman Redcorn said, "Well, from what I'm hearing now, is there a motion?" Chairman Waller replied, "As soon as we suspend the rules, and with that, call for the question."

MOTION PASSED: CYNTHIA BOONE-YES¹, JOSEPH CHESHEWALLA-YES, GALEN CRUM-YES, STEPHANIE ERWIN-ABSTAIN², KATHRYN RED CORN-YES, TALEE REDCORN-YES, EVERETT WALLER-YES, ANDREW YATES-YES

Chairman Waller says, "Motion passes. I'd like to go back on my motion here. Councilman Yates says, "A resolution. The Osage Minerals Council hereby authorizes \$5,000 donation for each drumkeeper. The request is for the receipts to be submitted at the conclusion of the Iⁿ-Lon-Schka dances." Chairman Waller said, "I need a second." Councilman Crum said, "Second." Chairman Waller said, "We have a motion by Councilman Yates, second by Councilman Crum. A letter will be prepared to Accounting to release funds to our three drumkeepers. With that, any more questions?"

Councilwoman Boone, being recognized, said, "Yes, I do. Was Councilman Yates reading from the previous resolution with that?" Councilman Yates replied, "No. This was a resolution that was prepared for the last meeting." Councilman Boone quoted, "It was a resolution prepared at the last meeting?" Councilman Yates said, "Mm-hmm." She asked, "Who prepared that? I don't remember saying that. Who prepared it?" He replied, "I don't know. It is in the best interest of the drumkeepers, and the request was submitted." She then said, "And none of us wrote the resolution? None of us? Did any of us? At the request of whom?"

¹ In voting, Councilwoman Erwin asked, "Which one are we..." and Chairman Waller replied, "To suspend."

² Councilman Boone said, "I don't understand. I want clarification on what I'm voting for. Am I voting just to suspend the rules, that's all? Not a vote on anything else, just to suspend the rules? OK, suspend the rules."

Councilwoman Red Corn, being recognized, said, "I want to say something." Chairman Waller replied, "Yes, Councilwoman." Councilwoman Red Corn continued, "None of us had ever served, in this room, as drumkeeper, and I've run a camp for 45 years. It is very expensive, and you have to have help, and the drumkeeper never knows how many people are going to show up at their table. It is three villages, and I, for one, benefit from this dance, since I was a child. I've danced out there for 70 years, and it makes me want to cry, listening to this discussion. We all benefit from that dance. It's the only time Osages can put everything down, and let it go, and they all get along. And here we are, sitting around, fussing about it." Councilman Cheshewalla said, "You're right, Kathryn." She concluded by saying, "Let's get this over and vote for this. I'm voting in favor of the drumkeepers' money, and let it go." Chairman Waller said, "Let's call for the question."

MOTION PASSED: CYNTHIA BOONE-NO³, JOSEPH CHESHEWALLA-YES⁴, GALEN CRUM-YES, STEPHANIE ERWIN-YES, KATHRYN RED CORN-YES, TALEE REDCORN-YES, EVERETT WALLER-YES, ANDREW YATES-YES

Chairman Waller said, "Thank you, Council. Thank you for reviving that procedure. A letter will be out in the mail within the hour. **I need a motion to adjourn. Motion by Councilman Crum, second by Councilman Redcorn.** Let's just call for the question. Thank you all."

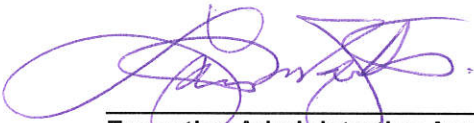
MOTION PASSED: CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES, GALEN CRUM-YES, STEPHANIE ERWIN-YES, KATHRYN RED CORN-YES, TALEE REDCORN-YES, EVERETT WALLER-YES, ANDREW YATES-YES

Adjournment – 10:38 A.M.

Approved:


Chairman

Attest:


Executive Administrative Assistant

³ Councilwoman Boone said, during the vote, "For the record, I want to state that I'm not against giving money to the drumkeepers, because we've budgeted for years. I'm against the process of we're changing, now. I, too, have a camp. I run it on my own expense. I know it's expensive, but I wouldn't have a camp if I couldn't have afforded it, so it's just the process, but I'm voting against it.

⁴ Councilman Cheshewalla stated, during the vote, "Well, I've had the unfortunate, or good fortune as to have to pay for two drums in the same year. My cousin, Joel, my cousin, Bruce, over there. We wound up buying four wedding coats. Now, I know what the expense was."