

**OSAGE MINERALS COUNCIL
REGULAR MEETING MINUTES
OCTOBER 5, 2018**

1. Call to order

Chair Harlan calls the meeting to order at 10:05 AM

2. Opening Prayer and reading of the deceased Osages.

Councilman Waller gave the opening prayer. Chair Harlan read the names of the deceased Osages.

3. Roll Call

Lacey Reynolds called roll. Council members present were: Susan Forman, Margo Gray, Marsha Harlan, Talee Redcorn, Paul Revard, Myron RedEagle, and Everett Waller. Andrew Yates was not present.

Guests present were: Eugene Bertman, Jane Hopper, Brian Herbert, Jodie Revard, Michael Derrick, Scott Eckert, and Nona Roach.

6. Meeting Minutes

Motion by Councilman Redcorn to approve September 19th minutes, seconded by Councilwoman Forman. (6 yeas, 0 no, 1 Abstain- Chair Harlan)

Motion by Councilman Waller to approve the September 26th minutes, seconded by Councilman Redcorn. (6 yeas, 0 no, 1 Abstain- Chair Harlan)

Motion to go into Executive by Councilman Redcorn, seconded by Councilman Waller. (7 yeas, 0 nays)

Time: 10:13 AM

Motion by Councilman Waller to exit executive, seconded by Councilman Redcorn. (7 yeas, 0 nays)

Time: 11:05 AM

4. Committee Reports

Budget Committee- Councilwoman Gray reports that there was some unfinished business from the 3rd Council. HR provided average pay scales for the staff's positions, in which they were under scale. The committee is proposing amended budgets to correct this and to close out FY 18.

Motion by Councilman Waller to approve the FY 18 C395 budget, seconded by Councilwoman Gray.

Councilwoman Forman asks about the CEO position that is in the budget. Councilwoman Gray explains that when they took away the Director position they put in a CEO. They will begin planning for the position after the second phase of strategic planning. Councilman Revard asks about the number that is listed by the Geologist position, he believes that this number in the budget is 1/10th of the amount that he believes it should be. Councilman Redcorn

reports that this was discussed in the orphan well committee, however he made a decision to go ahead without any changes.

MOTION PASSED: Councilwoman Gray- Yes, Chair Harlan- Yes, Councilman Redcorn- Yes, Councilman RedEagle- Yes, Councilman Revard- Yes, Councilman Waller- Yes, Councilwoman Forman- Yes (7 yes, 0 no)

Motion by Councilman Waller to approve the Fy 19 C 395 budget, seconded by Councilwoman Gray.

MOTION PASSED: Chair Harlan- Yes, Councilman Redcorn- Yes, Councilman RedEagle- Yes, Councilman Revard- Yes, Councilman Waller- Yes, Councilwoman Forman- Yes, Councilwoman Gray- Yes. (7 yes, 0 no)

Motion by Councilman Waller to approve the FY 18 S 510 budget, seconded by Councilwoman Gray.

MOTION PASSED: Councilman Redcorn- Yes, Councilman RedEagle- Yes, Councilman Revard- Yes, Councilman Waller- Yes, Councilwoman Forman- Yes, Councilwoman Gray- Yes Chair Harlan- Yes. (7 yes, 0 no)

Election Committee- Councilwoman Gray reports that there was an election committee meeting this morning to address the issue of destroying the ballots per the CFR's.

Motion by Councilwoman Forman to retain the services of a shredding company for destroying the ballots, seconded by Councilwoman Gray.

MOTION PASSED: Councilman RedEagle- Yes, Councilman Revard- Yes, Councilman Waller- Yes, Councilwoman Forman- Yes, Councilwoman Gray- Yes Chair Harlan- Yes, Councilman Redcorn- Yes. (7 yes, 0 no)

Council confirms that the previous year's ballots have been destroyed.

Councilman RedEagle requests to be a member of the election committee.

Liaison Committee- Councilwoman Gray set up a meeting with the Chief to learn about what the liaison committee has done in the past. They are looking to set up monthly Liaison meetings.

Councilman RedEagle requests to be added to the Liaison Committee.

IT/Media Committee- Councilwoman Gray reports that they have all of the projects ready to go. Councilwoman Gray asks Council members to complete a bio for the website.

Policy and Procedures Committee- Chair Harlan is looking to be setting up a committee meeting in the coming weeks.

Councilman RedEagle requests to be added to the policy and procedures committee.

Scholarship Committee- Councilman RedEagle reports that the only thing was to send a letter to the recipients inviting them to a meeting.

Well plugging committee- Councilman Revard reports the committee has not met since the last meeting.

1906 Committee- Councilman Waller is waiting for something to come up that they need to meet on.

Natural Gas Committee- Councilwoman Forman reports that they met with the Bureau, to address some issues over their spread sheet request. They asked for an update on if the Solicitor had responded on the issue of taking gas in kind. The Superintendent said that she has not received a response yet.

Business Development- Councilwoman Gray reports that she has been working on her template for the Business background information.

Legislative Committee- no report

Orphan Well committee- Councilman Redcorn reports he and Councilwoman Gray have been communicating with Candy Thomas on the grant budget.

Oil & Gas Summit Committee- Councilwoman Gray is working on getting an online registration going. She has contacted Addie Roanhorse to help update the logo to make save the date cards. It is suggested to order 2,000 save the date cards to hand out at the Summit. Councilman Redcorn asks Counsel if there is an issue with the Council handling the money that is donated by oil and gas producers. Counsel advises that he does not see an issue. Councilwoman Gray clarifies that all the committee is doing is setting the agenda. Councilwoman Forman asks if there is an issue with using the money for a single Osage elder, just as an example. Counsel advises that he does not see an issue with this. Councilman Redcorn would like to see Committee reports at the end of the agenda. Also he does not see the importance of all of these committees, he believes that the whole council needs to hear everything.

5. Chair Report

Chair Harlan reports that she had an impromptu meeting with US Fish and Wildlife by representative Johnna Polk at the request of the Superintendent. The suggestion was to look at using the 1,000-acre ranch in Kansas to create an ABB habitat to be able to have credits to use in Osage County. Chair asks the attorney to review the draft plan of using the ranch. Chair would like to invite Johnna Polk to meet with the entire Council. Councilman Redcorn proposes looking into the Nation's work that has been done. Councilwoman Forman concurs. Chair asks if there are any objections to have Mr. Bertman begin working on this to work with the AG's office and Mr. Conrad of ONES. Council agrees. Chair reports that she got a letter from the Superintendent regarding APAC. They paid the fines, but refused to pay interest. The Solicitor demanded payment on the interest within 10 days, if it is not payed within 10 days the process of cancelling their lease will begin. Councilman Redcorn wants to know if

the 2015 lawsuit in Tulsa also applies to the rock sales, and 214 leases. Mr. Bertman will review the issue and provide a report.

6. Meeting Minutes

Moved to beginning of agenda

7. New Business

a. Scout Energy

Mr. Lynn will be standing in for Mr. Swan. Mr. Lynn recommends providing Scout energy with an easement.

Motion by Councilman Redcorn to approve the easement for Scout Energy, King 2D on 17-24-6, seconded by Councilman Waller.

MOTION PASSED: Councilman Revard- Yes, Councilman Waller- Yes, Councilwoman Forman- Yes, Councilwoman Gray- Yes Chair Harlan- Yes, Councilman Redcorn- Yes Councilman RedEagle- Yes. (7 yes, 0 no)

b. Appropriation for remediation of mold

Motion by Councilman Waller to pay for the remediation of the mold, seconded by Councilman Redcorn. (7 yes, 0 no)

c. ODOT

The Chair was informed by the Bureau that one of these are a producing well, which was not conveyed in the beginning. The Chair is looking to issue a notice of appeal to the Bureau.

Motion by Councilwoman Gray to write a letter of appeal to the Bureau, seconded by Councilwoman Forman.

MOTION PASSED: Councilman Waller- Yes, Councilwoman Forman- Yes, Councilwoman Gray- Yes Chair Harlan- Yes, Councilman Redcorn- Yes Councilman RedEagle- Yes, Councilman Revard- Yes. (7 yes, 0 no)

d. Oil derrick- Jodie Revard

Councilman Waller suggests removing the structure, and maybe keeping the small pumping unit. Chair indicates she is looking for a place to store the small pumping unit.

Motion by Councilman Waller to allow the structure to be tore down while saving the unit, plaque, and the base. The Council will determine an area to replace. Seconded by Councilwoman Gray. (6 yes, 0 no, 1- abstain)

e. Rescheduling next Council meeting

Councilwoman gray would like to invite Johnna Polk to the November 2nd meeting.

Motion by Councilwoman Gray to consolidate the second October meeting with the November meeting, seconded by Councilwoman Forman. (6 yes, 1 nay, Councilman Waller).

8. EXECUTIVE

- a. Conference call with Tom Fredericks
(moved to the beginning of the agenda)

9. Old Business

Councilman Redcorn says on the 3rd Council he appreciates Mr. Waller leading them on those three big lawsuits. He wants to make sure the Council has the best chance of moving forward on this next one. Councilman Redcorn asks Councilman Waller how he feels about the direction they are going. Councilman Waller was prepared to go to the Supreme Court to protect the Osage people. They (Enel) wrote in the letter that he wouldn't talk to them and that is correct. Now that we are negotiating we are getting it handed back us. It is at a quarter billion on what they took from us, and they have already done it. This is a sovereignty issue. Councilman Waller says that nothing else matters without this. Councilman Waller appreciates the new attorney, but they have an old attorney, and they have to work together. Councilman Waller says he fought hard to get them to the Supreme Court, he went against everybody, even the attorney. In this case they are going to have to stay strong. Councilman Waller says he won't let them beat us, he will embarrass them before he lets them beat us. He knows what is wrong here. Councilman Waller says they did win that case when everyone said we couldn't, and that case says something. That no law will overturn the 1906 act as amended. Councilman Redcorn thanks Councilman Waller. Councilman Redcorn appreciates where they have been going these last four months, but he would like to increase the Councils chances, because he has been in a battle for many councils'. Councilman Redcorn asks if Councilman Waller could lead as the chairman in this difficult time. Chair Harlan says this is not in the agenda today. Chair will entertain anything that is old business, but this is not on the agenda today.

Councilman Redcorn makes a motion to break the rules, so there can be a vote, seconded by Councilman RedEagle.

The Chair says she will not allow it. It can be set on the agenda, and it can be heard when it is on the agenda.

Councilwoman Forman makes a motion under robert's rules for other business.

Chair says that there is not other business, there is old business. Councilwoman Forman says yes, but Roberts rules allows for other business. Chair Harlan says it is not on the agenda. Councilwoman Forman believes it should always be on the agenda. Councilman Revard asks to amend the agenda. Chair Harlan says she will not entertain that motion today; it can be set on the agenda.

Chair makes a motion to adjourn, seconded by Councilwoman Gray. Chair calls for the question, no response.

Councilman Redcorn would like to ask the attorney if they are out of bounds on this, can the rules be amended. Mr. Bertman says generally all issues under Osage law must be on the agenda, unless it is an emergency and then you can have it changed. But other than that it has to be posted on an agenda and be posted 48 hours before under the open meetings act.

Councilwoman Forman would like to make a motion to have a special meeting in the near future to put this item on the agenda, seconded by Councilman Red Eagle. (5yeas, 1 nay- Gray, 1 abstain- Harlan)

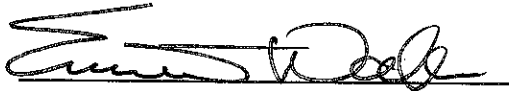
Chair Harlan will set a special meeting date.

10. Audience Participation

11. Adjournment

Motion by councilman Redcorn to adjourn, seconded by councilman Waller. (7 yeas, 0 nay)
Time: 12:19 PM

Approved by the 4th Osage Minerals Council on the 17th day of October, 2018.



Chairman


Executive Administrative Assistant