

# **OSAGE MINERALS COUNCIL**

## ***Meeting Minutes***

**October 11, 2013**

**1. Call to order**

**Andrew Yates** called to order at **10:00 A.M.**

**2. Opening Prayer -**

Opening Prayer– Councilwoman Boone

**3. Roll Call**

The following Minerals Council persons were present:

Joseph B. Sonny Abbott, Jr.   P  

Curtis O. Bear   A  

Cynthia Boone   P  

Melvin Core   P  

Galen Crum   P  

Myron F. Red Eagle   P  

Dudley Whitehorn   P  

Andrew Yates   P  

The following members of the audience signed the guest register:

**Larry Lester, Stephanie Penn, Mary Johnson, Joyce Whitewing, Tim Pinney, JL Holt, Richard West, Rene Henry, JH, Jamie Sicking, Linda Heskett, Julie Wilson, Rob Lyon, Jane Meyer, Candy Creek Crusher, Jeff Henry, Patricia Bright, Ray McClain, Nona Roach, Brian Ross, Gene Bowline, Sharon Long, Jinx Geurin**

**4. Minerals Matters- Charles Hurlburt, Supervisory Petroleum Engineer**

No report due to BIA being furloughed

**5. Administrative Matters – Robin Phillips, Osage Agency Acting Superintendent**

No report due to BIA being furloughed

**6. Executive Session**

A. Bob & Bill Sullivan – Sullivan & Company

B. Pat Miser – CVR

C. Dan O’Toole – Encana

D. Bill Lynn- Lamamco

E. Charles Wickstrom – Spyglass

F. Cynthia Boone – Wind Farm Letter (executive session requested by the Chairman)

MOTION TO ENTER EXECUTIVE SESSION AT \_\_\_\_

BY: \_\_Crum\_\_ SECOND: \_\_RedEagle\_\_

Joseph B. Sonny Abbott, Jr. \_Y\_\_ Curtis O. Bear \_Y\_\_

Cynthia Boone \_\_Y\_\_ Melvin Core \_\_Y\_\_

Galen Crum; \_\_Y\_\_ Myron F. Red Eagle \_Y\_\_

Dudley Whitehorn \_Y\_\_ Andrew Yates \_\_Y\_\_

ROLL CALL: MOTION: \_\_\_\_X\_\_\_\_ PASSED \_\_\_\_\_ FAILED

### INTERMISSION

MOTION TO END EXECUTIVE SESSION AT \_\_\_\_\_

BY: \_\_Red Eagle\_\_ SECOND: \_\_Core\_\_

Joseph B. Sonny Abbott, Jr. \_Y\_\_ Curtis O. Bear \_Y\_\_

Cynthia Boone \_\_Y\_\_ Melvin Core \_Y\_\_

Galen Crum; \_\_Y\_\_ Myron F. Red Eagle \_Y\_\_

Dudley Whitehorn \_Y\_\_ Andrew Yates \_Y\_\_

ROLL CALL: MOTION: \_\_\_\_X\_\_\_\_ PASSED \_\_\_\_\_ FAILED

Crum: We need to recognize that we did a phone poll and that we are sending a letter and what it's about. Yates: We did a phone poll on Tuesday on whether or not to send a letter for the Windfarm issue. It passed. Crum: The jest of the letter was we were telling the new Windfarm outfit that we expect them to do everything, to remove rock or any other material from the Windfarm. And so we are just asking them what their intentions are if they remove material from that area. We just let them know we want to know what they are going to be doing. Yates: We are encouraging them to know and follow all the BIA rules of removal and how they are going to satisfy those requirements.

## 7. Old Business

A. Attorneys Opinion – Boone

Boone: Last month it was my understanding that one of our constituents wanted a copy of our attorney's opinion and she asked for it later when she did come back...and she did not get it. I was thinking about that issue and I thought maybe it's because we didn't vote on it. Because it's attorney-client privilege and we can vote on that and she can have a copy if we so choose. So the reason it's being brought up today is because I want to put to vote of the full council as to whether or not she can or cannot have the copy of the attorney's opinion on the Open Records Act. Yates: Let's put it on for

Wednesday's agenda for a vote with full council. I really don't see any problem with it but I just didn't want to give it away on my own accord with attorney-client privilege. Boone: Well when you said "sure she can have it" and none of us opposed it I just thought she'd get it. Yates tries to speak Boone speaks over him... Boone: BUT IF YOU WANT TO HAVE IT ON THE RECORD AS A VOTE THAT'S FINE. Yates: Yes I remember initially agreeing until looking down and seeing in BOLD letters "attorney-client privilege" so I had a second thought that I better not make that call on my own. Heskett: Attorney-client privilege? You are the client and you represent the shareholders and since I'm a shareholder I don't see why I can't see a copy of it to read and see what the attorney's conclusion was and his legal opinion? Yates: Sure, we'll just put it before a full council Wednesday and if they agree you can have a copy.

#### B. Resolution 2-166 Core

Core: When we had this final meeting at the cultural center April the second I think it was, the committees voted for the proposed rules and two, Curtis Bear and myself, voted against it. And this resolution number 2-166 states..."we, the dually elected officials, of the Minerals Council, believe the proposed rule changes were discussed" WE DO NOT..."in an acceptable length of time" IT WAS NOT..."and also agree that these changes will benefit the headright owners"...IT DOES NOT...and so I would like paragraph five to be taken out of the resolution. That's my motion. Yates: Your motion is to edit the resolution? Change the resolution? Core: We, the Tribal Council, which is us, discussed and two of us voted against it and the resolution is not passed. It's confusing to have that in there. Yates: I remember we had several trying to figure out what the intent was when we voted for it. Boone: The resolution is a vote of the full Council and five of us did not like the changes and three of us did, so I wouldn't want it to be rescinded but if you would feel better, Councilman Core, to have our attorney rewrite a resolution that would reflect the intent of 2-166 I would be in favor of that. Councilman Core don't you see paragraph five as supporting information to the vote? Councilman Core would you be receptive to the suggestion that we send this to Mr. McCullough our attorney and have him reword this resolution? Core: If it's acceptable. Boone: Well, just let him take a look and see what he can do to fix it so that it wouldn't have a double negative in it. Core: Yeah, go on with that. Patricia Bright: Wouldn't you have to vote to remove that section and then another vote to put the new paragraph in? Yates: So the motion on the floor is to refer 2-166 to McCullough for review? Core: Yes.

### 8. New Business

#### A. Maria Whitehorn amendments to the Constitution – Abbott

Yate: Sonny had something he was going to present. He had questions he wanted to clarify. Neither he nor Maria can be here today. We are not going to deal with that today. Table it due to the two most interested parties are not here. We'll do it possibly Wednesday and see if they want to put it on the agenda.

B. MOTION BY:  
 C. TO:  
 D. SECOND:  
 E. Joseph B. Sonny Abbott, Jr. \_ \_ \_ \_ Curtis O. Bear \_ \_ \_  
 F. Cynthia Boone \_ \_ \_ \_ Melvin Core \_ \_ \_  
 G. Galen Crum \_ \_ \_ \_ Myron F. Red Eagle \_ \_ \_  
 H. Dudley Whitehorn \_ \_ \_ \_ Andrew Yates \_ \_ \_  
 I. AYE \_\_\_\_\_ NAY \_\_\_\_\_  
 MOTION: \_\_\_\_\_ PASSED \_ \_ \_ \_ FAILED

**J.8. Committee Reports:**

**1. Improvement Team- Crum**

**2. Budget Committee – Abbott**

Mr. Abbott’s not here.

**3. Media Committee – RedEagle**

Mr. RedEagle has nothing to report.

**4. Liaison Committee- Crum**

Crum: I really don’t have anything other than Maria’s amendments got passed. I was really disappointed that we weren’t consulted in terms of being at the committee meetings. In the past the Congress made sure there was Minerals Council people there every time. So I’m a little disappointed they didn’t come to us and discuss it with us. I was disappointed that Congress dealt with one of our deals and didn’t involve us at all. Yates: And she only came to our meeting at my invitation to discuss it.

**5. Scholarship Committee- Core**

Core: December 31, 2013 is the deadline

**6. Well Plugging Committee- Yates**

Core: We got that letter from the school. Don’t we got enough money to plug that well?  
 Yates: I hope we do. I contacted Ivan Ross yesterday and told him to get it plugged. I know we’ve used Ivan before and he’s expensive but he does a really good job. Core: Yeah but is he too expensive? I know that more than \$2,000 for that one well is kind of expensive. Yates: Well, in an area like that I’ll pay the little extra for the safety. Crum: The purging well report was quite a few months ago and I would like to know why it took them that long to let us know that there’s a purging well in front of the high school. Yates: They gave us the heads up at least two months ago. But nothing came to our attention...but then when it did there’s no procedures with it. I told Ivan he needs to wait until the BIA is back. Core: The way they use to do it was fill it with mud and cement it all the way to the top. Ray McClain: The wells you were going to plug starting back in

April, have they been plugged yet? Yates: I haven't heard from them yet. I contacted them last time and actually got no response. They are up by Hickory creek and because of low lines it floods them and so I think that's their hindrance. In the last 30-60 days they should have been able to get in, but with the BIA shut down that might be the hold up. Ray: So nothing is going to happen now with the BIA shut down, no permits or anything have been issued? Yates: They had drilling procedures all they had to do was notify the BIA and follow their procedures.

**7. Policy/Procedure –Boone**

Boone: I had to cancel the Policy/Procedure meeting last week because I went to a funeral out of town, but I did talk to my committee members and we are willing to have a resolution to be voted on next week about the Chairman and his capabilities of speaking to the media. We are going to remove a phrase that will take away a layer of approval.

**8. 1906 Act – Bear**

**9. Election Committee – Abbott**

Crum: We haven't been able to meet with full committee with Curtis. We did contact some election officials. Sonny had a recommendation of a company and he has three to look at. As a committee we would like to see what we can do. We need to move forward with it when Curtis is here. Boone: Those three companies you found, do they all three do fractionated votes? Crum: That's one thing we're having to check with them on. The one he recommended indicated they could, but I don't think the other two have been asked that question. So that of course is for the Committee to get done and for the whole Council.

**9. Adjournment**

**MOTION TO ADJOURN AT: \_\_\_\_\_**

**BY: Yates SECOND: Crum**

Joseph B. Sonny Abbott, Jr. \_Y\_

Cynthia Boone \_Y\_

Galen Crum \_Y\_

Dudley Whitehorn \_Y\_

**AYE 7 NAY \_\_\_\_\_**

**MOTION: X PASSED \_\_\_\_\_ FAILED**

Curtis O. Bear \_Y\_

Melvin Core \_Y\_

Myron F. Red Eagle \_Y\_

Andrew Yates \_Y\_

Minutes submitted by: Secretary, Ciaradon Carpenter

Minutes approved by: \_\_\_\_\_