

**OSAGE MINERALS COUNCIL
REGULAR MEETING
JULY 15, 2016
OSAGE COUNCIL CHAMBERS
PAWHUSKA, OKLAHOMA
MINUTES**

Call to Order:

Chairman Everett Waller called the regular meeting of the Osage Minerals Council to order at 10:02 A.M.

Opening Prayer:

Councilman Talee Redcorn asked Councilwoman Kathryn Red Corn to give the opening prayer. Councilman Redcorn read the list of deceased Osages.

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: Janel Perry – OST, Joy Ledbetter – OST, Gene Bowhon, Eddy Red Eagle (ONES), Steve Tolar, Dan Yancey, Louise Red Corn, Nona Roach, Linda Heskett, Jean Dennison, Kenny Peery, Jr. and Maria Whitehorn.

NEW BUSINESS

City of Skiatook – Dan Yancey representing the City of Skiatook, along with Engineer Steve Tolar.

CHAIRMAN WALLER: The floor is all yours, sir. Please give us an introduction and who is with you.

DAN YANCEY: Mr. Chairman, Councilors, I have Steve Tolar here, with Hallway-Updike, which is an engineering firm working for the City of Skiatook. The City of Skiatook is putting in a 16-inch line at its water treatment plant to Lenapah and Oak, which is about four miles of line. In any case, we bid this project out and we started the project, and in the course of the project, we were notified that we had to approach the Mineral Council on getting a permit, if you will. So that's why we're here for that.

CHAIRMAN WALLER: Did you bring all your information with you, today?

DAN YANCEY: We do have.

COUNCILMAN REDCORN: Thank you, Chairman. Appreciate your coming to doing business with us. I always enjoy going to Skiatook, one of our areas that we enjoy going to, and even with some of our folks have a real celebration. So we appreciate your coming to us. If you could summarize, in a few sentences, what you're asking of the Minerals Council.

DAN YANCEY: Sure. Again, we were putting in a 16-inch line for our water treatment plant to the City of Skiatook's Distribution Center line, which is about four miles from our water treatment plant. So to enforce that, we have to cross about 22 or 23 property owners, all of this, of course, being in Osage County, and we've acquired the right-of-way in the course of doing this. Evidently, this come up that the contractor had the dispute with one of the property owners. They may have hauled off dirt on his property, and therefore, he notified the Osage Nation. Of course, the City of Skiatook, nor the engineering firm was aware that we were required to get a permit. So, we contacted a representative of the Minerals Council that we needed

to acquire a permit or obtain a waiver in the course of doing this project, and therefore, that's why we're here today.

COUNCILMAN REDCORN: Thank you.

CHAIRMAN WALLER: Yes, sir.

COUNCILMAN CRUM: You say your contractor hauled dirt away. Where did he haul it to, and what did he do with it?

STEVE TOLAR: He took it. He arranged for a buyer in Osage County.

COUNCILMAN CRUM: A buyer.

STEVE TOLAR: Typically, the contractors are going to have some soil, when they excavate to install the water lines. Typically, in our specifications and in the contract, between the contractor and the City of Skiatook, it's the contractor's to dispose of. So, typically, though, we can work out arrangements with the property owner to side cast some waste, there on the property, or, if there's a value to it, and they have a buyer, they'll haul those off for a per cent. In this case, we asked them to quantify what he had sold, and it was eight loads to the tune of about \$800, I think that's what he sold from the water line.

COUNCILMAN CRUM: How much of it is completed, then, and how much more does he expect to remove and sell?

STEVE TOLAR: We have directed him that he is no longer allowed to remove the soil from any of the properties until we get a resolution on this.

COUNCILMAN CRUM: OK, but in order for us to know what to move forward, how much do you anticipate is going to be needed to move?

STEVE TOLAR: I think we can direct him to remove zero additional soil from the content. We can make arrangements with the property owners, and side casting...

CHAIRMAN WALLER: Why the change of heart?

STEVE TOLAR: Excuse me, sir?

CHAIRMAN WALLER: Why'd you change?

STEVE TOLAR: I think he's interested in getting along in getting the project complete.

CHAIRMAN WALLER: Has the Bureau of Indian Affairs actually been there, yet?

STEVE TOLAR: I believe they were called –

DEPUTY SUPERINTENDENT WINLOCK: Yes. Alfred, one of till men actually went out, and looked at it. I think he actually notified you all –

STEVE TOLAR: Yes.

DEPUTY SUPERINTENDENT WINLOCK: -- that you have to report that?

STEVE TOLAR: That's right.

CHAIRMAN WALLER: Are we covered in restricted properties?

STEVE TOLAR: No, sir.

CHAIRMAN WALLER: Excuse me. Councilman.

COUNCILMAN CRUM: No, your question is where I would have went with it. Whenever something's sold of the excavated material, land, sandy soil, whatever, anything that has of value, we actually require to collect a royalty on it.

DAN YANCEY: I understand, and I think, moving forward, that is something that we can usually address in future contracts with the City of Skiatook. We'll put a stipulation in there, not for it to be removed or for the contractor in advance to obtain a permit.

COUNCILMAN CRUM: Right, and further, in the future, that's the reason for us to be contacted about permits so we can explain these things in advance and make an agreement, and if you're still selling, we can still do something about that, make arrangements for that. But this Council thought to collect our 10% of the value what the CFRs –

DAN YANCEY: And, respectfully, I'd like to ask a question, because the City of Skiatook was unaware that there was this process or permit it required, when we started this project. The reason I say that is because we'd actually put in an electric line for utilities to run to the actual Casino, when it was built, and there wasn't anything mentioned at that particular time. And, I think we may have removed some dirt at that point. So, that's the confusion that we have, a little bit, is to, in the future, what's the test that requires the permit?

COUNCILMAN REDCORN: Appreciate your comments. Number one, I feel like the way we will probably handle it if you have a good engineering story what you're going to do with the dirt. But most importantly, if it's going to cross a barrier into sales, make sure that we understand, and we'll get our royalty share, and we'll lean on the Bureau to ensure that process is implemented. Working with their engineers and their field hands, this group is all determination of value only, and that's what the Bureau of the United States reps ask of us, is what's your determination of value, which we hold in discussion with Ms. Phillips, and basically, if you're in a position where you're moving X amount of dirt, I hear, eight truckloads is a good start, and maybe we can make the conversion of weight, is what we generally try to sell these things. All that we're after is that royalty share we pay to our shareholders.

DAN YANCEY: Sure.

COUNCILMAN REDCORN: We want to be sure that they get their value, and we want you and development to continue on, at least in my chair. We want efficient, fast development in Osage County. Just a quick conversation with us, good communication with the Bureau, we'll be OK from here on in the future. As to answering your question, there's a lot going on with the windfarm lawsuits, so this thing's kind of coming up, so that's why we're dealing with it. I wasn't on the Council. I was on the Council in 2006 – 10. On this Council, we didn't have any of those coming in front of us and stop the surface, so I hope that helps you understand.

DAN YANCEY: It does. I mean, the City of Skiatook has, in the next five years, we're going to spend \$15 – 20 million worth of improvements, improving the city and its infrastructure. For example, in the next three or four years, we're going to be doing a lot of road improvements. I believe Louise has partnered with the Osage Nation. There's that project.

COUNCILMAN REDCORN: Right.

DAN YANCEY: There's some other road projects. We may actually – I don't know, we'll have to be conscience about how we draft those contracts to make sure that they don't get rid of the dirt.

CHAIRMAN WALLER: A lot of that's relocation of utilities. Do you replace this waterline that you just laid?

DAN YANCEY: No, it's in addition to one we already have.

CHAIRMAN WALLER: But you already have an easement?

DAN YANCEY: Yes, the current waterline that we have runs a different direction.

COUNCILMAN REDCORN: A follow-up. I think I'm done with my comments. I'm hoping that's helpful. But, again, at least in my chair, we're interested in continued development. Although, I wanted to say that ODOT is starting to come in, now, too.

DAN YANCEY: Right.

COUNCILMAN REDCORN: So, everyone's starting to learn. Just make a trip or call up here, to make it real simple, if any dirt's moving off your site for a value, we need to be in that conversation. If you're moving around in the site, at least, it's today, now, we could determine by our attorney's notice. At least, in my mind, I'm dealing with this, myself, is that you're using it for other areas within that contract. We need to understand that, too, to make sure that there's any value, trade, that we get our share for our royalty owners. Thank you.

DAN YANCEY: Thank you.

CHAIRMAN WALLER: The State of Oklahoma is going to bring us a new MOU that we can work with everyone. Not quite as fast as it needs to be. Councilman Crum, then Councilwoman Erwin, and then we'll move on.

COUNCILMAN CRUM: I was looking forward in trying to see how to go forward with this, if we verify that you sold \$800 worth, where the verification is. It's only an \$80 deal. But, in order to be consistent, there's another piece of this thing. That's the reason it says for, I think, a permit or labor somewhere in this stuff, because we have to waive it to the BIA. I'm going to be asking Robin a question, here, on how to avoid this, because we give somebody our blessing to do a project like that and there's not going to be any sales involved. We just give them a waiver because if we do a permit, it triggers EA stuff, or the environmental stuff to the BIA. The question I'm getting to, Robin, is that we collect our \$80. Does he have to do an EA on the deal?

SUPERINTENDENT PHILLIPS: At this point, I believe we would look at that as possibly a trespass issue, since they've already done it. Because they've already moved it, correct?

CHAIRMAN WALLER: Correct.

SUPERINTENDENT PHILLIPS: That's correct. So, let's look at that evidence.

COUNCILMAN CRUM: We don't want to hold up construction and that sort of thing, and advance with it, but we want to protect our people and make sure we get what we want, and I don't want to stick you in the EA situation, that we figure a way out of it to view that as a protector.

CHAIRMAN WALLER: Federal law triggers the same.

SUPERINTENDENT PHILLIPS: At this point, what I heard a few minutes ago, you weren't going to be removing any more dirt, is that correct?

STEVE TOLAR: That's correct.

SUPERINTENDENT PHILLIPS: So, I would look at that –

CHAIRMAN WALLER: Thank you.

SUPERINTENDENT PHILLIPS: -- sending a letter coming in, saying this is what we've done and we'll prepare a document and collect it in his trespass.

CHAIRMAN WALLER: That's the Bureau and Department of Interior. We'll get started and everything will be fine.

SUPERINTENDENT PHILLIPS: Do we need something from the tribe or from the Minerals Council?

CHAIRMAN WALLER: Yes, as a request.

SUPERINTENDENT PHILLIPS: Basically saying, that's the way you're going to handle it.

CHAIRMAN WALLER: Email.

STEVE TOLAR: A letter documenting what has been removed. I'll prepare that letter for Mr. Yancey to send, and it would be addressed to the Minerals Council.

CHAIRMAN WALLER: Yes.

STEVE TOLAR: Postage Return?

CHAIRMAN WALLER: Yes, please.

COUNCILMAN CRUM: As a follow up, you'll meet with us to make an action today, and give them a waiver for the continuing project?

SUPERINTENDENT PHILLIPS: That is correct, and I would go ahead and include the \$80 that has happened already

COUNCILMAN CRUM: As a trespass?

SUPERINTENDENT PHILLIPS: Right.

DAN YANCEY: I'm sorry. There may be some dispute, so we may have to verify. It may be closer to 11. We may have to go back and verify.

SUPERINTENDENT PHILLIPS: Yes, that will be fine. Whatever you verify. We'll just put it down in the resolution as 10% of whatever they sold.

CHAIRMAN WALLER: Councilwoman Erwin. Thank you for waiting.

COUNCILWOMAN ERWIN: I just wanted to say that where there was some construction going around the Casino, the contractors did come in and visit with us about it, so, you know, we do that with everybody, and that you only did eight loads. That's 2,000 – I heard the figure 2,000 –

STEVE TOLAR: Ma'am, I'm sorry. I referred to another number with the contractor, initially, that had been given me, and Mr. Yancey said it was correct and I asked him to verify and put in an email to something that he would be willing to attest to. And thanks for that number, again, because it was 11 loads at \$160 a load. \$1,760. So, it would be \$176.

CHAIRMAN WALLER: Thank you, so much.

COUNCILWOMAN ERWIN: Thank you.

CHAIRMAN WALLER: Will that take care of it, Councilwoman?

COUNCILWOMAN ERWIN: Yes, sir.

CHAIRMAN WALLER: Councilman Yates.

COUNCILMAN YATES: Yes. OK, I hear the Superintendent's actions that will need something in writing to the Minerals Council. Are we going to pass a resolution or do we want to issue a letter?

SUPERINTENDENT PHILLIPS: I would just include it in the resolution that you're going to waive and then add the 10%.

COUNCILMAN YATES: I'll make the motion.

COUNCILMAN REDCORN: I'll second the motion.

CHAIRMAN WALLER: I have a motion on the floor by Councilman Yates, second by Councilman Redcorn that we are going to waive the permitting process for the City of Skiatook project. Attached letter from the Bureau of Indian Affairs will be in the process, and get back with us on any removal.

SUPERINTENDENT PHILLIPS: I would just go ahead and include the fact that there has been dirt that has been removed and that verification of the amount to remove that you're willing to accept 10% of whatever was sold. That should take care of it. Then, when that letter comes in to me, I will respond, and you'll get a cc: of my response. *(Instruction to Mr. Yancey – "You'll get direction as to where you will send the letter. Send the letter to me.")*

COUNCILMAN CRUM: We might have a Point of Order situation here.

CHAIRMAN WALLER: Suspend the rules?

COUNCILMAN CRUM: We're going against what we normally do, that If you want to vote today. So, might want to back up.

COUNCILMAN YATES: I make a motion to suspend the rules, and put the vote to today.

CHAIRMAN WALLER: I appreciate that.

COUNCILMAN REDCORN: And I second that.

CHAIRMAN WALLER: I have a motion on the floor by Councilman Yates, Councilman Redcorn seconds to suspend the rules and allowed to vote on it today in this meeting. Without any discussion, let's just 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.

CHAIRMAN WALLER: Thank you, and a motion is on the floor. If there isn't any more discussion –

COUNCILMAN CRUM: I have one piece, and that I think it was understood that it was \$80, but I'd like the BIA to have verification and documentation on all that was sold, so that we know what was sold to them, and what they collect.

CHAIRMAN WALLER: Councilman.

COUNCILMAN REDCORN: I appreciate the United States, in their representation to Ms. Phillips on her regard, and I think that going on with Councilman Crum's desire that we verify the volume, and that we're going to lean on this company to submit letters to us, and we're going to act on that. We'll just verify that. The other thing is I'm not so sure the word, 'trespass'; we just need to make sure this crew becomes aware and that they adhere, and they want to get things done, so that maybe we would visit. Let's get this group moving forward, and doing great improvements to our County, and we'll get our royalties, moving forward. I guess he's out, so go ahead.

SUPERINTENDENT PHILLIPS: There's different codes that we have to use, in implementing a receivable document. So, that was the code that I – I'll put it down today to remove –

COUNCILMAN REDCORN: That's fine. We'll have communication.

SUPERINTENDENT PHILLIPS: It'll be documented.

COUNCILMAN REDCORN: OK. Thank you.

COUNCILMAN CHESHEWALLA: Dan, what's Skiatook's population, now?

DAN YANCEY: It's probably close to 8,000, and Owasso, they're in a race with one another. We expect the population to be over 10,000 within 10-15 years.

CHAIRMAN WALLER: Thank you, so much.

DAN YANCEY: Thank you.

COUNCILWOMAN ERWIN: Are we doing a resolution, or a letter?

CHAIRMAN WALLER: Resolution.

COUNCILMAN YATES: It's on the floor.

COUNCILWOMAN ERWIN: OK. Four-letter distribution letter.

CHAIRMAN WALLER: Resolution to allow the project to go on, the review of the sales, and the trespassing element. It's in the resolution. The Bureau of Indian Affairs is going to do that for us, and take care of that, because they've actually been on the site.

COUNCILWOMAN ERWIN: Plus the 10%.

CHAIRMAN WALLER: And the 10% is in the resolution. Call for the question.

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

AT&T – Sandy Soil Permit:

CHAIRMAN WALLER: Item B. I'd like to talk about it just a minute. AT&T has called us. We have an element over our cord. It's just a relocation of a telephone line. It's already in a road-access right-of-way. I'd like to have them the same waived – that permitting fee, to finish up the relocation of utilities. It's a very small area. Yes, Councilman.

COUNCILMAN REDCORN: You know any details about how much volume is moved for this process and where the project is?

CHAIRMAN WALLER: Yes, sir. I sure do, if you'd like to wait 'til Wednesday, we'll have my email sent to everyone. We'll vote on Wednesday.

COUNCILMAN YATES: Sounds good.

COUNCILMAN REDCORN: We'll take care of it Wednesday, Chairman?

CHAIRMAN WALLER: If possible. Have you had a chance to review it?

COUNCILWOMAN ERWIN: No.

CHAIRMAN WALLER: It's a very short element. I don't think we're putting in that many risers.

DEPUTY SUPERINTENDENT WINLOCK: 775 feet

CHAIRMAN WALLER: Yes, that's it. Councilman.

SUPERINTENDENT PHILLIPS: May I have the legal? May I have a copy of it, as well?

CHAIRMAN WALLER: (Nodded his head 'Yes')

SUPERINTENDENT PHILLIPS: Thank you.

COUNCILMAN CRUM: It came from the BIA. Is that the application we're looking at?

DEPUTY SUPERINTENDENT WINLOCK: Application for "Permission to Terminate the Right-of-Way. It's just a two-year opinion."

COUNCILMAN CRUM: Is this before?

CHAIRMAN WALLER: No, they had just received that call to us, and then we're putting in the right process to get this done. They didn't want to drive three hours to get here.

COUNCILWOMAN ERWIN: You said they didn't want to drive three hours to get here?

COUNCILMAN REDCORN: Well, I guess my question would be, can we verify through the Bureau they understand verifying what they're doing? I think Wednesday will be a good time to give us a chance, and give the Bureau a chance, unless they just have to have it, between now and then?

CHAIRMAN WALLER: Absolutely.

COUNCILMAN REDCORN: Alright. Then, I recommend to vote on Wednesday.

CHAIRMAN WALLER: Thank you. Superintendent.

SUPERINTENDENT PHILLIPS: Of course, everyone knows that I have various branches over there, in my office. So, anyway, this looks like it came out of Real Estate Services. They've identified a tract of land, a 930-T-109. So, I would say that this is an application they've submitted. They're going to be submitting to us. So, looks good to me.

CHAIRMAN WALLER: We'll table it on to Wednesday. With that, I'd like to take in a motion to go into Executive Session.

COUNCILWOMAN ERWIN: I make that motion we go into Executive Session.

CHAIRMAN WALLER: I have a motion on the floor to go into Executive Session. Need a second.

COUNCILMAN CHESHEWALLA: Second.

CHAIRMAN WALLER: Seconded. Question. Motion on the floor by Councilman Cheshewalla. Call for the question.

COUNCILMAN YATES: Discussion.

COUNCILMAN REDCORN: Discussion.

CHAIRMAN WALLER: Discussion. Excuse me.

COUNCILMAN REDCORN: We have an opinion on 177 on this. I'm wondering why we need this in Executive Session.

CHAIRMAN WALLER: Council? Would the sponsor like to bring that in?

COUNCILWOMAN ERWIN: If we go into Open Session, then I would ask everybody to leave, except the shareholders.

COUNCILMAN YATES: It's being broadcast through the internet. You're going to ask non-shareholders to turn down their volume?

COUNCILWOMAN ERWIN: Yeah. I sure would. Obviously, it needs to be in Executive Session.

COUNCILMAN REDCORN: Thank you for the answer. We need to know why.

CHAIRMAN WALLER: Is there any more discussion? Councilman.

COUNCILMAN CRUM: Well, the Council has handled it a lot quicker. I don't know why we can't discuss that in open, why it doesn't deserve this in Open.

COUNCILWOMAN ERWIN: OK. Well, let's discuss it in the open.

CHAIRMAN WALLER: Councilwoman Boone.

COUNCILWOMAN BOONE: My comment is on the information we receive that said it was going to be confidential, and client privilege. So, I would like for it to be talked in Open Session, but I think our shareholders need to know what's going on. But, because of the nature of the information that we've received by our attorney, marked confidential, I think that we need to keep it confidential at this date and time. I'm not saying that, later on, we can't talk about it in Open, but I think, initially, we need to talk about it amongst ourselves. Thank you.

CHAIRMAN WALLER: Councilman Crum, then Councilman Redcorn.

COUNCILMAN CRUM: I suggest, Mr. Chairman, we have a quick vote on that particular item to go into Executive Session. Let the Council choose whether to go into Executive Session.

CHAIRMAN WALLER: I have a motion on the floor. Do you want to suspend it for a moment?

COUNCILMAN REDCORN: Question, Chairman.

CHAIRMAN WALLER: Now, this will go into Executive.

COUNCILMAN CRUM: Yeah, the entire Executive to table that.

COUNCILMAN REDCORN: Thank you, Councilwoman Boone, for that summary why. So, I appreciate that, and go forward into Executive.

CHAIRMAN WALLER: I'd entertain a motion. Otherwise, I'd like to stay what we have and go into Executive. Call for the question.

MOTION PASSED: GALEN CRUM-NO, STEPHANIE ERWIN-ABSTAIN, KATHRYN RED CORN-YES, TALEE REDCORN-YES, EVERETT WALLER-YES, ANDREW YATES-NO, CYNTHIA BOONE-YES, JOSEPH CHESHEWALLA-YES.

EXECUTIVE SESSION: 10:30 a.m.

CHAIRMAN WALLER: I have a motion on the floor by Councilwoman Erwin, second by Councilman Redcorn. Do I have any discussion? Call for the question.

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

COMING OUT OF EXECUTIVE SESSION 12:45 p.m.

CHAIRMAN WALLER: We're out of Executive. We'll have every item on Wednesday. We have no effort for voting on a resolution.

OLD BUSINESS

Robert's Rules of Order: Councilwoman Red Corn

CHAIRMAN WALLER: I'd like to go move on down to Old Business, Kathryn Red Corn, Robert's Rules of Order.

COUNCILWOMAN RED CORN: On the question that we had for BGI –

CHAIRMAN WALLER: Yes, ma'am.

COUNCILWOMAN RED CORN: -- we had two abstentions, two 'No's and four 'Yes's, and we go by Robert's Rules of Order, and those rules, that motion did not pass to approve BGI's request for an extension.

CHAIRMAN WALLER: Any other comments? Councilman.

COUNCILMAN REDCORN: I agree with that statement. When our secretary called the meeting to order, and we had a quorum, that's the number of votes we consider throughout. There has to be a clear majority, when our secretary declares a quorum, until we close. So, I'll agree with Councilwoman Red Corn that that particular resolution should not have passed.

COUNCILWOMAN RED CORN: And, at that time, if you'll look at the record, Lacey said it did not pass.

CHAIRMAN WALLER: Yes. Under consideration, is there anything you'd like to add to that?

COUNCILWOMAN RED CORN: Well, no. Just that we didn't follow Robert's Rules of Order, and according to it, it did not pass.

CHAIRMAN WALLER: In coming out of Robert's Rules of Order, newly revised edition, I'd just like to add this, *"The phrase 'abstention votes' is an oxymoron, an abstention being a refusal to vote. To abstain means to refrain from voting, and, as a consequence, there can be no such thing as an 'abstention vote.'"*

"In the usual situation, where either a majority vote or a two-thirds vote is required, abstentions have absolutely no effect on the outcome of the vote since what is required is either a majority or two thirds of the votes cast. On the other hand, if the vote required is a majority or two thirds of the members present, or a majority or two thirds of the entire membership, an abstention will have the same effect as a 'no' vote. Even in such a case, however, an abstention is not a vote and is not counted as a vote." Councilwoman.

COUNCILWOMAN BOONE: I just have a question. I looked at our current policies for that particular issue about abstaining from voting, and I couldn't see it addressed in our current regs, but I couldn't find a resolution that said we followed Robert's Rules of Order, which was passed by this Minerals Council. If anybody has a copy of that resolution, I'd like to have it.

COUNCILWOMAN RED CORN: John Henry Mashunkashey signed on that...

COUNCILWOMAN BOONE: But that was the 1st Minerals Council.

COUNCILWOMAN RED CORN: Yes, but it carries on for the next Council, unless the next Council changes it.

COUNCILWOMAN BOONE: I've never known that to be a rule of the Minerals Council.

COUNCILWOMAN RED CORN: Did the 2nd Minerals Council establish -- ?

COUNCILMAN CRUM: -- a continuation?

COUNCILWOMAN RED CORN: No. Establish how you were going to run a meeting.

COUNCILWOMAN BOONE: No, we haven't.

COUNCILMAN CRUM: As I recall, we did have a continuation called, and accepted the ones the time before. I don't know whether we did one that way, but I don't know whether delve deeper into Robert's Rules, if it automatically is, or you have to rescind it.

COUNCILMAN REDCORN: Would it be advisable to submit this to our attorney for comment, because we have one lease in limbo, where we tell the Bureau to proceed or not?

COUNCILWOMAN RED CORN: Well, we've been in office almost two years, and we hadn't done anything. It's just Robert's Rules of Order.

COUNCILWOMAN BOONE: Thank you, Mr. Chairman. In the past, didn't we say that to abstain was a 'No' vote?

COUNCILWOMAN RED CORN: No.

COUNCILWOMAN BOONE: I thought we sure did, when we tallied that up.

COUNCILWOMAN RED CORN: Well, it would be in the minutes, if we did, and I didn't find any in effect.

COUNCILMAN CRUM: I'm not going to speak on the validity on Robert's Rules, but I was on the losing end of that vote, and I think, at this time, it would be ill-advised of us after these people have been operating for six weeks, or whatever it is, under the assumption they had that action taken, in their favor, extension, to now say that it is wrong. I have a problem with that. Like I said, I was the one that voted 'No'.

COUNCILWOMAN ERWIN: This on the Minerals Council at that time? And we had 4 'Yes's?

CHAIRMAN WALLER: 4 'Yes's, 2 'No's and 2 'Abstention's.

COUNCILWOMAN RED CORN: I abstained, because I didn't quite understand what that motion was, because we had agreed to \$100 an acre, and we agreed that we would take the seismic, that it would be ours. But, I'm not sure that was on in that motion. That's why I abstained from it, because I didn't understand it.

CHAIRMAN WALLER: Councilman Yates.

COUNCILMAN YATES: As Chairman, we attempted to follow Robert's Rules of Order, somewhat. We didn't go by the letter, but we tried the best we could. In that, we did follow whatever policies and procedures and resolutions that the 1st Minerals Council passed. We just continued, and if anything has changed, we had to amend it, but we followed whatever rule that was set up, and continued on, and kept building on that. And, as Chairman, many times we had votes, and the abstentions were always a non-vote. You either voted for it, or voted 'No'. And to say that an abstention is a 'No' vote, well, you should have voted 'No'. So, that's how we handled it, when I was Chairman.

COUNCILMAN CRUM: That's exactly what it says there. It's a non-vote. You didn't vote, one way or another.

CHAIRMAN WALLER: *"The Chair gives a necessary direction for the group to vote on a motion and those motions are passed on a majority of those present voting to pass some require a 2/3 vote extensions instances in which members who are not present or did not vote and are not counted had no effect on this result."* I'd kind of like to have whatever Council –

COUNCILWOMAN RED CORN: Mr. Chairman? Why don't, on Wednesday's meeting, we make a resolution to say that we adopt Robert's Rules of Order, and then there won't be any questions about it?

CHAIRMAN WALLER: Yes, ma'am. Councilwoman Erwin.

COUNCILWOMAN ERWIN: I thought it was a little confusing, because when we started the voting process, that is when Mr. Crum, Councilman Crum interjected the part about \$100 an acre. It was after we already started, because that's why I abstained. I was confused whether it was \$50 or \$100. I don't know if that makes any difference or not.

COUNCILWOMAN RED CORN: But, Andrew, was it \$50 an acre on the motion?

COUNCILMAN YATES: I've had people come up to me telling me whether I had it right. He offered \$50 an acre. He said to get another vote, I'll have to come back. I said, at least I'm going to get you an answer, either 'Yes' or 'No', and then you go back to your people and ask for more money and end up passing it.

COUNCILWOMAN ERWIN: So, how much money would that be?

COUNCILMAN YATES: At least it is recorded. We can go back and listen to it.

COUNCILWOMAN ERWIN: How many acres?

COUNCILMAN CRUM: There were three different leases that could have been either one lease taken out or three.

CHAIRMAN WALLER: Three.

COUNCILMAN CRUM: But it would be somewhere between 8,000 and 24,000 difference between the two.

COUNCILMAN REDCORN:

COUNCILWOMAN RED CORN: Well, that would be an extra attorney cost, if you want to take care of it, Wednesday. We could let it go just like that.

COUNCILMAN REDCORN: We've got a question on the floor, which we're on two sides of it. So if we come up with this again, we'll know what to do.

COUNCILMAN YATES: Not so much that the decision for the company, but for our own understanding. Because what your understanding and my understanding are two different things. So, we need to have that clarified, so in the future, when we vote.

COUNCILWOMAN RED CORN: So, if the attorney says that vote didn't pass –

COUNCILMAN REDCORN: Two things. How to handle Robert's Rules to see if this lease is valid or not. If we have problems with it later, we can go back to the BIA and say it's not valid, we've got problems.

COUNCILWOMAN BOONE: Mr. Chairman? If Councilman Redcorn would put that in a form of a motion, I'll second it to send it to our attorney for clarification.

COUNCILMAN REDCORN: Do we need a resolution for that?

COUNCILWOMAN BOONE: You need a vote.

COUNCILMAN REDCORN: I make a motion that we send this question of Robert's Rules to our attorney for clarification.

COUNCILWOMAN BOONE: I second.

CHAIRMAN WALLER: I have a motion on the floor by Councilman Redcorn, second by Councilwoman Boone.

COUNCILWOMAN BOONE: Is there a Point of Order on that we have to – ?

COUNCILMAN REDCORN: There it is.

COUNCILMAN YATES: We set aside our normal standard operational procedures, and suspend the rules, because we –

CHAIRMAN WALLER: -- so they don't stick us out 'til this evening?

COUNCILWOMAN ERWIN: If it is a continuation.

COUNCILMAN YATES: It has to be done.

COUNCILMAN REDCORN: I entertain that there is a resolution on the floor, we vote on it Wednesday.

CHAIRMAN WALLER: Let's take it to Wednesday. Thank you all.

MEETING MINUTES:

CHAIRMAN WALLER: With that, I'd like to go into next agenda item, Minute Meetings. We had quite a few to review. I've had a chance to look at them. Yes, sir.

COUNCILMAN REDCORN: I've got a comment. I appreciate Mr. Brock when we acquired a staff person, seems to be getting these out quick. My concern is that if we get them out there quick enough, in light of doing them verbatim, so I would like the Council to consider that we instruct Mr. Brock to go ahead and put those on the website with an annotation on the minutes that this is draft form, and once we get approval from Chairman, he takes the draft form off of there, when whatever revisions to get that information out there. Seems like the way we're doing it now, they're months old for the public to see it. I feel like a caption on there, saying, 'Shareholders, whatever, beware, these are not official. These are draft.' They have the ability to review, and once we approve through the Chairman, the processor will remove the 'Draft' off of it, making the official minutes.

CHAIRMAN WALLER: Now, if we vote today by resolution to approve, it'll go on, anyway, if that's the case. Councilwoman.

COUNCILWOMAN BOONE: There's a mechanism in place, and I see that Mr. Brock didn't use it, but there's a mechanism in place where you put 'Draft' across every page. That doesn't appear on any of these pages, and they haven't been approved, yet.

CHAIRMAN WALLER: We'll take care of that. Yes, sir.

COUNCILMAN CRUM: Do I understand it right we're voting on these, today?

CHAIRMAN WALLER: No.

COUNCILMAN CRUM: They're still in regular order?

CHAIRMAN WALLER: Yes. So many of them.

COUNCILMAN YATES: Councilman Redcorn, were you asking for abbreviated type of minutes instead of verbatim?

COUNCILMAN REDCORN: I would like to have Lou's verbatim notes immediately. The revisions I'm looking at, I'm not sure you all will agree, the ones I've discovered a word or two, here and there, has to be changed, but the content of what we're saying is still pretty spot on, as they're verbatim minutes. So, I'm running across the word, 'about', when we said, 'and', or he used a different word, and was the right word

he said. He confirms that, and corrects it, and Chairman signs it. I think if we do that, we'll get those minutes out there real quick. I'm feeling like our shareholders need to know after the meeting to go back and look at the minutes. I see within a week, he had them out.

COUNCILWOMAN BOONE: There's some things that I have seen in the minutes that I don't think need to be in there for the people to see. Making a lot of adjectives about how somebody responds. That kind of thing. I don't have a problem with him just putting on there what somebody said, but when he adds descriptive words, I call them adjectives, to the way somebody said something, I don't think needs to be out there for the public to see.

COUNCILWOMAN RED CORN: Chairman? This is just FYI, but this does have 'Draft' on it.

CHAIRMAN WALLER: Yeah, the ones that were handed –

COUNCILWOMAN BOONE: Mine don't.

COUNCILWOMAN RED CORN: It does, right here.

COUNCILWOMAN BOONE: I'm just saying mine don't. I can see yours. Can you see mine? Mine doesn't have 'Draft' on it, does it?

COUNCILWOMAN RED CORN: Well, this is June 15th's. The rest of them doesn't.

COUNCILWOMAN BOONE: I'm looking at some in May. I'm just saying mine don't have the 'Draft'.

CHAIRMAN WALLER: That's correct.

COUNCILWOMAN ERWIN: I would like to make a comment. I appreciate Lou doing these minutes. There's a lot of hard work that goes into this, and as time goes on, and is more familiar with his job, they come out a lot quicker, and I do appreciate that. I just wanted to say that I appreciate. There's nothing, you know, to be taken the wrong way. I do appreciate the work, as I've asked him to do other things for me, the research and stuff, he does wonderful research work, and I thank him for that.

CHAIRMAN WALLER: We'll see you guys Wednesday on that.

COMMITTEE REPORTS:

CHAIRMAN WALLER: Do we have anything under Committee Reports? Joe, I'd like for you to take care of one item.

COUNCILMAN CHESHEWALLA: Sure. Right around 4th of July weekend, we had a problem down in Skiatook, down in Copperhill's Development, SE/4, 21, 22, 12, I believe 21, 12. It was a well that broke out, and we'd got confirmation from the Bureau that, yes, it was indeed a well and we've spent the next week on the phone getting the work done on it, and then we got pluggers down there to give them a time limit, whenever they said that 'when we could have the electricity and natural gas on', when we told them by the end of last week about the well plug, and we made our due date. We got it done by Friday, only thing left to do now is remediate the location and clean up on that. We'll just wait 'til the weather gives us a break, within a week, ten days, and we'll have that done and it will be behind us.

CHAIRMAN WALLER: Beautiful neighborhood.

COUNCILMAN CHESHEWALLA: Yes. Yes. Well, I'll be back.

COUNCILMAN YATES: We haven't received a bill yet on it?

COUNCILMAN CHESHEWALLA: No. Not yet. Waiting on it.

COUNCILMAN YATES: Are we still on well plugging?

CHAIRMAN WALLER: Yes, sir. Whatever you're talking about.

COUNCILMAN YATES: We had nine scholarship applications that we need to get together, and I'd like to get together with Galen and Talee and possibly get together on Tuesday the 19th, around 4:30 or 5:00. We've got a meeting on Wednesday.

CHAIRMAN WALLER: Yes, sir.

COUNCILMAN YATES: We'll pick ones to choose and some really good applications, and it's going to be really tough.

COUNCILMAN CRUM: We've got several good applications. We have some returns, some people that have been here before. We have some new ones. I looked through them, a little much like them, today, nobody goes by that notes. I wasn't able to put the tool over the notes, so I still got seven that I have to select from, and they were known, because they didn't meet the criteria, and there's a couple others I may have to say 'No' because they didn't quite send us – one was a return – an official transcript, and in the application, the word 'Official' is in big letters. We may have to get sticky on the thing. I don't know. But, anyway, it'll be tough to deal with, and I would like to know, I think, in the past, say that this is it, accept it, that sort of thing. I don't mind having the Council make comments, thus give a report to them, and who they are, the Council make comments on them. It might be helpful this time around.

CHAIRMAN WALLER: Whenever recommendations from the Committee is fine.

COUNCILMAN YATES: We'll put it on the agenda for Wednesday.

COUNCILMAN REDCORN: Thank you, Chairman. Media Committee. I've been back and forth with our staff on this issue for Mr. Brock to go ahead and draft a newsletter going out in September. So, I would like to Wednesday, get with Stephanie, and I think Joe. We're on the committee, and want to maybe entertain the notion to go back to a quarterly newsletter, and then the next thing is, Lou's working pretty diligently with the Nation on their website. So, I think we've met with Susan Forman. Wanted to get some feedback from Shane Matson trying to get some elements of what they'd like to see on the website in there, and I think we're headed for a good solution. The last thing I'd like to ask Mr. Brock if the Chairman could give a little daily comment or a little box from the Chairman, maybe one or two sentences, and just tell Mr. Brock something, and he just puts it on there.

CHAIRMAN WALLER: And, to give him what happened, yesterday. We'll take care of that.

COUNCILWOMAN ERWIN: I've got two things. What happened to our other website?

COUNCILMAN REDCORN: It's still there.

COUNCILWOMAN ERWIN: OK, and second thing, I would like to suggest to the Chairman that you do a video of some sort, and if you don't talk about anything else, maybe have these people who have impugned our sovereignty, you know, have to say 'windmills'.

CHAIRMAN WALLER: You want my '81 version.

COUNCILWOMAN ERWIN: You might be like Iron Eye Cody.

COUNCILWOMAN BOONE: I'd like to make a suggestion that we, as a Council, have the opportunity to submit articles to put in our newsletter.

CHAIRMAN WALLER: Anytime.

COUNCILWOMAN BOONE: OK.

CHAIRMAN WALLER: And wait until it's assigned.

COUNCILWOMAN BOONE: OK. Thank you.

CHAIRMAN WALLER: Do we have anything else? Let's get ready for Wednesday. Let's really get ready for Thursday. God Bless you all. I'd like a motion to adjourn.

COUNCILWOMAN ERWIN: So moved.

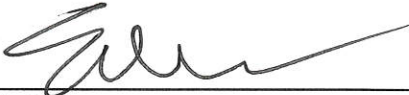
COUNCILWOMAN BOONE: Second.

CHAIRMAN WALLER: I have a motion on the floor by Councilwoman Erwin, second by Councilwoman Boone. No discussion. Call for the question.

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

Adjournment – 1:10 P.M.

Approved:



Chairman

Executive Administrative Assistant