

NOTES TO THE NATION SEPTEMBER 14, 2008

BUDGET PROCESS CONTINUES

Osage Nation Committees are meeting every day while working on the budgets. Some of these workdays are 12 hours for members of Congress and sometimes longer for the Congressional staff. Budgets often change hourly so I have chosen to not try and keep a running blow by blow account. I'll try to post links when things stabilize.

HEARING IN VIOLATION OF OPEN MEETING LAW

It was revealed in the September 10, 2008 Osage Nation Commerce Committee meeting that the petition calling for the recent Gaming Commission hearing was in violation of the open meeting law of the Osage Nation. This would make the petition an illegal document and therefore void.

The hearing was to determine if four members of Congress had violated any laws by entering a "restricted area" of the Hominy casino to examine accounting records.

The hearing was conducted by the Osage Gaming Commissioner. Three lawyers for the Osage Nation and numerous employees of the casino and Gaming Commission were in attendance—some for the whole day.

During the Commerce Committee meeting, Chairman Doug Revard questioned the Gaming Board: Tom Slammons, George Pease and Frank Oberly.

(Partial transcript follows)

Revard: You issued a letter to the Gaming Commissioner calling for a hearing at your request, is that correct?

Slammons: That's correct.

Revard: And when did the Board meet and decide to do that and what was the vote of the board?

Slammons: I don't remember the exact date of when we did that, but the vote of the board was to proceed with the petition.

Revard: Was that a unanimous vote of the board?

Slammons: Yes, it was.

Revard: You polled the jury?

Slammons: We polled the jury.

Revard: Frank was that your vote?

Oberly: Yes.

Revard: George was that your vote?

Pease: Mr. Chairman, we never had a meeting.

Revard: Oh, Oh, O. K.

Pease: This is not something we did behind closed doors. This was information that was brought to us and our opinion was given of it. My opinion was to go on with it.

Revard: And what information was brought to you?

Pease: Pardon me?

Revard: What information was brought to you besides what was brought to you by this Congress committee in executive session?

Pease: Other incidence report.

Revard: It was brought to you or you asked for it?

Pease: (garbled)

Revard: Did you vote to go on with it?

Pease: It wasn't an official meeting. There was no vote—just an opinion: what do you think we should do? The chairman had his opinion and we all had our opinion.

Revard: Are you aware that we have passed an Open Meeting Act for the Osage Nation?

Pease: Yes, sir.

Revard: Have you ever read that?

Pease: Yes, I have.

Revard: Do you know that you have no authority whatsoever to act as individuals—That you must act in open session or executive session and make a vote that must be reported

Pease: I stated that is wasn't a meeting as far as I was concerned.

Revard: You proceeded forward with it. You had no authority unless you were in a meeting. Can you explain to me how that occurred?

Pease: The Chairman of the board asked me my opinion, I gave him my opinion.

Slammons: That's it. I have incident reports. That we needed to review—that had been filed to us. Our employees are upset. Based on guidelines that we need to pass on to the Commissioner.

Mark Simms: That was not done in the committee structure, right?

Slammons: Well, the committee structure, I would assume, Congressman, is the three of us together with our legal council.

Revard: But you understand that you are a public body and a public body has no authority unless they are in a formal meeting with public notice. Do you understand that?

Slammons: Not aware of that.

Oberly: Mr. Chairman.

Revard: Yes, sir.

Oberly: We have incidents like you are referring to brought to our attention all the time. There was no action on our part. The incident was reported to us by personnel or the casino in which the incident happened and they were reported to the commission.

Revard: Did you not see the petition that was brought in the name of the board?

Oberly: (indistinguishable)

Revard: How can you say you didn't take action? You drew the petition!

Oberly: We reported an incident to the Commission.

Revard: You drew a petition requesting a hearing—as a board! That action is required by law to be taken in an open meeting.

Oberly: All we did was report an incident.

Revard: I just, I don't know. You all felt that a thing had occurred and you chose how to proceed. But, I inform you that you are a public body and you have no authority whatsoever to meet in private, with your attorney or without your attorney. You must meet at formal meetings and file notice and you do not have power without that. We've elected not to proceed on this contrary to what other people have elected (to do) against us. But, I inform you that if this continues we will proceed.

End of transcript.

There was more brought out at this meeting such as probable board violations of the Competitive Bidding Act, etc. Here is the link if you want to listen to it. Most of this is near the end of the recording. I will cover more as time permits.

http://www.osagetribe.com/viewvideo.aspx?video=CommerceCommittee_9-10-08_1pm_Part6.wma

RESOLUTION SUBMITTED TO AMEND CONSTITUTION TO READ “RIGHT TO MEMBERSHIP”

I have submitted the resolution to provide for an amendment to the Constitution to be voted on at the next regular election that will eliminate “eligible for membership” and change to “right to membership”. This is of concern to many Osages, particularly in areas where there are ongoing efforts to purge membership rolls. This needs 10 votes to be accepted and came within one vote of passing at the last attempt. The vote on this may come as soon as tomorrow.

http://www.osagetribe.com/congress/uploads/FY08%20Tzi-zho%20Session/FY08%20Tzi-zho%20Introduced%20Legislation/ONCR_08-27_ORIGINAL.pdf

HOW SAFE ARE THE NATION'S INVESTMENTS?

I asked the Appropriations Committee, on or about Sept. 1, to send a letter to the Osage Nation Treasurer asking that he confirm in writing that all the Nation's deposits were protected above the \$100,000 FDIC insurance. This was just a routine inquiry prompted by the worsening U. S. economy.

By Sept. 5 we had not received a reply so I called to follow up and was told we would receive a letter on Monday Sept. 8. As of Sept. 14—Nothing. This concerned me because it is a simple question to answer and we're not getting an answer. In discussing this lack of response, I was told that an investment was placed with Merrill Lynch in March this year in the amount of \$5 million dollars. I certainly didn't know this had been done. If you have been receiving the Notes you may recall that I recently thought nothing had been placed with Merrill Lynch. By March of this year there was ample reason to be cautious as respects Merrill Lynch.

Today Sept. 14 this story broke: **Bank of America** is in advanced talks to buy **Merrill Lynch** for at least \$38.25 billion in stock, people briefed on the negotiations said on Sunday, as a means to preserve that investment bank while **Lehman Brothers** looks likely to collapse.

For the full article and recent associated stories click these links:

<http://dealbook.blogs.nytimes.com/2008/09/14/bank-of-america-in-talks-to-buy-merrill-lynch/index.html>

<http://www.theaustralian.news.com.au/story/0,25197,24344708-36375,00.html>

<http://www.nytimes.com/reuters/business/business-merrill-shares.html>

We'll just have to see how this plays out and hope for the best. Next week should be interesting.