

1 OSAGE NATION CONGRESS

2
3 9th Special Session of the 5th Congress

4
5 RESOLUTION NUMBER ONCR 17-32

6
7 ENROLLED

8
9 August 25, 2017

10
11 SPONSOR: Alice Buffalohead

12
13 CO-SPONSOR(S): Archie L. Mason

14
15 **A Resolution**

16 To support and authorize the execution of an intergovernmental agreement between the Osage Nation and the State
17 of Oklahoma for the Oklahoma Corporation Commission to repair a dangerous natural gas seep at Pawhuska High
18 School; and to authorize a limited waiver of sovereign immunity.

19
20 *Be it resolved by the Congress of the Osage Nation:*

21
22 **WHEREAS,**

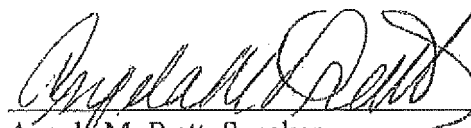
- 23
24 1. The Osage Nation is a federally-recognized Indian Nation with a historic and
25 continuing government-to-government relationship with the United States of
26 America and the State of Oklahoma;
- 27
28 2. The State of Oklahoma through its Corporation Commission proposes to repair
29 the current natural gas seep on Pawhuska High School grounds with the consent
30 of the Osage Nation;
- 31
32 3. The Osage Nation and the State of Oklahoma have mutually agreed to the terms
33 of an Agreement to allow the Oklahoma Corporation Commission to repair the
34 natural gas seep;
- 35
36 4. Article XIX of the Constitution of the Osage Nation states that the Osage Nation
37 and all administrative offices, departments, agencies, and instrumentalities of the
38 Osage Nation shall be immune from suit or process in any forum except to the
39 extent that the Osage Nation Congress expressly waives its sovereign immunity;
40 and
- 41
42 5. The execution of the Agreement for repair of the natural gas seep with the State of
43 Oklahoma is necessary to protect the health and safety of the community.
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48 **NOW, THEREFORE, BE IT RESOLVED,**

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50 Pursuant to Article XIX of the Constitution of the Osage Nation, the Osage Nation
51 Congress hereby authorizes the execution of the Agreement with the State of Oklahoma for the
52 Oklahoma Corporation Commission to repair or coordinate the repair of the natural gas seep
53 from the geothermal wells located at the Pawhuska High School, as attached as Exhibit A, and
54 further authorizes the limited waiver of sovereign immunity contained therein.
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66 ADOPTED by the Osage Nation Congress on this 25th day of August, 2017.
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69 IN WITNESS WHEREOF, the Speaker of the Osage Nation Congress has
70 hereto attached her signature.
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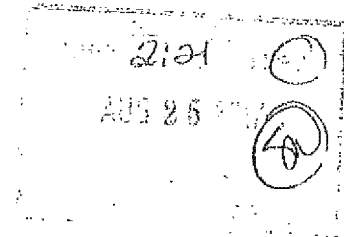
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73 
74 Angela M. Pratt, Speaker
75 Osage Nation Congress
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78 I, THE UNDERSIGNED, CERTIFY THAT THE FOREGOING IS A TRUE EXTRACT
79 FROM THE MINUTES OF THE Osage Nation Congress comprised of twelve members and one
80 ex-officio member with 9 members attending this meeting on the 25th day of August, 2017, and
81 that the above is in conformity with the provisions therein adopted by a vote of 7 in favor, 2
82 against, and 3 absent.
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|----|-------------------|--------|
| 84 | Alice Buffalohead | yes |
| 85 | Shannon Edwards | absent |
| 86 | Otto Hamilton | yes |
| 87 | John Maker | yes |
| 88 | Archie Mason | yes |
| 89 | James Norris | no |
| 90 | Angela M. Pratt | yes |
| 91 | Ron Shaw | yes |
| 92 | William Supernaw | yes |
| 93 | Joe Tillman | absent |

EXHIBIT A

Agreement between the Osage Nation and the State of Oklahoma



This agreement is entered by the Osage Nation and the State of Oklahoma on this 22nd day of August, 2017 because a state of emergency exists with respect to seeping natural gas which has migrated into, under or around the Pawhuska High School, located in Osage County, Pawhuska, Oklahoma. The Osage Nation desires to obtain the cooperation of the Oklahoma Corporation Commission, an agency of the State of Oklahoma (the "Corporation Commission" or "Commission") in responding to the seeping natural gas, and further desires monetary assistance in connection therewith.

The parties agree as follows:

1. The Commission is statutorily authorized to respond to seeping natural gas pursuant to 52 O.S. Section 317.1, and may make expenditures from the Corporation Commission Gas Seep Fund.
2. In order to undertake a response to the seeping natural gas, the Osage Nation recognizes and consents to the jurisdiction of the State of Oklahoma and the Corporation Commission to respond to seeping natural gas in and around the Pawhuska High School geothermal wells. The Osage Nation further recognizes and consents to the jurisdiction of the State and the Commission to enter into a coordinated response effort with private industry, state, county municipal and local government entities related to the seeping natural gas. The Osage Nation, in order to acquire the cooperation of the Commission and to obtain monetary support from the Commission Gas Seep Fund, hereby requests that Commission make expenditures from the fund and take action to respond to the seeping natural gas.
3. The Osage Nation acknowledges and agrees that the State of Oklahoma and the Commission's responsibility shall be limited to the payment of funds from the Corporation Commission Gas Seep Fund in an amount not to exceed Fifty Thousand Dollars (\$50,000.00). The Commission shall not be obligated to continue performance if, to do so, would exceed the agreed upon maximum amount.
4. In exchange for the Commission's assistance, the Osage Nation hereby releases and forever discharges the State of Oklahoma, the Corporation Commission and their officers, employees and agents (the "Released Parties") from all claims, suits, charges, demands, loss, liability, damages, costs or expenses, including any attorneys fees and costs, present and future, known or unknown, in any manner arising out of or resulting from the response to the natural gas seep occurring on or near the Pawhuska High School in Pawhuska, Oklahoma. This release and discharge includes, but is not limited to any claims the Osage Mineral Council or other entity on behalf of the Osage Mineral Estate may have against the State and the Commission and their officers, agents and employees.

5. The Osage Nation agrees that the laws of the State of Oklahoma shall govern this agreement.

6. Notices pertaining to this agreement shall be in writing and shall be addressed to the following:

For the State: Governor, Mary Fallin, 2300 North Lincoln Boulevard, Suite 212
Oklahoma City, OK 73105.

For the Commission: Tim Rhodes, Director of Administration, Oklahoma Corporation
Commission, P.O. Box 52000, Oklahoma City, OK 73152-2000.

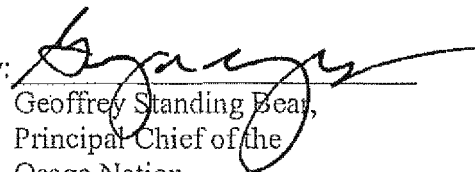
For the Osage Nation: Principal Chief Standing Bear, 627 Grandview Avenue,
Pawhuska, OK 74056

Executed and Delivered this 22nd day of August, 2017.


The State of Oklahoma

The Osage Nation

By: _____
Mary Fallin, Governor

By: 
Geoffrey Standing Bear,
Principal Chief of the
Osage Nation

The Oklahoma Corporation Commission

By: 
Tim Rhodes,
Director of Administration

Tim Rhodes

From: Tyler Powell [Tyler.Powell@ee.ok.gov]
Sent: Friday, August 25, 2017 5:03 PM
To: Tim Rhodes
Subject: Fwd: Osage Agreement

Tyler Powell
Deputy Secretary of Environment
State of Oklahoma

Sent from my iPhone

Begin forwarded message:

From: Chris Bengé <Chris.Benge@gov.ok.gov>
Date: August 25, 2017 at 4:52:03 PM CDT
To: Michael Teague <Michael.Teague@ee.ok.gov>
Cc: Tyler Powell <Tyler.Powell@ee.ok.gov>
Subject: Osage Agreement

Secretary Teague,

On behalf of the Governor, I approve the agreement as amended today between the Osage Nation and the State of Oklahoma pertaining to the cleanup and mitigation efforts of gas seepage under Pawhuska Schools.

Chris Bengé

Sent from my iPhone

