



**CALL TO ORDER:**

Councilwoman V. Judy Brugh called the meeting to order at 9:52 AM.

**I. ROLL CALL:**

*Present:* Councilwoman Monica Mayer, Councilman Fred Fox, Councilwoman V. Judy Brugh. *Quorum established.*

**II. APPROVAL OF AGENDA:**

*Motion:* Councilman Fred Fox moved to approve the agenda. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**III. APPROVAL OF MINUTES:**

• **December 5, 2018 Judicial Committee**

*Motion:* Councilman Fred Fox moved to approve the December 5<sup>th</sup> 2018 Judicial Committee minutes. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**IV. NEW BUSINESS:**

**A. Dean Birdsbill**

Daughter lives and works in Sisseton, S.D. Mr. Birdsbill stated that his daughter and her boyfriend had an issue over a vehicle. Her boyfriend got violent with her and now they are fighting over custody their child. The father received custody of the child and won't bring the child to see the mother. They are now both back in court for full custody of the child.

**B. Legal Request/Custody Issue – Jessie Yellow Bird**

*[See Closed Session]*

*FTR:* Chairman Mark N. Fox joined the meeting. 10:15 AM.

**C. Court Issue – Maxine Buffalo**

Maxine Buffalo presented an Animal Control issue regarding a dog. The dog is a great dane and boxer mix. My dog bit another dog and my dog was taken in to animal control. The dog is still in custody and it's been past 10 days, since October 2<sup>nd</sup> and went to court already. Councilwoman V. Judy Brugh will get back with Maxine on the issue. Jennifer noted that the dog bit and killed another dog. The daughter actually is the owner of the dog on paper. It was noted that the Court date was October 16, 2018 and the owner had 3 days to take ownership of the animal. Jennifer filed and is waiting for court and has filed several motions. Marvel Heart, Court Administrator was asked to find out why they have not had court yet, and it has been over two months. It was expressed that the ordinance needs to be updated.



**Motion:** Councilman Fred Fox moved that the order to be processed by the end of this Friday by Judge Seaworth. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**D. Court Issue – Virgil & Judith Wilkinson**

Expressed that they found out that we had a court order on us. The judge was not focused on our case and she was more worried about the other party. There was an advocate there for the children. Judith Wilkinson feels they were taken advantage of by non-tribal members. The people became verbally abusive. Councilwoman Monica Mayer states they should have a restraining order against the non-members. They could not even get a restraining order. Judge Seaworth would not listen to the Wilkinson's. The people were supposed to work for Virgil on a vehicle, and the guy never finished the work and took the vehicle. Eventually on Nov 7<sup>th</sup> a restraining order was put into place. The restraining order sat on Judge Seaworth's desk for over a month.

**E. Court Issue – Ferlin Knight**

El Marie Conklin spoke on behalf of Ferlin Knight and informed the committee that her client has never been served with an order. Judge Seaworth served me with a court order and was seeking guidance on how to remedy this situation with the order. The Ferlin Knight custody case has been going on for 10 years. I put in a motion to close out the case. While at the court it was determined Ferlin Knight still has a temporary custody order in place. El Marie Conklin informed the committee that they are going to close this case and transfer everything down to Sisseton. Judge Seaworth does not have the authority to do this. Committee posed the question as to whether a judge had the authority to take a case from another judge. Caleb Dogeagle, TAT Lead Attorney affirmed that they did. Councilwoman Monica Mayer expressed the need to review the judge, immediate reversal of the decision and removal from the case. Councilwoman V. Judy Brugh will call in Judge Seaworth and will hear what she has to say. Judge Seaworth, Judge Jackson and Marvel Heart entered the meeting under closed session. Judge Seaworth stated she was assigned the case read the chapters/code that backed her decision. Both parents live in Sisseton was the reasoning for the decision to transfer jurisdiction. Councilwoman V. Judy Brugh feels Judge Seaworth needs to reassign this case. Judge Seaworth expressed that she has no approval to do so. Judge Jackson stated that the case can be brought back once Judge Seaworth undoes the order. Councilwoman Monica Mayer expressed concern that cases are not being heard or being done in a timely manner. Committee directed Judge Seaworth to overturn her order and turn this over to Judge Jackson. They currently have 7 clerks. Committee requested Marvel Heart to turn in all the employees names, and rate of pay, and summary of Tribal Court's needs. Sadie was scared to come and talk to the Committee because of Judge Seaworth.



Caleb Dogeagle addressed the committee regarding the case of the Yellow Bird family. We visited with the family about the order. We helped the family up until last October.

**V. PROGRAM UPDATES:**

**A. Public Safety Division of Drug Enforcement – Gerald "Chip" White Jr., Chief of Drug Enforcement**

New staff members introduced to the Committee. Chief White provided a written report of recent Drug Enforcement arrests, investigations, and other activities.

**B. TAT Tribal Court – Marvel Heart, Court Administrator**

Court is working with CJ Graham and the Attorney General to see if and how many GPS ankle monitors the state can donate to the Tribal Court. Court is waiting on trade-in of the court's 4 home monitors; the court will get 4 ankle monitors in return at no cost the Tribal Court. Tribal Court has been publishing arrest records in the MHA times at the request of the Judicial Committee at the July meeting. The Tribal court is in the process of advertising and hiring for a Supervisor of the Juvenile Court. The court is still publishing the emergency phone number for the court on the BLUE channel for the New Town and Parshall area because phone lines are still down. A 6 page report of "accounts receivable" from the Projects Manager Evelyn WF is part of this attachment. There are still a number of maintenance issues with the Court Building, including temperature control, electricity and faucet in Jury deliberation room, and issues with the plumbing.

**Motion:** Councilman Fred Fox moved to forward with recommend of approval to write off old unpaid fines from 2001-2010 to the next TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

Public intoxication \$75.00 fine. Never had a fine for intoxication.

**Motion:** Councilman Fred Fox moved to forward to TBC recommend approval of the request to assess Public Intoxication fine of \$25 for court costs. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**C. TAT Law Enforcement – Nelson Heart, Chief of Police**

3 officers that were hired are working on certifications. Request some more time off for the officers. SRO MOU for officers, Caleb Dogeagle has them, need to forward to TBC. Have one employee waiting on adjudication. Did the young lady get put into a desk job? Still waiting on status from upcoming court date. Committee suggested putting her at a desk job as soon as possible. Submitted a Uniformed Detective report for Dec. 2018. Of offences and open & closed cases. 2018 MHA Nation Highway Patrol Stats and tribal vehicle mileage report.



**Motion:** Councilman Fred Fox moved to forward the SRO and MOU to TBC.  
Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**Motion:** Councilman Fred Fox moved to forward the MOU with McKenzie County to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

Some Police vehicles need tags, the vehicles are just sitting. Registrations take far too long to get done.

**D. Homeland Security – Cliff Whitman**

*Item deferred.*

**E. Adult Detention – Joseph Poplaro**

Currently we have 14 correctional officers on staff. With 7 positions open. 5 corrections officers are currently IPA uncertified. Multiple transports were made for medical, dental, and rehabilitations reasons. We resumed full operations on December 5, 2018. Taylor Day will be leaving for the Indian Police Academy on January 14, 2019. We had 10 transports for the month and 10 of which were out of the local area. We had 7 facility incident reports and 7 serious incident reports for the month of December. A majority of cliental there are drug related offences.

**F. Juvenile Detention – Mike Young Bird**

13 were admitted and released from the Justice Center during the month of December. Waiting on 4 adjudications to get done, but they are taking a long time. Committee wants to know why it takes so long for adjudications to get done. Councilwoman V. Judy Brugh will have Norma Baker on her staff look into it.

**G. Child Support – William Woods Jr. , Interim Director**

Still trying to fill the Director's position, will advertise one more time. Councilwoman V. Judy Brugh asked if William is being compensated for being the Interim Director. He was supposed to get a bonus but it kept getting tabled.

**Motion:** Councilman Fred Fox moved to forward the recommendations for bonus to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**H. Victim Services – Sadie Young Bird**

Closing the safe house in Bismarck. Would like to turn Men's sober living lodge to a Women's sober living lodge.

**Motion:** Councilman Fred Fox moved to forward to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.



I. **TAT Legal** – *Caleb Dogeagle, Lead Attorney*  
*[See Closed Session]*

J. **HR Departments** – *Barlow Wells*

*Item deferred.*

VI. **CLOSED SESSION**

A. **Legal Request/Custody Issue** – *Jessie Yellow Bird*

B. **TAT Legal** – *Caleb Dogeagle, Lead Attorney*

VII. **ADJOURNMENT**

**Motion:** Councilman Fred Fox moved to adjourn the meeting. Councilwoman Monica Mayer seconded the motion. Meeting adjourned at 2:23PM.



### CERTIFICATION

I, the undersigned, as Chairman for the Tribal Business Council's Judicial Committee of the of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council's Judicial Committee is composed of three [3] members of whom [2] constitute a quorum; 3 were present at the Judicial Meeting thereof duly called, noticed, convened and held on the 3<sup>rd</sup> day of April, 2019; that the foregoing Minutes were duly adopted at such meeting by the affirmative vote of 3 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Dated this 3<sup>rd</sup> day of April, 2019.

ATTEST:

Handwritten signature of Judy Brugh in blue ink, written over a horizontal line.

Judicial Committee Chairman,  
Councilwoman V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

Handwritten signature of Fred W. Fox in blue ink, written over a horizontal line.

Executive Secretary,  
Councilman Fred W. Fox  
Tribal Business Council  
Three Affiliated Tribes