



CALL TO ORDER:

Councilwoman V. Judy Brugh called the meeting to order 2:24PM.

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:

• **September 19, 2019 Judicial Committee Minutes**

Motion: Councilman Fred Fox moved to approve the September 19, 2019 Judicial Committee minutes. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

IV. NEW BUSINESS:

A. Fort Berthold District Court Fines and Fees – El Marie Conklin, Attorney

Worked with the court for 27 years still working on changing the fines and fees. Requesting the court to require the implementation of the fees. There was an incident with a person who had to pay \$200-\$300 for copies from the court. No copies of the fees were given to any lawyers. It is unheard of to make a motion or to change the judge. A young woman was having medical issues but didn't have the money for a fee to leave for a medical reason to go to the Hospital. A change of a judge is judicial not up to the lawyer or the person. There are no minutes stating the fees and fines have been passed through council. There are no other courts that don't have as many fees if so they are much lower. Councilwoman V. Judy Brugh we had a first reading and was never brought back for a second reading so it never happened. Committee states the fees have not been approved by tribal council. A letter will be sent to the court. Marvel Heart handed out the fee chart and the State fee chart. El Marie Conklin paid the \$150 for a recording fee and still has not gotten the recording. Marvel states these fees were in place when he started his job. Committee wants to know where these fines and fees are being deposited. Norma Baker-Flying Horse states this will be addressed in a working session. El Marie Conklin feels the motion fee and change of judge should be completely taken off the fee schedule. Councilwoman V. Judy Brugh, the changes and recommendations could be brought back to the second reading. We can go by our own rules, we don't have to follow the state. Marvel Heart asked what happens tomorrow with the fee costs for people who come into the court. El Marie Conklin can we just have the motion fee, demand for change of judge and the \$20 request form the court removed.



Motion: Councilman Fred Fox moved to remove the motion fee, demand for change of Judge and the \$20 request form from the court. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

B. Update – Richard Hall, Transportation Director

Stacey Driver gave an update with the MHA licensing not MHA DOT. Had a change in location, now are on Main Street. Informed the Committee that she has paid for some of the services in the building on her own and requested reimbursement. Councilwoman V. Judy Brugh states it should be fine and to submit her receipts. We have many tribal vehicles, getting plates and registration. Only seven programs have paid out of all the department. Would like to apply late fees to the overdue bills. Committee agrees to the late charge fees. Direct the CEO to follow up. The unpaid bills equal up to about \$20,000. Stacey would like to get a budget increase for our department and hire another person in our department. Bring in her budget for the extra needed to the next meet TBC meeting.

Motion: Councilman Fred Fox moved to forward to TBC, and have CEO follow up. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

Richard Hall notified the committee that companies are filling up their trucks with too much gravel. He brought it up to the companies, but some will not change anything. Work with 500 companies currently.

C. SRO Officer

Resolution. Request of the school board and superintendent to bring it forward.

Motion: Councilman Fred Fox moved to forward to TBC. Councilman Mervin Packineau seconded the motion. Vote: 3-0-0. Motion carried.

Discussion: SRO in Twin Buttes resigned and SRO Mandaree resigned.

V. PROGRAM UPDATES:

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

Report submitted for the record. Report included recent investigative activities and accomplishments, arrests, and judicial results for the month. Accomplishments of MHA Drug Enforcement since implementation: Mid-Summer 2015 Drug Enforcement became operational with a staff of four (4) ; Chief of Drug Enforcement, Deputy Chief/K9, Program Specialist, Special Agent (1), K9 Patrol Agent (1), 2015, Drug Incidents – 32, Drug Arrests – 32, Federal Indictments – 15, Federal Arrests – 22, Methamphetamine Seized- 220g (7.7oz), Pills Seized – 14, To Date: Drug



Incidents - 1,351, Drug Arrests- 895, Federal Indictments- 117, Federal Arrests – 153, Federal Cases Initiated – 105, Drug Trafficking Organizations (DTO 's) Disrupted and/or Dismantled, Drug Related Search Warrants- 85, Prescription Pills Seized (Oxycodone)- 8,255 - Street Value - \$593,360, Methamphetamine Seized (Grams)- 6,099g (13 lbs.) - Street Value - \$1.2 Million, Marijuana (Grams) - 4,255 (9.3 lbs.) - Street Value- \$106,625, Heroin (Grams)- 50g (1.7 oz.) - Street Value - \$20, 120, Firearms Seized – 134., Stolen Property Recovered (Dollar Value)- \$200,000, Total Money Seizures- \$912,880, Total Money Forfeitures- \$43,185, Total Street Value of Drugs eliminated from the MHA Nation by MHA Drug Enforcement: \$1,920, 105.00.

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

Sadie Young Bird spoke about domestic joint grant they applied for. Working with Tribal Court with the grant. \$450,000 grant for three years. Also will work with McLean County will be able to hold people. Lost \$780,000 two years ago due to auditing. Councilwoman Monica Mayer states it is the finance system here due to losing grants. Marvel Heart states positions are being advertised. Magistrate and associate Judge is also advertised. Marvel Heart has 27 computers from department would like to give them to White Shields school, Twin Buttes school, Boys & Girls Club, The Door. Councilwoman V. Judy Brugh states if they have any more computers Four Bears would like some for after school programs. FBDC requests clarification of approval of consultant contracts for the judicial appellate services the ND Supreme Court Justices. Currently the Justices are Michelle Rivard-Parks, John Mahoney and James Maxson, James Grijalva, and Attorney William Woods (alternate). The contracts are for 4 years and will begin July1, 2019. Need resolution from that. Mr. BJ Jones Contract also needs a resolution. Contract for Evelyn Wounded Face. She will come in once a week and helps inputting and updating. Councilwoman V. Judy Brugh states the Court is essential staffed, need an essential personal there at all times. Court should never shut down. Marty Foote has accepted the position of Magistrate Judge, will need approval. Will bring on a lay advocate for the Public Defender's office. Continue working on the Tribal Codes; Justice Commission and TBC will meet on November 21st for a working session. 3 Court staff members attended the National Tribal Judicial and Court conference in Minneapolis. The Court received new computer and is donating old computers to Boys and Girls Club, The Door, White Shield School and Twin Buttes School. 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. Maintenance has been working to fix it.

Motion: Councilman Fred Fox moved to forward the Evelyn Wounded Face & Marty Foote contracts to TBC. Vote: 3-0-0. Motion carried.

Amanda Deville, Civil Clerk took on extra job duties, would like to get her a 5% raise. Committee suggests submitting it to HR. El Marie Conklin brought up the Law and Order Act regarding the grant the issue is the Magistrate is not law trained. No



bond will be set. The Court and Jail could lose Federal funding. Judge Seaworth or Attorney Tyra Wilkinson need to address Magistrate Kermit Heart if there are issues. Have issues with Judge Seaworth also with the same issues with 50 open cases currently. Back down on giving her more cases. Councilwoman Monica Mayer states we need to have a Judicial work session with these judges. Councilwoman V. Judy Brugh states to tell Judge Seaworth and Magistrate Kermit Heart this is a directive by the committee to be there.

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

Captain Grace Her Many Horses provided brief report in Chief Heart's absence. Councilwoman Monica Mayer asked about the hours on one of the charts, most calls are between 5-9PM on Friday and Saturdays. The officers are staffed up on those days. Have two officers at the Academy and they are doing great.

D. Homeland Security – *Cliff Whitman*

Been working with companies with mass security alert. Been working people on getting the system up and running. Had a meeting with Scott Davis, Executive Director of the ND Indian Affairs Commission and others in Bismarck about flooding.

E. Adult Detention – *Daniel Good Luck, Administrator*

Submitted a written report the record. From 1010112019 to 1013112019 at 0800 hours there were 115 inmates brought into the custody of the GTFJC. Our capacity is currently 36 inmates. 71 were males and 44 were females. 63 were arrested in New Town, 13 in Four Bears, 22 in Parshall, 9 in Mandaree, 8 in White Shield and 0 in Twin Buttes. 79 were under the influence of Drugs and or alcohol. There were 209 charges assigned to the 115 inmates creating an average of 1.82 charges per person. On an F. W. Issue the CEO noted that has looked into it but there was no motion made to have CEO make a decision on issue at this time.

Motion: Councilman Fred Fox moved to forward to TBC as Closed Session - F. W. Issue. Councilwoman Monic Mayer seconded the motion. Vote: 3-0-0. Motion carried.

F. Juvenile Detention – *Robert Hunter, Administrator*

Item deferred.

G. Child Support – *Alison Johnson, Director*

Submitted a written report the record. Staffing -We are currently fully staffed. Monthly collections. Total collected in October, 2019 was \$88,121.01. We came in at just over 2.1 million dollar mark for collections and distributions for 2019. Our next court dates are November 13th and 27th, 2019. We are maintaining regular court sessions two times per month. We need maintenance to come over and winterize our



building- insulation, panels on the outside that aren't on need replaced to keep heat in, heat tape for water line. Have a new building purchased but need a lot to put it on. Will need to send it to TBC. The Fall Tribal Child Support Directors Meetings- Director, Alison Johnson and Attorney, Bill Woods attended meetings in Cherokee, NC and also three staff attended the Western Intergovernmental Child Support Engagement Council (WICSEC) in Spokane, WA. in October. Contact Wireless Training- It is a Bulk Texting Service that the child support staff had training on this past week that will be implemented to better serve our clients. Ex. Send reminders for court dates, children's birthdays, received payments. We had a telephone meeting with KAT Marketing about a 1 minute video they will be putting together for our Child Support agency to help positively promote our services to the public. Should be done by the end of this year.

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

H. Victim Services – Sadie Young Bird

Item deferred.

I. TAT Legal – Tara Wilkinson

Item deferred.

J. HR Departments – Melissa Brady, Acting Director

Item deferred.

VI. CLOSED SESSION

A. Judith Danks

B. Richard Hall

VII. ADJOURNMENT

Motion: Councilwoman Monica Mayer moved to adjourn the meeting. Councilman Fred Fox seconded the motion. 4:49PM




CERTIFICATION

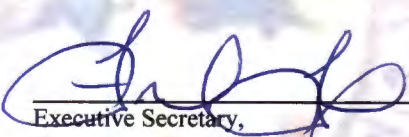
I, the undersigned, as Chairman for the Tribal Business Council's Judicial Committee of the of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council's Judicial Committee is composed of three [3] members of whom [2] constitute a quorum; 3 were present at the Judicial Meeting thereof duly called, noticed, convened and held on the 7th day of January, 2020; 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 7th day of January, 2020.

ATTEST:



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



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