



CALL TO ORDER:

Councilwoman V. Judy Brugh called the meeting to order at 1:18 PM.

I. ROLL CALL:

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

II. APPROVAL OF AGENDA:

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

III. APPROVAL OF MINUTES:

- **July 1st, 2022 Judicial Committee Minutes.**

Motion: Councilwoman Monica Mayer moved to approve July 1st, 2022 Judicial Committee Minutes subject to minor corrections. Councilman Fred Fox seconded the motion. Vote: 3-0-0. Motion carried.

IV. NEW BUSINESS:

A. Tribal Codes Updates - Janice Morley

Down to the last two code revisions. Would like to have a meeting with Law Enforcement and go over some of the Codes, Jurisdiction codes. Would like to put in a code. 1962 model penal code, made modifications to this code. There is a model in Fort Yates and Janice Morely suggests to follow one like this. Janice Morely looked into Loren's Law and this was one of the laws Janice Morely looked into regarding sex trafficking. The code now is so forgiving. There is a weapon section. If someone wants to obtain a gun license for the Reservation, a Magistrate can do so. Councilwoman V. Judy Brugh states Janice's work is tedious and will need more time to work on the Code, request to keep her on to finish her work.

Motion: Councilwoman Monica Mayer moved to forward to Executive Committee for contract renewal under general fund. Councilman Fred Fox seconded the motion. Vote: 3-0-0. Motion carried.

Discussion: Janice Morely would like to have revision meetings with Law Enforcement. Need a review of current jail situation, and recommended a visit to the Salt River Facility. Would help with this renovation and building of a facility. Janice cannot make it to the Executive Committee Meeting.



B. Mountrail County Sheriff - Cory Bristol

Due to an ongoing investigation Nelson Heart requested Closed Session. Committee started Closed Session at 1:47 PM.

FTR: Councilwoman Sherry Turner-Lone Fight joined the meeting at 2:08 PM.

V. PROGRAM UPDATES:

A. Public Safety Administrator – Philip Packineau

Phil gave update on prior meetings and upcoming meetings. Had meeting regarding the MOU, overall a good process working with Highway Patrol. Met with SORNA people, and would like to meet with them again to sort out some issues. Working on bringing on more staff. Councilwoman V. Judy Brugh wants to meet with Phil after the meeting, closed meeting. Councilwoman V. Judy Brugh asked if all officers are CPR and First Response trained, would like to make sure all are certified.

B. Public Safety Division of Drug Enforcement – Gerald "Chip" White Jr., Chief of Drug Enforcement & Supervisory Special Agent Dawn White

Report submitted for the record. SSA Dawn White and Agent Jay Brugh Jr. provided the update for DEA. Special Agent Roger Gullickson specialized shooter, is working with active shooting trainings.

C. TAT Law Enforcement – Nelson Heart Jr.

Report submitted for the record. Nelson and Evan Deemer gave update for Law Enforcement. Have been having trainings for staff that need it. Evan reported the trainings held for staff. Sent officers to conferences pertaining to Law Enforcement. Councilwoman V. Judy Brugh states, I thought we were going to hire someone to do Adjudications and background checks in Law Enforcement. CEO was asked to follow up on this position. Councilwoman V. Judy Brugh knows 2 people who can do adjudication and background checks. Nelson asked to put someone in for SORNA, there are requirements to work as a SORNA Director, Phil is currently working on this. Working on filling in the open 2 Lieutenants positions.

FTR: Councilwoman Monica Mayer stepped out of the meeting at 3:00 PM.

FTR: Councilman Fred Fox left the meeting at 3:06 PM.

D. Department of Transportation – Blaine Flynn, Director

Report submitted for the record. Within these past weeks, MHA Department of Transportation Motor Carrier Inspectors conducted random checkpoints in West Segment. MHA Department of Transportation currently has the following positions open (1) Office Assistant (was turned down by applicant), (1) Motor Carrier Inspector (Resignation), and (1) Dispatcher (TBC Selected extra dispatcher, this was turned down by applicant). Weight Enforcement: 5 Total Contacts; 4 Citations Issued;



Amount of Citations: \$7,160. Compliance Enforcement Check: 98 Total Contacts;
13 Citations Issued; Amount of Citations: \$11,235. Funeral Escorts: 4

E. TAT Tribal Court – *Dr. Elizabeth Yellow Bird*

Report submitted for the record. Continue to provide services to MHA nation and public with consideration given to COVID protocol (2) FBDC has 30 full time staff and 4 consultants. The Prosecutors and Public defender's Office have contracts through the legal department but are under the supervision of the Court.

One bailiff, two clerks, and one adult probation supervisor have been advertised and we are setting up interviews. The Court is researching supervisory training for staff. The court staff works hard at keeping up with the workload. Our primary goal is to provide services to the people of the community and to protect the health and safety of the judges, court staff, and litigants the best way we can. Budgets for the 2023 year are being worked on, we have a consultant who is helping us complete the budgets. Since the loss of one of our Judges we have gained a former judge, Marty Foote.

Because of his previous experience this is a good fit. The Wellness Court continues as a priority, reports have been submitted with details regarding the status of the Wellness Court, its activities and information about events. The Court is reviewing security and is working on a plan for safety protocol for the building. As part of the safety and security protocol, the Court has added a voice intercom system, staff is able to make an announcement throughout the building. The Court is researching "code" systems. Accomplishments: Travel/training for a Judge has been completed; another training opportunity for Judges and Court staff is anticipated in October; travel for 3 Wellness Court staff has been initiated. The 2023 contracts for the Judges Christensen, BJ Jones, Mary Seaworth (PT), and Jackson have been approved. The contracts for the Public Defender and Prosecutor are part of the legal department.

We have completed two meetings regarding the Police evidence and warrants with the Police, and the Court. These have been very good meetings to clarify policies and procedures regarding warrants and police evidence. These meetings will be overseen by the Public Safety Director, and will continue as Public Safety Meetings.

The Prosecutors office remains very busy and is anticipating a new attorney to work with the prosecutor. The prosecutor's office submits the Criminal Department report in the monthly reports. Added Magistrate Marty Foote. Wellness Court continues, 2 individuals will be graduating from this program next month. Contracts have been approved for Judge Christensen, B.J. Jones, Mary Seaworth and Judge Jackson.

F. Homeland Security – *Cliff Whitman, Director*

Cliff gave an update to the Committee. Councilwoman V. Judy Brugh asked about the metal detectors in the community buildings and schools. This was supposed to be done a long time ago. Cliff will need to bring back a budget of what it will cost and the Council can approve it.

G. GTFJC Adult Detention – *Danielle Goodluck, Administrator*

Thus far for the month of August the Gerald "Tex" Fox Justice Center (GTFJC)



currently has 14 Correctional Officers on staff with 7 Positions open 7 Corrections Officers are currently IPA uncertified. From 8 / 01/2022 to 8/31/2022 at 0800 hours there were 140 inmates brought into the custody of the GTFJC. Our capacity is currently 43 inmates. 85 were males and 55 were females. 72 were arrested in New Town, 21 in Four Bears, 18 in Parshall, 19 in Mandaree, 7 in White Shield and 3 in Twin Buttes. 101 were under the influence of Drugs and or alcohol. There were 337 charges assigned to the 140 inmates creating an average of 2.41 charges per person. We had 7 transports for the month, 2 of the transports were out of the local area. We had 6 Facility Incident Reports and 4 Serious Incident Report for the month Of August. A lady who was pregnant had her baby during Labor Day Weekend. She had a successful delivery, her brother picked up the baby.

FTR: Councilman Fred Fox joined the meeting via conference call at 3:21 PM.

Meth and Fentanyl are the most common used drug currently.

H. GTFJC Juvenile Detention – *Mike Young Bird, Administrator*

Report submitted for the record. The Gerald Tex Fox Justice Center Juvenile Correctional Facility currently staffs, 1 Lieutenant, 4 Sergeants, and 7 Correctional Officers. Juvenile Corrections have 7 Juvenile Correctional Officers and 2 support staff still pending their adjudications from Personal Security Consultants. There were 18 males and 21 females for a total of 39 admitted and released from the Justice Center during the months of May, June, July and August 2022. The Juvenile programming goal is to interact more with the adolescents and build on rehabilitation. The Juvenile Behavioral Therapist, Mrs. Jennifer Nodland-Lenning, Licensed Clinical Social Worker, Master of Social Work from the University of Nebraska has 21 years of experience working with children and families. Mrs. Nodland-Lenning provides individual and group counseling with the adolescents detained at the justice center. Mrs. Nodland-Lennings also coordinates services to Mental Health units, Drug and Alcohol Treatment programs throughout the state of North Dakota. Case Management services were provided for 33 youth for the months of May, June, July and August" 2022. Juvenile Corrections is continuing to temperature check staff and juvenile inmates. The Juveniles are quarantined once they are detained and further assessed from medical personnel. The juveniles are required to wear their masks when their escorted or when they are in the classroom,

I. Child Support – *Alison Johnson, Director*

Report submitted for the record. Bill Woods gave monthly report to Committee. Monthly collections -- Totals collected in July & August 2022 were: \$75,203.83 in July & \$176,651.61 in August. Submitted a breakdown of the collections on cases in July; I'm still working on compiling August's breakdown of distributions. I will email those as soon as it is ready. Staffing - We currently have 1 Caseworker opening, but have a staff of 8 in the Child Support office right now working hard. Tribal Child Support Court - Our next court dates are on September 21st, 2022. Tribal Child



Support Enforcement Statistics from: 7/1/2022 To: 7/31/2022: Total Number of Open Cases: 650; Established Oder: 630; Pending: 20; Tribal Support Orders: 352; Foreign Support Orders: 278; Total Amount Collected on All Case: \$75,203.83; Total Amount of Current Support Collected: 56,524.04; Total Amount of Past Due/Arrears Collected: 18,679.79; Arrears Only Cases Collections: 7,316.00; Cases Paying Current Monthly Obligations: 62 Out Of 364; How many Disbursement only cases: 130; None paying cases: 450. Child Support Building - Still waiting to hear on the timeframe of when we can move into the temporary placement office space in the old nursing home building that is being renovated for us. I did reach out to Mr. Nathaniel Mayer who was helping us out on this process on August 15th, and got no response back from him. I'm not sure what's going on with it now or if it's still happening. We were approved at the November 26th, 2019 TBC meeting for a new Modular Building purchase, we just need to find a lot to put it on. We were told by Nathaniel that there possibly one over by the Justice Center and courthouse (Foote Property), which would be ideal for us since we work closely with the courts on Child Support cases. I wasn't sure if I should get 3 quotes for a new modular/manufactured office building still or to just hang tight on this process for now until further notice? Still waiting to move into another building before winter. Councilwoman V. Judy Brugh wants to discuss this with the Council and find them a place.

J. Victim Services – Sadie Young Bird, Director

Report submitted for the record. Services: Advocacy 872; Case Management 642; Transportation 198; Protection Orders 29; Shelter Nights 937. Clients: Domestic Violence 78; Elder Abuse 11; Family Violence 1; Sexual Assault 14; Harassment 18; Child Abuse 1; Child Pornography Victim 1. Department of Corrections and Rehabilitation VOCA Grant Award in the amount of \$75,000.00 for the period of October 1st, 2022, through September 30th, 2023.

K. TAT Game & Fish – Toni Smith, Director

Item deferred.

L. TAT Legal – Tyra Wilkinson, Lead Attorney

Item deferred.

M. HR Department – Melissa Brady, Director

Report submitted for the record. HR meets with employees and directors on a daily basis for disciplinary, benefits, and assists with questions. HR continues to meet regularly with Big Fire Law Firm for the updated Personnel Policy & Procedures handbook. Every other Tuesday. Very close to completion. Once complete, the draft will be sent to Tyra for Legal approval. Once Legal approves, the final draft will be sent to TBC for approval. Every Friday morning the Benefit Specialists and HR Director have a zoom meeting with the broker, MMA to discuss any ongoing issues.



THREE AFFILIATED TRIBES
TRIBAL BUSINESS COUNCIL
JUDICIAL COMMITTEE
SEPTEMBER 12th, 2022 MINUTES
[CLOSED SESSION CONTENT EXCLUDED]

Due to the transition from Ease Benefits to WFG Benefits Management, representatives from WFG will be added to this weekly call. Meeting with WFG and early discussion of how to set up the onboarding (applications) process within WFG. After HR becomes fully trained, we will train the Directors and Administrative Assistants before going live with the process. Will continue to meet regularly until implementation is complete. Monthly Data: Applicants: 137 ;Vacancies Posted TAT: 89 ;Vacancies Posted EMHC: 49 ;Total Job Postings: 138 ;Hires: 25 ;Rehires: 17 ;Terminated: 7 ; Temporary Employees: 183 ;Permanent Employees: 1,463 ; Total Employees: 1,646 ; SARS entered: 149 ;Salary Modifications: 10 ;Closeouts entered (termination/resignation/transfer): 47 ;Verification of Employment: 26 ; Backgrounds: TAT Tribal Court Performed: 81 ;Pending: 21 ;Other Tribal Court Pending: 4 ;Preliminary Backgrounds Performed: 109 ;Preliminary Backgrounds Pending: 24 ;PSC Pending Full Adjudications: 128 ;Adjudications Submitted to PSC: 85 ; New Hire Enrollment: 36 ;Terminations: 28; Employees on FMLA: 9; Workers Comp Claims: 7 ;Unemployment Claims: 3; Life Insurance Claims Processed: 14; Pending: 8. The HR Department is getting closer to our actual amount of employees needed per industry standard. HR Industry standard is 1-1.4 HR staff member per 100 organization employees. The Tribe currently has 1,646 employees. HR should have at least 16 to 22 employees. We currently have 13 employees. The barrier for HR becoming fully staffed is lack of office space. Our current staffing needs are as follows: 1 Benefit Specialist and 1 Administrative Assistant. Per CEO, HR has been directed to hire an Employment Pool Coordinator for the Tribe to assist departments with immediate and temporary hiring needs. Will have to wait for departments to move from the current Tribal Building into the new building. Space will become available then. Background Investigator, Background Verification Specialist, Assistant HR Director and HR Director are currently completing the Background Investigations certifications. Both Benefit Specialists will be THRP certified by the end of September 2022. Currently working with Health Administration and EMHC to draft an employee suicide protocol. HR is still working on the policy manual update with Big Fire Law Firm. We are also working on exemptions for applicants in recovery for specific positions within Recovery programs such as Healing Hearts Lodge and GRRC. Big Fire Law Firm, Sharon Thompson, HR and the GRRC CEO have met on this issue. UPDATE: Dr. Froelich and HR met and agreed the criteria would be stated in the job description for those positions. Dr. Froelich is working on other criteria to be named. Tyra Wilkinson prefers receiving all of the policies together as one document for review. When completed, we will present to TBC. Big Fire is almost done with the draft. We have about 3 more policies to complete. We added a mental health policy in the workplace due to current issues. Drafting a Hazard Pay policy for the Tribe, per CEO directive. Will work with others for feedback and review before presenting to full TBC. Benefits is looking to transition from the Ease platform to the WFG system for Benefit Administration. We are currently working with WFG and the CFO's office to see if feasible. Approved We are hoping to send out an RFP for a new 401(k) plan administrator soon. Working with an associate of John Fredericks for a draft. UPDATE: RFP draft is with TAT



Legal. Update/Action Items: Employee Orientation Dates: 9/28/2022, 10/26/2022, 11/16/2022, and 12/21/2022 *tentative, Preliminary renewal numbers for Sanford Health Plan 2023 will come out mid-September. There are 732 unsigned policies in Ease. This is for the life insurance policy. Employees need to sign. The Benefit Specialists have been calling, texting, and emailing employees to get this done. Brook is the Background Investigator. 221 pending 14 are Law Enforcement, 9 need to come in and do fingerprints. Phil Packineau reached out to the BIA, they state if there is someone in Law Enforcement or HR in-house would be best. Working on electronic SAR's.

VI. CLOSED SESSION:

A. Personnel Issue

B. Mountrail County Sheriff - *Cory Bristol*

VII. ADJOURNMENT:

Motion: Councilman Fred Fox moved to adjourn the meeting. Councilwoman Sherry Turner-Lone Fight seconded the motion. Meeting adjourned at 4:13 PM.




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 4th day of October, 2022; 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 4th day of October, 2022.

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