



**CALL TO ORDER:**

Councilman Fred Fox called the meeting to order at 11:21 am.

**PRAYER**

Prayer by B.J. Brady.

**I. ROLL CALL:**

*Present:* Councilwoman Monica Mayer, Councilman Randy Phelan, Councilman Fred Fox.  
*Quorum established.*

**II. APPROVAL OF AGENDA:**

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

**III. APPROVAL OF MINUTES:**

- **April 24, 2017 Judicial Meeting Minutes.**
- **October, 10<sup>th</sup>, 2017 Judicial Meeting Minutes.**  
*Item deferred.*

**IV. NEW BUSINESS:**

**A. TERO Issue (Tribal Court Process) - Gerald White Sr.**

Complaint form addressed to TERO. Kenny Wells did work on Gerald's house and did not do a good job. Gerald paid Kenny \$2,000 for startup, and given two more payments thereafter (\$2,000 Sept 14<sup>th</sup> and \$1,247.05 Oct 7<sup>th</sup>). Requested receipts, did not receive any. Work not completed. Request is to recover \$5,000. Councilman Fred Fox will have TERO assess and figure out how much has been done. To bring the receipt to Councilman Fred Fox's office and he will help recover some of the cost.

*Motion:* Councilman Randy Phelan moved to direct Al Nygard to get a hold of Bruce Benson for an assessment. Also the cost that Gerald paid for contractor from Turtle Lake. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

*Discussion:* Kenny Wells to be added to the no work list at tomorrow's TBC meeting.

**B. Civil Erroneous Falsified Claim - Leon Little Owl<sup>2</sup>**

*Item deferred.*

**C. Status of "Elder Abuse Code" - Doreen Lynons<sup>2</sup>**

*Item deferred.*

**D. Tribal Court Proceedings - Carmen Merrill**

Issues with the court. Informed by an employee of the Court. Court did not receive mail for a month, sent certified mail to them on October 3<sup>rd</sup>. Carmen Merrill has a hearing coming up regarding custody. Two legal people went to Canada to serve papers on me. Have a



difficult time with the clerks at the Court in New Town. Clerk emailed the judge documents that needed submission the day before. A judge in Canada told Carmen Merrill that the trial could be thrown out of court due to the invalid information. She has only seen children three times since July with supervised supervision. Councilman Randy Phelan states Court Administrator will report to the Tribal Business Council tomorrow.

**Motion:** Councilman Randy Phelan moved to have the Court administration at Tribal Business Council tomorrow.

*No Vote.*

**Discussion:** Marvel Heart informed the committee that the mailbox issue had been resolved and expressed the need for more clerks at the TAT Tribal Court. Councilman Randy Phelan recommends wait until after the court hearing on the 20<sup>th</sup>.

**E. Maggie Halvorson<sup>3</sup>**

*Item deferred.*

**F. Stolen Vehicle Issue – Thomas Harwood**

Truck stolen and report to Police Department. Did not receive a police report back yet for the insurance company. Victims should receive feedback in a timely manner. Full coverage on vehicle. Nelson Heart joined the meeting. Report taken by Chief Marshall on April 25<sup>th</sup>. The report showed Mr. Harwood loaned his vehicle in February, off the Reservation in Bismarck. Joe Gillis and Courtney Benson stole the truck in Parshall, not in Bismarck as the report states. Officer Marshall did not share any information with Mr. Harwood or have any communication. In April, the truck was picked up (towed) in Bismarck. According to Chief Nelson Heart the truck was picked up for repossession, but Thomas states the truck is paid off, he has the note to verify. Joe Gillis has not been picked up for stealing the truck. Councilman Fred Fox asked why was there no charges brought up. Can Thomas refile? Nelson states yes.

**Motion:** Councilman Randy Phelan moved to have Thomas Harwood refile. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**G. Police Harassment – Ester Bacd<sup>1</sup>**

*Item deferred.*

**H. Child Support Mishandling – Karen Diane Smith<sup>1</sup>**

*Item deferred.*

**I. Non Enrolled Member Issue – Charlene Fox**

*Item deferred.*

**J. Wage Garnishments**

Councilman Randy Phelan states they are asking if a member can have a wage deduction lowered. There is a resolution that states only 2% can be taken as payroll deduction.



**Motion:** Councilman Randy Phelan moved to forward to Tribal Business Council, give meeting minutes to CFO. Councilwoman Monica Mayer seconds the motion. Vote: 3-0-0. Motion carried.

**K. Women's Recovery Home – Roychelle Baker**

B.J. Brady states the tribe was going to pay the first month's rent. Wanted to open the Recovery Home by December 15<sup>th</sup> but will probably push the opening date back. Roychelle Baker will meet with Chairman Fox tomorrow before the Tribal Business Council.

**FTR:** Councilman Randy Phelan stepped out. Councilman Frank Grady joined the meeting.

**L. Elaine Incognito**

Granddaughter Shannon Beston is with Elaine. Bullying behavior from Councilman Cory Spotted Bear's staff. Issue with rumors having a drug problem by said staff. Shannon Beston filed a restraining order against Devon Starr. Devon Starr filed against Shannon Beston and her brother James. Shannon Beston's court date will be on Dec 19<sup>th</sup>. Marvel Heart had been informed of this two weeks ago. Detective Sam Lincoln has been in contact with the States Attorney. Councilwoman Monica Mayer states this issue is an ongoing harassment issue. Law enforcement needs to contact Councilman Cory Spotted Bear for discussion.

**Motion:** Councilman Frank Grady moved to forward to the Tribal Business Council under closed session. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

**M. Thomas Black Hawk Jr.**

Mr. Black Hawk Been lives in Tennessee and has been to get of his son returned from the mother who took the child to Crow Agency. Thomas has custody with Burleigh County since 2014. John Fredericks reviewed the Burleigh County court order recommended that he get a court order through TAT Tribal Court. Al Nygard will get the Court Administrator, Marvel Heart to work on assisting with this issue.

**V. REPORTS – PROGRAM UPDATES:**

**A. Public Safety Division of Drug Enforcement (MHA-DDE) – Chief Gerald White & Special Agent Chad Coulter**

MHA-DDE Agents assisted Mclean County Sheriff's Office(MCSO), BCI, and other law enforcement agencies with the execution of several state search and arrest warrants. Ultimately, four individuals were arrested, in excess of ten grams of meth, and \$1,700 in United States currency was seized. Provided a summary of recent activities & pending cases. Special Agents White, Fauver, and Cummings successfully completed and graduated the two-week BCI Basic Criminal Investigator course. On October 31, 2017, MHA-DDE hosted their Grand Opening ceremony, where a number of dignitaries, to include Chairman Fox, Judicial Chairman Fox, Councilman Packineau, representatives from several United States Senator's offices, and several prominent local and federal law enforcement officers spoke and praised the efforts of MHA-DDE. Regular meetings continue with Assistant United States Attorney (AUSA) Rick Volk, United States Attorney's Office (USAO); Mountrail County State's Attorney Wade Enget; SA Derek



Davis, Homeland Security Investigations (HSI), and various other agencies re ongoing prosecutions and joint cases. MHA-DDE had their inaugural monthly drug intelligence meeting with Mclean County Sheriff's Office (MCSO), BCI, and other law enforcement agencies at their office in Parshall.

**B. HR Tribal Programs - Barlow Wells, Director**  
*Item deferred.*

**C. TAT Tribal Court (FBDC) - Marvel Heart, Court Administrator**  
FBDC currently has 24 employees with 8 vacancies. Fines/Fees .Assessed (All Case Types); 8,903 (Processed in October), 88,663(YTD). \$2,530.00 in filing fees from 71 Civil Petitions. Still searching for a Public Defender. B.J. Jones Contract to serve as an Associate or Alternate Judge.

**Motion:** Councilwoman Monica Mayer moved to forward the B.J. Jones Contract to Tribal Business Council. Councilman Frank Grady seconded the motion. Vote: 3-0-0. Motion carried.

**D. Homeland Security - Cliff Whitman**

Does Council want timers on the sirens for curfew. Committee thinks it should be up to the Community Representatives. North Segment would be in agreement with the city ordinance if they have one.

**E. Criminal Investigation - Nelson Heart, Chief**  
*Item deferred.*

**F. Adult Detention /Juvenile Detention (GTFJC)- Titus White Body & Mike Young Bird, Administrators**

Correctional Officer Henry Penland provided the October update. The Gerald "Tex" Fox Justice Center (GTFJC) currently has 18 Correctional Officer on staff. With 3 position open. 7 Corrections Officers are currently IPA uncertified. Religious services were offered to the inmates weekly. Alcoholics Anonymous were offered to the inmates weekly. Multiple transports were made for medical, dental, and rehabilitation reasons. We currently need to repair the padded cell, a piece of the wall is missing and a door hinge is broken off of the wall so that door is unusable. From 10/01/2017 to 10/31/2017 at 0800 hours there were 198 inmates brought into the custody of the GTFJC. Our capacity is currently 36 inmates. 146 were males and 53 were females. 112 were arrested in New Town, 27 in Four Bears, 20 in Parshall, 19 in Mandaree, 14 in White Shield, 6 in Twin Buttes. 142 were under the influence of Drugs and or Alcohol. There were 330 charges assigned to the 198 inmates creating an average of 1.67 charges per person. 10 transports for the month 1 of which were out of the local area. We had 2 Facility Incident Reports and 18 Serious Incident Reports for the Month of September. 18 Serious Incident Reports involving Overcrowding.

**G. Child Support Enforcement - Ellen Otterman, Director**  
*Item deferred.*



**H. Domestic Violence** - *Sadie Young Bird, Director*

Will not need day staff at new house. IBC rate lapse. Al will continue to work with the CFO on this.

**I. TAT Legal** - *Caleb Dogeagle*

*Item deferred.*

**VI. CLOSED SESSION**

**VII. ADJOURNMENT**

**Motion:** Councilman Randy Phelan moved to adjourn the meeting. Councilman Frank Grady seconded the motion. Meeting adjourned at 2:45PM.





**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 1<sup>st</sup> day of February 2017; 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.

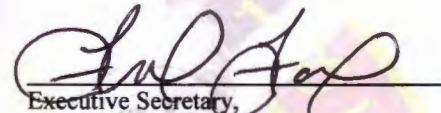
Dated this 1<sup>st</sup> day of February 2017.

**ATTEST:**



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Judicial Committee Chairman,  
Councilman Fred Fox  
Tribal Business Council  
Three Affiliated Tribes



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