



CALL TO ORDER:

Councilman Fred Fox called the meeting to order at 11:15AM.

I. ROLL CALL:

Present: Councilwoman Monica Mayer, Councilman Randy Phelan, Councilman Fred Fox. (Councilman Frank Grady not in attendance). *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:

• **October 10th, 2017 minutes.**

Motion: Councilman Randy Phelan moved to approve the October 10, 2017 minutes' subject to corrections. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

• **November 14th, 2017 minutes.**

Motion: Councilman Randy Phelan moved to approve the November 14, 2017 minutes' subject to corrections. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

• **December 8th, 2017 minutes.**

Motion: Councilman Randy Phelan moved to approve the December 8, 2017 minutes' subject to corrections. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

IV. NEW BUSINESS:

A. Police Harassment – Ester Baca

Item deferred.

B. Child Support Mishandling – Karen Diane Smith

Item deferred.

C. Non Enrolled Member Issue – Charlene Fox

Item deferred.

D. Legal Issue, Attorney Reed Soderstrom – Jolene Lockwood

Item deferred.



E. Personal Issues, Ethical Violation – Mildred J. Berryhill [See Closed Session]

F. Maggie Halvorson

Item deferred.

G. Public Safety Mesh Network – Daniel Eslinger

Daniel Eslinger is working with Mike Smith (TAT Security) and with North Segment on the Hawk Estates, and one other person. Committee asked if they are doing work with our TAT Police. Texx Lone Bear states the Energy buildings video cameras are not working properly. Daniel states this will work with the cameras here. Councilman Randy Phelan wants the cameras the State has, where they can monitor the city entrances and exits. Cameras will take a snapshot of a vehicle up to 80 mph. Drug Enforcement could also use this system with drug activity. Committee needs an estimate of cost. Lost bridge, Mandaree, Twin Butte's and White Shield coverage. CEO recommends working with the other departments and come up with a proposal.

Motion: Councilman Randy Phelan moved to forward to March Tribal Business Council, and have CEO work on a proposal. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

H. Texx Lone Bear Family

Lone Bear family is getting more help from the State of ND. Both Senators have called. Been running into deficiencies, with help looking for Olivia Lone Bear. The resolution put forth has not yet happened; the Bureau is not doing anything on it yet. CEO states that they made three requests to the Bureau of Indian Affairs with no response from them. Finally got one last week. Jerimiah Lone Wolf has been reassigned; the new individual will be sending two individuals to Ft. Berthold. Councilman Randy Phelan wants a letter and a date when they will be here, CEO already did so. Elgin Young is the Bureau person. Matthew Lone Bear states they had an altercation with two nonmembers already. An enrolled elder woman was threatened with assaulted on Jan 17. A floater was put in place. These two nonmembers were volunteers. Have a complaint with the tribal police on the issue with the elder. Texx we are compiling a record on this if it ever happens again, for other families. Texx requested if the committee received a Police report the committee get Texx the info to add to record the family is compiling.

I. Custody of Grand Children – Michaela Bacon

Has custody of grandchildren. 9 days later, the custody was revoked when picking the children up. Placed with us in August. Filed for custody in September, went to court on the 24th, was denied custody on a technicality. In January, she received notice that she was awarded custody. She took the paper to child services and was told to vacate. Caleb Dogeagle recommended that the Committee go into closed session.



J. Alfred Smith Water Permit Issue

Item deferred.

K. Speedy Trial Rule - Vance Gillette

In October 2016, the Judicial Committee passed a motion to adopt a 10 month speedy trial rule. A revised Resolution and approval by the TBC is needed for reasons; The court has a chronic backlog of criminal cases which were not processed for from 1 to 4 years. This information is from dealing with the court on criminal cases over the past 5 years. Also, I requested Marvel Heart(Court Administrator) to provide data on old cases by year. Selective enforcement. Some cases are pushed for trial, while other are not. This arbitrary process singles out some. Violation of due process. For example, I did plea agreements on cases from 2013- in 2017 (4 years old). Then, the tribe still tried to prosecute though the 2013 cases were dismissed. Stale arrest warrants. The old cases lead to arrest warrants. In 2018 a lady was recently arrest on an old traffic charge from 3 years ago. A speedy trial rule would eliminate problems noted above. Caleb Dogeagle states he came forth with a speedy trial rule. The proposed rule is for 10 months, if not handled it will be dismissed. Caleb Dogeagle states this is for static cases. Assault and battery vs. misdemeanor makes a big difference. Caleb Dogeagle will make an amendment to the ordinance.

Motion: Councilwoman Monica moved to amend the ordinance to have a speedy trial. Councilman Randy Phelan seconded the motion. Vote: 3-0-0. Motion carried.

On a separate issue Mr. Gillette discussed issues with Prosecutor R. Ackre and delay of cases that creates hardship for persons who face criminal charges. The pattern of delayed cases requires corrective action by the tribal council.

L. Twila Hawkins [See Closed Session]

M. Karen Sky

Item deferred to NRC Committee Meeting.

N. Family Medical Leave – Ardel Jean Baker

Requesting medical leave and as she is under indirect, she cannot get leave from her husband Thomas Crows Heart. CEO states Thomas is payed out of Federal funding and cannot donate to someone who gets payed out of indirect. CEO will work on Ardel's Medical leave.

Motion: Councilwoman Monica Mayer moved to forward to Tribal Business if CEO cannot fix it. Councilman Randy Phelan seconded the motion. Vote: 3-0-0. Motion carried.

O. Grace Gillette



Requesting a sponsorship for Denver March Pow-Wow. It was noted that last year tribal members received free bands for admission.

Motion: Councilman Randy Phelan moved to forward the sponsorship request to Tribal Business Council. Councilwoman Monica Mayer seconded the motion. Vote: 3-0-0. Motion carried.

V. PROGRAM UPDATES:

A. Justice Center (GTFJC) – *Prairie Rose Chapin, Federal Program Manager*

Report of staff, Job title, Dept., Adjudication Status, FLETC Certification Status, hire dates, overtime #'s, Overall Adjudication & Certification Summary was presented to the Committee.

B. Public Safety Division of Drug Enforcement – *Gerald White [See Closed Session]*

C. HR Tribal Programs – *Barlow Wells*
Item deferred.

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

Submitted written report for the record. Updated and finalized the 2018 budget-0961, based on 80 % of 2017 budget. The 1030 (638) budget was submitted in October. Work continues on moving files from old building. Attorney license list for the FBDC has been updated, licenses mailed out and new listing published. Letters (50 at a time), have been mailed out to people who owe fines or fees to the court, as per request from CEO's office. Notices to news media, including radio and newspaper will be sent out by Monday February 2, 2018. If they do not show up to pay the fines, they will go to court, if they do not show up to court a warrant will then be issued for outstanding fines. The Justice Commission members will meet with FBDC clerks and staff and provide training and any help regarding case management and records retention on February 16, 2018. The Justice Commission has completed a final draft of the Judicial Rules of Conduct, and Professional Rules of Conduct. The Justice Committee will be reviewing final draft before submitting to TBC for approval. Supreme Court justice men (2) got their bills late and we need to pay them. FY 17 they worked. No carry over, will have to work it into FY18. FBDC is requesting approval to complete hiring and pay Evelyn Wounded Face as a permanent employee, but we will need signatures. We have detailed documentation of her work that has been accomplished. CEO states there is no flow in the FY18 budget. Waiting on the next budget. IDC pool can assist with some of this. Need to move to next budget meeting. 1.45 million is the total budget from the Tribe to TAT Tribal Court for the fiscal year. The major concern is the FBDC budget, specifically court personnel. FBDC has one clerk who does Civil actions who will be on maternity leave for about 2 months, beginning sometime in February. The Court requests approval to hire another clerk. Court Security- need to hire bailiffs, we have documentation indicating situations where security is necessary. The Court requests approval to hire bailiffs.



The Public Defender position remains open, the application and contract were sent to the TAT legal department. Councilman Randy Phelan noted the need to work on the Federal side more to assist with the tribal side. Prairie Rose Chapin (Federal Programs Manager) states it's a silo, we only get ½ million. FBDC is requesting an additional \$613,394.00 for the 2018 fiscal year.

Motion: Councilwoman Monica Mayer moves to forward to Tribal Business Council and to obtain more monies from Federal. Councilman Randy Phelan seconded the motion. Vote: 3-0-0. Motion carried.

Discussion: CEO recommends they use the revenue they accumulate thru the year. Only three departments bring in more revenue than the budget monies they get, if a department makes revenue they should get to keep a percentage of it. Next budget meeting is February 26.

Also included in the report was the Weekly Report from the Special Projects – Evelyn Wounded Face (Nov. 2017-Jan 2018), Overall Operations & FBDC Goals/638 Scope of Work, Administration Data (End of the year report -2017), Administrative Data January 2018, Juvenile Department Report, Adult Probation Report, Appellate Court Report, Appellate Court- Judge Mary Seaworth, Civil Department Report, Public Defender Report, Criminal Department Report, & FBDC Organizational Chart.

- E. TAT Law Enforcement** – *Nelson Heart [See Closed Session]*
- F. Homeland Security** – *Cliff Whitman*
Item deferred.
- G. Criminal Investigation** – *Detective Sam Lincoln*
Item deferred.
- H. Adult Detention** – *Titus White Body*
Item deferred.
- I. Juvenile Detention** – *Mike Young Bird*
Item deferred.
- J. Child Support** – *William Woods Jr.*
Item deferred.
- K. Victim Services** – *Sadie Young Bird*
Provided an oral report to the committee that included discussion of policy revision. Also have six grants from the fiscal year and just closed out four for the year already.
- L. TAT Legal** – *Caleb Dogeagle*



VI. CLOSED SESSION:

V. ADJOURNMENT

Motion: Councilwoman Monica Mayer moved to adjourn the meeting. Councilman Randy Phelan seconded the motion. Meeting adjourned at 2:45PM.



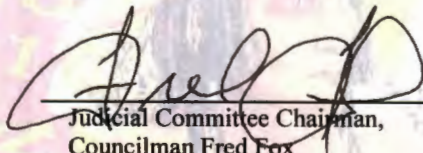


CERTIFICATION

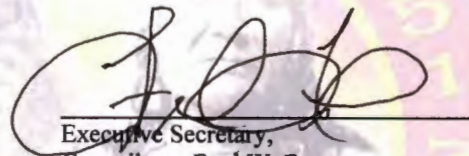
I, the undersigned, as Chairman for the Tribal Business Council's Judicial Committee of the of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council's Judicial Committee is composed of three [3] members of whom [2] constitute a quorum; 3 were present at the Judicial Meeting thereof duly called, noticed, convened and held on the 27th day of April, 2018; that the foregoing Minutes were duly adopted at such meeting by the affirmative vote of 3 members; 3 members opposed; 0 members abstained; 0 Members not voting.

Dated this 27th day of April, 2018.

ATTEST:



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



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