

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU"), entered into between the Montana Department of Public Health and Human Services ("DPHHS") and the Fort Peck Assiniboine and Sioux Tribes ("the Tribe") seeks to establish a mutual working relationship between DPHHS and the Tribe as it applies to the Low-Income Home Energy Assistance Program (LIHEAP), authorized by Title VI of Public law 98-558, as amended.

This MOU will begin on the 1st day of October, 2014 and will end nine (9) years from the beginning date or at such time as either party notifies the other in writing of its desire to terminate this Memorandum of Understanding, whichever occurs first.

IT IS MUTUALLY AGREED that, generally, the individual members of federally recognized Indian Tribes in Montana would be better served through a direct grant from the Federal government rather than as part of the State of Montana's LIHEAP program.

IT IS MUTUALLY AGREED that while this MOU is in effect, DPHHS will receive 82.5194% of the total LIHEAP funds allocated to the State of Montana and the Federal government will set aside 17.4806% of Montana's Federal LIHEAP funds for use by the Indian Tribes in Montana. However, if at any time during the term of this Memorandum of Understanding the ratio of eligible Indian households to the total number of eligible households reflected in the most recent American Community Survey (ACS) tabulations released by the U.S. Department of Health and Human Services (HHS) for Indian Tribes in Montana justifies a percentage higher than 17.4806%, that higher percentage of Montana's LIHEAP funds will be set aside for the Tribes and DPHHS' share of LIHEAP funds will be reduced accordingly.

IT IS MUTALLY AGREED that as of the beginning date of this MOU 3.5224% of the total LIHEAP funds available to Montana will be allocated to the Fort Peck Assiniboine and Sioux Tribes and that the Tribe shall serve within the geographical boundaries of the Reservation and/or customary services area the following population: "All eligible Indian households (defined as one in which the head or spouse is Native American)." However, every three years, after HHS releases its updated ACS tabulations, DPHHS will recalculate the percentage of Montana's total Tribal funds that will be allocated to each Tribe using the following methodology:

In computing each Tribe's share, DPHHS will give the most recent allocation percentage based on updated American Community Survey (ACS) tabulations a weight of one-third, and the allocation percentage from the immediately prior period a weight of two-thirds. Each Tribe's share of total funds set aside for Tribal households shall be based on its ratio of eligible Indian households to the total number of eligible Indian households on reservations statewide.

IT IS MUTUALLY AGREED that the Montana Department of Public Health and Human Services (DPHHS) will provide LIHEAP service to the remaining eligible persons living within Reservation boundaries.

IT IS MUTUALLY AGREED that every effort will be made by both parties to this Memorandum of Understanding to coordinate the services to eliminate duplication of services of payments and make appropriate referrals to ensure that all eligible persons be given an opportunity to participate in LIHEAP.

ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK
RESERVATION BY:

  Date:

A.T. Stafne, Chairman
Assiniboine and Sioux Tribes of Fort Peck

MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN
SERVICES BY:

 9/16/14 Date:
Jamie Palagi, Administrator
DPHHS Human and Community Services Division

RESOLUTION #27-1071-2014-08

TRIBAL GOVERNMENT
Administrative

WHEREAS, the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act on behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and By-Laws, and

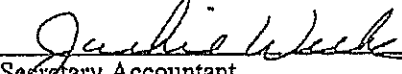
WHEREAS, CSP Acting Director Sheila Spotted Bull presented the FY 2015 LIHEAP Memorandum of Understanding with the State of Montana, and

WHEREAS, the HHS Committee recommend authorizing the Chairman to sign the FY 2015 LIHEAP Memorandum of Understanding, now


THEREFORE BE IT RESOLVED, that the Fort Peck Tribal Executive Board hereby approve signing the Memorandum of Understanding (MOU) with the State of Montana Department of Public Health & Human Services for LIHEAP funding for FY2015 and authorize the Chairman/Vice-Chairman to sign any necessary documents

CERTIFICATION

I, the undersigned Secretary/Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom 11 constituting a quorum were present at a Regular meeting duly convened this 25th day of August, 2014 and that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 11 for and 1 absent.


Secretary Accountant

APPROVED:


A.T. Stafne Chairman
Fort Peck Tribal Executive Board