

*FY 2003*

OREGON

State/Tribal Agreement (UNTIL FURTHER NOTICE) Based on Dollar Amounts

of State's Allotment for the following tribes:

Cow Creek Band of Umpqua Indians -- \$12,000

*FY 2005 (or until further notice)*

Klamath Tribes -- \$97,000

*See revised agreement to .007%*

STATE OF OREGON  
HOUSING AND COMMUNITY SERVICES DEPARTMENT  
MEMORANDUM OF AGREEMENT

**BETWEEN: HOUSING AND COMMUNITY SERVICES DEPARTMENT  
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM**

**AND: COW CREEK BAND OF UMPQUA INDIANS**

This Memorandum of Agreement is between the State of Oregon, Housing and Community Services Department, hereinafter referred to as the State, and the COW CREEK BAND OF UMPQUA INDIANS, hereinafter referred to as the TRIBE.

The purpose of the agreement between the STATE and the TRIBE is to comply with Section 2604(d) of the Low Income Home Energy Assistance Act, Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Human Services amendments of 1994, Public Law 103-252, which allows for the direct funding of Indian Tribes within a State under the following conditions:

1. Secretary of the Department of Health and Human Services, hereinafter referred to as HHS, receive application request from the TRIBE,
2. HHS determines that TRIBE would be better served through direct funding and;
3. STATE concurs with HHS determination.

Attachments include as part of this Agreement:

1. 1990 Decennial Census Estimates of Tribal and State Total American Indian households and Total American Indian households at or below greater of 125% of poverty or 60% of State Median Income level.

Funding Allocation Formula:

Based upon the 1990 Decennial Census Estimates of Tribal and State Households Eligible for LIHEAP, the direct allocation to the TRIBE will be \$12,000.00 Of the STATE'S Federal allocation.

Barbara Roberts  
Governor



The funding allocation is based upon the total number of American Indian households (327) identified on the 1990 Decennial Census estimates. This figure represents all American Indian households in Jackson, Josephine, Douglas, Coos and Deschutes Counties, whose income is at or below the 125% of poverty or 60% of the state's median income level.

In the event the Fiscal year 1995 Federal State LIHEAP appropriation increases or decreases from Fiscal Year 1995 appropriation, the Tribe allocation will be adjusted accordingly.

**CONDITIONS OF AGREEMENT:**

The allocation will be used to provide energy assistance to eligible Tribal households residing on the TRIBAL Reservation service area(s).

Coordination between the TRIBE and the STATE will include the sharing of household information and technical and training assistance.

In the event the TRIBE funding is exhausted, households who have not received assistance through the tribal LIHEAP funds may be referred to the local Community Action Agency for assistance, as state funding permits.

In the event the TRIBE has not expended all funds by May 15th they will notify HCS so that funds may be transferred back to STATE.

TRIBE agrees to indemnify and save harmless the STATE, its officers, agents and employees from and against any and all loss, damages, injury, liability, suites and proceedings which may arise out of the performance of this contract by said TRIBE, its officers, agents, or employees.

STATE agrees to indemnify and save harmless the TRIBE, its officers, agents and employees from and against any and all loss, damages, injury, liability, suites and proceedings which may arise out of the performance of this contract by said TRIBE, its officers, agents, or employees.

**TERMINATION OF AGREEMENT:**

This agreement may be terminated for one of the following reasons:

1. A change in the requirements of Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Human Services amendments of 1994 (P.L. 103-252):
2. Re-evaluation of funding formula is deemed necessary:
3. Non-compliance with agreed conditions by either party:
4. Thirty (30) day written notice of termination by either party, or:
5. Mutual consent of both parties.

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Cow Creek Band of Umpqua Indians  
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Upon termination of this contract all accounts and payments will be processed according to financial arrangements set forth herein for services rendered to date of termination.

Upon the signing of the agreement by both parties, the terms of the agreement will become effective November 15, 1994, Federal Fiscal Year 1995 and remain in effect until termination of agreement.

Stewart Propper, Administrator 11/22/94  
Chairman

Date

Cow Creek Band of Umpqua Indians

[Signature]  
Director

Date

Housing and Community Services Department  
State of Oregon