SAN CARLOS APACHE TRIBE
SAN CARLOS APACHE INDIAN RESERVATION
SAN CARLOS, ARIZONA

RESOLUTION

No. MR-25-052

(Approving Memorandum of Understanding with the Arizona Department of Economic Security Regarding the Method for Calculating the Amount of Low-Income Home Energy Assistance Funds Allocated to the Tribe)

WHEREAS, the San Carlos Apache Tribe (the "Tribe") is a federally recognized Indian Tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the San Carlos Council ("Council") has the authority, among other things, to "represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to [the Tribe's] Constitution and Bylaws, to "negotiate and make contracts," and to "administer charity," pursuant to Article V, Section(s) 1(a), (b) and (h) of the Amended Constitution and By-Laws of the San Carlos Apache Tribe; and

WHEREAS, the Low-Income Home Energy Assistance and Energy Crisis Intervention Program ("ECIP") Act of 1981 provides federal funds to help low-income households pay their heating and cooling bills, minimizes energy crises, and make energy costs more affordable; and

WHEREAS, the Arizona Department of Economic Security ("ADES") administers federal funds provided under the ECIP through Arizona's Low-Income Home Energy Assistance Program ("LIHEAP"); and

WHEREAS, the Tribe's Department of Social Services ("DSS") coordinates with ADES to provide LIHEAP funding to members of the Tribe who qualify for LIHEAP; and

WHEREAS, the Executive Director of the Tribe's DSS this day presents a Memorandum of Understanding ("MOU"), as attached and incorporated by this reference, regarding the method for calculating the amount of LIHEAP funds from the federal funds allocated to the tribe for use by the Tribe's LIHEAP; and

WHEREAS, the Tribe's Attorney General has reviewed the MOU and provides an approval as to form; and

WHEREAS, the Council's Health & Welfare Committee has reviewed the grant renewal and recommends that the Council provide its approval; and

WHEREAS, the Council concurs with the Health & Welfare Committee and finds that energy is essential to maintain a household on the Tribe's Reservation, certain members of the Tribe are eligible for LIHEAP based on income, energy burden and energy need, that the LIHEAP is critical for low-income members of the Tribe to meet their household needs, and that the LIHEP is thus in the best interest of the Tribe.

NOW, THEREFORE, BE IT RESOLVED by the Council of the San Carlos Apache Tribe:

1. The MOU with ADES for the LIHEAP is hereby approved.

2. The ADES is hereby requested to continue the LIHEAP for the benefit of eligible members of the Tribe.

3. The Executive Director of the Tribe's DSS is hereby directed to:

   A. Develop an annual model plan for LIHEAP administration;

   B. Apply to the U.S. Department of Health & Human Services for LIHEAP funds;

   C. Submit a request for an extension, if necessary, and receive a written approval for an extension if the Tribe is not able to submit its annual model plan to HHS by the federally announced due date;

   D. Continue to provide LIHEAP services to eligible households in the geographical service areas of the Tribe's Reservation and of the County of Gila, Graham and Pinal;

   E. Maintain a record of the amounts awarded to each eligible recipient and payments made on their behalf;

   F. Upon request, share information with the ADES about the Tribe's LIHEAP payments issued to eligible households to avoid duplicate payments; and

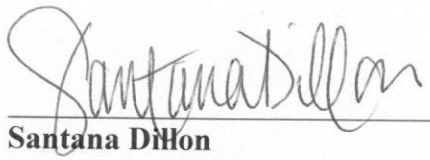
   G. Serve only households who have not been served by the State of Arizona during the same Federal Fiscal Year with LIHEAP funds.

BE IT FURTHER RESOLVED by the Council of the San Carlos Apache Tribe that the Chairman, or in his absence, the Vice Chairman, or designee, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

CERTIFICATION

I, the undersigned, Secretary of the San Carlos Council, hereby certify that the Council is composed of eleven (11) members, of whom eight (8), constituting a quorum, were at a Special Meeting hereto held on the **25th** day of **March, 2025**, and that the foregoing Resolution No. **MR-25-052** was duly adopted by a vote of **FOR: 7; OPPOSED: 0; ABSTAINED: 0;** of the Council pursuant to Article V, Section 1 (a) of the Amended Constitution and Bylaws of the San Carlos Apache Tribe, effective, February 24, 1954, according to the following vote tabulation:

Council Member	Yea	Nay	Abstain	Not Present
Terry Rambler, Chair	___	___	___	___
Tao Etpison, Vice Chairman	_x__	___	___	___
Ina Salter, 7 Mile	_x__	___	___	___
John Antonio, 7 Mile	_x__	___	___	___
Barbara May, Gilson Wash	_x__	___	___	___
Simon Hooke, Gilson Wash	_x__	___	___	___
Valerie Key, Peridot	_x__	___	___	___
Dr. John Bush, Peridot	___	___	___	_x__
Jonathan Kitcheyan, Bylas	___	___	___	_x_
Ned Anderson, Jr., Bylas	_x__	___	___	___
Eugene D. Nozie, Bylas	___	___	___	_x__



Santana Dillon
Council Secretary
SAN CARLOS APACHE TRIBE

Low-Income Energy Assistance Program ("LIHEAP") Memorandum of Understanding ("MOU") between the

Arizona Department of Economic Security ("ADES")

Child and Community Services Division
1789 W. Jefferson Street
Mail Drop 1111
Phoenix, AZ 85007
Phone: (480) 601-7678
Email: DEStribalrelations@azdes.gov
Website: https://des.az.gov/about/office-of-tribal-relations

And

San Carlos Apache Tribe
P.O. Box O
San Carlos Avenue
San Carlos, Arizona 85550
Phone: (928) 475-2313
Fax: (928) 475-2342
Website: https://www.scat-nsn.gov
E-mail: nantaan@tss.scat-nsn.gov

I. Intended Purpose:

1.1 This memorandum of understanding ("MOU," "Agreement," or "State-Tribe Agreement") is an agreement between the ADES and the San Carlos Apache Tribe and is made pursuant to the Low-Income Home Energy Assistance and Energy Crisis Intervention Program ("ECIP") Act of 1981 under Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), as amended by the Title VI of the Human Service Reauthorization Acts of 1984 (Public Law 98-558), of 1986 (Public Law 99-425), of 1990 (Public Law 101-501), of 1994 (Public Law 103-252), and of 1998 (Public Law 105-258); and

1.2 This MOU will finalize a method for calculating the amount of Low-Income Home Energy Assistance (LIHEAP) funds from the federal funds allocated to the San Carlos Apache Tribe for use by the San Carlos Apache Tribe LIHEAP Program. The Agreement of the parties shall be as follows:

II. ADES shall:

2.1 Apply to the federal government, the United States Department of Health and Human Services ("HHS"), for LIHEAP funds allocated to the State of Arizona.

2.2 Submit a LIHEAP State Plan to HHS which will contain the agreed upon percentage or amount of LIHEAP funds allocated to the Tribe out of the State of Arizona's LIHEAP allocation.

2.3 Negotiate with the Tribe and agree in writing via this document, the percentage or amount of LIHEAP eligible households for which funds allocated to the Tribe should be based and provide a copy of the signed Agreement to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services, Division of Energy.

2.4 Upon request, share information with the Tribe about LIHEAP payments issued to households to help the San Carlos Apache Tribe avoid duplicate payments.

2.5 Provide LIHEAP assistance to Tribal member(s) if/when the household has moved outside of the Tribe's geographical service area or if the Tribe has determined the household is not eligible to be served by the Tribe.

III. The San Carlos Apache Tribe shall:

3.1 Apply to the United States Department of Health and Human Services (HHS), for LIHEAP funds allocated to the Tribe, by submitting a LIHEAP Model Plan in the On-Line Data Collection system ("OLDC") by the federally announced annual due date.

3.2 Submit a request for an extension, if necessary, and receive a written approval for an extension if the Tribe is not able to submit their annual model plan to HHS by the federally announced due date.

3.3 Attach this State-Tribe Agreement document annually to its LIHEAP Plan in OLDC.

3.4 Provide LIHEAP services to San Carlos Apache Tribe members in the geological service area of the following Arizona counties: Gila, Graham, and Pinal.

3.5 Provide LIHEAP services to any Federally Recognized American Indian household in the geological service area of the following Arizona counties: Gila, Graham, and Pinal.

3.6 Provide LIHEAP services to its Tribal members within the Tribe's territory of Arizona to include designated Tribal lands.

3.7 Provide LIHEAP services to any American Indian household.

3.8 Maintain a record of the amounts awarded to each eligible Tribal member(s) and payments made on their behalf.

3.9 Upon request, share information with the ADES about Tribal LIHEAP payments issued to households to avoid duplicate payments.

3.10 Serve only households who have not been served by the State of Arizona during the same Federal Fiscal Year with LIHEAP funds.

IV. General Provisions:

4.1 There will be no payments made to either party under this MOU.

4.2 Allocation of LIHEAP funds to the Tribe will be paid accordingly:

The agreed upon Tribal allocation shall be based on either the estimated number of LIHEAP eligible Native American households the Tribe may serve, or $4,000.00, whichever is greater, until further renegotiated and agreed to by both ADES and the Tribe.

4.3 This Agreement takes effect on October 1, 2025, and will remain effective until September 30, 2030 unless renegotiated and agreed to by both parties.

This Agreement and any attachments thereto set forth all promises, agreements, and understandings between the ADES, and the San Carlos Apache Tribe. No alterations, modifications, or amendments of this Agreement shall be binding upon either party unless they have been reduced to writing and properly executed by an authorized representative of each party to the Agreement. In witness thereof, ADES and the San Carlos Apache Tribe hereby execute this Agreement.

Molly D. Bright, CCSD Assistant Director	Terry Rambler, Chairman
Printed or typed name of State-LIHEAP Representative	Printed or typed name of Tribal Chairperson
Molly D. Bright 6/30/2025	Terry Rambler 4/14/25
Signature Date	Signature Date

DM25-004140
Mou Number