



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, "*Authorization to Adopt the 2018 Policies and Procedures Manual for the Three Affiliated Tribes' Low Income Home Energy Assistance Program (LIHEAP)*"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, The Constitution and By-laws of the Three Affiliated Tribes was adopted by membership of the Tribes on May 15th, 1936 pursuant to the Indian Reorganization Act of 1934 and duly approved by the Secretary of Interior; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (1) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other tribal agencies and tribal officials on the reservation; and

WHEREAS, Article VI, Section 5 (c) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the authority to administer any funds or property within the exclusive control of the Three Affiliated Tribes to make expenditures from available tribal funds for public purposes, provided that all expenditures from tribal funds shall be by resolution duly passed by the Tribal Business Council to such effect; and

WHEREAS, Article VI, Section 5 (d) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to negotiate with Federal, State, and local governments on behalf of the Three Affiliated Tribes, and to advise and consult with representative of the Department of the Interior on all actives that may affect the Fort Berthold Reservation; and

WHEREAS, The Tribal Business Council has determined that it is in the best interests of the Three Affiliated Tribes and its people to adopt the proposed the Three Affiliated Tribes' 2018 Low Income Home Energy Assistance Program's (LIHEAP) Policies and Procedures Manual.



NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes adopts the Three Affiliated Tribes' 2018 Low Income Home Energy Assistance Program's Policies and Procedures Manual.

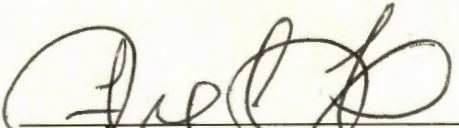
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened and held on the 29th day of August, 2017, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

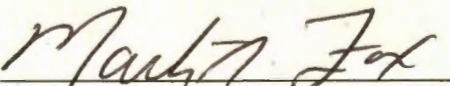
Chairman Voting. Not Voting.

Dated this 29th day of August, 2017.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council



Tribal Chairman, Mark N. Fox
Tribal Business Council



Three Affiliated Tribes'

Low Income Home Energy Assistance Program
(LIHEAP)

2018 Policy & Procedures Manual

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SUMMARY

The Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, authorized a number of block grants including the Low Income Home Energy Assistance Program (LIHEAP). LIHEAP administered by the Department of Health and Human Services (HHS), authorized grants since 1982 to states, tribes and territories to assist low-income households with the costs of home energy.

A directly funded Tribal LIHEAP Program must include a heating assistance program and/or cooling assistance program and include a way to handle crisis situations, usually through a crisis intervention component. LIHEAP grantees may also choose to provide a low-cost weatherization program or other energy related home repair.

Grantees must set program eligibility standards within the maximum established by law. The law provides that an eligible household must have an income that does not exceed the greatest of 150% of the poverty income guidelines or 60% of the state median income level. Federal regulations for LIHEAP require grantees to adjust their income eligibility criteria each year by October 1, so that the criteria are in agreement with the most recently published update of the poverty level or state median income.

SERVICE AREA

The Three Affiliated Tribes' LIHEAP Program shall service any Head of Household member, who is a citizen of the Three Affiliated Tribe, and resides within a 12-mile radius of the exterior boundaries of the Fort Berthold Indian Reservation. Any person not meeting the above requirements shall be directed to apply to their local LIHEAP Program.

APPLICATION PROCESS

The application process for LIHEAP includes a face-to-face interview, verification of eligible information and completion and filing of an application form.

The application for LIHEAP benefits is the application, insert page, housing statement, and release of information.

Complete applications consist of Verification of Income, Social Security Cards for all household members, Verification of Citizenship in the Three Affiliated Tribes for the Head of Household, Copy of Identification, Release of Information, and a Housing Statement from Landlord or copy of deed if the property owner is the head of household applicant. The application will be considered incomplete, if any of the above are missing and will not be considered for funding until the application is complete.

Most households receiving TANF, SSI, Food Stamps, or certain needs-tested veteran 's benefits may be automatically eligible. Grantees must also offer eligibility to other households not receiving benefits from these programs and base their eligibility on income using the income guidelines identified above.

The highest level of assistance is to go to those households with the lowest incomes and highest energy costs or needs in relation to income, taking into consideration family size.

ELIGIBILITY & ELIGIBLTY DETERMINATION

Applicants must show an energy burden. LIHEAP benefits are targeted to assist Low-income households, particularly those with the lowest incomes, which pay a high proportion of their income for home energy.

Income of all household members will be determined by the gross income for the household from all sources of income, including but not limited to: wages, per captia payments, social security, Temporary Assistance to Needy Families, General Assistance, interest income, etc.

Note: Any income generated from mineral rights/royalties, stimulus or tax rebates shall NOT be included in the computation of household income.

Income Guidelines:-

It is the policy of the Three Affiliated Tribes to determine eligibility for LIHEAP Program based upon the 60% of the state median income level for the state of North Dakota.

A household's income must be at or below 60 percent of North Dakota's median income and within these limits. Below is the guideline for October 1, 2017-September 30, 2018:

Household Size	Income
1	\$28,313
2	\$37,025
3	\$45,737
4	\$54,449
5	\$63,161
6	\$71,873
7	\$73,506
8	\$75,140
9	\$76,773
10	\$78,407
11	\$80,040
12	\$81,674

Both homeowner and renter households are eligible for the program.

Note: *Income guidelines change yearly; please check with LIHEAP staff for update.*

COOLING ASSISTANCE

Cooling assistance maybe available for individuals with **certain medical conditions** who qualify for the Low Income Home Energy Assistance Program.

The program can help with:

- Buying and installing an air conditioning unit
- Repairing an air conditioning unit
- Buying oscillating or window fans

How to Apply:

A signed statement is required from a medical professional (physician, physician's assistance, nurse practitioner, or public health nurse) verifying a medical condition and the need for a cooled living space.

DECISION NOTICES FOR HEATING AND/OR COOLING APPLICATIONS

When the decision is to approve assistance for Low Income Home Energy Assistance Program (LIHEAP), the agency approval notice "Notice of Action", will be sent if recipient has a complete application.

When the decision is to deny or reduce assistance, the denial reason must be stated on the "Notice of Action" letter, which is sent to the recipient, within 30 days.

CRISIS APPLICATIONS & DECISION NOTICES

If you are applying for crisis assistance, the tribe will respond within forty-eight (48) hours of your application, or within eighteen (18) hours to your application if it is a life-threatening situation.

PAYMENT PROCESS

Benefit payments may be made directly to home energy suppliers on behalf of eligible households. If payments are made to energy suppliers, they must agree to comply with the provisions of law. A vendor agreement is sent to all energy suppliers, which begins October 1 through March 31st of every year.

GRIEVANCE HEARING

A grievance hearing is a process through which any individual may have a decision reviewed by an impartial third party.

Grantees must provide a fair hearing upon request to individuals whose application are denied or not acted upon with reasonable promptness.

The recipient must submit a written request to the Coordinator or Director within (10) ten working days of the date on the application denial page, or post-marked letter denying eligibility or affecting assistance. The request must be signed, dated, and reason for requesting a hearing.

A fair hearing notice shall be given to the appellant at least (20) twenty calendar days prior to the date set for the hearing and include: date, time, address, and a statement of the issues involved.

The Coordinator or Director shall render a written decision to the appellant no later than twenty (20) calendar days for the date of the grievance hearing.

OPERATING PRINCIPLES

In compliance with Title VI of the Civil Rights Act of 1964, no individual shall be excluded from participation in, denied benefits or subjected to discrimination under any program or activity receiving Federal Funds, because of:

1. Race;
2. Color;
3. National Origin;
4. Handicap;
5. Religion, or
6. Sex

In compliance with the Age Discrimination Act of 1975, no individual shall be denied services or participation or be subjected to discrimination in any of its programs or activities on the basis of age.

CONFIDENTIAL INFORMATION

Public law and federal regulations place restrictions on the release of confidential information, and set guidelines for the disclosure of non-confidential materials. All applications, records, files, and communications relating to specific applicants for assistance and recipients of services funded, are confidential records.

All information, regarding an applicant or recipient, is confidential and may be disclosed only for purposes of determining eligibility, providing services, or investigating suspected fraud in connection with the program.

General information, policy statements, or statistical materials, which cannot be directly identified to any individual or family, are not considered confidential information. They may be given to, or provided by: agencies, helping organizations, or contracted parties, unless restricted by federal regulations, or court orders.

NOTE: Policy and Procedure Manual shall be changed, as necessary by LIHEAP Staff, according to changing, Guidelines, Regulations and Laws.

FRAUD AND ABUSE

The Secretary shall issue regulations to prevent waste, fraud, and abuse in the Programs assisted by this title.

HHS included in its block grant regulations a requirement that grantees establish systems and procedures to prevent detect and correct waste, fraud and abuse in LIHEAP. These systems and procedures should address possible waste, fraud, and abuse by recipients, vendors, and administering agencies. HHS will monitor grantees for implementation of this requirement during reviews of grantee programs.

Some types of fraud include: false reporting of household size, Total gross income, and receipt of LIHEAP assistance through another jurisdiction.

If found guilty, you will be denied services for a period of up to (1) one year with the possibility of federal criminal prosecution and/or fines. Fraudulent and suspicious applicants need to meet program requirements and follow program protocols.

To report abuse or fraud, all inquiries should be addressed to the Coordinator or Director of the LIHEAP Program.