

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS**  
**7500 Odawa Circle**  
**Harbor Springs, MI 49740**

**TRIBAL RESOLUTION # 030322-01**

To Establish the FY 2022 Cost of Living (COLA) for Little Traverse Bay Bands of Odawa Indians (LTBB) Government Employees and Odawa Casino Resort Employees, and to appropriate to the Tribal Government FY 2022 LTBB Operating Budget an amount not to exceed \$220,000.00 to come from General Fund-Fund Balance

**WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians (LTBB), and its citizens are vested with inherent sovereignty and right to self-governance;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

**WHEREAS** the Preamble of the Tribal Constitution, adopted February 2, 2005, states as follows: *We will work together in a constructive, cooperative spirit to preserve and protect our lands, resources and Treaty Rights, and the right to an education and a decent standard of living for all the people. (emphasis added);*

**WHEREAS** in 2019, the Tribe established a Living Wage, WOS 2019-012, and states: “In order to maintain a minimum standard of living necessary for health, efficiency and general well-being of all employees within its jurisdiction, the Little Traverse Bay Bands of Odawa Indians has set forth the following to establish a LTBB Living Wage.”

**WHEREAS** the United States Bureau of Labor Statistics sets a cost of living percentage each year, known as the Consumer Price Index (inflation rate) based on an annual

analysis of the cost of goods and items that people need to sustain their lives which includes: housing, utilities, food, gas and other necessities, and for 2022 the rate established by the United States Bureau of Labor Statistics Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) Cost of Living (COLA) was 5.9%;

**WHEREAS** the Executive Branch Personnel Policies Handbook effective January 1, 2021, includes the following provision; Section VIII. EMPLOYEE DEVELOPMENT & ENHANCEMENT, B.: *“Annual Cost of Living Increase. The amount of an annual cost of living increase, for employees who qualify, will be at the rate of 1.5% per year, or at a rate determined by the Executive by Executive Directive. Increases will be effective the work week following the anniversary date of hire. Salary caps may prevent these increases from being implemented.”* once an employee reaches the top of their level of pay, then they do not qualify for Cost of Living Allowance (COLA) and are not eligible for a COLA;

**WHEREAS** the Legislative Branch Operations Governmental Employee Personnel Policies that was updated by Resolution 012215-03 effective January 1, 2015, includes the following provision: Section IV. EMPLOYEE DEVELOPMENT & ENHANCEMENT, B.: *“Annual Monetary Compensation: The amount of annual monetary compensation increase will be at the rate of 1.5% per year.”* Once an employee reaches the top of their level of pay, then they do not qualify for Cost of Living Allowance (COLA) and are not eligible for a COLA;

**WHEREAS** the Odawa Casino Resort Employee (OCR) FY 2022 Budget provides for an increase rate of 3% for employees earning more than the Living Wage;

**WHEREAS** the Cost of Living Allowance (COLA), set by the United States Bureau of Labor Statistics Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for 2022 was set at a rate of 5.9% based on the Consumer Price Index (inflation), the highest in 40 years;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians (LTBB) government employees and OCR employees whose wages are below the Living Wage receive a rate of 3% annual increase (*Tribal Incremental Living Wage*), are earning at a rate of 2.9% less than the CPI-W COLA;

**WHEREAS** LTBB government employees, who make more than the Living Wage, receive at a rate of 1.5% annual increase, and are earning at a rate of 4.4% less than the CPI-W COLA;

**WHEREAS** LTBB government employees, who make more than the Living Wage, and have reached the "*Salary caps*", are earning at a rate of 5.9% less than the CPI-W COLA;

**WHEREAS** Odawa Casino Resort employee, who make more than the Living Wage, receive a rate of 3% annual increase, and are earning at a rate of 2.9% less than the CPI-W COLA;

**WHEREAS** the wages for LTBB government and OCR employees are not meeting the increase cost for housing, utilities, food, gas and other living necessities in order to achieve *a decent standard of living for all the people*.

**THEREFORE, BE IT RESOLVED** that Cost of Living Allowance (COLA) be paid for FY 2022 to all Little Traverse Bay Bands of Odawa Indians government employees and Odawa Casino Resort employees at the annual rate established by the United States Bureau of Labor Statistics Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) Cost of Living (COLA); and the annual rate of increase was 5.9% for 2022;

**FURTHER BE IT RESOLVED** the annual increase COLA at a rate of 5.9% for 2022, will be retroactive to January 1, 2022 for all Little Traverse Bay Bands of Odawa Indians government employees and Odawa Casino Resort employees. The increase COLA rate of 5.9% will be inclusive of:

1. the *Tribal Incremental Living Wage* (which increases annually by 3% at the beginning of each Fiscal Year for qualified employee in accordance with Tribal Resolution #102619-05) and
2. any other incremental increase for 2022 (i.e. 1.5% for LTBB Government employees and 3% for OCR employees);

and the increase COLA rate of 5.9% shall apply regardless of whether or not the employee has reached the cap for their pay level.

**FURTHER BE IT RESOLVED** Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and supplements funding to Fiscal Year 2022 LTBB Operating Budget, not to exceed the amount of \$220,000.00 to implement the United States Bureau of Labor Statistics Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) Cost of Living (COLA) at the increased rate of 5.9% for LTBB governmental employees to come from normal operating budgets for 2022 when possible, with supplemental funding to come from General Fund-Fund Balance where needed.

**FURTHER BE IT RESOLVED** Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the Odawa Casino Resort (OCR) to allocate funds to Fiscal Year 2022 Budget in the amount of \$388,000.00 to implement the United States Bureau of Labor Statistics Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) Cost of Living (COLA) at the increase rate of 5.9% for OCR employees.

**FURTHER BE IT RESOLVED** that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a Regular Meeting of the Tribal Council held March 3, 2022 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 1 abstentions, 2 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima	X			
Tamara Kiogima	X			
William Ortiz	X			
Aaron Otto	X			
Melissa Pamp				X
Marty Van De Car			X	
Leroy Shomin	X			
Marcella Reyes				X
Emily Proctor	X			

Date: 3.3.2022 Emily Proctor  
 Emily Proctor, Legislative Leader

Date: 3.3.2022 Marcella R. Reyes  
 Marcella Reyes, Secretary

Received by the Executive Office on 3-4-22 by Kristine Omy

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 3-17-2022 Regina Gasco-Bentley  
 Regina Gasco-Bentley, Tribal Chairperson

Received by Legislative Office [Signature] 3-17-2022