

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

TRIBAL RESOLUTION # 102619- 05
Clarification of Tribal Resolution #082219-01
Promotion of a Living Wage

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 in 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 our people.* (emphasis added);

WHEREAS there was some questions and confusion on how to implement Tribal Resolution #082219-01, Promotion of a Living Wage and in order to further clarify, this Tribal Resolution provides a fuller explanation on the formula and the differences between the "Living Wage" and the *Tribal Incremental Living Wage*;

WHEREAS according to the United States Health and Human Services Poverty Guidelines, January 2018, a family of three (3) is \$20,780.00;

WHEREAS according to the United States Census Bureau, American Community Survey, the rate of Little Traverse Bay Bands Indian families whose income is below the poverty level is 19.5%, higher than both Michigan (11.1%) and the U.S. (10.5%) poverty levels;

WHEREAS in order to best provide a decent standard of living for our Tribal Citizens and all Citizens, the Tribe needs to prioritize the establishment of a “Living Wage”;

WHEREAS the United States Department of Agriculture (USDA), Rural Development and the Native American Housing Assistance and Self Determination Act (NAHASDA) properties sets the monthly rental contributions at thirty (30) percent of the Tenant’s monthly income;

WHEREAS according to Rentdata.org, an independent organization, the Fair Market Rent prices in Emmet County are “high” compared to the national average. This FMR area is more expensive than 75% of other FMR areas. In 2018, Fair Market Rent for a two-bedroom apartment in Emmet County is \$832 per month and a three-bedroom apartment was \$1,064, creating an average rent of \$948.00;

WHEREAS based on the formula from the USDA and NAHASDA, monthly rate of \$948.00 for the average 2 to 3-bedroom rental housing, multiplied by twelve (12) months in a year, divided by thirty (30) percent, divided by standard hours of 2080 per year, sets the Living Wage for Emmet County at \$18.23 per hour for 2019, ($948.00 \times 12 / .30 / 2080 = \18.23);

WHEREAS the Little Traverse Bay Bands of Odawa Indians has approximately one-hundred and twenty (120) governmental and enterprise employees paid less than the Living Wage of \$18.23 an hour; and Odawa Casino Resort has approximately two-hundred and fifty-six (256) employees paid less than the Living Wage of \$18.23 an hour;

WHEREAS in order to obtain the Living Wage, Tribal Council is taking incremental steps to achieve this goal of having all employees within the Tribe’s jurisdiction be paid the Living Wage of \$18.23 for FY 2019 and establishes a *Tribal Incremental Living Wage*;

WHEREAS the *Tribal Incremental Living Wage* is \$11.11.

THEREFORE, BE IT RESOLVED that in accordance with Waganakising Odawak Statute # 2013-0102 Fair Employment, Section XI. Employee Living Wages, the Living Wage will be adjusted annually at the beginning of each fiscal year by this Tribal Resolution.

FURTHER, BE IT RESOLVED that the *Tribal Incremental Living Wage* shall be set at \$11.11 an hour for Fiscal Year 2019, and all employees shall not be paid less than the *Tribal Incremental Living Wage* of \$11.11 an hour within five (5) business days of the enactment of this Resolution, and the *Tribal Incremental Living Wage* shall be implemented by employers within the jurisdiction of the Little Traverse Bay Bands of Odawa Indians.

FURTHER, BE IT RESOLVED employees, within the jurisdiction of the Little Traverse Bay Bands of Odawa Indians, that are paid less than the Living Wage of \$18.23 shall have a three (3) percent increase or the pay of \$18.23, whichever is less, within five (5) business days of the enactment of this Resolution.

FURTHER, BE IT RESOLVED that the Living Wage shall be based on the formula from the United States Department of Agriculture (USDA) and Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and Fair Market Rent price as found at Rentdata.org, an independent organization; and the basis of the formula is as follows: the rent for an average 2 to 3-bedroom rental housing cost, multiplied by twelve (12) months, divided by percentage rate of rent required by NAHASDA (30%) divided by the yearly standard hours of 2080, sets the Living Wage.

FURTHER, BE IT RESOLVED that Tribal Council Treasurer shall post the Living Wage on the Tribes website and such other venues as appropriate, by December 15th prior to the beginning of each fiscal year.

FURTHER, BE IT RESOLVED that the *Tribal Incremental Living Wage* shall annually be increased by three (3) percent at the beginning of each Fiscal Year, until such time that the Living Wage, based on the yearly updated formula, is met or this Tribal Resolution is either repealed or replaced.

FURTHER, BE IT RESOLVED that employees making less than the Living Wage shall have an annual increase of three (3) percent at the beginning of each Fiscal Year, until such time that the living wage, based on the yearly updated formula, is met or this Tribal Resolution is either repealed or replaced.

FINALLY, BE IT RESOLVED the purpose of this Tribal Resolution is to clarify Tribal Resolution #082219-01, Promotion of a Living Wage.

CERTIFICATION

As the 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 on October 26, 2019 at which a quorum was present, by a vote of 7 in favor, 1 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	_____	_____	_____	_____ X
Fred Kiogima	_____ X	_____	_____	_____
Tamara Kiogima	_____ X	_____	_____	_____
Melissa Pamp	_____ X	_____	_____	_____
Leroy Shomin	_____ X	_____	_____	_____
Marty Van De Car	_____ X	_____	_____	_____
Marcella Reyes	_____ X	_____	_____	_____
Julie Shananaquet	_____	_____ X	_____	_____
Emily Proctor	_____ X	_____	_____	_____

Date: 10/24/19 Emily Proctor
Emily Proctor, Legislative Leader

Date: 10.26.19 Julie Shananaquet
Julie Shananaquet, Tribal Council Secretary

Received by the Executive Office on 10-29-19 by J.L.J.K.

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: 11-12-19 Regina Gasco-Bentley
Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 11.12.19 by Paul Baker

