

**RESOLUTION  
ROCK COUNTY BOARD OF SUPERVISORS**

COUNTY BOARD STAFF  
COMMITTEE  
INITIATED BY



RICHARD GREENLEE  
DRAFTED BY

JANUARY 25, 2018  
DATE DRAFTED

COUNTY BOARD STAFF  
COMMITTEE  
SUBMITTED BY

**RESOLUTION EXTENDING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BELOIT, THE COUNTY OF ROCK AND THE HO-CHUNK NATION**

1 WHEREAS, the City of Beloit ("City"), County of Rock ("County") and the Ho-Chunk Nation  
2 ("Nation") had previously in March, 2012 entered into an Intergovernmental Agreement ("IGA")  
3 relating to the construction and operation of a Class III Gaming Facility on property owned by the  
4 Nation in the City of Beloit; and

5  
6 WHEREAS, the Intergovernmental Agreement indicated that it would automatically expire  
7 three (3) years from the execution if Trust approval date had not yet occurred unless the parties agreed  
8 otherwise in writing; and

9  
10 WHEREAS, the Intergovernmental Agreement was extended for a three (3) year period by  
11 agreement of the parties in March 2015, setting forth a new expiration date of March 26, 2018; and

12  
13 WHEREAS, the Nation has submitted a Federal Trust Application, including the IGA, for  
14 approval to the United States Secretary of the Interior ("Secretary") and a land to trust decision has yet  
15 to occur; and

16  
17 WHEREAS, the continued support of host local governments is important to secure the  
18 Secretary's approval of the Federal Trust Application and to the ultimate success of the Beloit Class III  
19 Gaming Facility; and

20  
21 WHEREAS, the County recognizes that said Class III Gaming Facility will be beneficial to the  
22 City, the County, area residents, and to the Nation and its members by, in part, providing employment  
23 opportunities and promoting economic development in the region; and

24  
25 WHEREAS, the Nation has ownership of the site, and said site is specified in the IGA and is  
26 included in their Federal Trust Application; and

27  
28 WHEREAS, the Nation has entered into a Gaming Compact with the State of Wisconsin, which  
29 provides for an additional Class III Gaming site; and

30  
31 WHEREAS, said Gaming Compact in Article XXVII B requires that a resolution of support  
32 authorizing Class III Gaming be delivered to the Governor by the city and the county where such site is  
33 to be located.

34  
35 NOW, THEREFORE, BE IT RESOLVED by the Rock County Board of Supervisors, in  
36 session this 22<sup>nd</sup> day of February, 2018, that they extend the current IGA between the City,  
37 the County and the Nation for an additional three (3) year period.

38  
39 BE IT FURTHER RESOLVED that the County hereby continues to authorize Class III Gaming  
40 consistent with the IGA and also authorizes the delivery of this resolution of support to the Governor of  
41 the State of Wisconsin.

42


18-2B-457

42 BE IT FURTHER RESOLVED that the County Board Chair and County Clerk be authorized to  
43 execute the amendment/extension of the IGA on behalf of the County of Rock.

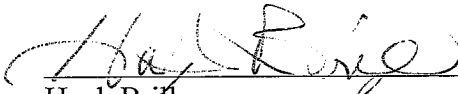
Respectfully submitted:


COUNTY BOARD STAFF COMMITTEE


  
J. Russell Podzilni, Chair


  
Sandra Kraft, Vice Chair

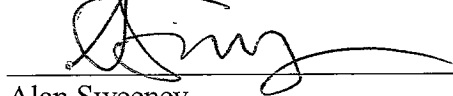
Absent  
Eva Arnold

  
Hank Brill

  
Betty Jo Bussie

  
Mary Mawhinney

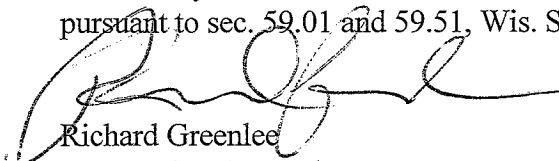
  
Louis Pear

  
Alan Sweeney

  
Terry Thomas

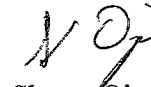
LEGAL NOTE:

The County Board is authorized to take this action pursuant to sec. 59.01 and 59.51, Wis. Stats.

  
Richard Greenlee  
Corporation Counsel

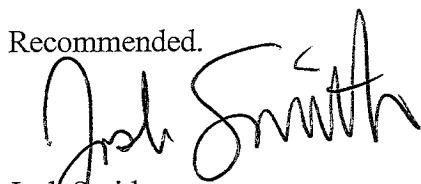
FISCAL NOTE:

This agreement requires the County to provide usual and customary services to the proposed casino. These costs cannot be measured at this time. It also provides for the Ho-Chunk Nation to make payments equaling 2% of the net win to the City of Beloit, of which the County would receive 30%. These payments would be in lieu of property taxes. The financial impact is unknown at this time.

  
Sherry Oja  
Finance Director

ADMINISTRATIVE NOTE:

Recommended.

  
Josh Smith  
County Administrator

## EXECUTIVE SUMMARY

This resolution extends the Intergovernmental Agreement between the City of Beloit, the County of Rock and the Ho-Chunk Nation. It relates to the construction and operation of a Class III gaming facility on property currently owned by the Ho-Chunk Nation in the City of Beloit. The previous IGA is set to expire at its three-year deadline. This resolution is to amend the existing IGA for an additional three-year period of time. The continued support of the County is important to help secure the Secretary of the Interior's approval of the Federal Trust Application. The County recognizes that such a facility would be beneficial to area residents by providing employment opportunities and promoting economic development. The amendment of the IGA would continue to provide that the Ho-Chunk Nation would make payments equaling 2% of the net win proceeds to the City of Beloit, of which the County would receive 30%.

## SECOND AMENDMENT OF INTERGOVERNMENTAL AGREEMENT

THIS SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT ("Second Amendment") is effective on January 29, 2018 ("Second Amendment Effective Date") by and between the HO-CHUNK NATION, a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act (the "Nation"), the CITY OF BELOIT, a municipal corporation organized under the laws of the state of Wisconsin (the "City"), and the COUNTY OF ROCK (the "County"), a municipal corporation organized under the laws of the state of Wisconsin. The Nation, City and County are each a "Party" and are collectively the "Parties."

The Parties entered into that certain Intergovernmental Agreement with an Execution Date of March 26, 2012 (the "Original IGA"). The Parties amended the IGA pursuant to that certain First Amendment of Intergovernmental Agreement with an effective date of March 1, 2015 ("First Amendment"). The Original IGA, as amended by the First Amendment, is the "IGA." The Parties wish to amend Section 4.3 of the IGA to extend the date of automatic expiration from March 26, 2018 to March 26, 2021.

The Parties further agree as follows:

1. Defined Terms. Any capitalized term used but not defined in this Second Amendment has the meaning given it in the IGA.

2. Automatic Expiration Extension. Section 4.3 of the First Amendment is hereby deleted in its entirety and replaced with the following:

Section 4.3. **Automatic Expiration**. Unless the Parties agree otherwise in writing, this IGA automatically expires and becomes null and void on March 26, 2021 if the Trust Approval Date has not then occurred. However, if the Trust Approval Date has occurred on or before March 26, 2021, then this Section 4.3 shall be deemed deleted from this IGA.

3. Full Force and Effect. Except as modified by this Second Amendment, the IGA and all of its terms and conditions are in full force and effect.

4. Counterparts. This Second Amendment may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one agreement. Original signatures sent by facsimile or by electronic mail shall be accepted as originals and shall be binding upon the Parties.

*(Signatures on following pages)*

IN WITNESS WHEREOF, the Parties have entered into this Second Amendment as of the Second Amendment Effective Date.

ATTEST:

CITY OF BELOIT, WISCONSIN

By: \_\_\_\_\_  
Lori Stottler, City Clerk-Treasurer

By: \_\_\_\_\_  
Lori Curtis Luther, City Manager

Approved as to Form:

By: \_\_\_\_\_  
Elizabeth A. Krueger, City Attorney

I hereby certify that there are sufficient funds available to pay the liability incurred by the City of Beloit, if any, pursuant to this First Amendment.

By: \_\_\_\_\_  
Eric Miller, Finance & Administrative Services Director

ATTEST:

COUNTY OF ROCK, WISCONSIN

By: \_\_\_\_\_  
Lisa Tollefson, County Clerk

By: \_\_\_\_\_  
J. Russell Podzilni, County Board Chair

ATTEST:

HO-CHUNK NATION

By: \_\_\_\_\_  
Tribal Secretary

By: \_\_\_\_\_  
Douglas Greengrass, Vice President