

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

COUNTY BOARD STAFF
COMMITTEE
INITIATED BY



JEFFREY S. KUGLITSCH
DRAFTED BY

FEBRUARY 1, 2012
DATE DRAFTED

COUNTY BOARD STAFF
COMMITTEE
SUBMITTED BY

RESOLUTION APPROVING 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") have concluded negotiations regarding an Intergovernmental Agreement ("IGA") relating to
3 the construction and operation of a Class III Gaming Facility on property owned by the Nation; and
4

5 WHEREAS, the Nation intends to submit a Federal Trust Application, including the IGA, for
6 approval to the United States Secretary of the Interior ("Secretary"); and
7

8 WHEREAS, the support of host local governments is important to secure the Secretary's
9 approval of the Federal Trust Application and to the ultimate success of the Beloit Class III Gaming
10 Facility; and
11

12 WHEREAS, the County recognizes that said Class III Gaming Facility will be beneficial to the
13 City, the County, area residents, and to the Nation and its members by, in part, providing employment
14 opportunities and promoting economic development in the region; and
15

16 WHEREAS, the City and the County had previously negotiated and entered into an
17 Intergovernmental Agreement, including various amendments thereto, with the Bad River Band of
18 Lake Superior Chippewa Indians of Wisconsin, the St. Croix Chippewa Indians of Wisconsin, and
19 Niizhoo Aking (collectively, "the Chippewa Tribes") with the original agreement being entered into in
20 2001, and the most recent amendment being approved by this County Board in 2008, with the final
21 extension to terminate in 2014; and
22

23 WHEREAS, the Federal Trust Application submitted by the Chippewa Tribes was formally
24 denied by the Secretary on January 13, 2009; and
25

26 WHEREAS, the Nation now has ownership of the site, said site is specified in the IGA, and
27 will be included in the Federal Trust Application; and
28

29 WHEREAS, the Nation has entered into a Gaming Compact with the State of Wisconsin, which
30 provides for an additional Class III Gaming site; and
31

32 WHEREAS, said Gaming Compact in Article XXVII B requires that a resolution of support
33 authorizing Class III Gaming be delivered to the Governor by the city and the county where such site is
34 to be located.
35

36 NOW, THEREFORE, BE IT RESOLVED by the Rock County Board of Supervisors, in
37 session this 5th day of March, 2012, that they approve the current proposed IGA between the City of
38 Beloit, the County and the Nation.
39

40 BE IT FURTHER RESOLVED that the County hereby authorizes Class III Gaming consistent
41 with the IGA and also authorizes the delivery of this resolution of support to the Governor of the State
42 of Wisconsin.
43

12-3A-606

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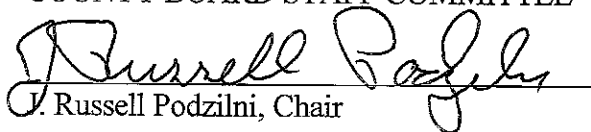
44 BE IT FURTHER RESOLVED that the Rock County Board of Supervisors, declares that it
45 deems the Intergovernmental Agreement between the County of Rock, City of Beloit, the Bad River
46 Band of Lake Superior Chippewa Indians of Wisconsin, St. Croix Chippewa Indians of Wisconsin, and
47 Nizhoo Akiing to be of no further force and effect.

48
49 BE IT FURTHER RESOLVED that all prior County resolutions approving the
50 Intergovernmental Agreement with the above-named Chippewa Tribes, and the amendments thereto, be
51 rescinded.

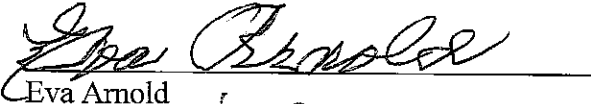
52
53 BE IT FURTHER RESOLVED that the County Board Chair and County Clerk be authorized to
54 execute the current IGA on behalf of the County of Rock.

Respectfully submitted:

COUNTY BOARD STAFF COMMITTEE

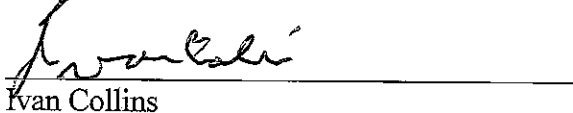

J. Russell Podzilni, Chair

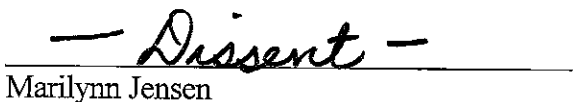

Sandra Kraft, Vice Chair


Eva Arnold


Hank Brill


Betty Jo Bussie


Ivan Collins

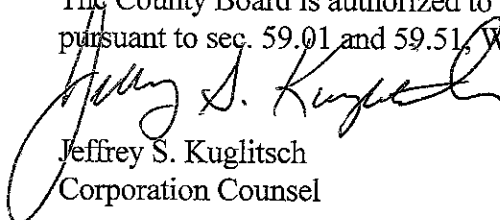

Marilynn Jensen

Absent
Louis Peer

/s/Kurtis Yankee
Kurtis Yankee

LEGAL NOTE:

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


Jeffrey S. Kuglitsch
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.


Craig Knutson
County Administrator

EXECUTIVE SUMMARY

This resolution approves an 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 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. An issue that is raised by approving this Agreement is the status of the previously negotiated Agreement with the Bad River Band of Lake Superior Chippewa Indians, the St. Croix Chippewa Indians of Wisconsin and the Niizhoo Akiing (collectively known as the Chippewa Tribes). The County previously agreed to work with the Chippewa Tribes for a casino back in 2001 with extensions that pushed the approval to January 2014. The Federal Trust Application submitted by the Chippewa Tribes was formally denied by the Secretary of the Interior on January 13, 2009. In addition, the Intergovernmental Agreement with the Chippewa Tribes contained specific provisions limiting and describing the lands to be transferred into trust. It identified a specific 26-acre parcel of land within the City of Beloit as being included in its trust application. The Chippewa Tribes ultimately lost control of the proposed trust site. This allowed the property to be purchased by the Ho-Chunk Nation in October 2009. Since this land is no longer possible to be placed into trust for the Chippewa Tribes, the County needs to rescind the approval it had given for those properties. This resolution also provides that the IGA between the City, the County and the Nation be approved with the County getting a 30 percent share of the net win proceeds from the City of Beloit as provided for under the Agreement.