

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

COUNTY BOARD STAFF
COMMITTEE
INITIATED BY



RICHARD GREENLEE
DRAFTED BY

MARCH 22, 2021
DATE DRAFTED

COUNTY BOARD STAFF
COMMITTEE
SUBMITTED BY

**RESOLUTION EXTENDING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF БЕЛОIT, 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, a Second Amendment of Intergovernmental Agreement was entered into by
14 agreement of the parties in March 2018, setting forth a new expiration date of March 26, 2021; and

15
16 WHEREAS, the Nation submitted a Federal Trust Application, including the IGA, for approval
17 to the United States Secretary of the Interior (“Secretary”), who approved the Trust Application in
18 April 2020; and

19
20 WHEREAS, the County recognizes that said Class III Gaming Facility will be beneficial to the
21 City, the County, area residents, and to the Nation and its members by, in part, providing employment
22 opportunities and promoting economic development in the region; and

23
24 WHEREAS, the Nation has ownership of the site, and said site is specified in the IGA and is
25 included in their Federal Trust Application; and

26
27 WHEREAS, the Nation has entered into a Gaming Compact with the State of Wisconsin, which
28 provides for an additional Class III Gaming site; and

29
30 WHEREAS, said Gaming Compact in Article XXVII B requires that a resolution of support
31 authorizing Class III Gaming be delivered to the Governor by the city and the county where such site is
32 to be located.

33
34 NOW, THEREFORE, BE IT RESOLVED by the Rock County Board of Supervisors, in
35 session this 25th day of March, 2021, that they extend the current IGA between the City,
36 the County and the Nation until June 30, 2022.

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

45
46 BE IT FURTHER RESOLVED that the County Board Chair and County Clerk be authorized to
47 execute the amendment/extension of the IGA on behalf of the County of Rock.

Respectfully submitted:

COUNTY BOARD STAFF COMMITTEE

/s/Rich Bostwick

Rich Bostwick, Chair

/s/Wes Davis

Wes Davis, Vice Chair

/s/Tom Brien

Tom Brien

absent

Kevin Leavy

/s/Louis Peer

Louis Peer

/s/J. Russell Podzilni

J. Russell Podzilni

/s/Alan Sweeney

Alan Sweeney

absent

Bob Yeomans

/s/Mary Beaver

Mary Beaver

ADMINISTRATIVE NOTE:

Recommended.

/s/Josh Smith

Josh Smith

County Administrator

LEGAL NOTE:

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

/s/Richard Greenlee

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.

/s/Sherry Oja

Sherry Oja
Finance Director

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 until June 30, 2022. 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%.

THIRD AMENDMENT OF INTERGOVERNMENTAL AGREEMENT

THIS THIRD AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (“Third Amendment”) is effective on March 26, 2021 (“Third 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 Second Amendment of Intergovernmental Agreement with an effective date of January 29, 2018 (“Second Amendment”). The Original IGA, as amended by the Second 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, 2021 to June 30, 2022.

The Parties further agree as follows:

1. Defined Terms. Any capitalized term used but not defined in this Third Amendment has the meaning given it in the IGA.
2. Automatic Expiration Extension. Section 4.3 of the Second 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 June 30, 2022 if the Trust Approval Date has not then occurred. However, if the Trust Approval Date has occurred on or before June 30, 2022, then this Section 4.3 shall be deemed deleted from this IGA.

3. Full Force and Effect. Except as modified by this Third Amendment, the IGA and all of its terms and conditions are in full force and effect.
4. Counterparts. This Third 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 Third Amendment as of the Third Amendment Effective Date.

ATTEST:

CITY OF BELOIT, WISCONSIN

By: _____
Lori Stottler, City Clerk-Treasurer

By: _____
Lori Curtis Luther, City Manager

Approved as to Form:

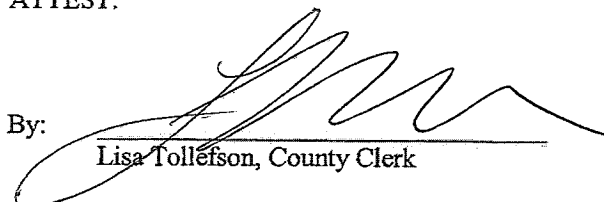
By: _____
Elizabeth A. Krueger, City Attorney

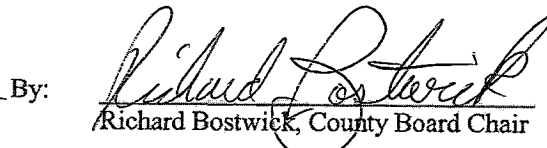
I hereby certify that there are sufficient funds available to pay the liability incurred by the City of Beloit, if any, pursuant to this Third Amendment.

By: _____
Eric Miller, Finance & Administrative Services Director

ATTEST:

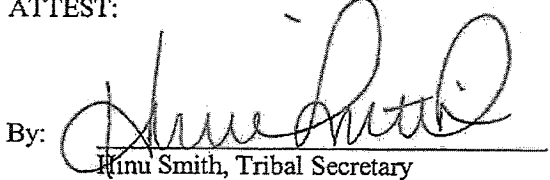
COUNTY OF ROCK, WISCONSIN

By: 
Lisa Tolléson, County Clerk

By: 
Richard Bostwick, County Board Chair

ATTEST:

HO-CHUNK NATION

By: 
Minu Smith, Tribal Secretary

By: 
Karena Thundercloud, Vice President