



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE HO-CHUNK NATION, CITY OF БЕЛОIT AND ROCK COUNTY

RESOLUTION 03-20-12 A

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** Article V, Section 2(k) of the Constitution grants the Legislature the power to acquire or purchase lands for the benefit of the Nation and its members; and
- WHEREAS,** Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; and
- WHEREAS,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and

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- WHEREAS,** the Nation currently conducts Class III gaming under the Indian Gaming and Regulatory Act (IGRA) at three (3) sites under its Gaming Compact with the State of Wisconsin, yet the Nation has had the right to conduct similar gaming at a fourth location since 1992; and
- WHEREAS,** the Nation has attempted to pursue a fourth Class III gaming site at multiple locations within the State of Wisconsin, but the local governments in question did not indicate their approval; and
- WHEREAS,** in 2007, the Legislature adopted Resolution 6-19-07E to express the Nation's intent to pursue a fourth site for Class III gaming within the City of Beloit if the application for similar gaming filed by the St. Croix Chippewa and Bad River Band of Lake Superior Chippewa tribes (at the time) was denied or sent back to the regional office of the Bureau of Indian Affairs; and
- WHEREAS,** on January 13, 2009, the U.S. Department of Interior, Bureau of Indian Affairs, issued a decision to the St. Croix Chippewa and Bad River Band of Lake Superior Chippewa to deny their request to take land into trust in Beloit, Wisconsin; and
- WHEREAS,** the Nation, by Legislative approval, later purchased approximately 32 acres of land within the City of Beloit in order to protect the Nation's interests; and
- WHEREAS,** the Legislature then authorized ongoing discussions with the City of Beloit with respect to the potential for pursuing the Nation's fourth Class III gaming site in the City; and
- WHEREAS,** the Nation acknowledges that the pursuit of a fourth site under its Gaming Compact will require obtaining a resolution of support from any city in which the Nation selects a location; and
- WHEREAS,** the Nation realizes that the pursuit of a Class III fourth site location will require approval by the Bureau of Indian Affairs to place the Nation's land into federal trust status under 25 CFR Part 151; and
- WHEREAS,** for the Nation to move forward with a fourth site Class III facility on land acquired after 1988, the U.S. Department of Interior will need to make a two-part determination under the IGRA, 25 U.S.C. § 2719(b)(1), to conclude that any proposed gaming site is in the best interest of the Nation and its members and would not be detrimental to the surrounding community, and then obtain concurrence by the Governor of Wisconsin; and
- WHEREAS,** as a result of the Nation's due diligence, and several meetings, the Legislature reached a point of agreement in principle on the terms of a Draft Intergovernmental Agreement ("IGA") with the City of Beloit and Rock County, Wisconsin, to protect the interests of the Nation as well as the City and County, in order to support the Nation's trust application to the Bureau of Indian Affairs; and

WHEREAS, the City of Beloit approved the IGA with the Nation by Resolution on March 5, 2012 and the Rock County Board approved the IGA on March 8, 2012; and

WHEREAS, the Legislature deems it appropriate to seriously consider the pursuit of the Nation's fourth site in Beloit, Wisconsin, in order to protect and preserve the sovereign interests of the Nation and its members, while also furthering the economic benefits to the tribe and its members;


NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby approves the IGA intended to support the Nation's pursuit of Class III gaming, and to have the Nation's lands in Beloit, WI, accepted into trust for the benefit of the Nation;

BE IT FURTHER RESOLVED that the Vice President is authorized to sign and execute the IGA, as necessary and to assist, along with necessary staff, in the preparation of the IGA for the Nation's trust application;

BE IT FURTHER RESOLVED that the Nation acknowledges the terms of the IGA do not go into effect with the approval by the Nation, but rather upon acceptance of the land into trust by the Department of the Interior.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 12 constituting a quorum were present at a meeting duly called and convened and held that on the 20th day of March, 2012, adopted the foregoing resolution at said meeting by an affirmative vote of 6 members, 5 opposed, and 1 abstaining, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation, approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.



Hope B. Smith, Tribal Secretary



Date