



## **HO-CHUNK NATION LEGISLATURE**

*Governing Body of the Ho-Chunk Nation*

### **HO-CHUNK NATION LEGISLATURE**

#### **AGREEMENT FOR FIRE SERVICES BETWEEN THE HO-CHUNK NATION AND THE BLACK RIVER FALLS FIRE DEPARTMENT 2013**

**and**

#### **AUTHORIZATION TO DEDUCT AMOUNTS FROM ANNUAL GAMING COMPACT PAYMENT IN FISCAL YEAR 2013-2014**

#### **RESOLUTION 10-08-13E**

- 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(i) of the Constitution authorizes the Legislature 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,** the Nation owns property held in trust in Jackson County, Wisconsin; and
- WHEREAS,** currently in order to provide necessary fire services to these properties held in trust, the Nation must contract with the Town of Black River Falls, Jackson County, Wisconsin; and

#### **Executive Offices**

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**WHEREAS,** the Nation entered into a Gaming Compact with the State of Wisconsin in 1992 and has amended said Compact at various times over the years, the most recent of which taking place in 2008 (known as the Third Amendment to the Gaming Compact); and

**WHEREAS,** under Paragraph 8 of the Third Amendment to the Gaming Compact, subsections XXXIV.C. 2 through 6 of the Compact were created under the heading of "Credits;" and

**WHEREAS,** subsection XXXIV.C. 2 of the "Credits" provisions allows the Nation to deduct certain amounts from its Annual Payment to the State of Wisconsin under the Compact for public works projects, with certain restrictions, beginning in May 2010; and

**WHEREAS,** in taking this deduction, subsection XXXIV.C.2 requires that the Nation consult with the State regarding which public works projects qualify for the deduction prior to initiating the projects (though the Nation does not need the prior consent of the State); and

**WHEREAS,** the Agreement for Fire Services between the Ho-Chunk Nation and the Black River Falls Fire Department is to provide fire protection services on Ho-Chunk trust lands in Jackson County, Wisconsin benefiting Ho-Chunk members and County residents; and

**WHEREAS,** the Legislature finds that the Agreement for Fire Services between the Ho-Chunk Nation and the Black River Falls Fire Department is intended to benefit both the Nation and State, including its political subdivisions and, therefore, Ho-Chunk Nation payments made toward such a project qualify for credit under Paragraph 8 of the Third Amendment to the Gaming Compact, subsection XXXIV.C. 2; and

**WHEREAS,** the Legislature finds that renewing the Agreement for Fire Services between the Ho-Chunk Nation and the Black River Falls Fire Department in the amount of \$11,500.00 for 2013 would be appropriate;

**NOW THEREFORE, BE IT RESOLVED** that the Ho-Chunk Nation, by and through its Legislature, pursuant to its Constitutional authority, hereby enters into the Agreement for Fire Services between the Ho-Chunk Nation and the Black River Falls Fire Department for 2013;

**BE IT FURTHER RESOLVED** that the Legislature approves an allocation of \$11,500.00 as payment to the Black River Falls Fire Department to provide the necessary fire protection services pursuant to the agreement, which will extend to until December 31, 2013;

**BE IT FURTHER RESOLVED** that the Legislature authorizes the Vice-President to sign the Agreement for Fire Services between the Ho-Chunk Nation and the Black River Falls Fire Department 2013;

**BE IT FURTHER RESOLVED** that the Legislature, pursuant to its Constitutional authority and the terms of the Nation's Gaming Compact, hereby authorizes a Gaming Compact deduction of the total amount of the Nation's payment of \$11,500.00 to the Black River Falls Fire Department from the Nation's Annual Payment to the State for Fiscal Year 2013-2014;

**BE IT FURTHER RESOLVED** that the Nation, through its Legislature, President, Attorney General, Legislative Counsel, designated counsel and appropriate staff, will consult with the State of Wisconsin regarding the above county project and the Nation's intention to deduct the associated costs from the Tribe's Annual Payment to the State.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of **13 members** of whom **10** constituting a quorum were present at a meeting duly called and convened and held that on the **8<sup>th</sup> day of October, 2013**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **10 members, 0 opposed, and 0 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.

*Kathleen Lone-Tree-Whiterabbit*  
Kathleen Lone-Tree Whiterabbit, Tribal Secretary

10.8.13  
Date

