

# ROCK COUNTY, WISCONSIN



**NOTE: This is a Teleconference**

## COUNTY BOARD STAFF COMMITTEE THURSDAY, MARCH 25, 2021 – 5:30 P.M.

**CALL: 1-312-626-6799**  
**MEETING ID: 813 9605 4211**  
**PASSCODE: 852936**

Join Zoom Meeting

<https://us02web.zoom.us/j/81396054211?pwd=R0Fobl1WVE4Y1dYc1l3T3p5Vm9tUT09>

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Join by Skype for Business

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**If you are interested in providing public comments on items on this agenda, you must submit your comments by noon on Thursday, March 25, 2021. To submit a public comment, use the following email: [countyadmin@co.rock.wi.us](mailto:countyadmin@co.rock.wi.us).**

### **Join from a telephone:**

- On your phone, dial the phone number provided above
- Enter the meeting ID number when prompted, using your dial-pad.
- Please note that long-distance charges may apply. This is not a toll-free number.
  
- Supervisors: Please identify yourself by name
- **Please mute your phone when you are not speaking to minimize background noises**
- We are new at holding meetings this way, so please be patient

Instructions for the hearing impaired –

<https://support.zoom.us/hc/en-us/articles/207279736-Getting-started-with-closed-captioning>

Please contact Haley at (608)757-5510 if you are going to be late or if you will not be able to attend the meeting.

**COUNTY BOARD STAFF COMMITTEE**  
**THURSDAY, MARCH 25, 2021 – 5:30 P.M.**

**Agenda**

1. Call to Order
2. Approve Agenda
3. Public Comment
4. Resolutions and Committee Action
  - A. Resolution Extending an Intergovernmental Agreement Between the City of Beloit, the County of Rock and the Ho-Chunk Nation
5. Adjournment

The County of Rock will provide reasonable accommodations to people with disabilities. Please contact us at 608-757-5510 or e-mail [countyadmin@co.rock.wi.us](mailto:countyadmin@co.rock.wi.us) at least 48 hours prior to a public meeting to discuss any accommodations that may be necessary.

Please contact Haley at (608)757-5510 if you are going to be late or if you will not be able to attend the meeting.

RESOLUTION NO. \_\_\_\_\_

AGENDA NO. \_\_\_\_\_

**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 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, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2021, that they extend the current IGA between the City,  
36 the County and the Nation until June 30, 2022.

37

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

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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  
44 of 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

\_\_\_\_\_  
Rich Bostwick, Chair

\_\_\_\_\_  
Wes Davis, Vice Chair

\_\_\_\_\_  
Tom Brien

\_\_\_\_\_  
Kevin Leavy

\_\_\_\_\_  
Louis Peer

\_\_\_\_\_  
J. Russell Podzilni

\_\_\_\_\_  
Alan Sweeney

\_\_\_\_\_  
Bob Yeomans

\_\_\_\_\_  
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 Tollefson, County Clerk

By: \_\_\_\_\_  
Richard Bostwick, County Board Chair

ATTEST:

HO-CHUNK NATION

By: \_\_\_\_\_  
Hinu Smith, Tribal Secretary

By: \_\_\_\_\_  
Karena Thundercloud, Vice President