

FIRST AMENDMENT TO INTERGOVERNMENTAL SERVICE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MADISON AND THE HO-CHUNK NATION

THIS AGREEMENT (the "Amendment to Agreement") is entered into, in Madison, Wisconsin, on this 2nd day of Aug, 1999, at 12:00 p.m., by and between the Ho-Chunk Nation ("Nation"), a federally recognized Indian Tribe, with its main administration offices located at West 9814 Airport Road, Black River Falls, Wisconsin 54615, and the City of Madison ("City"), a municipal corporation, organized under the laws of the State of Wisconsin, with its main administrative offices located at 210 Martin Luther King, Jr. Blvd., Madison, Wisconsin 53709. The City and the Nation shall be collectively referred to in this Amendment to Agreement as the "Parties."

RECITALS

The following Recitals form the factual basis for the Parties entering into this Amendment to Agreement:

WHEREAS, the Parties have entered into an Intergovernmental Service and Development Agreement Between the City of Madison and the Ho-Chunk Nation, dated August 25, 1998, which became effective upon the approval of the United States of America, Department of the Interior, Bureau of Indian Affairs, on September 10, 1999 (the "Agreement"); and

WHEREAS, Section 29 of the Agreement provides that it may be modified, amended or altered only by mutual agreement of the Parties in writing which is approved by the Nation's Legislature and the City Common Council, executed by authorized officers or representatives of both Parties and approved by or on behalf of the Secretary of the Interior of the United States of America; and

WHEREAS, the Parties desire to enter into this Amendment to Agreement for the purpose of clarifying and amending certain provisions contained in the Agreement related to enforcement of certain City ordinances, Madison General Ordinances, on Trust Lands as defined in the Agreement.

NOW, THEREFORE, in consideration of the above-recited facts, the mutual best interests of the Parties and the mutual premises contained herein, the Parties hereby agree as follows:

1. Insert an additional clause in the first sentence of section 7 of the Agreement, prior to the last clause thereof, which reads: "38.04(5)(a)5., 6., 7., 8., and 9., which set forth underage person identification card violations," to enable issuance of citations for underage persons who attempt to gain entrance to facilities on the Trust Lands with false or altered identification under circumstances set forth in said ordinance provisions.

2. The last clause of the first sentence of section 7 of the Agreement is amended by the words "of the Wisconsin" and adding a comma in its place, such that the clause reads: "and Chapter 12, Vehicle Code." The effect is to give effect to the Parties original intent that Chapter 12, Vehicle Code, of the Madison General Ordinances, consisting of the traffic and parking ordinances of the City shall be enforceable by the City upon said Trust Lands.

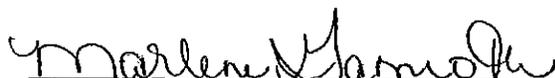
3. Insert a new provision prior to the last sentence of said section 7 of the Agreement which reads: "Notwithstanding the provisions of section 23.3 of the Agreement, the Parties agree that the process for service of City of Madison Municipal Court subpoenas upon the Nation's citizens, employees and/or agents where such subpoenas are required to secure such person's testimony in matters which arise pursuant to enforcement of alleged City ordinance violations as set forth in section 7 of the Agreement which occur on the Nation's Trust Lands shall be sufficiently given, served and effective when hand-delivered to or otherwise properly served upon the individual named therein or when hand-delivered to the DeJope Security Director.

4. Except as expressly modified herein, all other recitals, terms, conditions and provisions of the Agreement are hereby ratified and remain unchanged.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers and their seals to be affixed as of the day and year first above written.

HO-CHUNK NATION, a federally recognized Indian tribe:

By: Jacob H. Lonetree
Jacob Lonetree, President
Ho-Chunk Nation Legislature


Marlene Gamroth, Legislative Secretary
Ho-Chunk Nation Legislature

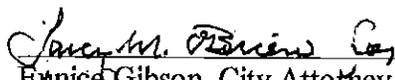
CITY OF MADISON, a Dane County,
Wisconsin, municipal corporation:

Countersigned:


Gale Dushack, City Comptroller

By: 
Susan J. M. Bauman, Mayor

Approved as to form:


Eunice Gibson, City Attorney


Ray Fisher, City Clerk

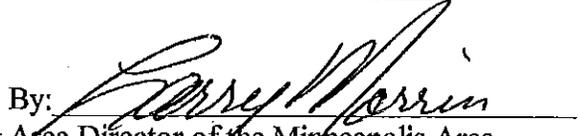
SECTION 81 APPROVAL

The undersigned finds that this Intergovernmental Service and Development Agreement between the City of Madison and the Ho-Chunk Nation complies with and satisfies the requirements of 25 U.S.C. §81. Accordingly, pursuant to the authority delegated to me by 290 DM8 and 10 BIAM 3, the undersigned hereby approves this Agreement.

APPROVED this 9 day of August, 1999.

**UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS:**

Dated: 8-9-99

By: 
Area Director of the Minneapolis Area
Office of the Bureau of Indian Affairs for the
Secretary of the Interior and the
Commissioner of Indian Affairs, acting under
delegated authority.