



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

**Ho-Chunk Nation Legislature**

**Resolution 8-11-98 C**

### **The Intergovernmental Service and Development Agreement**

**Between**

**the City of Madison**

**and**

**the Ho-Chunk Nation**

**WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Business Committee; and

**WHEREAS,** the Legislature of the Ho-Chunk Nation is the duly constituted governing body of the Ho-Chunk Nation pursuant to the Constitution of the Ho-Chunk Nation; and

**WHEREAS,** Article V, Section 2 (a) enables the Nation, through the Legislature, to make laws, including codes, ordinances, resolutions, and statutes; and

**WHEREAS,** Article V, Section 2 (i) enables the Nation, through the Legislature, to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

**WHEREAS,** the Nation owns various parcels of property located along Mill Pond, Evans Acres, and Savannah Roads on the southeast corner of the intersection of Interstate 90 and U.S. Highway 12-18, in the East ½ of Section 26, Township 7 North, Range 10 East, Dane County, Wisconsin ("Development Area"); and

**WHEREAS,** the Nation is the beneficial owner of one (1) of the parcels of property within the Development Area title to which is owned by the United States of America in trust for the Nation ("Trust Parcel"); and

**WHEREAS,** a portion of the Development Area lies within the City and another portion within the Town of Blooming Grove; and

**WHEREAS,** the Nation, pursuant to its inherent sovereign authority and the City pursuant to applicable State law and Public Law 83-280 ("P.L. 280"), both exercise limited criminal and civil jurisdiction on the Trust Parcel; and

**WHEREAS,** the Nation has constructed a gaming facility ("Facility") on its Trust Parcel and desires that the City provide water, sewer, and storm water management services to the Facility and make certain street and sidewalk improvements to Evans Acres and Savannah Roads so that the Nation can open its Facility to the general public; and

#### **Executive Offices**

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**WHEREAS,** it is to the Parties' mutual benefit and interest to enter into an agreement regarding municipal services to ensure the Nation's access to municipal service necessary for its Trust Parcel and to assure the City of reasonable compensation for the services provided to the Nation's Trust Parcel; and

**WHEREAS,** the city desires to construct the improvements and provide the public services necessary that would allow the properties within the Development Area to be developed, including allowing the Nation to open its Facility to the general public; and

**WHEREAS,** in order to ensure that the properties in the Development Area are developed in a planned, coordinated, effective, and cost efficient manner, it is in the best interests of the Parties that the portion of the Development Area lying in the Town of Blooming Grove be annexed within the City and that the Parties, by zoning the Nation's and the City's lands within the Development Area Planned Unit Development ("PUD Zone"), establish a comprehensive and consistent plan for the development of the Development Area; and

**WHEREAS,** Section 66.30 of the Wisconsin Statutes authorizes cities to enter into contracts with federally recognized Indian Tribes for the purposes of providing governmental services to the tribes and for the purpose of allowing cities and tribes to exercise any power jointly possessed by both entities authorized by law; and

**WHEREAS,** the Parties, out of mutual respect and recognition of their separate governmental status and authority, desire to enter into an intergovernmental services and development agreement concerning land use, taxation, provision of services and the development of property within the Development Area under the terms and conditions set forth in the Intergovernmental Service and Development Agreement Between the City of Madison and the Ho-Chunk Nation ("DeJope Intergovernmental Agreement"), draft dated August 11<sup>th</sup>, 1998, a copy of which is hereby incorporated by reference and attached hereto, as Exhibit A; and

**WHEREAS,** it is in the best interests of the Parties to enter into this Agreement for the mutual benefit of the Nation, its Tribal members, its property, both fee and trust, and the future patrons of its businesses, and the City, its residents, the property subject to its jurisdiction, and visitors to the City; and

**WHEREAS,** the Nation and the City have engaged in extensive negotiations and discussions to achieve an agreement that is mutually acceptable and beneficial to both parties.

**NOW, THEREFORE BE IT RESOLVED,** in consideration of the above-recited facts, the Legislature for the Nation hereby approves the August 11<sup>th</sup>, 1998 draft of the DeJope Intergovernmental Agreement, attached hereto, as Exhibit A and authorizes Jacob LoneTree, President of the Nation or Clarence Pettibone, Vice President of the Nation to execute the agreement on behalf of the Nation.

**BE IT FURTHER RESOLVED**, that upon approval of the Intergovernmental Agreement by the City, the Legislature authorizes President LoneTree to transmit the fully executed Agreement to the Bureau of Indian Affairs, along with a written request that the Secretary of the Interior or his authorized representative approve the Agreement pursuant to 25 U.S.C. § 81.

**CERTIFICATION**

I, the undersigned, as Secretary for the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation composed of 11 members, of whom 7 constituted a quorum, were present at a meeting duly called and convened on the 11th day of August 1998, by an affirmative vote of 7 members, 0 opposed, 0 abstaining, by authority of Article V, Section 2 (a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

Vicki J. Shisler  
Vicki Shisler, Legislative Secretary

August 11, 1998  
Date

