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MAR 25 2021
CITY OF БЕЛОИТ
CITY CLERK

RESOLUTION 2021-042

A RESOLUTION APPROVING A THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF БЕЛОИТ, THE COUNTY OF ROCK AND THE HO-CHUNK NATION

WHEREAS, the City of Beloit, Wisconsin ("City"), County of Rock ("County") and the Ho-Chunk Nation ("Nation") entered into an Intergovernmental Agreement in March 2012 related to the Nation's proposal to develop and operate a gaming facility in the City of Beloit; and

WHEREAS, Article 4 of the Intergovernmental Agreement provided for an automatic expiration of the Agreement in March, 2015; and

WHEREAS, on March 23, 2015, the City approved a First Amendment to the Intergovernmental Agreement that extended the automatic expiration of the agreement to March 26, 2018; and

WHEREAS, on March 26, 2018, the City approved a Second Amendment to the Intergovernmental Agreement that extended the automatic expiration of the agreement to March 26, 2021; and

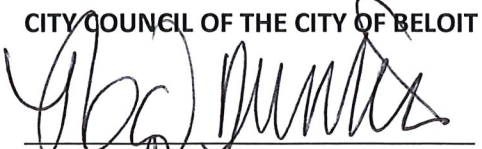
WHEREAS, Governor Evers has concurred with the casino application; and

WHEREAS, the City wishes to extend the Intergovernmental Agreement until June 30, 2022 to protect its financial and other interests and ensure that adequate time is provided to complete the remaining requirements.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Beloit, Rock County, Wisconsin, that the attached Third Amendment to the Intergovernmental Agreement between the City of Beloit, the County of Rock and the Ho-Chunk Nation is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Beloit be, and is hereby, authorized to execute the agreement or other document necessary to effectuate purpose of this resolution.

Adopted this 25th day of March, 2021.

CITY COUNCIL OF THE CITY OF БЕЛОИТ

Regina Dunkin, President

Attest:

Lorena Rae Stottler, City Clerk-Treasurer

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)

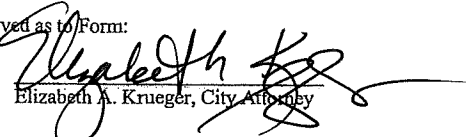
IN WITNESS WHEREOF, the Parties have entered into this Third Amendment as of the Third Amendment Effective Date.

ATTEST:

By: 
Lori Stottler, City Clerk-Treasurer

CITY OF BELOIT, WISCONSIN

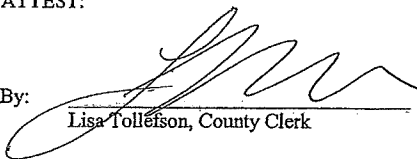
By: 
Lori Curtis Luther, City Manager

Approved as to Form:
By: 
Elizabeth A. Krueger, City Attorney

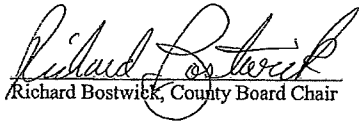
I hereby certify that there are sufficient funds available to pay the liability incurred by the City of Beloit, if any, pursuant to this Third Amendment.

By: 
Eric Miller, Finance & Administrative Services Director

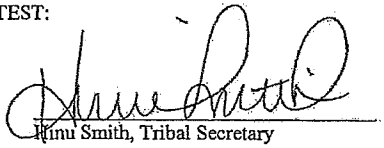
ATTEST:

By: 
Lisa Tollefson, County Clerk

COUNTY OF ROCK, WISCONSIN

By: 
Richard Bostwick, County Board Chair

ATTEST:

By: 
Rima Smith, Tribal Secretary

HO-CHUNK NATION

By: 
Karena Thundercloud, Vice President