

KENOSHA COUNTY

BOARD OF SUPERVISORS

RESOLUTION NO.

Subject: A Resolution in Support of an Intergovernmental Agreement Pertaining to the Application by the Menominee Indian Tribe of Wisconsin to the Bureau of Indian Affairs to Place Approximately 223 Acres of Land Located at the Site of the Dairyland Greyhound Race Track in the City and County of Kenosha, Wisconsin into Trust for the Menominee Indian Tribe of Wisconsin for the Purpose of Conducting Class III and Class II Gaming and, Furthermore, a Resolution in Support of an Intergovernmental Agreement by and between the Menominee Indian Tribe of Wisconsin, the Menominee Gaming Authority and the County of Kenosha, Wisconsin Pertaining to the Imposition of a Tribal Sales Tax to assist in Funding Certain Kenosha County Highway Projects, and Furthermore, a Resolution in Support of an Intergovernmental Revenue Sharing Agreement by and Between the City and County of Kenosha.	
Original <input type="checkbox"/> Corrected <input type="checkbox"/> 2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/> 1/14/05	
Date Submitted:	Date Resubmitted:
Submitted By: Finance and Legislative Committees	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: Frank Volpintesta Corporation Counsel	Signature:

- Whereas, the Menominee Indian Tribe of Wisconsin has applied to the Federal Bureau of Indian Affairs to have approximately 223 Acres of Land located at the Site of the Dairyland Greyhound Race Track in the City and County of Kenosha, Wisconsin [Attached Exhibit 1] placed into Trust for the Menominee Indian Tribe of Wisconsin for the Purpose of Conducting Class II and Class III Gaming, and whereas, the Tribe and the Authority have sought the County's support for placing this land into trust, and**
- Whereas, the Tribe is authorized to conduct Gaming in the State of Wisconsin under the terms of the Wisconsin Gaming Compact of 1992, as amended; and,**
- Whereas, the Tribe, through the Authority, may only conduct Gaming at the Kenosha Facility if it is placed into Federal Trust through application and approval by the Federal Bureau of Indian Affairs (the B.I.A.); and,**
- Whereas, a 1998 City-wide referendum in Kenosha, Wisconsin, approved Class III Indian Gaming in the City of Kenosha by a margin of fifty-seven (57%) percent to forty-three (43%) percent; and,**
- Whereas, a November, 2004, County-wide referendum in Kenosha County Wisconsin, approved Class III Indian Gaming in the City of Kenosha by a margin of fifty-six (56%) percent to forty-four (44%) percent; and,**
- Whereas, as part of the application process, the impact [including loss of tax revenues as well as financial contributions in support of local government] of the establishment of such a gaming operation on the surrounding community must be addressed along with efforts to address**

such impacts, and

Whereas, the Menominee Indian Tribe of Wisconsin, the Menominee Indian Gaming Authority, which was created by the Tribe for the purpose of operating such gaming operation, and the City and County of Kenosha have negotiated and proposed the attached Intergovernmental Agreement [Exhibit 2] that supports placing the above described lands into trust for the Menominee Indian Tribe for the purposes stated and in accordance with the development proposed by the Tribe on June 15, 2004 and which further addresses the impact of such a gaming operation and development on the surrounding community including any loss in tax revenues due to such lands being placed into trust as well as financial support for local government operations as authorized by Federal law and which agreement would further state the rights and obligations of the parties to the agreement, and

Whereas, the Support Payments are offered by the Tribe and Authority in recognition of the demand for the complete range of municipal services, the new improvements to the infrastructure necessitated by the expanded activity in the vicinity of the Kenosha Facility, the accelerated maintenance and depreciation of community-wide infrastructure from such expanded activity, the mitigation of the cost of economic, social and other impacts arising out of gaming activities and the revenues lost from the loss of taxable development on the Kenosha Facility; and,

Whereas, several public hearings have been held on this matter, and

Whereas, the attached Exhibit 3 represents a proposed Intergovernmental Agreement by and between the County of Kenosha and the Tribe and Authority relative to the imposition of a Tribal Sales Tax on certain sales on Indian trust lands that would otherwise be exempt from the State and County sales tax; and whereas revenues received by the County pursuant to this agreement would be utilized by the County to fund certain highway projects that would benefit both the Tribe and County, and

Whereas, the attached Intergovernmental Agreement [Exhibit 4] represents an agreement by and between the City and County of Kenosha for the purpose of sharing revenues paid by the Tribe and Authority to the City and County pursuant to their Intergovernmental Agreement with the City and the County.

Now Therefore Be It Resolved, that the Kenosha County Board approves of the execution of the Intergovernmental Agreement between the Menominee Indian Tribe of Wisconsin, the Menominee Indian Gaming Authority and the City and County of Kenosha, [Exhibit 2], and further that it supports the application of the Menominee Indian Tribe of Wisconsin to place approximately 223 Acres of Land Located at the Site of the Dairyland Greyhound Race Track in the City and County of Kenosha, Wisconsin into Trust for the Menominee Indian Tribe of Wisconsin for the Purpose of Conducting Class III and Class II Gaming, and

Be It Further Resolved that the Kenosha County Board approves of the execution of the Intergovernmental Tribal Tax Agreement between the Tribe, Authority and Kenosha County, [Exhibit 3], and

Be It Further Resolved that the Kenosha County Board approves of the execution of the Intergovernmental Revenue Sharing Agreement [Exhibit 4] between the City and County of Kenosha, and

Be It Further Resolved that the County Clerk is directed to send a certified copy of this Resolution to the Bureau of Indian Affairs, Tribe and Authority and the Governor of the State of Wisconsin.

Respectfully submitted,

Kenosha County Finance Committee

_____	Aye	No	Abstain
Robert Carbone, Chairman			

_____	Aye	No	Abstain
Mark Wisniewski			

_____	Aye	No	Abstain
Terry Rose			

_____	Aye	No	Abstain
Anita Faraone			

_____	Aye	No	Abstain
Mark Modory			

Kenosha County Legislative Committee

_____	Aye	No	Abstain
Ronald Johnson, Chairman			

_____	Aye	No	Abstain
Richard Kessler			

_____	Aye	No	Abstain
Joseph Clark			

_____	Aye	No	Abstain
Christine Wipper			

_____	Aye	No	Abstain
Mark Modory			

Referenced “attached Exhibits” are available in the Office of the Kenosha County Clerk

Exhibit 1 Site of Proposed Trust Lands

Exhibit 2 Intergovernmental Agreement

Exhibit 3 Tribal Tax Agreement

Exhibit 4 Revenue Sharing Agreement

H: CasinoCoBdResFinal.