**RESOLUTION NO \_\_\_\_-2015**

**EXPRESSING OPPOSITION TO THE ACQUISITION OF LAND**

**IN TRUST BY THE FEDERAL GOVERNMENT FOR**

**THE BENEFIT OF THE HO-CHUNK NATION IN THE TOWN OF DELTON**

 **WHEREAS,** Sauk County has received two notices for the acquisition of land in trust by the U.S. Government for the benefit of the Ho-Chunk Nation in the Town of Delton; the first notice dated May 6, 2015 for 51.02 acres and referred to as the Allan-Casey property; the second notice dated May 26, 2015 for 395.64 acres and referred to as the Village West property; said properties identified on the maps attached hereto as Appendices A and B, with the properties currently used largely for agricultural purposes; and,

 **WHEREAS,** the lands proposed for acquisition are within the regulatory jurisdiction of Sauk County and the Town of Delton, with the Allan-Casey properties proposed for tribal housing and education and the Village West properties proposed for a mixture of commercial development and other uses changing the current use of these properties and resulting in the loss of both real estate and sales tax revenue; and,

 **WHEREAS,** the Village West property was the subject of a previous application in 2011 wherein the Ho-Chunk proposed a massive commercial development including a resort, shopping mall, IMAX theater and other development which the county opposed by Resolution No. 53 - 2011; and,

 **WHEREAS,** Sauk County has a long history of opposing the acquisition of trust land because doing so removes land from the tax rolls, allows tribal commercial enterprise and industries to compete unfairly with non-tribal businesses, and creates a jurisdictional void where units of government frequently provide services but cannot regulate activities and receive no compensation for services provided; and,

 **WHEREAS,** where trust status is granted, tax revenue is unavailable to compensate for the costs of the provision of public services such as law enforcement, public health inspections, zoning and schools, and members of the public may not enjoy the protection currently afforded by existing laws and regulations that currently apply to this property will not apply once these land are acquired in trust; and,

 **WHEREAS,** trust status provides the Ho-Chunk Nation with an unfair competitive advantage over neighboring businesses that must not only pay real estate and sales taxes on their similar operations, but must now compete with an enterprise exempt from those taxes; and,

 **WHEREAS,** the Ho Chunk Nation is not in need of tax exempt status in view of the fact that the Nation maintains an extremely profitable business enterprise in Sauk County in the form of a casino gambling hall, hotel, tavern and restaurant facilities and the taxpayers of Sauk County will be required to make up the shortfall created by removing these properties from the tax roll thereby resulting in a subsidy to the Ho Chunk Nation; and,

 **WHEREAS,** Sauk County asserts that significant portions of the proposed acquisition of land in trust by the United States Department of the Interior will result in significant negative effects on the human environment of Sauk County and the fiscal health of the affected units of local government including Sauk County; and,

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 **WHEREAS,** Sauk County is grateful for the areas in which the Ho-Chunk Nation and the County have cooperated over the years, and is desirous of maintaining and expanding that relationship, but current budget constraints and potential jurisdictional issues require that the County vigorously oppose portions of this request until these concerns are resolved; and,

 **WHEREAS,** Sauk County does recognize that the Ho-Chunk Nation is a sovereign governmental entity, and that a distinction must be made between tribal businesses and governmental functions, and that housing and education are traditional functions of government while having a government engage in private business enterprises is inconsistent with the free enterprise system; and,

 **WHEREAS,** the Town of Delton has taken action to oppose the granting of trust status to parcels of land proposed to be used for commercial or industrial development while not opposing acquisition of land in trust to be used for governmental purposes such as housing and education, and Sauk County is generally favorable to a similar approach while reserving legal arguments regarding the validity of laws and regulations permitting land to be acquired in trust in general.

 **NOW, THEREFORE, BE IT RESOLVED,** by the Sauk County Board of Supervisors, met in regular session, that Sauk County opposes the approval of the applications of the Ho-Chunk Nation for the acquisition of land in trust for the benefit of the Ho-Chunk Nation in the Town of Delton unless and until the concerns of the local units of government are resolved; and,

 **BE IF FURTHER RESOLVED,** that land proposed to be used for commercial, industrial, agricultural or business purposes should not be acquired in trust, and while Sauk County opposes the acquisition of land in trust generally, trust status if lawful and granted needs to be reserved for lands used solely for governmental purposes, such as governmental administration, housing for tribal members, religion and education; and,

 **BE IT FURTHER RESOLVED,** that Sauk County calls upon representatives of the Ho-Chunk Nation to meet with the County and the other impacted units of government in order to address concerns regarding the acquisition of land in trust, to work out agreements in advance of the granting of trust status, and to arrive at common ground so that the interest of the Ho-Chunk Nation and the local units of government can be accommodated; and,

 **BE IF FURTHER RESOLVED,** that the Corporation Counsel is authorized to take any legal action necessary to oppose the acquisition of land in trust and the Executive & Legislative Committee is delegated the authority to negotiate with the Ho-Chunk Nation to resolve the outstanding issues involved in the trust land acquisition.

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For consideration by the Sauk County Board of Supervisors on July 21, 2015.

Respectfully submitted,

**EXECUTIVE & LEGISLATIVE COMMITTEE**

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MARTIN F. KRUEGER, Chairperson JOAN FORDHAM

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**Fiscal Note:** The financial loss to the county from the acquisition of this land into trust is contained on the attached Appendix. Potential litigation will result in additional workload for the Corporation Counsel department and may result in additional costs for mileage, travel, duplication expenses, filing fees and other litigation related expenses.

**MIS Note:** No impact.

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