



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
APPROVAL OF COST SHARE AGREEMENT FOR
INSTALLATION OF WATER AND SEWAGE CASINGS
IN THE HIGHWAY 12 BYPASS PROJECT CORRIDOR
RESOLUTION 11-18-08 L**

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation is a federally recognized Indian tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(i) of the Constitution of the Ho-Chunk Nation grants the Legislature the power to negotiate and enter into treaties, compacts, contracts and agreements with other governments, organizations and individuals; and
- WHEREAS,** Article V, Section 2(m) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; and
- WHEREAS,** the Wisconsin Department of Transportation (the "WDOT") seeks to construct a bypass of existing Highway 12 from Interstate I-90/94 to Ski Hi Road in Sauk County, Wisconsin (the "Highway 12 Bypass Project"), State R/W Project Number 1674-00-21; and
- WHEREAS,** the WDOT's Bypass project will improve safety and access to the Nation's customers, employees and tribal members in the US12 corridor; and
- WHEREAS,** the WDOT's Highway 12 Bypass project significantly impacts the Ho-Chunk Nation's land and economic interests; and
- WHEREAS,** the Ho-Chunk Nation Legislature established a Highway 12 Business Negotiating Team to make recommendations regarding utility matters related to the project to the Legislature; and
- WHEREAS,** in June 2007, the Legislature accepted the Business Negotiating Team's recommendation to proceed with a cost-share agreement with the WDOT to significantly reduce the costs of installing sewage and water casings to service Ho-Chunk land within and during the Highway 12 bypass project corridor construction for up to an estimated cost of \$343,150;
- WHEREAS,** after engineering review, the WDOT now determined that the Nation's preference for casing installation is estimated at \$359,783 which includes engineering fees at 5% and proposed a standard cost-share agreement that includes an additional 10% contingency in lieu of irrevocable letter of credit, totaling \$395,761.30.

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NOW THEREFORE BE IT RESOLVED, that the Ho-Chunk Nation Legislature hereby approves the attached Cost Share Agreement entitled "State/Nation Agreement For A Highway Improvement Project" reflecting such terms and conditions for the installation of sewage and water casings servicing Ho-Chunk land within the Highway 12 bypass corridor between the Ho-Chunk Nation and the WDOT; and

BE IT FURTHER RESOLVED, that the Legislature authorizes Vice President Daniel Brown to execute the Cost Share Agreement and any other written instruments required to execute the Cost Share Agreement, to the extent they are consistent with the Cost Share Agreement.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **10** constituting a quorum were present at a meeting duly called and convened and held on the **18th day of November, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 members, 0 opposed, and 1 abstaining**, pursuant to the authority of Article V, Section 2(a) and (x) of the constitution of the Ho-Chunk Nation approved by the Secretary of the 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.



Elliott Garvin, Tribal Secretary

11-18-08

Date