



COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
COUNTY OFFICE BUILDING
County Board Rooms 209-210

Thursday, January 14, 2016 at 4:00 PM

AGENDA

- 1. Call to Order and Pledge of Allegiance**
- 2. Roll Call:** Elizabeth Flowers, Judy Gilmour, Dan Koukol, Matthew Prochaska, John Purcell, Jeff Wehrli, John A. Shaw (Board Chair), Scott Gryder (Board Vice Chair), Lynn Cullick, Bob Davidson
- 3. Items of Business**
 - *Orchard Road and Route 30 Letter*
 - *AT & T Fiber Internet and DS1 Contracts*
 - *Union Negotiation Discussion*
 - *Discussion on Ordinances regarding Raffles and Poker Runs*
- 4. Public Comment**
- 5. Questions from the Media**
- 6. Chairman's Report**
- 7. Review Board Action Items**
- 8. Executive Session**
- 9. Adjournment**

**KENDALL COUNTY
COMMITTEE OF THE WHOLE
Meeting Minutes
Thursday, December 10, 2015**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order by Vice County Board Chair Scott R. Gryder at 4:00p.m. who led the committee in the Pledge of Allegiance.

ROLL CALL

Scott Gryder – present, Lynn Cullick - here, Jeff Wehrli - here, Bob Davidson - yes, Judy Gilmour - here, Dan Koukol - here, John Purcell - yes, Matthew Prochaska - here

Committee Members Absent: Elizabeth Flowers, John A. Shaw

Others present: David Berault, Glenn Campos, Scott Koeppel, Undersheriff Harold Martin, Dr. Amaal Tokars, and Jeff Wilkins

ITEMS OF BUSINESS

Health Insurance Update - CBIZ representative Jim Pajauskas reported that the County hosted two insurance informational and benefit fair meetings recently with an attendance of 20-30 at each meeting, and said he felt the meetings were well received. Mr. Pajauskas suggested hosting a mandatory annual informational meeting beginning next year for all employees so that insurance and benefit information can be shared accurately, and employees can be fully informed and understand the different plans and benefits.

Mr. Pajauskas also suggested reviewing ways to continue to educate employees on how to better utilize their insurance programs. If everyone continues to use the programs in the same manner, it won't resolve the issue of high claims or high premiums.

Mr. Pajauskas also briefed the committee on the affordable care act taxes and penalties, explained the Cadillac tax and the thresholds, the potential 40% premium penalty for excess above the threshold that the county would be required to pay for the affordable care act, and the risk the county could face if the other healthcare plans reach those same thresholds.

EXECUTIVE SESSION

Member Cullick made a motion to enter into executive session for the purpose of collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees, second by Member Gilmour.

Roll Call: Member Cullick – yes, Member Prochaska – aye, Member Purcell – yes, Member Wehrli – yes, Member Koukol – yes, Member Gilmour – yes, Member Davidson – yes, Member Gryder – yes.

With all in agreement, the committee entered into Executive Session at 4:21p.m.

Member Davidson made motion to reconvene into open session at 5:07p.m., second by Member Cullick. **With all in agreement, the motion carried.**

- ***County Board Oversight Restoration Ordinance*** – Member Prochaska stated that this item was discussed at the last County Board meeting and was sent to the Committee of the Whole for further discussion. Discussion on article two verbiage of the document, which fee schedules this ordinance would include, which governing body has authority to raise or change Health Department fees, the elected County Board, or the County Board appointed Board of Health, and the definition of a fee versus a tax.

Member Purcell stated that if this ordinance passes, this practice of the County Board voting on the fees would be consistent with what is currently being done for GIS fees, the County Clerk fees, the Circuit Clerk fees, and the Sheriff fees, the last three whom are overseen by elected officials. Member Wehrli stated that the inconsistency in that statement is that those other offices do not have their own board or finance committee that provide oversight of their fees, and that those offices are not similar to the Health Department.

PUBLIC COMMENT – Audra Hendrix

QUESTIONS FROM THE MEDIA – None

CHAIRMAN'S REPORT - None

REVIEW BOARD ACTION ITEMS – Vice Chair Gryder asked the committee to review the December 15, 2015 Board agenda for any necessary changes or additions.

ACTION ITEMS FOR COUNTY BOARD

ADJOURNMENT – Member Davidson moved to adjourn the meeting at 5:36p.m., Member Koukol seconded the motion. **The motion was unanimously approved by a voice vote.**

Respectfully Submitted,

Valarie McClain
Administrative Assistant/Recording Secretary

January 19, 2016

John Fortmann, P.E.
Illinois Department of Transportation
201 West Center Court
Schaumburg, IL 60196

RE: U.S. Route 30 & Orchard Road Intersection

Dear Mr. Fortmann:

I am writing to express the apparent need for intersection improvements at the U.S. Route 30 and Orchard Road intersection in Montgomery, Illinois. It has recently come to my attention that engineers studying the intersection have determined that several of the traffic movements currently operate at a level-of-service "F". As you probably know, this is a very busy intersection, with a total entering volume approaching 50,000 vehicles per day. By 2040, this volume is expected to increase over 70%. This intersection also has one of the highest accident rates in Montgomery, according to Montgomery officials.

Although IDOT is studying a larger improvement on U.S. Route 30, from Illinois Route 47 to Illinois Route 31, those improvements are not currently included in the State's 5-year plan. Kendall County believes that intersection improvements at Orchard Road represent the single most urgent need in the overall project, and should be considered as a stand-alone project that could be advanced separately from other Route 30 improvements.

Since Kendall County has jurisdiction of the south leg of this intersection, we are interested in working with IDOT, Kane County, and the Village of Montgomery to investigate the possibility of moving forward with intersection improvements as soon as possible. The investment now will help to accommodate current needs, and should help to improve safety for the traveling public as this area continues to grow.

Sincerely,

John A. Shaw
Kendall County Board Chairman

c: Chris Lauzen; Kane County Chair
Matt Brolley; Village President



Caterpillar Inc.

Box 348
Aurora, Illinois 60507

December 11, 2015

To the Attention of: The Mayor of the Village of Montgomery

On behalf of Caterpillar's Aurora Facility, I submit this letter in support of your efforts in the search for funding for road improvements at the intersection of Route 30 and Orchard Road in Montgomery, Illinois. As approximately 70-80% of our truck flow at the Caterpillar Facility in Aurora uses the aforementioned intersection, we are in support of the Village's request for funding for this initiative. We submit this letter also in good faith, as many of our employees may also use this intersection when traveling to and from work each day.

Sincerely,

Ricardo Alvarez
Facility Manager
Caterpillar Inc.



OSWEGO FIRE PROTECTION DISTRICT



3511 WOOLLEY ROAD • OSWEGO, IL 60543 • (630)554-2110 FAX: (630)554-8681

November 17, 2015

Matthew T. Brolley
Village President
Village of Montgomery
200 North River Street
Montgomery, Illinois 60543

Dear President Brolley;

I am writing in response to your comments on IDOT's Multi-Year Program. Most specifically in reference to the improvements needed at the intersections of Route 30 and Orchard Road in your Village.

You speak specifically to the intersection having one of the highest rates of accidents in the Village. Another perspective, from our point of view, is the bottleneck that the amount of traffic at that intersection creates. This bottleneck slows response to other areas of the Village as our apparatus try to navigate the overcrowded intersection.

Year to date, we have had emergency apparatus leave our station at 2200 Galena and travel north on Orchard Road and turn West on Route 30 to service the area North and West of the intersection, 127 times. This area includes the Police Department, Stuart Sports Complex, as well as the Foxmoor and Fairfield Way subdivisions. Also year to date, apparatus has responded from that same station and turned East on Route 30, 178 times.

In the past fifteen years Kendall County has experienced a tremendous amount of growth. We feel that it is important that the infrastructure support that growth and allow for movement of emergency apparatus throughout. The Fire District would be in complete support of the recommended improvements to the above intersection.

Sincerely,

A handwritten signature in black ink that reads "Joshua Flanders".

Deputy Chief Joshua Flanders

COUNTY OF KANE

Christopher J. Lauzen
Kane County Board Chairman



Kane County Government Center
719 South Batavia Avenue
Geneva, IL 60134
P: (630) 232-5930
F: (630) 232-9188
clauzen@kanecoboard.org
www.countyofkane.org

December 21, 2015

Mr. John Fortmann, P.E.
Illinois Department of Transportation
201 West Center Court
Schaumburg, Illinois 60196

Dear Mr. Fortmann:

As Kane County Chair, I am writing to express the need that exists for intersection improvements at U.S. Route 30 and Orchard Road in Montgomery. The intersection currently functions at a level of service of "F". U.S. Route 30 has traffic counts of more than 24,000 vehicles per day east of Orchard Road and 19,400 per day west of Orchard Road. Orchard Road is also heavily travelled in both Kane and Kendall County, with traffic counts of 26,400 north bound and 25,000 vehicles per day south bound. In 2040 these traffic volumes are projected to increase over 70%. This intersection has one of the highest rates of accidents in Montgomery, averaging more than 40 per year, including a fatality in 2012.

Currently, this intersection is included within the larger US30 from IL 47 to IL 31 "Baseline Road Study" project limits. The Baseline Road Study Preferred Alternative contemplates improvements to this intersection including dual left turn lanes and single right turn lanes on the all legs, additional lanes on Orchard Road and replacement of the bridge on Route 30 over Blackberry Creek. In addition, Orchard Road is under Kane County jurisdiction, and improvements to Orchard Road from the US 30 intersection north to Randall Road have been identified in the County's Comprehensive Road Improvement Plan as a Multi Year project.

In order to accommodate current needs as well as future growth and safety, it is important that improvements be made at the intersection of Route 30 and Orchard Road to facilitate efficient movement through this intersection as soon as possible. While the Baseline Road Study moves forward and talks continue to expedite the intersection improvements outside the study process, I have been advised that improvements to U.S.30, including the intersection of US 30 and Orchard Road is not included in your five-year plan. I am asking that you prioritize this important project and consider moving components of the larger project to your five-year plan.

Sincerely,



Chris Lauzen
Kane County Chair

c: Lori Brown, P.E., IDOT
Matt Brolley, Village President
Jeff Zoepfel, Village Administrator
Pete Wallers, Village Engineer

Scott Koeppe

From: Anne K. Knight
Sent: Monday, January 4, 2016 3:39 PM
To: Scott Koeppe
Cc: Leslie Johnson
Subject: AT&T Agreement

Hi Scott,

In our earlier conversation you informed me that AT&T has refused all of our requested contract modifications. You stated, however, the cost of the service is significantly less than the alternative and, as such, you would still like to present the agreement to the Board for approval. You are welcome to provide my previous memo to the Board, however, in doing so, the memo would no longer be protected under the attorney-client privilege. As you requested, and in hopes of simplifying things, I have drafted a list of our biggest concern:

1. The contract is 3 years and does not allow the County to terminate without penalty. That means, if the County needs or wants to terminate the agreement, it will likely be on the hook for paying 50% of cost for the remainder of the contract term, in addition to any other fees and expenses.
2. There are multiple provisions that add additional fees and costs. We do not know how much these additional expenses will cost (4.2, 8.4).
3. The payment provision is inconsistent with the Illinois Prompt Payment Act, and creates a late fee penalty.
4. Section 7 requires the County to indemnify and defend AT&T under certain circumstances.
5. Section 5.4 requires the County to encrypt any data it does not want AT&T to read/access. This essentially means if the County does not encrypt the data, AT&T is likely not responsible for its employees accessing it. On a related point, AT&T did not agree to our requirement that AT&T employees working on the County service be subject to background checks.
6. Section 8.2(c) permits AT&T to suspend service for a violation of the Acceptable Use Policy (AUP). The AUP includes a prohibition on the transmission of child pornography. however, this service will be used by Kendall County law enforcement, and, in order to do their job, they may be required to violate this policy, which could result in the suspension of the service for the whole County.
7. Any legal claim relating to this agreement must be brought in the State of New York.
8. AT&T did not agree to our insurance or indemnification requirements; therefore, the County may be legally and financially liable for various damages or injuries caused by or to AT&T or its employees or agents.
9. Finally, the following provisions are legally required but are missing from this agreement: Non-discrimination compliance, assurance of no competitive bidding violations, and drug free workplace requirement.

These are the major concerns the Board should be made aware of. If you would like me to forward this email to the Board in order to preserve the attorney-client privilege, I would be happy to do so. Let me know if you have additional questions.

Annie

Anne K. Knight
Assistant State's Attorney
Kendall County, Illinois
807 John St.
Yorkville, IL 60560
Phone: (630) 553-4157
Fax: (630) 553-4204



Sales Contact Information
VIOLETT; PAUL
8652017943
pv8370@us.att.com

eSign Fax Cover Sheet Contract Id: 4633368

To: AT&T Automated Fax Handling Service

From:

Fax: 877-374-4632 or 877-eSignFax

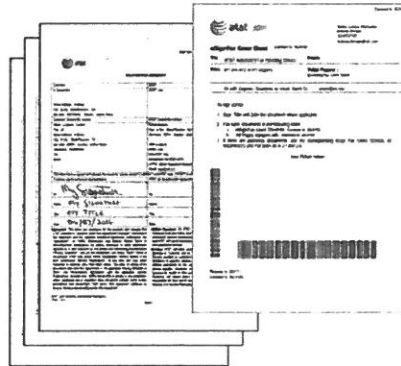
Total Pages: 4
(Excluding Fax Cover Sheet)

Or with Copiers / Scanners w/ email, Send To: esign@att.com

To sign via fax:

1. Sign, Title and Date the document where applicable,
2. Fax back documents in the following order:
 - I. eSign Fax Cover Sheet for Contract Id: 4633368
 - II. All Pages stamped with Contract Id: 4633368
3. If there are additional documents, use the corresponding eSign Fax Cover Sheet(s) as separator(s) and Fax back as in 2.I and 2.II.

(see Picture below)



Request Id: 1134321
Contract Id: 4633368



**AT&T MANAGED INTERNET SERVICE
 PRICING SCHEDULE**

Customer	AT&T
KENDALL COUNTY GOVERNMENT Street Address: 111 WEST FOX STREET,NA City: YORKVILLE State/Province : IL Zip Code: 60560 Country: United States	AT&T Corp.
Customer Contact (for notices)	AT&T Sales Contact Information and for Contract Notices <input type="checkbox"/> Primary AT&T Contact
Name: Scott Koeppel Title: IT Director Street Address: 1102 Cornell Lane City: Yorkville State/Province: IL Zip Code: 60560 Country: United States Telephone: 6305538881 Fax: Email: skoeppel@co.kendall.il.us Customer Account Number or Master Account Number: 1-SK8V-701	Name: PAUL VIOLETT Street Address: 410 N CEDAR BLUFF RD City: KNOXVILLE State/Province: TN Zip Code: 37923 Country: United States Telephone: 8652017943 Fax: 8668367211 Email: pv8370@us.att.com Sales/Branch Manager: Chris Pennington SCVP Name: VACANT POSITION Sales Strata: Retail Sales Region: US-SOUTHEAST <u>With a copy to:</u> AT&T Corp. One AT&T Way Bedminster, NJ 07921-0752 ATTN: Master Agreement Support Team Email: mast@att.com
AT&T Solution Provider or Representative Information (if applicable) <input type="checkbox"/>	
Name1: Company Name: Agent Street Address: City: State: Zip Code: Country: Telephone: Fax: Email: Agent Code	

This Pricing Schedule is part of the Agreement between AT&T and Customer referenced above.

Customer (by its authorized representative)	AT&T (by its authorized representative)
By:	By:
Name:	Name:
Title:	Title:
Date:	Date:

AT&T and Customer Confidential Information

Page 1
 ASAP!

**AT&T MANAGED INTERNET SERVICE
 PRICING SCHEDULE**

1. SERVICES

Service	Service Publication Location
AT&T Managed Internet Service (MIS)	http://serviceguidenew.att.com/sg_flashPlayerPage/MIS
AT&T Bandwidth Services	http://serviceguidenew.att.com/sg_flashPlayerPage/BWS

2. PRICING SCHEDULE TERM AND EFFECTIVE DATES

Pricing Schedule Term	36 months
Pricing Schedule Term Start Date	Effective Date of this Pricing Schedule
Effective Date of Rates and Discounts	Effective Date of this Pricing Schedule

3. MINIMUM PAYMENT PERIOD

Service Components	Percent of Monthly Service Fees Due Upon Termination Prior to Completion of Minimum Payment Period	Minimum Payment Period per Service Component
All Service Components	50%	Longer of 12 months or until the end of the Pricing Schedule Term

4. GRANDFATHERING AND WITHDRAWAL

Availability of Service Components is subject to grandfathering and withdrawal per the Service Guide.

5. RATES

Section I: AT&T Managed Internet Service

Table 1: MIS Self – Installation

Discount: 100.0 %

MIS Speed	Undiscounted MIS	Undiscounted MIS w/ Managed Router	Undiscounted MIS w/ Virtual Router
Ethernet	\$1,500	\$1,500**	\$0.00

**Pricing available for MIS speeds of 100 Mbps and below and with electrical interfaces only.

Table 2: On-Site Installation

Discount: 50.0 %

MIS Speed	Undiscounted MIS w/ Managed Router Only
Ethernet	\$1,500

AT&T and Customer Confidential Information

Page 2
 ASAP!

**AT&T MANAGED INTERNET SERVICE
 PRICING SCHEDULE**

Table 3: Flat Rate and Flexible Bandwidth Billing Option – Ethernet

Available bandwidth levels are subject to qualification at time of each order and may vary for MIS ports/access ordered with or without the Network on Demand option.

Bandwidth	Discounted Ethernet Access Monthly Fee	Minimum Bandwidth Commitment		Undiscounted Incremental Usage Fee Per Mbps
		Undiscounted MIS with Customer Router Monthly Fee	Undiscounted MIS with AT&T Managed Router Monthly Fee	
2 Mbps	\$500.00	\$260.00	\$388.00	\$355.00
4 Mbps	\$500.00	\$262.00	\$390.00	\$325.00
5 Mbps	\$500.00	\$263.00	\$391.00	\$270.00
8 Mbps	\$500.00	\$266.00	\$394.00	\$235.00
10 Mbps	\$500.00	\$268.00	\$396.00	\$198.00
20 Mbps	\$530.00	\$449.00	\$577.00	\$144.25
50 Mbps	\$640.00	\$813.00	\$955.00	\$95.50
100 Mbps	\$810.00	\$1,400.00	\$1,555.00	\$77.75
150 Mbps	\$810.00	\$1,800.00	\$1,965.00	\$65.50
250 Mbps	\$1,100.00	\$2,150.00	\$2,240.00	\$44.80
400 Mbps	\$1,300.00	\$2,700.00	\$3,380.00	\$42.25
500 Mbps	\$1,300.00	\$3,500.00	\$4,325.00	\$43.25
600 Mbps	\$1,300.00	\$4,096.00	\$4,840.00	\$40.33
1000 Mbps	\$2,000.00	\$4,505.00	\$5,620.00	\$28.10
Discount:		62.0 %	62.0 %	100.0 %

Table 3.a: Flat Rate Billing Option – Ethernet (10 Mbps only)

Available only for 10 Mbps bandwidth level, subject to qualification. Not available for MIS ports/access with the Network on Demand option, or MIS ports/access with Customer managed router, or MIS ordered with AT&T BVoIP Service.

Bandwidth	Discounted Ethernet Access Monthly Fee	Minimum Bandwidth Commitment Undiscounted MIS with AT&T Managed Router Monthly Fee	Undiscounted Incremental Usage Fee Per Mbps
10 Mbps	\$374.52	\$396.00	Not Applicable
Discount:		62.0 %	

Section II: Additional Service Fees

Moving Fee (during hours)	\$1,000 per location
Additional Moving Fee (outside standard operating hours – 8:00 a.m. to 5:00 p.m. Monday through Friday)	Additional \$500 per location

Section III: AT&T Business in a Box®

AT&T Business in a Box® is not available for MIS ports/access ordered with the Network on Demand option.

Discount: 100.0 %

Option	Undiscounted Monthly Service Charge*
Base Unit 12 Port	\$75.00

AT&T and Customer Confidential Information

Page 3
 ASAP!

**AT&T MANAGED INTERNET SERVICE
PRICING SCHEDULE**

8 Port Analog Module Add-On	\$40.00
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* Pricing also applies to Service locations in Alaska

Class Of Service Option - when ordered with AT&T BVoIP Services only

Discount: 100%

Class of Service Monthly Service Fee	\$225*
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#Pricing also applies to Service locations in Alaska

This is the last page of the Pricing Document

Scott Koepfel

From: TRAORE, LAMIN <pt374t@att.com>
Sent: Friday, December 11, 2015 1:06 PM
To: Scott Koepfel
Subject: RE: Contract update?

Importance: High

Scott,

I apologize for the extended time it has taken to reply. According to legal, AT&T's approach is to not customize agreements for customers in this segment beyond adding in certain envelope terms. Therefore, this would result in rejection of your requests. Unfortunately, you will have to propose the agreement to the board without changes. Once again, I would like to apologize for the lack of response, things move very slow when legal is involved.

Respectfully,

Lamin Traore

**Client Solutions Executive
AT&T NGEM**

Mobile: 404-901-2169	675 W Peachtree St NW
Fax: 678-319-4609	28th Floor – 28-030
lamin.traore@att.com	Atlanta, GA 30308

From: Scott Koepfel [mailto:skoepfel@co.kendall.il.us]
Sent: Friday, December 11, 2015 12:25 PM
To: TRAORE, LAMIN <pt374t@att.com>
Subject: Contract update?

Do you have any updates on the contract? I am willing to take the contract to the board if all of the changes from our lawyers are not accepted.

Scott Koepfel
Technology Services Director
Kendall County
630-553-8881

Scott Koepfel

From: TRAORE, LAMIN <pt374t@att.com>
Sent: Friday, October 16, 2015 9:38 AM
To: Scott Koepfel
Cc: VIOLETT II, PAUL J
Subject: ATT MIS Contract
Attachments: MASTER_AGREEMENT_Contract_ID_4633369_v1.pdf;
AT&T_MANAGED_INTERNET_SERVICE_PRICING_SCHEDULE_Contract_ID_4633368_v1.pdf

Scott,

Per our conversation this morning, here is an e-mail with a brief explanation of the contract as well as our plan for the upfront credit:

The Master Agreement is an all-encompassing agreement that does not provide a specific service. The MIS agreement provides all of the terms which are the following:

- 36 month term
- Self-Install discounted at 100%
- On-Site Install discounted at 50% which would translate into \$750.00 (one-time cost).
- Table 3 on page 4 of the MIS agreement has lists your pricing schedule. The monthly cost is made up of two components, Access and Port speed. For 20Mbps:
 - Access - **\$530.00**
 - Port Speed (managed solution) - \$577.00 – 62% = **\$219.26**
 - **Total Cost: \$749.26**
- In addition, since we were unable to meet our initial quote due to recent tariff changes, we will be issuing a credit in the amount of \$1,778.04 to cover 50% of the \$100.00 difference over the next 36 months. Please know that this is not included in the contract, however, this e-mail may serve as documentation

Respectfully,

Lamin Traore

**Client Solutions Executive
AT&T NGEM**

Mobile: 404-901-2169	675 W Peachtree St NW
Fax: 678-319-4609	28th Floor – 28-030
lamin.traore@att.com	Atlanta, GA 30308

**ORDINANCE TO AMEND KENDALL COUNTY ORDINANCE 86-6 "KENDALL COUNTY
RAFFLE ORDINANCE"**

(Ordinance No. 14-20)

WHEREAS, on or about March 11, 1986, the Kendall County Board adopted Kendall County Ordinance 86-6 captioned "Kendall County Raffle Ordinance," which established a system for the licensing of organizations to operate raffles in Kendall County, Illinois pursuant to the Illinois Raffles Act; and

WHEREAS, effective June 10, 2014, Illinois Public Act 98-644 amended the Illinois Raffles Act by incorporating licensing requirements for poker runs into the statute and renaming the statute "The Raffles and Poker Runs Act"; and

WHEREAS, the Kendall County Board hereby seeks to amend the Kendall County Raffle Ordinance to also establish a system for the licensing of organizations to operate poker runs in unincorporated areas of Kendall County, Illinois, pursuant to the Illinois Raffles and Poker Runs Act, 230 ILCS 15/0.01 et seq.;

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County of Kendall, Illinois, the Kendall County Raffle Ordinance is hereby amended as follows:

Article I - Definitions

Recitals. The above identified recitals are incorporated as if fully set forth herein.

Section 1. State Law.

Whenever reference herein is made to "State Law" it shall mean and refer to The Illinois Raffles and Poker Runs Act, as amended, 230 ILCS 15/0.01 et seq.

Section 2. Net Proceeds.

"Net Proceeds" mean the gross receipts from the conduct of raffles or poker runs, less reasonable sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

Section 3. Licensing Agent.

The Raffle and Poker Run Licensing Agent for Kendall County is the Kendall County Clerk.

Section 4. Key Location.

"Key location" means the location where the poker run concludes and the prize or prizes are awarded.

Section 5. Other.

Unless the contest otherwise requires, all words and phrases used herein shall have the same meaning as the same or similar words or phrases defined and used in the State Law.

Article II - Qualifications

Section 1. Applicants.

A license to operate a raffle or poker run shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organizations, that operate without profit to their members, which have been in existence continuously for a period of five (5) years immediately before applying for a license, and which have had, during that entire five (5) year period, a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the County determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

Section 2. Waiver for Poker Runs.

The Licensing Agent may waive the five (5) year requirement for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a poker run if the organization is a local organization affiliated with and chartered by a national or State organization that meets the five (5) year requirement.

Section 3. No license shall be issued to:

- a) any person who has been convicted of a felony;
- b) any person who is or has been a professional gambler or gambling promoter;
- c) any person who is not of good moral character;
- d) any firm or corporation in which a person defined in (a), (b), or (c) has a proprietary, equitable, or credit interest, or in which such a person is active or employed;
- e) any organization in which such a person defined in (a), (b), or (c) is to participate in the management or operation of a raffle or poker run as defined by State Law; or
- f) any organization in which a person defined in (a), (b), or (c) is an officer, director, or employee, whether compensated or not.

Article III - Application

Section 1. Required Information.

Application forms shall be furnished by the Licensing Agent and filed with same. Said applications shall show the following:

- a) the name and address of the applicant;
- b) the time period during which raffle chances will be sold or issued or a poker run will be conducted;
- c) the date, time and location at which winning chances will be determined;
- d) the place and date of chartering or incorporation of applicant, if applicable;

- e) the name, home address, telephone number, and date of birth of the presiding officer, secretary, and raffle or poker run manager of applicant;
- f) the area or areas within Kendall County in which raffle chances will be sold or issued or a poker run will be conducted;
- g) an itemized list of prizes and the retail value of each prize to be awarded in the raffle or poker run; and
- h) the price to be charged for each raffle ticket, participation voucher, or poker hand sold.

Section 2. Sworn Statement.

The license application shall contain a sworn statement attesting to the accuracy of the information provided and to the not-for-profit character of the prospective licensee. Said statement shall be signed by the presiding officer, secretary, and raffle or poker run manager of the prospective licensee.

Section 3. Single Use.

An application for a license under this ordinance is valid for one raffle or poker run only.

Section 4. Location Owner.

A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Ordinance.

A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.

Article IV - Regulations Governing Licensee

Section 1. Conduct of Raffles or Poker Runs.

Raffles and poker runs are subject to the following restrictions:

- a) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the licensee permitted to conduct that game.
- b) No person except a bona fide member of the licensee organization may participate in the management or operation of the raffle or poker run.
- c) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
- d) Raffle chances may be sold or issued only within the area or areas specified on the raffle license.
- e) Winning chances must be determined only at the time, date, and location specified on the license.
- f) Any person selling raffle chances or operating a poker run must carry a copy of the license issued for the raffle or poker run.
- g) A person under the age of 18 years may participate in conducting raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances in a raffle or winning

hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

Section 2. Raffle or Poker Run Limits.

- a) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle or poker run shall not exceed \$50,000.00.
- b) The maximum retail value of each prize awarded by a licensee in a single raffle or poker run shall not exceed \$50,000.00.
- c) The maximum price which may be charged for each raffle chance, participation voucher, or poker hand issued or sold, shall not exceed \$100.00.
- d) The maximum number of calendar days during which chances, participation vouchers, or poker hands may be issued or sold, shall not exceed 180.
- e) The license shall not be valid for more than 210 calendar days from the date of issuance of the license.

Section 3. Manager and Bond.

- a) All operation and conduct of raffles or poker runs shall be under the supervision of a single manager as designated on the license application.
- b) The manager shall give a fidelity bond in the sum of the aggregate retail value of the prizes as set out on the application. The bond shall be in favor of the licensee organization and conditioned upon the manager's honesty in the performance of his duties. Said bond shall provide that notice shall be given in writing to the Licensing Authority not less than thirty (30) days prior to its cancellation. If the retail value of the prizes exceeds \$15,000.00, such bond shall have a corporate surety.
- c) This bond requirement may only be waived by a unanimous vote of the members of the licensed organization. The waiver is only valid if specifically identified, in writing, on the license.

Section 4. Records.

- a) Each organization licensed to conduct raffles and chances or poker run events shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount, and date of payment.
- b) Gross receipts from the operation of raffle or poker run programs shall be segregated from other revenue of the licensee (including bingo gross receipts, if bingo games are also conducted by the same licensee pursuant to license issued by the Department of Revenue of the State of Illinois), and placed in a separate account. Each organization shall have separate records of its raffles and poker runs. The person who accounts for gross receipts, net proceeds and expenses from the operation of raffles and poker runs shall not be the same person who accounts for other revenues of the organization.

- c) Each licensee, within thirty (30) days after the conclusion of the raffle or poker run, shall report to its membership and to the Licensing Agent each of the following:
- 1) all gross receipts generated by conducting the raffle or poker run;
 - 2) an itemized list of all expenses which have been deducted from the gross receipts;
 - 3) all net proceeds from conducting the raffle or poker run;
 - 4) an itemized list of the distribution of the net proceeds; and
 - 5) the name and all known contact information for all prize winners.
- d) Records required by this Section shall be preserved for three (3) years from the conclusion of the raffle or poker run, and the organization shall make available for public inspection their records relating to operating raffles or poker runs at reasonable times and places.

Section 5. Unlawful Gambling.

Nothing in the Ordinance shall be construed to authorize conducting or operating any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided by State Law.

Article V - Fees

The licensee shall pay a fee for each license issued by the Licensing Agent pursuant to this Ordinance. Payment shall be issued in full prior to the receipt of the license. Failure to submit payment may result in immediate revocation of the license. The total amount of the fee to be paid by the licensee shall be determined by the aggregate prize value for the licensee's raffle or poker run. The fee amount shall be as follows:

<u>Aggregate Prize Value</u>	<u>Fee</u>
Less than \$500.00	-0-
\$501.00 to \$5,000.00	10.00 per license
\$5,001.00 and over	10.00 per license

Article VI - Administration

Section 1. Administrator.

The Licensing Agent shall be charged with the administration of this Ordinance.

Section 2. Jurisdiction.

The authority and jurisdiction of Kendall County to issue a license to a prospective licensee shall extend only to that area of Kendall County which is both within the borders of Kendall County and outside the borders of any municipality. A poker run shall be licensed by the governing body with jurisdiction over the location wherein the poker run concludes and the prizes are awarded. The license granted by that governing body shall cover the entire poker run, including locations outside the jurisdiction of the licensing governing body. The license must identify the name and address of each location involved, including those outside the jurisdiction of the licensing governing body.

Section 3. Licensing Action.

The Licensing Agent shall act upon a license application within thirty (30) days from the date of receipt of the application.

Section 4. Intergovernmental Agreement.

The Chairman of the County Board and the County Clerk may enter into a written intergovernmental agreement with one or more Kendall County Municipalities which have adopted a raffle and poker run ordinance consistent with this Ordinance to jointly establish a system for the licensing of organizations to operate raffles or poker runs within the unincorporated area of Kendall County and within the corporate limits of any municipality that is a party of such agreement. Such agreement shall be consistent with the limitations of this Ordinance except that a license issued by one Government unit shall be valid throughout the jurisdiction of all parties to the contract.

Article VII - Enforcement

Section 1. Penalties.

Failure to comply with any of the requirements of this Ordinance shall constitute a violation. Whoever violates any of the provisions of this Ordinance is guilty of a Class "C" Misdemeanor for each offense. Each day the violation continues shall be considered a separate offense. The Kendall County State's Attorney's Office has authority to prosecute all violations of this Ordinance.

Section 2. Abatement.

The imposition of the penalties herein prescribed shall not preclude the State's Attorney from instituting appropriate action to prevent unlawful raffles or poker runs or to retain, correct, or abate a violation of this Ordinance or of the condition of a raffle or poker run license issued pursuant hereto.

Article VIII - Severability Clause

If any provision of this Ordinance or the application thereof is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect any other provision of this Ordinance not specifically included in such ruling or which can be given effect without the unconstitutional or invalid provision or applications; and to this end, the provisions of this Ordinance are declared severable.

Article IX - Effectiveness

These amendments to Kendall County Ordinance 86-6 shall be in full force and effect on and after the date signed below. The original language of Ordinance 86-6, not specifically amended herein, shall remain in full force and effect.

ADOPTED and APPROVED by the Kendall County Board this 5th day of August, 2014.



John Shaw, County Board Chairman

Attest: 

Debbie Gillette, County Clerk

Valarie McClain

From: UCCI [ucci@unitedcounties.com]
Sent: Friday, November 20, 2015 10:27 AM
To: UCCI
Subject: UPDATE Model Ordinances Raffles/Poker Runs
Attachments: Model Ordinance (UPDATE Nov 2015) Poker Runs ONLY.docx; Model Ordinance (UPDATE Nov 2015) Raffles and Poker Runs.docx



UNITED COUNTIES COUNCIL OF ILLINOIS

MEMO TO: UCCI Membership
FROM: W. Michael McCreery, Executive Director
DATE: November 20, 2015
SUBJECT: Model Ordinances – Poker Runs/Raffles

MODEL ORDINANCES ... UPDATE

Due to recent statutory changes in the Illinois Raffles and Poker Runs Act, we found it appropriate to update previous versions of “Model Ordinances” dealing with poker runs and raffles.

The attached updated Model Ordinances are provided to you for your use, if you so choose ...

- Model Ordinance (Raffles and Poker Runs)
- Model Ordinance (Poker Runs ONLY)

If you have any questions, please do not hesitate to give our office a call.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A SYSTEM

FOR THE LICENSING OF ORGANIZATIONS TO OPERATE

RAFFLES AND POKER RUNS IN THE COUNTY OF _____, ILLINOIS

WHEREAS, the County Board has determined that it is in the best interest of the welfare and safety of its citizens that the conduct or operation of raffles and poker runs within the County be licensed and regulated; and

WHEREAS, Illinois "Raffles and Poker Runs Act", 230 ILCS 15/0.01 *et seq.* (2014) authorizes the governing body of any county within the State of Illinois to establish a system of licensing of raffles and poker runs;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF _____ COUNTY, ILLINOIS, NOW IN REGULAR SESSION, THAT THE FOLLOWING ORDINANCE TO LICENSE AND REGULATE RAFFLES AND POKER RUNS BE AND HEREBY IS ADOPTED:

SECTION I.: Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

Charitable organization: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

Educational organization: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

Fraternal organization: An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

Hardship: A non-profit fundraising organization that has not been in existence continuously for a period of five (5) years immediately before making application for a license that the County determines to be organized for the sole purpose of providing

financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

Key location: The location where the poker run concludes and the prize or prizes are awarded.

Labor organization: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

Licensee: An organization which has been issued a license to operate a raffle.

Net Proceeds: The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

Non-profit: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

Poker run: A prize-awarding event organized by an organization licensed under this chapter in which participants travel to multiple predetermined locations, including a key location, to play a randomized game based on an element of chance. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item or playing a randomized game at each location.

Raffle: A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

- (1) the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

Religious organization: Any church, congregation, society, or organization founded for the purpose of religious worship.

Veterans' organization: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

SECTION II: Requirement of License.

1. It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle without having first obtained a license therefore pursuant to this Ordinance and the "Raffles and Poker Runs Act".
2. It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Ordinance and the "Raffles and Poker Runs Act".

SECTION III: Application for a License for a Raffle

1. Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a raffle shall file an application therefore with the **(DESIGNATE WHO WILL ACCEPT APPLICATIONS, i.e., County Board Office, County Clerk, etc...)** on the forms provided by the County Clerk.
2. Applications for licenses under this Section must contain the following information:
 - (a) The name and address of the applicant organization;
 - (b) The type of organization that is conducting the raffle, *i.e.*, religious, charitable, labor, fraternal, educational, veterans or other;
 - (c) The length of existence of the organization and, if incorporated, the date and state of incorporation;
 - (d) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
 - (e) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
 - (f) The maximum retail value of each prize awarded by a licensee in a single raffle;
 - (g) The maximum price which may be charged for each raffle chance issued or sold;
 - (h) The maximum number of days during which chances may be issued or sold;
 - (i) The area in which raffle chances will be sold or issued;
 - (j) The time period during which raffle chances will be sold or issued;

(k) The date, time, and name and address of the location or locations at which winning chances will be determined;

(l) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and

(m) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

3. An application for a license to conduct or operate a raffle shall be accompanied by a non-refundable \$_____ filing fee. Such fee shall be paid by **(DESIGNATE ACCEPTABLE TYPES OF PAYMENT, i.e., cash, check, cashier's check, etc...)**. The County Clerk shall refer the application to **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)**.

NOTE: The governing statute states that all licensing systems for raffles shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold. Some counties have provided for different classes of raffle licenses based upon such factors as the value of the prizes. These licenses have certain restrictions (maximum amount charged for a raffle chance) and license fees for each class of license. Other counties have different classes of license based upon what type of raffle: general raffle license (multiple drawings on same day and at same location within confines of the same raffle event); multiple raffle license (example: multiple 50/50 drawings within 12 month period); one time emergency license; limited annual raffle licens

SECTION IV: Application for a License for a Poker Run

1. Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run shall file an application therefore with the **(DESIGNATE WHO WILL ACCEPT APPLICATIONS, i.e., County Board Office, County Clerk, etc...)** on the forms provided by the County Clerk.

2. Applications for licenses under this Section must contain the following information:

(a) The name and address of the applicant organization;

(b) The type of organization that is conducting the raffle or poker run, *i.e.*, religious, charitable, labor, fraternal, educational, veterans or other not-for-profit organization;

(c) The length of existence of the organization and, if incorporated, the date and state of incorporation;

- (d) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the raffle or poker run;
- (e) The name, address, and telephone number of all locations at which the poker run will be conducted;
- (f) The time period during which the poker run will be conducted;
- (g) The time of determination of winning chances and the location or locations at which the winning chances will be determined;
- (h) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (i) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.
- (j) The purpose for which the poker run is being conducted.

3. An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable \$25 filing fee. Such fee shall be paid by **(DESIGNATE ACCEPTABLE TYPES OF PAYMENT, i.e., cash, check, cashier's check, etc...)**. The County Clerk shall refer the application to **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)**.

SECTION V: Licensee Qualifications.

1. Raffle licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a license and which have had during that entire 5 year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.
2. Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans', or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a poker run license and which have had during that entire 5-year period a bona fide membership engaged in carrying out their objects.
3. The **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** may waive the 5-year requirement under this

section for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the 5-year requirement. The following are ineligible for any raffle or poker run license:

- (a) Any person who has been convicted of a felony;
- (b) Any person who is or has been a professional gambler or gambling promoter;
- (c) Any person who is not of good moral character;
- (d) Any organization in which a person defined in subsection (1), (2), or (3) of this section has a proprietary, equitable, or credit interest or in which such person is active or employed;
- (e) Any organization in which a person defined in subsection (1), (2), or (3) of this section is an officer, director, or employee, whether compensated or not; and
- (f) Any organization in which a person defined in subsection (1), (2), or (3) of this section is to participate in the management or operation of a poker run as defined in this section.

SECTION VI: License Issuance.

1. The **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** shall review all raffle license applications and all poker run license applications. The **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** shall, within thirty (30) days from the date of application, accept or reject a raffle or poker run license application. **(IF COUNTY BOARD MAKES DECISION, INSERT "This shall be achieved by majority vote of the County Board.")**. If an application is accepted, the **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** shall forthwith issue a raffle or poker run license to the applicant.

2. A raffle license or poker run license shall specify:

- (a) The area or areas within the County in which raffle chances will be sold or issued or a poker run will be conducted;
- (b) The time period during which raffle chances will be sold or issued or a poker run will be conducted; and
- (c) The time of determination of winning chances and the location or locations at which the winning chances will be determined.

3. A poker run license shall be issued for the following purposes:

- (a) Providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster; or
 - (b) To maintain the financial stability of the organization.
- 4. Any license issued under this Ordinance shall be non-transferrable.
- 5. A license shall be valid for one raffle event or one poker run only, unless the **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** specifically authorized a specified number of raffles or poker runs to be conducted during a specified period not to exceed one year.
- 6. A raffle license or poker run license may be suspended or revoked for any misrepresentation on the application, any violation of this Ordinance or State law, or when such raffle or poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.
- 7. Prominent Display of License:
 - (a) A raffle license shall be prominently displayed at the time and location of the determination of the winning chances.
 - (b) A poker run license shall be prominently displayed at each location at which the poker run is conducted or operated.
- 8. Miscellaneous Provision for Poker Run License: Any poker run license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted.

SECTION VII: Conduct of Raffles and Poker Runs

- 1. The operation and conduct of raffles and poker runs are subject to the following restrictions:
 - (a) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
 - (b) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.
 - (c) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
 - (d) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Ordinance. A

premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.

(e) Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.

(f) A person under the age of eighteen (18) years may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of eighteen (18) years may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

2. If a lessor rents premises where a winning chance on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the County.

SECTION VIII: Manager-Bond for Raffles.

1. All operations of and conduct of raffles shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle.

2. The manager shall give a fidelity bond in the sum of _____ conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the County not less than thirty (30) days prior to its cancellation.

3. The **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Ordinance, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

SECTION IX: Records.

(1) Each organization licensed to conduct raffles and chances or poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or

service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(2) Gross receipts from the operation of raffles or poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles or poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.

(3) Each organization licensed to conduct raffles or poker runs shall report promptly after the conclusion of each raffle or poker run to its membership.

(4) Each organization licensed to conduct raffles shall report promptly to the County Clerk of _____ County, Illinois, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this Section.

(5) Records required by this Section shall be preserved for three (3) years, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(6) The County shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, 50 ILCS 205/1 *et seq.*

SECTION X: Limited Construction

Nothing in this Ordinance shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.

SECTION XI: Severability

The articles, provisions, and sections of this Ordinance shall be deemed to be separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION XII: Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed by the County Board this _____ day of _____, 2014.

AYES: _____
NAYS: _____
PRESENT: _____
ABSTAIN/ABSENT: _____

COUNTY CLERK

Passed and Approved this _____ day of _____, 2014.

CHAIRMAN, _____ COUNTY BOARD

ATTEST:

COUNTY CLERK

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A SYSTEM

FOR THE LICENSING OF ORGANIZATIONS TO OPERATE

POKER RUNS IN THE COUNTY OF _____, ILLINOIS

WHEREAS, the County Board has determined that it is in the best interest of the welfare and safety of its citizens that the conduct or operation of poker runs within the County be licensed and regulated; and

WHEREAS, Illinois "Raffles and Poker Runs Act", 230 ILCS 15/0.01 *et seq.* (2014) authorizes the governing body of any county within the State of Illinois to establish a system of licensing of poker runs;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF _____ COUNTY, ILLINOIS, NOW IN REGULAR SESSION, THAT THE FOLLOWING ORDINANCE TO LICENSE AND REGULATE POKER RUNS BE AND HEREBY IS ADOPTED:

SECTION I.: Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

Charitable: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

Educational: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

Fraternal: An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

Hardship: A non-profit fundraising organization that has not been in existence continuously for a period of five (5) years immediately before making application for a license that the County determines to be organized for the sole purpose of providing

financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

Key location: The location where the poker run concludes and the prize or prizes are awarded.

Labor: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

Licensee: An organization which has been issue a license to operate a raffle.

Net Proceeds: The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

Non-profit: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

Poker run: A prize-awarding event organized by an organization licensed under this chapter in which participants travel to multiple predetermined locations, including a key location, to play a randomized game based on an element of chance. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item or playing a randomized game at each location.

Religious: Any church, congregation, society, or organization founded for the purpose of religious worship.

Veterans: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

SECTION II: Requirement of License.

1. It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Ordinance and the "Raffles and Poker Runs Act".

SECTION III: Application for a License

1. Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run with a key location in _____ County shall file an application therefore with the **(DESIGNATE WHO WILL ACCEPT APPLICATIONS, i.e., County Board Office, County Clerk, etc...)** on the forms provided by the County Clerk.

2. Applications for licenses under this Section must contain the following information:

- (a) The name and address of the applicant organization;
- (b) The type of organization that is conducting poker run, *i.e.*, religious, charitable, labor, fraternal, educational, veterans or other not-for-profit organization;
- (c) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (d) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the poker run;
- (e) The name, address, and telephone number of all locations at which the poker run will be conducted;
- (f) The time period during which the poker run will be conducted;
- (g) The time of determination of winning chances and the location or locations at which the winning chances will be determined;
- (h) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (i) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.
- (j) The purpose for which the poker run is being conducted.

3. An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable \$25 filing fee. Such fee shall be paid by **(DESIGNATE ACCEPTABLE TYPES OF PAYMENT, i.e., cash, check, cashier's check, etc...)**. The County Clerk shall refer the application to **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)**.

SECTION IV: Licensee Qualifications.

1. Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans', or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a license and which have had during that entire 5 year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** determines is organized for the sole purpose of providing financial assistance to an identified individual or

group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** may waive the 5-year requirement under this subsection for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the 5-year requirement. The following are ineligible for any poker run license:

- (a) Any person who has been convicted of a felony;
- (b) Any person who is or has been a professional gambler or gambling promoter;
- (c) Any person who is not of good moral character;
- (d) Any organization in which a person defined in subsection (1), (2), or (3) of this section has a proprietary, equitable, or credit interest or in which such person is active or employed;
- (e) Any organization in which a person defined in subsection (1), (2), or (3) of this section is an officer, director, or employee, whether compensated or not; and
- (f) Any organization in which a person defined in subsection (1), (2), or (3) of this section is to participate in the management or operation of a poker run as defined in this section.

SECTION V: License Issuance.

1. The **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** shall review all poker run license applications. The **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** shall, within thirty (30) days from the date of application, accept or reject a poker run license application. **(IF COUNTY BOARD MAKES DECISION, INSERT "This shall be achieved by majority vote of the County Board.")**. If an application is accepted, the **(DESIGNATE WHO WILL MAKE DECISION ON LICENSE, i.e., County Board, County Board Chairman, County Clerk, etc...)** shall forthwith issue a poker run license to the applicant.

2. A poker run license shall specify:

- (a) The name and address of the predetermined locations, as set forth on the application, at which the poker run will be conducted;
- (b) The time period during which the poker run will be conducted; and
- (c) The time of determination of winning chances and the location or locations at which the winning chances will be determined.

3. A poker run license shall be issued for the following purposes:
 - (a) Providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster; or
 - (b) To maintain the financial stability of the organization.
4. Any license issued under this Ordinance shall be non-transferrable.
5. Each license shall be valid for one poker run and may be suspended or revoked for any misrepresentation on the application, any violation of this Ordinance or State law, or when such poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.
6. Any license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted.
7. The license shall be prominently displayed at each location at which the poker run is conducted or operated.

SECTION VI: Conduct of Poker Runs

1. The operation and conduct of poker runs is subject to the following restrictions:
 - (a) The entire net proceeds of any poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
 - (b) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the poker run.
 - (c) No person may receive any remuneration or profit for participating in the management or operation of the poker run.
 - (d) A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.
 - (e) A playing card or equivalent item may be drawn only within the area specified on the license and winning hands may be determined only at those locations specified on the license.
 - (f) A person under the age of eighteen (18) years may participate in the conducting of poker runs only with the permission of a parent or guardian. A person under the age of

eighteen (18) years may be within the area where winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

2. If a lessor rents premises where a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the County.

SECTION VIII: Records.

(1) Each organization licensed to conduct poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning hands or scores in a poker run are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(2) Gross receipts from the operation of poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of poker runs shall not be the same person who accounts for other revenues of the organization.

(3) Each organization licensed to conduct poker runs shall report promptly after the conclusion of each poker run to its membership.

(4) Records required by this Section shall be preserved for three (3) years, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(5) The County shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, 50 ILCS 205/1 *et seq.*

SECTION IX: Limited Construction

Nothing in this Ordinance shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than poker runs as provided for herein.

SECTION X: Severability

The articles, provisions, and sections of this Ordinance shall be deemed to be separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION XI: Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed by the County Board this _____ day of _____, 2014.

AYES: _____
NAYS: _____
PRESENT: _____
ABSTAIN/ABSENT: _____

COUNTY CLERK

Passed and Approved this _____ day of _____, 2014.

CHAIRMAN, _____ COUNTY BOARD

ATTEST:

COUNTY CLERK