

77
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**AGENDA ITEM
REQUEST/JUSTIFICATION FORM**
(To be completed by requesting Department)
Forward all requests to Sharon Bourke, LC2 Civic Center
**DEADLINE SUBMITTAL IS 3:00 P.M. WEDNESDAY
BEFORE THE TUESDAY MEETING**

Agenda item: Consent
(i.e. Consent/Recognition-Proclamation/Presentation/Public Hearing/Committee, etc.)
Date to be on agenda: August 2, 2016

Exact wording to be used for the agenda: Special Designated Liquor License
Approval Report (July, 2016)

Action requested: Accept report

Amount requested: none Object Code: n/a

Is item in current year's budget? n/a Yes No

Does this item commit funds in future years? Yes No

If yes, explain: _____

If an agreement or contract, has the County Attorney reviewed and approved? n/a Yes No

Previous action taken on this item, if any: none

Recommendations and rationale or action: §53-124.11 and County Board
Resolution 2004-R711, (attached)

Will anyone speak on behalf of this item, if so who? no

If this is a rush agenda item, please explain why: n/a

Submitted by (Name & Dept.): Daniel A Esch, Douglas County Clerk/Comptroller Ext. 7150
DAE

Date submitted: July 29, 2016

List Attachments: Report, Application, Supporting Documentation.
(Attach resolution and all pertinent documentation; i.e. contract, agreement, memorandums, etc.)

Certified resolutions can be obtained at the County Clerk's website:
<http://www.douglascountyclerk.org/county-board-records/search-for-resolutions>

<i>Completed by receiving office</i>
Received in Administrative Office: Date <u>7/29/16</u> Time _____

REQUEST FOR A SPECIAL DESIGNATED LIQUOR LICENSE

DATE: July 25, 2016

APPLICANT REQUESTING THE PERMIT:

Greater Omaha Sports Committee
7015 Spring St, Omaha, NE 68106

DATE(S) AND TIME(S) OF THE EVENT (S):

August 12, 2016, 5:00 pm to 11:00 pm
August 13, 2016, 3:00 pm to 11:00 pm

LOCATION:

Coventry
6060 Coventry Dr., Elkhorn, NE 68022

APPLICANT'S STATUS:

CURRENT LICENSE HOLDER

NON PROFIT ORGANIZATION (STATEMENT ATTACHED)

ADDITIONAL INFORMATION: Nebraska Balloon & Wine Festival

APPROVED:

DENIED:

REASON FOR DENIAL: _____

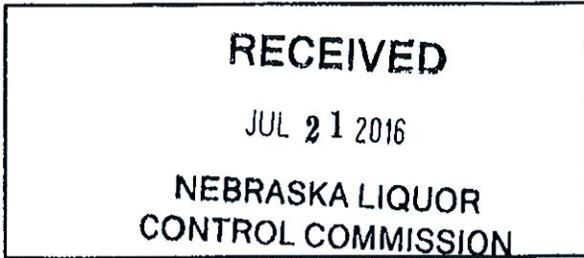
APPROVED BY:

Daniel A. Esch
Daniel A Esch,
Douglas County Clerk/Comptroller

07/29/2016
Date

APPLICATION FOR SPECIAL DESIGNATED LICENSE

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov/
michelle.porter@hotmail.com



DO YOU NEED POSTERS? YES NO

NON PROFIT APPLICANTS
(Check one that best applies)

Municipal Political Fine Arts Fraternal Religious Charitable Public Service

LIQUOR LICENSE HOLDERS

Liquor license number and class (i.e. C-055441)

[Empty box for license number]

119682

8-12-16

thru

8-13-16

COMPLETE ALL QUESTIONS

1. Type of alcohol to be served and/or consumed: Beer Wine Distilled Spirits

2. Licensee name (last, first,), corporate name or limited liability company (LLC) name
(As it reads on your liquor license)

NAME: GREATER OMAHA SPORTS COMMITTEE

ADDRESS: 7015 SPRING ST

CITY OMAHA, NE ZIP 68106

3. Location where event will be held; name, address, city, county, zip code

BUILDING NAME COVENTRY

ADDRESS: 6060 COVENTRY DR CITY ELKHORN, NE

ZIP 68022 COUNTY and COUNTY # DOUGLAS #1

a. Is this location within the city/village limits? YES NO

b. Is this location within the 150' of church, school, hospital or home for aged/indigent or for veterans and/or wives? YES NO

c. Is this location within 300' of any university or college campus? YES NO

ck # 005765

\$ 80.00

mp 10f2



4. Date(s) and Time(s) of event (no more than six (6) consecutive days on one application)

Date 08/12/16	Date 08/13/16	Date	Date	Date	Date
<u>Hours</u> From 5 PM	<u>Hours</u> From 3 PM	<u>Hours</u> From	<u>Hours</u> From	<u>Hours</u> From	<u>Hours</u> From
To 11 PM	To 11 PM	To	To	To	To

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a. Alternate date: _____

JUL 21 2016

b. Alternate location: _____
(Alternate date or location must be specified in local approval)

**NEBRASKA LIQUOR
CONTROL COMMISSION**

5. Indicate type of activity to be carried on during event:

Dance Reception Fund Raiser Beer Garden Sampling/Tasting

Other Nebraska Balloon & Wine Festival

6. Description of area to be licensed

Inside building, dimensions of area to be covered **IN FEET** _____ x _____
(not square feet or acres)

*Outdoor area dimensions of area to be covered **IN FEET** ²⁸⁰ _____ x ⁷⁰⁰ _____

***SKETCH OF OUTDOOR AREA (or attach copy of sketch) (sample sketch)**

If outdoor area, how will premises be enclosed?

Fence; snow fence chain link cattle panel
 other _____
 Tent

7. How many attendees do you expect at event? _____

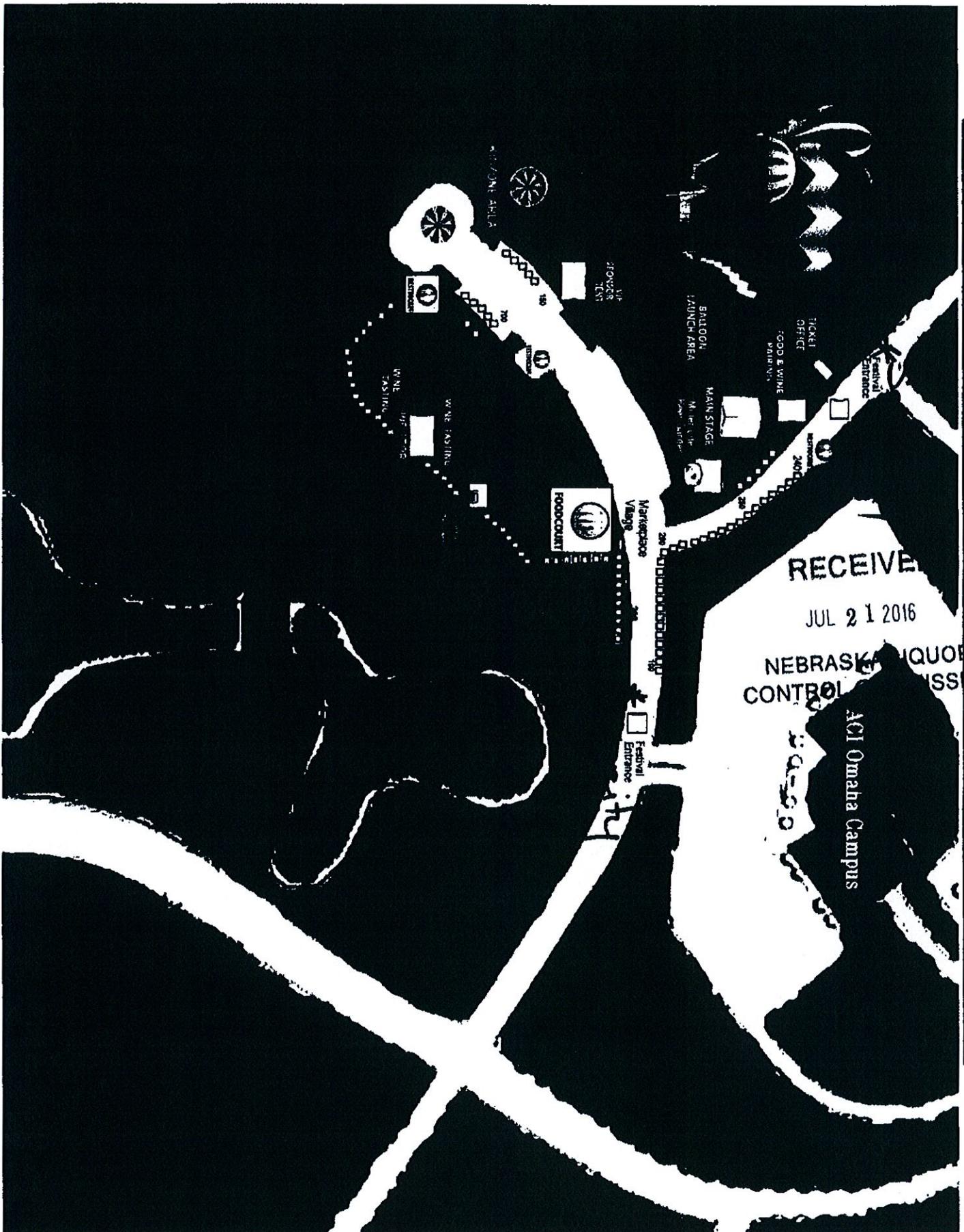
8. If over 150 attendees. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. (Attach separate sheet if needed)

See attached

9. Will premises to be covered by license comply with all Nebraska sanitation laws? YES NO

a. Are there separate toilets for both men and women? YES NO

10th Annual NEBRASKA BALLOON & WINE FESTIVAL PRELIMINARY LAYOUT - August 12-13, 2016 - Coventry - 204th & Q



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10. Where will you be purchasing your alcohol?

Wholesaler X Retailer _____ Both _____ BYO _____ JUL 21 2016
(includes wineries)

11. Will there be any games of chance operating during the event? YES NO NEBRASKA LIQUOR CONTROL COMMISSION
If so, describe activity _____

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law: There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

12. Any other information or requests for exemptions: We are requesting a waiver of requirements for licensees indicated as 013.03f requiring double fencing and exemption from 53168 to 53169 for return of unused product.

13. Name and telephone number/cell phone number of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to. PLEASE PRINT LEGIBLY

Print name of Event Supervisor Michael Mancuso

Signature of Event Supervisor Michael D. Mancuso

Event Supervisor phone: Before 402-346-8003 During 402-212-8003
Email address mmancuso@showofficeonline.com

Consent of Authorized Representative/Applicant

14. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign here Robert P. Mancuso, Jr. Chairman 7-13-16
Authorized Representative/Applicant Title Date

Robert P. Mancuso, Jr.
Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

This page is required to be completed by Non Profit applicant

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JUL 21 2016

Application for Special Designated License
Under Nebraska Liquor Control Act
Affidavit of Non-Profit Status

NEBRASKA LIQUOR
CONTROL COMMISSION

I HEREBY DECLARE THAT THE CORPORATION MAKING APPLICATION FOR A SPECIAL DESIGNATED LICENSE UNDER THE NEBRASKA LIQUOR CONTROL ACT IS EITHER A MUNICIPAL CORPORATION, A FINE ARTS MUSEUM INCORPORATED AS A NONPROFIT CORPORATION, A RELIGIOUS NONPROFIT CORPORATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, A POLITICAL ORGANIZATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, OR ANY OTHER NONPROFIT CORPORATION, THE PURPOSE OF WHICH IS FRATERNAL, CHARITABLE, OR PUBLIC SERVICE AND WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES AS PER §53-124.11(1).

AS SIGNATORY I CONSENT TO THE RELEASE OF ANY DOCUMENTS SUPPORTING THIS DECLARATION AND ANY DOCUMENTS SUPPORTING THIS DECLARATION WILL BE PROVIDED TO THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY AGENT OF THE LIQUOR CONTROL COMMISSION IMMEDIATELY UPON DEMAND. I ALSO CONSENT TO THE INVESTIGATION OF THIS CORPORATE ENTITY TO DETERMINE IT'S NONPROFIT STATUS.

I AGREE TO WAIVE ANY RIGHTS OR CAUSES OF ACTION AGAINST THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY PARTY RELEASING INFORMATION TO THE AFOREMENTIONED PARTIES.

GREATER OMAHA SPORTS COMMITTEE

NAME OF CORPORATION

47-0790680

FEDERAL ID NUMBER

Robert Marcus

SIGNATURE OF TITLE OF CORPORATE OFFICER

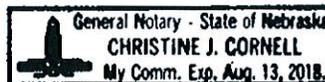
THE ABOVE INDIVIDUAL STATES THAT THE STATEMENT ABOVE IS TRUE AND CORRECT. IF ANY FALSE STATEMENT IS MADE ON THIS APPLICATION, THE APPLICANT SHALL BE DEEMED GUILTY OF PERJURY AND SUBJECT TO PENALTIES PROVIDED BY LAW. (SEC. §53-131.01) NEBRASKA LIQUOR CONTROL ACT

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 13th DAY OF

July 2016

Christine J. Cornell

NOTARY PUBLIC SIGNATURE & SEAL





Nebraska Balloon *Wine Festival*



coventry

Just South of 204th & Q

Friday August 12: 5PM - 11PM and Saturday August 13: 3PM - 11PM

July 13, 2016

NE LIQUOR CONTROL COMMISSION
ATTN: KATIE
PO BOX 95046
LINCOLN NE 68509

RECEIVED
JUL 21 2016
NEBRASKA LIQUOR
CONTROL COMMISSION

ATTN: KATIE

Regarding the 2016 Nebraska Balloon & Wine Festival, to be held August 12-13, 2016, and the Special Designated License permit submitted for the event.

We will be operating in Coventry located just South of 204th & Q Streets and are requesting a waiver of requirements for licensees indicated as 013.03f requiring double fencing and exemption from 53168 to 53169 for return of unused product.

Looking forward to another great festival.

As always, best regards.

Michael D. Mancuso
Festival Director

MDM:cc

Produced By:
Mid-America Expositions, Inc.
7015 Spring Street, Omaha, Nebraska 68106 - 3518
(402) 346-8003 (800) 475 - SHOW FAX: (402) 346-5412
www.showofficeonline.com * info@showofficeonline.com



Nebraska Balloon *Wine Festival*



c o v e n t r y

Just South of 204th & Q

Friday August 12: 5PM - 11PM and Saturday August 13: 3PM - 11PM

July 13, 2016

RECEIVED

JUL 21 2016

NEBRASKA LIQUOR
CONTROL COMMISSION

ADDITIONAL INFORMATION FOR POINT #8 – SPECIAL DESIGNATED LICENSE

Park will be fenced with security on duty all hours of the event.

ID's will be checked.

Wristbands will be used.

No alcoholic beverages are permitted outside of Fenced Area.

Produced By:

Mid-America Expositions, Inc.

7015 Spring Street, Omaha, Nebraska 68106 - 3518

(402) 346-8003 (800) 475 - SHOW FAX: (402) 346-5412

www.showofficeonline.com * info@showofficeonline.com

Ellen M. Sechser (DC Clerk) <ellen.sechser@douglascounty-ne.gov>

RE: Balloon Festival

1 message

Porter, Michelle <michelle.porter@nebraska.gov>
To: "Ellen M. Sechser (DC Clerk)" <ellen.sechser@douglascounty-ne.gov>

Mon, Jul 25, 2016 at 7:56 AM

Good morning Ellen,

Yes, as long as I have an approval by July 29th. If I return this one, it will be late.

Thank you,

Michelle Porter

Licensing Division

Nebraska Liquor Control Commission

402/471-2821

michelle.porter@nebraska.gov

Website : <http://www.lcc.ne.gov>

Fax: 402/471-2814

ALL SPECIAL DESIGNATED LICENSES MUST COME IN COMPLETE. THIS INCLUDES LOCAL APPROVAL. APPLICATION WILL BE RETURNED IF IT IS MISSING INFORMATION. PAYMENT ON PAYPORT IS RECOMMENDED. THANK YOU FOR YOUR ASSISTANCE.

From: Ellen M. Sechser (DC Clerk) [mailto:ellen.sechser@douglascounty-ne.gov]
Sent: Saturday, July 23, 2016 3:13 PM
To: Porter, Michelle
Subject: Re: Balloon Festival

Unless I can just have Dan approve it. It looks like they are a non-profit....? If he approves it on Monday I can email the approval to you...? Let me know if that sounds good to you. :-)

Ellen M. Sechser

Administrative Assistant
Douglas County Clerks Office
402-444-6764

To learn more about what your County Clerk/Comptroller does for you, go to: www.douglascountyclerk.org

On Sat, Jul 23, 2016 at 3:08 PM, Ellen M. Sechser (DC Clerk) <ellen.sechser@douglascounty-ne.gov> wrote:

We don't have a meeting until the 2nd of August. If you all are ok with it, I will put it on our agenda. Let me know. :-)

Ellen M. Sechser
Administrative Assistant
Douglas County Clerks Office
402-444-6764

To learn more about what your County Clerk/Comptroller does for you, go to: www.douglascountyclerk.org

On Fri, Jul 22, 2016 at 2:37 PM, Porter, Michelle <michelle.porter@nebraska.gov> wrote:

Hi Ellen,

I received this application and I think they meant to send it to you? I do not want to return it and then they do not meet the time requirement?

Can you contact them and we go from here?

Thank you,

Michelle Porter
Licensing Division
Nebraska Liquor Control Commission
402/471-2821

michelle.porter@nebraska.gov

Website : <http://www.lcc.ne.gov>

Fax: 402/471-2814

ALL SPECIAL DESIGNATED LICENSES MUST COME IN COMPLETE. THIS INCLUDES LOCAL APPROVAL. APPLICATION WILL BE RETURNED IF IT IS MISSING INFORMATION. PAYMENT ON PAYPORT IS RECOMMENDED. THANK YOU FOR YOUR ASSISTANCE.



DANIEL A. ESCH

DOUGLAS COUNTY CLERK / COMPTROLLER

SHERI K. LARSEN

CHIEF DEPUTY DOUGLAS COUNTY CLERK

July 28, 2016

Nebraska Liquor Control Commission
301 Centennial Mall, South
P.O. Box 95046
Lincoln, NE 68509-5046

Attn: Licensing Division

Attached is a copy of the Special Designated License application approved by the County Clerk of Douglas County, Nebraska, for Greater Omaha Sports Committee, 7015 Spring St, Omaha, NE 68106 for the Nebraska Balloon & Wine Festival on August 12, 2016, from 5:00 pm to 11:00 pm and August 13, 2016, from 3:00 pm to 11:00 pm, at Coventry, 6060 Coventry Dr., Elkhorn, NE 68022, Douglas County.

Sincerely,

Ellen M. Sechser
Administrative Assistant
Douglas County Clerk's Office
402-444-6764

ATTESTATION FORM

I the undersigned Robert P. Mancuso, Jr. (name)
of Greater Omaha Sports Committee ("Organization") (name of organization/applicant) hereby affirm that

the following criteria set by the Douglas County Board of Commissioners have been met, per Resolution 2004-R711, and the statements herein are true and correct and will be adhered to by myself and any agent representing

Greater Omaha Sports Committee
(name of organization/applicant)

*Please initial each item to show agreement:

RPM The proposed services and related activities will not create a traffic congestion hazard or other public safety hazards, or become a public nuisance.

RPM The applicant has obtained any necessary food service or other permits or permission required by law.

RPM If a license is requested for an outdoor area, the licensed area will be separated from other areas by a fence, wall, and similar barrier sufficient to prevent uncontrolled entrance or exit from the licensed area.

RPM The applicant and the proposed service of alcohol otherwise complies with all requirements and limitations of the Nebraska Liquor Control Act.

RPM The applicant must be a non-profit organization (Attach a copy of your IRS determination letter confirming tax status).

Initial any item that applies:

The applicant is an association, corporation, or organization whose members are, in majority, persons under the age of twenty-one.

The applicant is requesting hours of operation otherwise prohibited by law for a retail liquor license holder within the county.

The applicant proposes to offer related activities that include amplified outdoor music after the hour of 11:00 p.m.

By signing this form, I acknowledge that I have the authority to sign on behalf of the Organization and that I and the Organization will adhere to the statements made herein.

Robert P. Mancuso, Jr. Chairman
APPLICANT Title

7/28/16
DATE

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: APR 12 2006

Employer Identification Number:
47-0790680

DLN:

17053077770056

Contact Person:

ERIC J BERTELSEN

ID# 31323

Contact Telephone Number:

(877) 829-5500

Public Charity Status:

170(b)(1)(A)(vi)

GREATER OMAHA SPORTS COMMITTEE INC
7015 SPRING ST
OMAHA, NE 68106-0000

Dear Applicant:

Our letter dated February 2002, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

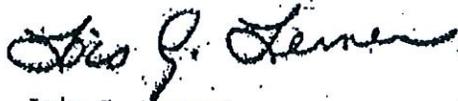
Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Letter 1050 (DO/CG)

**GREATER OMAHA
SPORTS COMMITTEE,
INC.**

Tue Apr 5 12:48:43 2016

SOS Account Number
1180009

Status
Active

Principal Office Address
SUITE 103
4610 S. 133 ST
OMAHA, NE 68137

**Registered Agent and Office
Address**
DENNIS P. LEE
SUITE 103
4610 SOUTH 133RD STREET
OMAHA, NE 68137

Nature of Business
PROMOTION OF SPORTS
ACTIVITIES AND EVENTS

Entity Type
Non Profit (Dom) Corp
Qualifying State: NE

Date Filed
Apr 13 1992

Corporation Position

Name

Address

President

ROBERT P MANCUSO JR.

122 S. 51ST AVE
OMAHA, NE 68132

Secretary

ROBERT P MANCUSO JR.

122 S. 51ST AVE
OMAHA, NE 68132

Treasurer

DENNIS P LEE

#103
4610 S. 133 ST
OMAHA, NE 68137

Director

GERALD S SWEET

7130 PACIFIC STREET
OMAHA, NE 68106

GREATER OMAHA SPORTS COMMITTEE, INC.

CONSENT OF DIRECTORS AND MEMBERS

TO

ADOPTION OF RESOLUTIONS

The undersigned, being all of the directors and members of Greater Omaha Sports Committee, Inc. (the "Corporation"), a corporation incorporated under the Nebraska Nonprofit Corporation Act, hereby consent to the adoption of the following Resolutions without a meeting:

RESOLVED, that the Bylaws of the Corporation shall be, and hereby are, amended and restated in their entirety, and that the Amended and Restated Bylaws attached hereto are hereby approved and adopted as the bylaws of the Corporation;

RESOLVED FURTHER, that the officers of the Corporation are hereby authorized and directed to take any other action and to execute any other documents that may be necessary or advisable in the Corporation's best interest to effectuate the amendment and restatement of the bylaws of the Corporation contemplated by the foregoing resolution;

RESOLVED FURTHER, that due to the death of William Sweet and certain resignations of other officers, the following persons are hereby appointed to fill the offices of the Corporation set forth after their respective names, such appointment and/or reappointment to be effective on the date this consent is executed, which officers shall serve until the next annual meeting of the Board of Directors of the Corporation and until their respective successors have been appointed or until their earlier resignation or removal:

Robert P. Mancuso	President
Dennis P. Lee	Vice-President
Sherman Poska	Secretary
Jerry S. Sweet	Treasurer

The undersigned, being all of the directors and members of the Corporation, consent to the adoption of the foregoing Resolutions without a meeting and agree that such consent shall have the same effect as a unanimous vote by us in favor of such Resolutions at a meeting of the directors and a meeting of the members of the Corporation both duly called and held with a full quorum being present throughout.

This Consent may be executed in any number of counterparts and any counterpart hereof having one or more signature pages attached thereto containing in the aggregate the signatures of all parties hereto shall be deemed a fully executed original.

[REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

Dated this 20 day of September, 2008

Robert A. Mancuso
Robert P. Mancuso, Director/Member

Dennis P. Leo
Dennis P. Leo, Director/Member

Sherman Poska
Sherman Poska, Director/Member

Gerry S. Sweet
Treasurer

AMENDED AND RESTATED
BYLAWS OF
GREATER OMAHA SPORTS COMMITTEE, INC.

Pursuant to the Nebraska Nonprofit Corporation Act, Greater Omaha Sports Committee, Inc., a Nebraska nonprofit corporation, amends and restates its Corporate Bylaws in their entirety to read as follows:

ARTICLE I. OFFICES

The principal office of the corporation shall be located in the City of Omaha, Douglas County, State of Nebraska. The corporation may also have such offices at such other places within or without the State of Nebraska as the Board of Directors may determine, or as the affairs of the corporation may require from time to time.

ARTICLE II. MEMBERS

Section 1. Qualification. The persons signing the Certificate of Incorporation as Incorporators shall be the first Members of the corporation, unless they shall have resigned as such Members or unless Membership shall otherwise have been terminated. Thereafter, the eligibility and qualifications for Membership, and the manner of and admission into Membership shall be prescribed by resolutions duly adopted by the Board of Directors of the corporation or by such rules and regulations as may be prescribed by the Board of Directors. All such resolutions or rules and regulations relating to Members adopted by the Board of Directors of the corporation shall be affixed to the Bylaws of the corporation, and shall be deemed to be a part thereof. Such resolutions or rules and regulations adopted by the Board of Directors may prescribe, with respect to all Members, the amount and manner of imposing and collecting any initiation fees, dues or other fees, assessments, fines and penalties, the manner of suspension or termination of Membership, and for reinstatement of Membership, and, except as may hereinafter otherwise be provided, the rights, liabilities and other incidents of Membership. The right or interest of a Member shall not terminate except upon the happening of any of the following events: death, resignation, expulsion, dissolution or liquidation of the corporation.

Section 2. Annual Meetings. The annual meeting of Members of the corporation shall be held on the first Tuesday of the month of June of each year, at such hour as may be determined by the Board of Directors or the President, for the purpose of electing Directors and for the transaction of such other business as may come before the meeting. If the date fixed for an annual meeting of Members is a legal holiday in the state in which the meeting is to be held, then such meeting shall be held on the next succeeding business day. If the election of Directors is not held on the day designated in this Bylaw for any annual meeting of Members, or at any adjournment thereof, then the Board of Directors promptly shall cause such election to be held at a special meeting of members.

Section 3. Special Meetings. The corporation shall hold a special meeting of Members upon the call of the Board of Directors or the President or as otherwise required by the Nebraska Nonprofit Corporation Act (the "Act").

Section 4. Place of Meeting. The Board of Directors may designate any place, either in or out of Nebraska as the place for any annual or special meeting of Members. If no such designation is made, the annual or special meeting shall be held at the principal office of the corporation.

Section 5. Notice of Meeting; Waiver. The corporation shall notify its Members of the date, time, and place of each annual and special meeting of Members no fewer than 10 and no more than 60 days before the meeting date. Notice may be communicated in any manner permitted by the Act and shall be effective as provided in the Act. Unless the Act or the Articles of Incorporation of the corporation require otherwise, notice of an annual meeting of Members shall not be required to include a description of the purpose or purposes for which the meeting is called. Notice of a special meeting of Members shall include a description of the purpose or purposes for which the meeting is called. Unless the Act requires otherwise, the corporation shall be required to give notice only to Members entitled to vote at the meeting. Unless a new record date for an adjourned meeting of Members is required by law to be fixed, if an annual or special meeting of Members is adjourned to a different date, time, or place, the notice of the new time, date, or place shall not be required to be given if the new time, date or place is announced at the meeting before adjournment. A Member may waive any notice required by the Act, the Article of Incorporation of the corporation, or these Bylaws either before or after the date and time stated in the notice. The waiver shall be in writing, shall be signed by the Members entitled to the notice, and shall be delivered to the corporation for inclusion in the minutes or filing with the corporate records. Except as otherwise provided in the Act, a Member's attendance at a meeting waives objection to lack of notice or defective notice of the meeting and waives objection to consideration of a particular matter at the meeting that is not within the purpose or purposes described in the meeting notice.

Section 6. Record Date; List of Members. The Board of Directors may fix a future date as the record date in order to determine the Members entitled to notice of a meeting of Members, to demand a special meeting of Members, to vote, or to take any other action. Such record date may not be more than 70 days before the meeting or action requiring a determination of Members. A determination of Members entitled to notice of or to vote at a meeting of Members shall be effective for any adjournment of the meeting unless the Board of Directors fixes a new record date, which the Board of Directors shall do if the meeting is adjourned to a date more than 120 days after the date fixed for the original meeting. After fixing a record date for a meeting of Members, the corporation shall prepare the list of Members required by the Act and shall make such list available for inspection as required by the Act.

Section 7. Quorum. Unless the Act or the Articles of Incorporation of the corporation provide otherwise, a majority of the Members shall constitute a quorum at any annual or special meeting for the transaction of all business of the corporation. Once a Member is present for any purpose at a meeting of Members, such Member shall be deemed present for quorum purposes

for the remainder of the meeting and for any adjournment of that meeting unless a new record date is required by law to be fixed for that adjourned meeting.

Section 8. Proxies: Voting Rights. At all meeting of Members, a Member shall be entitled to cast one vote in person or by proxy appointed and executed in writing by the Member or by his duly authorized attorney-in-fact. Such proxy shall be deemed valid for the term set forth within the proxy or for eleven (11) months if no term is stated in the proxy. An appointment of a proxy shall be effective when received by the Secretary or other officer or agent authorized to tabulate votes.

Section 9. Vote Required. Every act or decision done or made by a majority of the Members present at a duly held meeting at which a quorum is present shall be the act or decision of the Members, unless the law, the Articles of Incorporation, or these Bylaws require a greater proportion.

Section 10. Informal Action By Members. Any action which may be taken at a meeting of the Members may be taken without a meeting if all the Members consent to such action. Any action without a meeting shall be evidenced by one or more written consents describing the action taken. Such action by written consent shall have the same force and effect as the unanimous vote of the Members.

Section 11. Order of Business. The order of business at all meetings of Members shall be as follows:

- Roll call.
- Reading of the minutes of the preceding meeting.
- Report of standing committees.
- Officers' reports.
- Old business.
- New business.

ARTICLE II. BOARD OF DIRECTORS

Section 1. General Powers. The affairs of the corporation shall be managed under the direction of its Board of Directors.

Section 2. Number, Election, Tenure, and Qualifications. The number of Directors of the corporation shall be three (3). Directors (other than the initial Directors) shall be elected by the Members at each annual meeting of the Members. Each Director shall hold office until the next annual meeting of the Members. Despite the expiration of the term of office of a Director, he or she shall continue to serve until the election of his or her successor or until there is a decrease in the number of authorized Directors. Directors may be elected for successive terms. A decrease in the number of Directors does not shorten an incumbent director's term. Directors must be individuals but need not be residents of Nebraska.

Section 3. Resignation. A Director may resign at any time by delivering written notice of his or her resignation to the Board of Directors or to the President or Secretary. The resignation of a Director is effective when the notice is effective under the Act unless the notice specifies a later effective date. If a resignation is made effective at a later date, the Board of Directors may temporarily fill (until the next annual meeting of the Members) the pending vacancy before the effective date if the Board of Directors provides that the successor Director does not take office until the effective date.

Section 4. Removal. The Members may remove one or more Directors elected by them without cause at a meeting called for the purpose of removing the Director. The meeting notice must state that the purpose, or one of the purposes, of the meeting is removal of the Director. A Director may be removed by the Members only if the number of votes cast to remove the Director would be sufficient to elect the Director at a meeting to elect Directors. A Director elected by the Board of Directors may be removed without cause by the vote of two-thirds of the Directors then in office. A Director elected by the Board of Directors to fill the vacancy of a Director elected by the Members may be removed without cause by the Members, but not the Board of Directors.

Section 5. Vacancies. If a vacancy occurs on the Board of Directors, including a vacancy resulting from an increase in the number of Directors, the Board of Directors may fill the vacancy. If the Directors remaining in office constitute fewer than a quorum of the Board of Directors, such remaining Directors may fill the vacancy by the affirmative vote of a majority of all the Directors remaining in office. The term of a Director elected to fill a vacancy expires at the end of the unexpired term that such Director is filling.

Section 6. Annual Meeting. An annual meeting of the Board of Directors shall be held immediately after the annual meeting of the Members for the purpose of electing officers of the corporation and for the transaction of such other business as may come before the meeting. Annual Meetings of the Board of Directors shall be held at any place either in or outside of Nebraska. In the event of failure, through oversight or otherwise, to hold the annual meeting of Directors in any year upon the dates herein provided therefor, the meeting, upon waiver of notice or upon due notice, may be held at a later date, and any election had or business transacted at such meeting shall be as valid and effective as if had or transacted at the annual meeting on the date herein provided.

Section 7. Regular Meetings. The Board of Directors may provide, by resolution, the time and place, either in or outside of Nebraska, for the holding of regular meetings without notice other than such resolution.

Section 8. Special Meetings. Special meetings of the Board of Directors may be called by the President or any two Directors. The person or persons calling a special meeting of the Board of Directors may designate any place, either in or outside of Nebraska, as the place for such special meeting. If no such designation is made, then the place for the special meeting shall be the registered office of the corporation in Nebraska.

Section 9. Notice of Meeting; Waiver. Notice of the date, time, and place of an annual or a special meeting of the Board of Directors shall be given to each Director by or at the direction of the person or persons calling such annual or special meeting at least two days prior to such annual or special meeting. Notice of an annual or special meeting may be communicated in any manner permitted by the Act; however, if mailed, notice shall be given at least five days prior to such annual or special meeting. Notice shall be effective as provided in the Act. A Director may waive notice of any meeting, either before or after such meeting, or any other notice required by the Act or these bylaws; such waiver shall be in writing, signed by the Director entitled to the notice, and filed with the minutes of the meeting or other corporate records. The attendance of a Director at or the participation of a Director in a meeting waives any required notice of such meeting unless the Director, upon arriving at the meeting or prior to the vote on a matter not noticed in conformity with the Act or these bylaws, objects to lack of notice and does not thereafter vote for or assent to the action to which objection is made. Neither the business to be transacted at, nor the purpose of, any meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting.

Section 10. Quorum. A majority of the Directors in office immediately before a meeting begins (but in no event fewer than two Directors) shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. If less than such majority is present at a meeting, then a majority of the Directors present may adjourn the meeting from time to time without further notice until a quorum is present.

Section 11. Manner of Acting. If a quorum is present when a vote is taken, then the affirmative vote of a majority of the Directors present at a meeting of the Board of Directors shall be the act of the Board of Directors.

Section 12. Attendance by Means of Communication. The Directors may participate in a meeting of the Board of Directors or conduct the meeting through the use of any means of communication by which all Directors participating in the meeting may simultaneously hear each other during the meeting. A Director participating in a meeting of the Board of Directors by such means is deemed to be present in person at such meeting.

Section 13. Presumption of Assent. A Director who is present at a meeting of the Board of Directors when corporate action is taken shall be deemed to have assented to the action taken unless (i) he or she objects at the beginning of the meeting or promptly upon his or her arrival to holding the meeting or transacting business at the meeting, (ii) his or her dissent or abstention from the action taken is entered in the minutes of the meeting, or (iii) he or she delivers written notice of his or her dissent or abstention to the presiding officer of the meeting before its adjournment or to the corporation immediately after adjournment of the meeting. The right of dissent or abstention shall not be available to a Director who votes in favor of the action taken.

Section 14. Informal Action by Directors. Any action required or permitted by the Act to be taken at any meeting of the Board of Directors may be taken without a meeting if the action is taken by all Directors of the Board of Directors. The action must be evidenced by one or more written consents describing the action taken, signed by each Director, and included in the minutes filed with the corporate records reflecting the action taken. Action taken under this

bylaw is effective when the last Director signs the consent unless the consent specifies a different effective time. A consent signed under this bylaw has the effect of a meeting vote and may be described as such in any document.

Section 15. Committees. The Board of Directors may create one or more committees of the Board of Directors and appoint members of the Board of Directors to serve on them. Each committee shall have as its members two or more Directors who shall serve at the pleasure of the Board of Directors. The creation of a committee of the Board of Directors and appointment of members of such committee must be approved by the greater of (a) a majority of the Directors in office when the action is taken or (b) the number of Directors required to take action under these bylaws. The provisions of these Bylaws which govern meetings, action without meetings, notice and waiver of notice, and quorum in voting requirements, also shall apply to committees and their members. Unless prohibited by the Act, to the extent specified by the Board of Directors, each committee may exercise the authority of the Board of Directors.

Section 16. No Loans or Guaranties. The corporation shall not lend money to or guaranty the obligations of any Director of the corporation.

Section 17. Compensation. By resolution of the Board of Directors, the Directors may be paid their reasonable expenses, if any, of attendance at each meeting of the Board of Directors or of a committee of the Board of Directors and reasonable compensation for services actually rendered to the corporation as a Director or in any other capacity, which services are reasonable and necessary to the carrying out of the corporation's purposes.

ARTICLE III. OFFICERS

Section 1. Titles of Officers. The officers of the corporation shall consist of a President, one or more Vice Presidents (the number thereof to be determined by the Board of Directors), a Secretary, and a Treasurer. The Board of Directors also may appoint such other officers and assistant officers as the Board of Directors may deem necessary. Any two or more offices may be held by the same person except the office of President and Secretary. The Board of Directors in its discretion may appoint one of its Directors as Chairman of the Board of Directors who shall have such duties as may be assigned to him or her from time to time by the Board of Directors.

Section 2. Appointment and Term of Office. The Board of Directors shall appoint the required officers of the corporation at the annual meeting of the Board of Directors. If the appointment of such officers is not made at such meeting, then such appointment shall be made as soon thereafter as may be convenient. The Board of Directors may appoint other officers and assistant officers at any time. Each officer shall hold office until the next annual meeting of the Board of Directors and until his or her successor shall have been appointed and qualified or until his or her earlier resignation or removal.

Section 3. Resignation. An officer may resign at any time by delivering notice of his or her resignation to the corporation. An officer's resignation shall be effective when the notice is

effective under the Act unless the notice specifies a future effective date. If an officer's resignation is made effective at a future date and the corporation accepts the future effective date, then the Board of Directors may fill the pending vacancy before such effective date if the Board of Directors provides that the successor shall not take office until such effective date. An officer's resignation shall not affect the corporation's contract rights, if any, with the officer.

Section 4. Removal. The Board of Directors may remove any officer of the corporation at any time with or without cause, but such removal shall not affect the officer's contract rights, if any, with the corporation.

Section 5. Vacancies. A vacancy in an office for any reason may be filled by the Board of Directors for the unexpired portion of the term of such office.

Section 6. President. Unless otherwise provided by the Board of Directors, the President shall be the chief executive officer of the corporation and, subject to the direction of the Board of Directors, generally shall supervise and manage the affairs of the corporation. The President shall, when present, preside at all meetings of the Board of Directors unless such responsibility shall have been assigned otherwise by the Board of Directors. The President may sign on behalf of the corporation any document or instrument which the Board of Directors has authorized to be executed, unless such action has been expressly delegated by the Board of Directors or by these bylaws to some other officer or agent of the corporation or is required by law to be done otherwise. The President may vote the shares of another corporation standing in the name of the corporation, except in cases where the Board of Directors expressly provides otherwise. The President generally shall have all powers and perform all duties incident to the office of President and shall have such other powers and perform such other duties as the Board of Directors may assign to him or her from time to time.

Section 7. Vice President. A Vice President shall assist the President in the administration of the corporation's affairs with respect to such matters and with such powers and duties as the President or the Board of Directors may assign to him or her from time to time. Unless otherwise provided by the Board of Directors, whenever the President is unable to serve or the office of President is vacant, the Vice President (or, if there is more than one Vice President, then the Vice Presidents in the order designated at the time of their appointment or, in the absence of any such designation, in the order of their appointment) shall perform the duties of the President and, when so acting, shall have all powers of the President.

Section 8. Secretary. The Secretary shall (a) prepare and keep minutes of meetings of the Board of Directors, (b) give or cause to be given all notices in accordance with the provisions of these bylaws or as required by law, except that notices of special meetings of Directors called by two Directors may be given by such Directors, (c) be custodian of the corporate records and the seal (if any) of the corporation, (d) authenticate records of the corporation, (e) generally have all powers and perform all duties incident to the office of Secretary, and (f) have such other powers and perform such other duties as the President or the Board of Directors may assign to him or her from time to time.

Section 9. Treasurer. If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his or her duties in such amount and with such sureties as the Board of Directors shall specify. The Treasurer shall (a) have charge of and be responsible for all moneys and securities of the corporation, (b) receive and give receipts for moneys due and payable to the corporation from any source, (c) deposit all moneys of the corporation in the name of the corporation in such banks, trust companies, or other depositories or accounts as shall be selected by or at the direction of the Board of Directors, (d) keep or cause to be kept regular books of account for the corporation, (e) generally have all powers and perform all duties incident to the office of Treasurer, and (f) have such other powers and perform such other duties as the President or the Board of Directors may assign to him or her from time to time.

Section 10. Assistant Secretaries and Assistant Treasurers. In the absence of the Secretary or in the event of the Secretary's death, resignation, or inability or refusal to act, the Assistant Secretaries shall have the powers and perform the duties of the Secretary. In the absence of the Treasurer or in the event of the Treasurer's death, resignation, or inability or refusal to act, the Assistant Treasurers shall perform the duties of the Treasurer. Assistant Secretaries and Assistant Treasurers generally shall have such powers and perform such duties as the Secretary or the Treasurer, respectively, the President, or the Board of Directors may assign to them from time to time.

Section 11. Compensation. The compensation of the officers of the corporation shall be fixed from time to time by or at the direction of the Board of Directors, and no officer shall be prevented from receiving a salary by reason of the fact that he or she also is a Director of the corporation. Such salaries shall be reasonable in light of the services actually rendered to the corporation by the respective officers.

Section 12. No Loans or Guaranties. The corporation shall not lend money to or guaranty the obligations of any officer of the corporation.

ARTICLE IV. AMENDMENTS

Except as otherwise provided by law, these bylaws may be amended, in a manner consistent with the Articles of Incorporation of the corporation and applicable law, by the Board of Directors at any regular or special meeting of the Board of Directors. The corporation shall provide notice of any meeting of the Board of Directors at which an amendment of these bylaws is to be approved. Such notice shall comply with the Act and these bylaws, shall state that the purpose, or one of the purposes, of the meeting is to consider a proposed amendment of these bylaws, and shall contain or be accompanied by a copy or summary of the proposed amendment or state the general nature of the proposed amendment. To be effective, an amendment of these bylaws must be approved by a majority of the Directors in office at the time the amendment is adopted.

Description of Greater Omaha Sports Committee

The presentation of the Outland Trophy Award Dinner is a National Event with National Media Coverage, and is open to the public. Tickets for the Outland Trophy Award Dinner are sold & distributed individually and by tables.

The Greater Omaha Sports Committee is a non-profit 501(c)3 corporation registered in the State of Nebraska and was reorganized in 1977, for the purpose of Communicating, Promotion, and Development of Sports activities for Omaha and Nebraska.

The Sports Committee meets monthly at various hotel properties and the support leg of the Committee is the Sports Community in general. The Sports Committee has been active in bringing to the Omaha area - The Omaha Racers CBA Basketball Team, Big-8 Volleyball Championships, the National Golden Gloves Tournament and the National Outland Trophy Award to the Best interior lineman from tackle-to-tackle on both sides of the ball.

Some activities of the Sports Committee are the Scholar Athlete High School Awards in the Spring and Fall; Scholar Athlete of the Year -Boys and Girls; Annual Service to Sports Award -recognizing the contribution of individuals that are retired and corporations who have contributed to the Metro Sports Community.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA

Resolved

A Resolution to establish procedures for reviewing and approving specific designated liquor licenses; to designate the County Clerk as the County Commissioner's agent for determining whether a special designated liquor license shall be approved or denied; to establish criteria for such a determination; to eliminate separate approval when a license or permit is approved for sale of alcohol on public property; and to provide for an effective date.

BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF DOUGLAS COUNTY, NEBRASKA

SPECIAL DESIGNATED LIQUOR LICENSES

County Clerk Agent for Approval of Special Designated Licenses.

The County Clerk shall be the agent of the Board of Commissioners to determine whether a special designated license is to be approved or denied pursuant to the Nebraska Liquor Control Act. In making this determination the County Clerk shall follow the criteria and limitations of this resolution. The County Clerk may forward to the Board of Commissioners any application for a special designated license and a determination shall then be made in accordance with the law.

Special Designated License Qualifications and Restrictions.

Applicants must qualify for issuance of a special designated liquor license under the Nebraska Liquor Control Act. Application for a special designated license shall be filed in the office of the County Clerk on forms provided by the Nebraska Liquor Control Commission. Applications shall be submitted in sufficient time to allow compliance with requirements imposed by law or rules and regulations of the Nebraska Liquor Control Commission. The County Clerk may deny any application received with insufficient time to complete the review provided.

Criteria for approval of Special Designated Licenses.

In reviewing application for special designated licenses, the County Clerk shall approve the licenses only when:

- (a) The proposed services and related activities will not create a traffic congestion hazard or other public safety hazards, or become a public nuisance.
- (b) The applicant has obtained any necessary food service or other permits or permission required by law.

RESOLUTION NO. 711
ADOPTED OCT 26 2004
RECORDED BOOK _____ PAGE _____

- (c) If a license is requested for an outdoor area, the licensed area will be separated from other areas by a fence, wall, and similar barrier sufficient to prevent uncontrolled entrance or exit from the licensed area.
- (d) The applicant and the proposed service of alcohol otherwise complies with all requirements and limitations of the Nebraska Liquor Control Act.
- (e) The Applicant must be a Non-Profit Organization.

Limitations on Authority to issue Special Designated Licenses.

The County Clerk shall submit to the Board of Commissioners for approval or disapproval any application where:

- (a) The applicant is an association, corporation, or organization whose members are, in majority, persons under the age of twenty-one.
- (b) The applicant is requesting hours of operation otherwise prohibited by law for a retail liquor license holder within the county.
- (c) The applicant proposes to offer related activities that include amplified outdoor music after the hour of 11:00 p.m.

The County Clerk shall give an applicant a written statement of the reasons for denial. Upon denial, an applicant may file with the County Clerk a written request for a County Board review and the application shall be placed on the next Board of Commissioners meeting agenda.

Report to the Board of Commissioners

At least monthly, the County Clerk shall provide the Board of Commissioners a report of all special designated licenses approved or disapproved by the County Clerk during the preceding month.

Motion by Boyle, seconded by Duda
I move the adoption of the resolution.

ADOPTED: October 26, 2004
YEAS: Boyle, Duda, Harris, Pirsch
NAYS: Borgeson
ABSENT: Hutchings, McCallister

(Certified Copy)

DOUGLAS COUNTY CLERK

Certified copy to: Commissioners, ² Clerk, NLCC



THOMAS F. CAVANAUGH

DOUGLAS COUNTY CLERK / COMPTROLLER

KATHLEEN A. HALL

CHIEF DEPUTY DOUGLAS COUNTY CLERK

Date: October 18, 2004

To: The Honorable Carol McBride Pirsch
The Douglas County Board of Commissioners

From: Thomas F. Cavanaugh 
Douglas County Clerk/Comptroller

Re: Special Designated Liquor Licenses

The attached resolution has been prepared naming the County Clerk as the County Board's agent for approving or disapproving applications for special designated liquor licenses.

Nebraska law allows a County Board to name an agent to determine whether a special designated license is to be approved or denied (state statute §53-124.11(4)). The agent must use criteria established by the County Board to make that decision. The agent's decision is then considered to be determination of the County Board. This resolution implements that authority by establishing criteria for the Clerk to the Board for any application that the Clerk denies. In addition, the Clerk can still submit any application to the Board. The Clerk will provide the Board with a monthly report showing the applications that were approved and denied.

It is hoped that the process of granting special liquor licenses can be more flexible if the County Clerk is named as the County Board's agent. If routine applications can be administratively approved, applicants can quickly obtain their special licenses. If an unusual situation arises or a Commissioner wants a particular application to be placed before the Board of Commissioners, the Clerk may do so and the application will be heard in the same manner as currently. The resolution identifies three situations when an application must be submitted to the Board.

As we near the end of the year, please note that only six (6) Board meetings are scheduled. We are entering a very busy time of year for vendors and want to make sure that the meeting schedule does not negatively impact their business. This is a process that has been patterned after a similar process used by the City Clerk and City Council to process special designated liquor licenses in an effective manner.

The proposed resolution has been approved and reviewed by the County Attorney's office.

OMAHA-DOUGLAS CIVIC CENTER • 1819 FARNAM STREET, H08 • OMAHA, NEBRASKA 68183-0008

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E-mail: tcavanau@co.douglas.ne.us

www.co.douglas.ne.us/dept/Clerk/

 printed on recycled paper

DRAFT

A Resolution to establish procedures for reviewing and approving specific designated liquor licenses; to designate the County Clerk as the County Commissioner's agent for determining whether a special designated liquor license shall be approved or denied; to establish criteria for such a determination; to eliminate separate approval when a license or permit is approved for sale of alcohol on public property; and to provide for an effective date.

BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF DOUGLAS COUNTY, NEBRASKA

SPECIAL DESIGNATED LIQUOR LICENSES
County Clerk Agent for Approval of Special Designated Licenses.

The County Clerk shall be the agent of the Board of Commissioners to determine whether a special designated license is to be approved or denied pursuant to the Nebraska Liquor Control Act. In making this determination the County Clerk shall follow the criteria and limitations of this resolution. The County Clerk may forward to the Board of Commissioners any application for a special designated license and a determination shall then be made in accordance with the law.

Special Designated License Qualifications and Restrictions.

Applicants must qualify for issuance of a special designated liquor license under the Nebraska Liquor Control Act. Application for a special designated license shall be filed in the office of the County Clerk on forms provided by the Nebraska Liquor Control Commission. Applications shall be submitted in sufficient time to allow compliance with requirements imposed by law or rules and regulations of the Nebraska Liquor Control Commission. The County Clerk may deny any application received with insufficient time to complete the review provided.

Criteria for approval of Special Designated Licenses.

In reviewing application for special designated licenses, the County Clerk shall approve the licenses only when:

- (a) The proposed services and related activities will not create a traffic congestion hazard or other public safety hazards, or become a public nuisance.
- (b) The applicant has obtained any necessary food service or other permits or permission required by law.
- (c) If a license is requested for an outdoor area, the licensed area will be separated from other areas by a fence, wall, and similar barrier sufficient to prevent uncontrolled entrance or exit from the licensed area.

DRAFT

- (d) The applicant and the proposed service of alcohol otherwise complies with all requirements and limitations of the Nebraska Liquor Control Act.

Limitations on Authority to issue Special Designated Licenses.

The County Clerk shall submit to the Board of Commissioners for approval or disapproval any application where:

- (a) The applicant is an association, corporation, or organization whose members are, in majority, persons under the age of twenty-one.
- (b) The applicant is requesting hours of operation otherwise prohibited by law for a retail liquor license holder within the county.
- (c) The applicant proposes to offer related activities that include amplified outdoor music after the hour of 11:00 p.m.

The County Clerk shall give an applicant a written statement of the reasons for denial. Upon denial, an applicant may file with the County Clerk a written request for a County Board review and the application shall be placed on the next Board of Commissioners meeting agenda.

Report to the Board of Commissioners

At least monthly, the County Clerk shall provide the Board of Commissioners a report of all special designated licenses approved or disapproved by the City Clerk during the preceding month.

REQUEST FOR A SPECIAL DESIGNATED LIQUOR LICENSE.

DATE:

APPLICANT REQUESTING THE PERMIT:

COMPANY OR ORGANIZATION, ADDRESS, CITY, STATE

DATE(S) AND TIME(S) OF THE EVENT(S):

DAY OF WEEK, MONTH, DAY, YEAR, TIME EVENT START AND END

LOCATION WHERE EVENT WILL BE HELD IF DIFFERENT FROM

ABOVE

APPLICANT'S STATUS: CURRENT LICENSE HOLDER

NON PROFIT ORGANIZATION (STATEMENT ATTACHED)

ADDITIONAL INFORMATION: _____

APPROVED: _____

DENIED: _____

REASON FOR DENIAL: _____

APPROVED BY: _____

Buster Brown, City Clerk, City of Omaha

Date

**AGENDA ITEM
REQUEST/JUSTIFICATION FORM**
(To be completed by requesting Department)

Forward all requests to Sharon Bourke, LC2 Civic Center
DEADLINE SUBMITTAL IS 4:00 P.M. WEDNESDAY

Agenda item: Action Item

Date to be on agenda: October 26, 2004

Exact wording to be used for the agenda: Resolution naming the County Clerk as the County Board's agent for approving or disapproving applications for special designated liquor licenses.

Action requested: Discussed at the October 19th County Board meeting.

Amount requested: \$ _____ Object Code: _____

Is item in current year's budget? Yes _____ No _____

Does this item commit funds in future years? Yes _____ No _____

If no, explain: _____

Previous action taken on this item, if any: _____

Recommendations and rationale or action: State statute allows for the County Board to designate an agent to approve Special Designated Liquor Licenses for them. The proposed process is mirrored after that used by the City Clerk and the City Council. The County Attorney's office has reviewed the proposed language.

Will anyone speak on behalf of this item, if so who? Sheri Larsen, Tom Cavanaugh or Chris Lustgarten

If this is a rush agenda item, please explain why: _____

Submitted by (Name & Dept.): Thomas F. Cavanaugh, County Clerk Ext. 6767

Date submitted: 10-20-2004

List Attachments: Process with requested changes and correspondence

(Attach resolution and all pertinent documentation; i.e. contract, agreement, memorandums, etc.)

Completed by receiving office		
Received in Administrative Office:	Date	Time

53-124.11. Special designated license; issuance; procedure; fee.

(1) The commission may issue a special designated license for sale or consumption of alcoholic liquor at a designated location to a retail licensee, a craft brewery licensee, a microdistillery licensee, a farm winery licensee, the holder of a manufacturer's license issued pursuant to subsection (2) of section 53-123.01, a municipal corporation, a fine arts museum incorporated as a nonprofit corporation, a religious nonprofit corporation which has been exempted from the payment of federal income taxes, a political organization which has been exempted from the payment of federal income taxes, or any other nonprofit corporation the purpose of which is fraternal, charitable, or public service and which has been exempted from the payment of federal income taxes, under conditions specified in this section. The applicant shall demonstrate meeting the requirements of this subsection.

(2) No retail licensee, craft brewery licensee, microdistillery licensee, farm winery licensee, holder of a manufacturer's license issued pursuant to subsection (2) of section 53-123.01, organization, or corporation enumerated in subsection (1) of this section may be issued a special designated license under this section for more than six calendar days in any one calendar year. Only one special designated license shall be required for any application for two or more consecutive days. This subsection shall not apply to any holder of a catering license.

(3) Except for any special designated license issued to a holder of a catering license, there shall be a fee of forty dollars for each day identified in the special designated license. Such fee shall be submitted with the application for the special designated license, collected by the commission, and remitted to the State Treasurer for credit to the General Fund. The applicant shall be exempt from the provisions of the Nebraska Liquor Control Act requiring an application or renewal fee and the provisions of the act requiring the expiration of forty-five days from the time the application is received by the commission prior to the issuance of a license, if granted by the commission. The retail licensees, craft brewery licensees, microdistillery licensees, farm winery licensees, holders of manufacturer's licenses issued pursuant to subsection (2) of section 53-123.01, municipal corporations, organizations, and nonprofit corporations enumerated in subsection (1) of this section seeking a special designated license shall file an application on such forms as the commission may prescribe. Such forms shall contain, along with other information as required by the commission, (a) the name of the applicant, (b) the premises for which a special designated license is requested, identified by street and number if practicable and, if not, by some other appropriate description which definitely locates the premises, (c) the name of the owner or lessee of the premises for which the special designated license is requested, (d) sufficient evidence that the holder of the special designated license, if issued, will carry on the activities

and business authorized by the license for himself, herself, or itself and not as the agent of any other person, group, organization, or corporation, for profit or not for profit, (e) a statement of the type of activity to be carried on during the time period for which a special designated license is requested, and (f) sufficient evidence that the activity will be supervised by persons or managers who are agents of and directly responsible to the holder of the special designated license.

(4) No special designated license provided for by this section shall be issued by the commission without the approval of the local governing body. The local governing body may establish criteria for approving or denying a special designated license. ~~The local governing body may designate an agent to determine whether a special designated license is to be approved or denied. Such agent shall follow criteria established by the local governing body in making his or her determination.~~ The determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body. For purposes of this section, the local governing body shall be the city or village within which the premises for which the special designated license is requested are located or, if such premises are not within the corporate limits of a city or village, then the local governing body shall be the county within which the premises for which the special designated license is requested are located.

(5) If the applicant meets the requirements of this section, a special designated license shall be granted and issued by the commission for use by the holder of the special designated license. All statutory provisions and rules and regulations of the commission that apply to a retail licensee shall apply to the holder of a special designated license with the exception of such statutory provisions and rules and regulations of the commission so designated by the commission and stated upon the issued special designated license, except that the commission may not designate exemption of sections 53-180 to 53-180.07. The decision of the commission shall be final. If the applicant does not qualify for a special designated license, the application shall be denied by the commission.

(6) A special designated license issued by the commission shall be mailed or delivered to the city, village, or county clerk who shall deliver such license to the licensee upon receipt of any fee or tax imposed by such city, village, or county.

Source: Laws 1983, LB 213, § 9; Laws 1988, LB 490, § 5; Laws 1991, LB 344, § 27; Laws 1994, LB 1292, § 4; Laws 1996, LB 750, § 7; Laws 2000, LB 973, § 4; Laws 2006, LB 562, § 4; Laws 2007, LB549, § 8; Laws 2010, LB861, § 58; Laws 2016, LB1105, § 17.

Effective Date: April 19, 2016