

NOTICE OF STANDNG COMMITTEE MEETINGS

Scheduled for
Tuesday, November 27, 2018,
beginning at 6:30 p.m. in

Council Chambers
Village Hall of Tinley Park
16250 S. Oak Park Avenue
Tinley Park, Illinois

**ADMINISTRATION & LEGAL COMMITTEE
FINANCE COMMITTEE**

A copy of the agendas for these meetings is attached hereto.

Kristin A. Thirion
Clerk
Village of Tinley Park

**NOTICE OF MEETING OF THE
ADMINISTRATION & LEGAL COMMITTEE**

Notice is hereby given that a meeting of the Administration & Legal Committee of the Village of Tinley Park, Cook and Will Counties, Illinois, will begin at 6:30 p.m. on Tuesday, November 27, 2018, in Council Chambers at the Village Hall of Tinley Park, 16250 S. Oak Park Avenue, Tinley Park, Illinois.

The agenda is as follows:

1. OPEN THE MEETING
2. CONSIDER THE APPROVAL OF THE MINUTES OF THE ADMINISTRATION AND LEGAL COMMITTEE MEETING HELD ON OCTOBER 23, 2018.
3. DISCUSS SEXUAL HARASSMENT POLICY ORDINANCE UPDATE.
4. REVIEW RAFFLES MEMO FROM VETERAN'S ORGANIZATIONS.
5. RECEIVE COMMENTS FROM THE PUBLIC.

ADJOURNMENT

KRISTIN A. THIRION
VILLAGE CLERK

MINUTES
Administration and Legal Committee
October 23, 2018 – 6:30 p.m.
Village Hall of Tinley Park – Council Chambers
16250 S. Oak Park Avenue
Tinley Park, IL 60477

Members Present: M. Pannitto, Chairman
C. Berg, Village Trustee
J. Curran, Village Trustee

Members Absent: None

Other Board Members Present: None

Staff Present: D. Niemeyer, Village Manager
B. Bettenhausen, Village Treasurer
M. Zonsius, Assistant Village Treasurer
M. Thomas, Information Technology Manager
D. Framke, Marketing Director
P. Connelly, Village Attorney
L. Godette, Deputy Village Clerk
L. Carollo, Commission/Committee Secretary

Item #1 - The Administration and Legal Committee meeting was called to order at 6:34 p.m.

Item #2 – CONSIDER APPROVAL OF THE MINUTES OF THE ADMINISTRATION AND LEGAL COMMITTEE MEETING HELD ON OCTOBER 2, 2018 – Motion was made by Trustee Berg, seconded by Trustee Curran, to approve the minutes of the Administration and Legal Committee meeting held on October 2, 2018. Vote by voice call. Chairman Pannitto declared the motion carried.

Item #3 – DISCUSS 2019 PARATRANSIT SERVICE PROVIDER AGREEMENT (PACE) – The Village of Tinley Park operates a “Dial-A-Ride” program in partnership with PACE, who provides one-third of the operating cost of the program. The Village of Tinley Park every year authorizes an agreement with PACE for this program.

The “Dial-A-Ride” program in the Village provides nearly 10,000 rides to approximately 7,000 elderly and disabled residents annually. The annual cost of the PACE “Dial-A-Ride” program is approximately \$84,000. PACE annually subsidizes approximately \$29,000, which roughly is a net cost for the Village of \$55,000.

Chairman Pannitto asked if the Administration and Legal Committee had any comments. No one came forward.

Motion was made by Trustee Curran, seconded by Trustee Berg, to recommend authorization of the Paratransit Service Provider Agreement with the Village of Tinley Park. Vote by voice. Chairman Pannitto declared the motion carried.

Item #4 – RECEIVE COMMENTS FROM THE PUBLIC - No comments from the public.

ADJOURNMENT

Motion was made by Trustee Curran, seconded by Trustee Berg, to adjourn this meeting of the Administration and Legal Committee. Vote by voice call. Chairman Pannitto declared the motion carried and adjourned the meeting at 6:36 p.m.

lc

DRAFT



Interoffice Memo

Date: November 21, 2018

To: Michael Pannitto, Chair, Administration & Legal Committee

From: David Niemeyer, Village Manager

cc: Village Board
Pat Carr, Assistant Village Manager
Denise Maiolo, Human Resources Director
Patrick Connelly, Village Attorney

Subject: Sexual Harassment Ordinance Update

The Policy Prohibiting Sexual Harassment adopted by Ordinance 2018-O-001 on January 9, 2018 needs to be updated to reflect a 300-day time limit for filing a claim of sexual harassment in accordance with Public Act 100-1066. Attached is the draft ordinance for Committee recommendation and approval.

THE VILLAGE OF TINLEY PARK
Cook and Will Counties, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE UPDATING THE VILLAGE POLICY PROHIBITING SEXUAL
HARASSMENT**

JACOB C. VANDENBERG, President
KRISTIN A THIRION, Village Clerk

MICHAEL J. PANNITTO
BRIAN H. YOUNKER
CYNTHIA A. BERG
WILLIAM P. BRADY
MICHAEL W. GLOTZ
JOHN A. CURRAN
Board of Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
Law Offices of Peterson, Johnson, & Murray—Chicago, Village Attorneys
200 W. Adams, Ste. 2125, Chicago, IL 60606

VILLAGE OF TINLEY PARK
Cook and Will Counties, Illinois

ORDINANCE NO. _____

AN ORDINANCE UPDATING THE VILLAGE POLICY PROHIBITING SEXUAL HARASSMENT

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-1066, an Act concerning State government, which became effective immediately, and

WHEREAS, pursuant to the Act, each governmental unit shall update its policy prohibiting sexual harassment to reflect newly established timelines for filing a claim; and

WHEREAS, should any section or provision of this Ordinance or the adopted Policy Prohibiting Sexual Harassment be declared to be invalid, that decision shall not affect the validity of this Ordinance or adopted Policy Prohibiting Sexual Harassment as a whole or any part thereof, other than the part so declared to be invalid;

NOW, THEREFORE, be it ordained by the corporate authorities of the Village of Tinley Park the following:

SECTION ONE: The Policy Prohibiting Sexual Harassment adopted by Ordinance 2018-O-001 on January 9, 2018 shall be updated to reflect a 300-day time limit for filing a claim of sexual harassment in accordance with Public Act 100-1066. The Policy Prohibiting Sexual Harassment in the Village of Tinley Park is hereby amended by deleting the language with a strikethrough and adding the following underlined language:

- I. §III: PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT
 - *Resolution Outside Municipality.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within

~~180~~ 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within 300 days.

§IV: PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act. An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – either due within ~~180 days (IDHR)~~ or 300 days (~~EEOC~~) of the alleged retaliation.

SECTION TWO: Any policy resolution or ordinance of the Village that conflicts with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION THREE: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 6th day of November, 2018

AYES:

NAYS:

ABSENT:

APPROVED THIS 6th day of November, 2018

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS.

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will, and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____ “AN ORDINANCE UPDATING THE VILLAGE POLICY PROHIBITING SEXUAL HARASSMENT,” which was adopted by the President and Board of Trustees of the Village of Tinley Park on November _____, 2018

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this _____ day of November, 2018.

KRISTIN A. THIRION, VILLAGE CLERK



Interoffice Memo

Date: November 19, 2018

To: Kristin Thirion
Village Clerk

From: Laura Godette
Deputy Village Clerk

Subject: Raffles Memo Received from VFW & American Legion

Earlier this Fall the Village received a memo from American Legion Post 615 and VFW Post 2791 (memo attached) asking for review of the Village's Raffle Ordinance. The memo asked for the Village Board to review eight (8) requests listed below:

1. Annual permits for Queen of Hearts for nonprofit organizations. **Policy Change; Possible Code Change**

Pursuant to Section 2(a) of the Raffles Act (230 ILCS 15/2), a raffle license may not exceed one (1) year. Thus, each raffle license issued allows a raffle to be conducted for a period of one (1) year. However, the license holder has only 120 days following the issuance of the license to sell raffle chances and conduct the first raffle. This means that upon receiving a raffle license, the license holder must hold the first raffle drawing within the first 120 days of holding the raffle license. (132.31 Tinley Park Municipal Code). This 120-day requirement to hold the drawing may be amended in the Village Code.

2. Two permits to allow for raffles to be played continuously. When one raffle ends the next raffle could begin without waiting for Village Board approval; **Policy Change; Possible Code Change**

Pursuant to Section 2(a) of the Raffles Act (230 ILCS 15/2), a raffle license may be given for one or a specified number of raffles. However, the Village Code limits this section by providing that a Raffle License is only valid for one (1) raffle. Thus, the Village Board can decided to amend Section 132.32 of the Village Code to allow a raffle license to encompass multiple raffles.

3. Issuance of provisional license pending Village Board approval that would allow raffles to continue without interruption. These permits could be issued by the Village Clerk or Deputy Clerk; **Policy Change; Code Change**

Pursuant to Section 2(a) of the Raffles Act (230 ILCS 15/2), the Village may establish a system for licensing organizations to operate raffles. The Village has established that the President and Board of Trustees are the the licensing authority. (132.33). This means that the Village has determined that the Village Board may only act upon a Raffle License application and that a Raffle License may be issued only upon approval by the Village Board. If the Village Board decides to amend its authority, it will have to change its Village Code to allow for provisional Raffle Licenses. However, functionally, it is

unclear how a provisional licensing structure would work or whether the provisional license would be valid, if not fully approved by the Village Board.

4. One license that is required for all raffles run as past of the queen of hearts; **Possible Code Change; Policy Change**

As with item 2, the Village Board has established that one (1) raffle license is valid for one (1) raffle. However, if the Village Board believes it is necessary to amend this requirement within Section 132.32 to allow multiple raffles to operate under one (1) license, this action would be allowable under the Raffles Act.

5. Multiple license issued to Queen of Hearts Raffle Boards containing serial numbers; **No Code Change**

Pursuant to both Section 2(b) of the Raffles Act (230 ILCS 15/2(b)) and Section 132.30 of the Village's Raffle Ordinance, a raffle license may only be issued to a bona fide non-profit organization. Therefore, a raffle license cannot be issued to the serial number provided on a gameboard. However, if necessary, the Village could place the serial number of the gameboard on the raffle license.

6. Raffle license to cover pool type raffles; **No Code Changes**

The Illinois Criminal Code specifically states, "that a person commits gambling when...anyone knowingly sells pools upon the result of a game or contest of skill or chance..." 720 ILCS 5/28-1(a)(6). Gambling is considered a Class 1 misdemeanor in Illinois and the Village should not amend its Village Code to allow pools to operate within the Village. Furthermore, Section 132.16(A)(6) of the Village Code recites the language in the Illinois Criminal Code and forbids the operation of gambling pools. The Village Board should not consider nor amend its code to allow the operation of pools.

7. Monthly license to cover all raffles and games of chance per a calendar month that could be renewed automatically; **Policy Change; No Gambling**

The Village currently has a system to grant raffle licenses based upon its own Village Code and the State Raffles Act. As previously stated, the Village Code allows Raffle Licenses to be valid for up to one (1) year and the license holder must hold their raffle within 120 days after receiving the license. A monthly licensing scheme would require approval by the Village Board on a monthly basis to approve the raffle licenses and allowing any other game of skill or chance outside of the raffles, would likely be sponsoring gambling. Therefore, it appears to be overly burdensome to implement a monthly raffle license.

8. Queen of Hearts raffles should be only be held at the location of the license holder, no third party locations. **Policy Change**

Pursuant to both Section 4 of the Raffles Act (230 ILCS 15/4) and Section 132.37 of the Village Code, the Raffle License should state the location where the raffle chances may be sold and where the raffle may be held. If the Village desires to limit these locations to physical address of the non-profit organization holding the raffle license, the Village may do so. However, the Village may also allow raffles to operate in third-party establishments.





AMERICAN LEGION Post 615
17423 67th COURT
TINLEY PARK, ILLINOIS 60477



BREMEN POST 2791
17147 Oak Park Ave.
Tinley Park, Il. 60477

September 25, 2018

Tinley Park Village Hall
16250 Oak Park Ave.
Tinley Park, IL. 60477

Mayor Jacob C. Vandenberg,

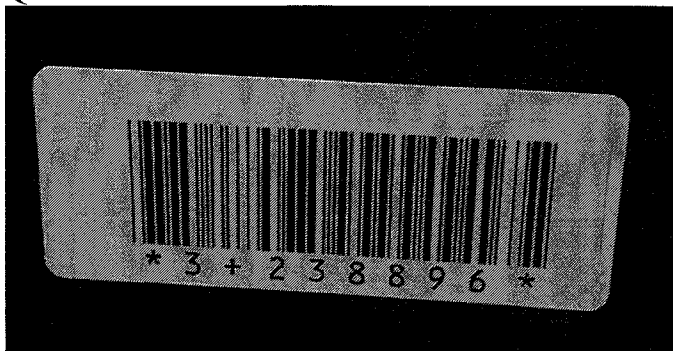
We, the members of American Legion Post 615 and VFW post 2791, are struggling to comply with the current village ordinances concerning raffle and gaming permits. Our biggest issues are with the permits for the Queen of Hearts Raffles which both posts, and others, currently run. To a lesser extent we would like to have changes to the ordinances made concerning other raffles as well.

Currently if a raffle ends you must request another permit. Since permits can only be granted by the village board at the bi-monthly meetings, this means you will have to wait 3-4 weeks between games. Even longer if a meeting is cancelled for whatever reason such as the September 4, 2018 meeting. This doesn't work if you are running Queen of Hearts raffles one after another. When a winner is chosen, you need to start a new raffle the next week.

Some solutions are:

1. Annual permits for Queen of Hearts for nonprofit organizations. I suggest annual because for queen of hearts a raffle could last past the 120 day time limit on raffles. Theoretically, a raffle could last 54 weeks. These annual permits would be issued only to non-profit organizations.
2. Two permits. As the first raffle ends, the 2nd permit begins, and the permit holder applies for a new permit. So they would always have one in play and one waiting. Would still lose time if 2nd raffle was won quickly. Would also require changing or eliminating the 120 day limit.
3. Village clerk's office could issue a provisional permit pending board approval, allowing raffles to continue without interruption. The provisional permit would only be issued to organizations that historically have been running raffles. Or to organizations that are on an approved list of raffle organizers. This provisional permit could be issued by either the village clerk or the deputy village clerk.
4. One permit should be all that is required for all raffles run as part of the queen of hearts. i.e. secondary prize raffles awarded on same day as queen of hearts drawings.

5. Queen of Hearts raffle boards have a serial number on them.



Multiple permits could be issued using these serial numbers. i.e. we purchase several boards at a time and several permits could be issued at once basing each permit on one of these serial numbers. We would inform the clerk's office which permit is being used and when that game ends, we let them know the serial number and starting date of the new game board being used.

6. We need to be able to get raffle permits that cover pool type raffles, i.e. Super Bowl squares types of raffles. These are the types of raffles where a person puts their name, or initials, in a random square. At the end of the 1st, 2nd, and 3rd quarters and the end of the game a person wins a prize based on the scores of the game. These raffles would not be limited to the Super Bowl, they would also be held for World Series games, playoff games, etc.
7. Monthly permits to cover all raffles and games of chance per a calendar month. These could be renewed automatically, unless the village pulls the permit, or the organization could apply for a new permit monthly. These permits would only cover one organization per location. For example, at the Legion Post we have 4 different organizations, Legion, Legion Aux, Legion Riders and Sons of the Legion, each organization would be responsible for getting their own monthly permit.
8. Queen of Hearts raffles should only be held at the location of the permit holder, no third party locations. For example, no organization could apply for a permit and then hold the raffle, or sell tickets, at a location that is not their home location, i.e. a bar not associated with the permit holder. The purpose of the raffle is to raise money for the non-profit organization, not raise business for a bar.

Respectfully we ask that you and the village board re-evaluate the village ordinances and come up with something that works for all of us.

A handwritten signature in black ink, appearing to read "Bill Porter".

Bill Porter
Commander
American Legion Post 615

A handwritten signature in black ink, appearing to read "Jim Hudik".

Jim Hudik
Commander
VFW Post 2791

**PUBLIC
COMMENT**

ADJOURNMENT