

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
SEPTEMBER 16, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PROVIDE QUALIFICATION STANDARDS FOR KENO LOTTERY SALES OUTLET LOCATIONS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

An ordinance has been prepared to provide qualification standards for Keno Lottery Sales Outlet Locations.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

On August 5, 2008 Council approved an agreement with La Vista Keno, Inc. for the continued operation of the city's keno lottery until the year 2018. As part of that agreement La Vista Keno will establish a satellite location as named in the contract in which to run the city's lottery game.

Prior to presenting a location site to the City or negotiating a contract with a Satellite location, the city would need to pass an ordinance establishing qualification standards which shall be met by La Vista Keno, Inc. to have its location qualify as an authorized sales outlet location for conducting a lottery. (Neb. Rev. Stat. §9-642.01)

If the Council approves these qualification standards, La Vista Keno, Inc. may begin the process to present the location site to the City and negotiate a contract with the satellite location licensed by the State.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO PROVIDE QUALIFICATION STANDARDS FOR KENO LOTTERY SALES OUTLET LOCATIONS; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

Section 1. The operator with whom the City contracts to conduct its keno lottery shall not operate the lottery at a sales outlet location other than the main location of the lottery operator without prior approval of the sales outlet location by the Mayor and City Council. The Mayor and City Council shall approve or disapprove each sales outlet location and individual, sole proprietorship, partnership, limited liability company, or corporation which desires to conduct the lottery at its sales outlet location solely on the basis of the qualification standards prescribed below. Operator shall provide or cause the owner or operator of any proposed sales outlet location to provide all information that the City requires to assess whether or not said qualification standards are satisfied. Requirements set forth herein shall equally apply to any satellite location, and references herein to "sales outlet location" shall be deemed to include any satellite location.

Section 2. Any individual, sole proprietorship, partnership, limited liability company, or corporation which seeks to have its location approved as an authorized sales outlet location shall:

(A) Obtain a retail liquor license for consumption on the premises pursuant to Neb. Rev. Stat. Chapter 53, article 1; and all other licenses, permits and rights required for activities conducted on the premises;

(B) Not have charges pending, been convicted of, forfeited bond upon a charge of, or pleaded guilty or nolo contendere to any offense or crime, whether a felony or a misdemeanor, involving any gambling activity, fraud, theft, willful failure to make required payments or reports, or filing false reports with a governmental agency at any level, or any other offense that, in the opinion of the City, would adversely reflect upon the City or its keno lottery;

(C) Not have charges pending, been convicted of, forfeited bond upon a charge of, or pleaded guilty or nolo contendere to any felony other than those described in Section (2)(B) within the 10 years preceding the filing of the application;

(D) Not have had a gaming license revoked or canceled, including any license under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, or the Nebraska Pickle Card Lottery Act;

(E) Be fit, willing, and able and have sufficient facilities and resources to properly and effectively provide the service proposed in conformance with all provisions and requirements of applicable laws, rules and regulations, including the Nebraska County and City Lottery Act ("Act"), and rules and regulations adopted and promulgated pursuant to the Act, the Lottery Operator Agreement between the City of La Vista and operator, and this Ordinance (collectively as now or hereafter adopted, executed or amended "Keno Requirements"); and, if selected as a sales outlet location, provide said service in conformance with said Keno Requirements.

(F) Demonstrate that the sales outlet location serves the interests of promoting the keno game in a desirable manner to the satisfaction of the Mayor and City Council;

(G) Submit to the City a written agreement governing the proposed sales outlet location and operation thereof in form and content satisfactory to the City, which agreement shall be subject to the Lottery Operator Agreement. The Keno Requirements shall be deemed incorporated into said agreement as a condition of approval of any sales outlet location. The owner of a sales outlet location shall provide the City a copy of the fully executed agreement as a condition of the City's approval of the sales outlet location.

(H) Not have any other gambling devices located on the premises of the sales outlet location, unless authorized by the City.

(I) Not have any conflicting, competing or other interest prohibited of the operator under the Lottery Operator Agreement.

Section 3. If the person seeking to have its location approved as an authorized sales outlet location is a partnership, limited liability company, or corporation, the qualification standards shall apply to every partner of such partnership, every member of such limited liability company, every officer of such corporation and every stockholder owning more than 10% of the stock of such corporation.

Section 4. City reserves the right to amend or modify qualification standards, or adopt additional standards, at any time. Compliance with qualification standards shall be a condition of initial and ongoing approval of each sales outlet location.

Section 5. A copy of this Ordinance shall be filed with the Department of Revenue within 30 days of its adoption or amendment. The municipality shall notify the Department of Revenue of approved lottery locations within 30 days of approval. Sales outlet locations shall provide information from time to time requested by the City.

Section 6. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 7. This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 16TH DAY OF SEPTEMBER, 2008.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk