

PROPOSED AMENDMENTS TO BILL 84-26

By Councilman Patoka

1. On page 5, strike lines 13 through 19 and substitute the following:

“(3) A GATHERING CONDUCTED BY OR ON BEHALF OF A NONPROFIT, RELIGIOUS, OR POLITICAL ORGANIZATION FOR THE PRIMARY PURPOSE OF RAISING FUNDS FOR THAT ORGANIZATION, PROVIDED THAT:

(I) THE ORGANIZATION IS A NONPROFIT, RELIGIOUS, OR POLITICAL ORGANIZATION THAT QUALIFIES FOR APPLICABLE TAX-EXEMPT STATUS UNDER FEDERAL LAW;

(II) THE ORGANIZATION HAS AUTHORIZED OR IS CONDUCTING THE GATHERING AND IS THE ACTUAL BENEFICIARY OF THE FUNDS RAISED THROUGH THE GATHERING;

(III) THE EXEMPTION PROVIDED BY THIS PARAGRAPH MAY NOT APPLY TO MORE THAN 4 QUALIFYING GATHERINGS CONDUCTED AT THE SAME RESIDENTIAL PROPERTY DURING ANY CALENDAR YEAR;

(IV) A NONPROFIT, RELIGIOUS, OR POLITICAL ORGANIZATION MAY NOT CLAIM THE EXEMPTION PROVIDED BY THIS PARAGRAPH FOR MORE THAN 4 QUALIFYING GATHERINGS DURING ANY CALENDAR YEAR;

(V) IN DETERMINING WHETHER A GATHERING QUALIFIES FOR THE EXEMPTION PROVIDED BY THIS PARAGRAPH, THE COUNTY MAY CONSIDER:

1. THE ORGANIZATION'S STATED PURPOSE;

2. THE IDENTITY AND ROLE OF PERSONS CONDUCTING, ORGANIZING, SPONSORING, OR CONTROLLING THE GATHERING;

3. THE DISPOSITION OF GROSS AND NET PROCEEDS;

4. PAYMENTS MADE TO ORGANIZERS OR RELATED PERSONS OR BUSINESSES;

5. COMPENSATION;

6. RENTAL OR OTHER PAYMENTS;

7. THE RELATIONSHIP BETWEEN THE ORGANIZATION AND ANY PERSON OR BUSINESS RECEIVING AN ECONOMIC BENEFIT FROM THE GATHERING; AND

8. ANY OTHER FACTS RELEVANT TO WHETHER THE GATHERING IS A BONA FIDE FUNDRAISING ACTIVITY OF THE ORGANIZATION;

(VI) THE COUNTY MAY REQUIRE REASONABLE DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THIS PARAGRAPH AS A CONDITION OF CLAIMING THE EXEMPTION, INCLUDING:

1. DOCUMENTATION IDENTIFYING THE ORGANIZATION;

GATHERING;
PARTIES; AND

2. THE PURPOSE OF THE GATHERING;
3. THE PERSON RESPONSIBLE FOR THE
4. GROSS RECEIPTS;
5. MATERIAL EXPENSES;
6. PAYMENTS TO ORGANIZERS OR RELATED
7. THE DISPOSITION OF NET PROCEEDS;

(VII) THE LIMITATIONS ESTABLISHED BY THIS PARAGRAPH SHALL APPLY TO THE GATHERING AND THE RESIDENTIAL PROPERTY REGARDLESS OF WHETHER THE GATHERING IS CONDUCTED BY THE SAME OR DIFFERENT QUALIFYING ORGANIZATIONS; OR”.