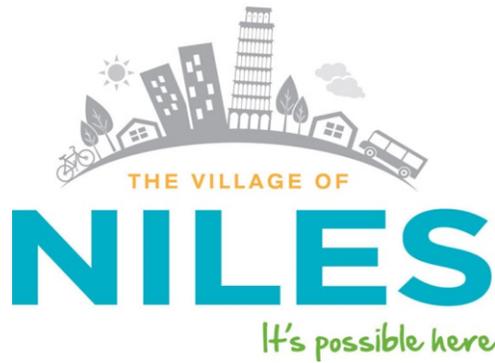


MAYOR
George D. Alpogianis

TRUSTEES
John C. Jekot
Joe LoVerde
Danette O'Donovan Matyas
Craig Niedermaier
Dean Strzelecki



VILLAGE MANAGER
Joseph S. La Margo

VILLAGE CLERK
Marlene J. Victorine

Phone: (847) 588-8000
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1000 Civic Center Drive, Niles, Illinois 60714

A G E N D A

SPECIAL BOARD OF TRUSTEES MEETING **Remote Participation** **October 31, 2021** **5:00 p.m.**

ELECTRONIC MEETING

The Special Board of Trustees Meeting will be called to order electronically via Zoom audio/visual conferencing by President Alpogianis in accordance with Governor Pritzker's most recent COVID-19 disaster declaration.

Members of the public can participate remotely in the meeting and provide live comment during the public comment section of the meeting via Zoom or by phone. Members of the public should raise their hand via Zoom to speak or will otherwise be called upon during public comment. Members of the public wishing to join the Zoom "webinar" and comment can visit the following link, enter the access code and password below on zoom.us, or call the following number:

- www.vniles.com/zoom
- Webinar ID: 815 1618 1891 and Password: 60714 at zoom.us
- Dial by phone (312) 626-6799, then enter 815 1618 1891#,0#,60714#

Join Zoom Meeting

<https://us02web.zoom.us/j/81516181891?pwd=WU91UIFyTlhHQUZSRz11dzF3eU51Zz09>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

October 31, 2021 Agenda

PUBLIC COMMENTS

Public comments will be accepted via Zoom. At this time, the public may raise their hand via Zoom and may comment on agenda or non-agenda items.

NEW BUSINESS

Item 1 Ordinance Amending Chapter 94 Taxation, Article XIII. Amusement Tax of the Niles Code of Ordinances to Impose a Push Tax

ADJOURNMENT



BOARD AGENDA ITEM EXPLANATION FORM



Ordinance Amending Chapter 94 Taxation, Article XIII. Amusement Tax of the Niles Code of Ordinances to Impose a Push Tax

Meeting Date 10/31/2021

Item Number 1

Requested by Board of Trustees

Action Requested ORDINANCE

Prepared by Village Managers Office

Assigned to: President Alpogianis

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Ordinance	Ordinance

MOTION

I move for Board Approval of Ordinance Amending Chapter 94 Taxation, Article XIII. Amusement Tax of the Niles Code of Ordinances to Impose a Push Tax.

REASON FOR REQUEST / BACKGROUND

The Village desires to impose a tax upon the amusement of playing a video gaming terminal within the Village, also known as a Push Tax. The Push Tax will be imposed at a rate of \$0.01 per play.

Will this action involve an expenditure of funds?	<input type="checkbox"/>
If yes, is this a budgeted item?	<input type="checkbox"/>
Impact on future budget(s)	<input type="checkbox"/>
If yes, Projected Cost(s), Projected Fiscal Year, Project Name	<input type="checkbox"/>
Grant Funded Project	<input type="checkbox"/>
Grant Source	<input type="checkbox"/>
ORG# <input type="checkbox"/>	Total Amount for Approval <input type="checkbox"/>
ACCT# <input type="checkbox"/>	Budget Amount <input type="checkbox"/>
	Line Item Budget Amount <input type="checkbox"/>
	Variance <input type="checkbox"/>

ORDINANCE 2021-xx

ORDINANCE AMENDING CHAPTER 94 (“TAXATION”), ARTICLE XIII AMUSEMENT TAX OF THE NILES CODE OF ORDINANCES TO IMPOSE A PUSH TAX

WHEREAS, the Village of Niles is a home rule unit of municipal government pursuant to Illinois State law and 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 Video Gaming Act (“VGA”), 230 ILCS 40/1 *et seq.*, regulates the operation, licensing, and administration of video gambling; and

WHEREAS, the Village of Niles (“*Village*”) in accordance with the VGA regulates video gaming activity within the Village; and

WHEREAS, pursuant to the Article VII, Section 6(a) and Section 6(j) of Ill. Const. of 1970 in conjunction with 65 ILCS 5/11-42-5 of the Illinois Municipal Code, the Village is authorized to impose a tax upon amusements; and

WHEREAS, the Village now desires to impose a tax upon the amusement of playing a video gaming terminal within the Village (“Push Tax”); and

WHEREAS, said Push Tax will be imposed at a rate of \$0.01 per play; and

WHEREAS, the Village’s Push Tax will provide much needed revenue to promote the general health, safety, and welfare of the Village and its residents, and provide adequate funds to offset the adverse effects of gambling within the Village; and

WHEREAS, the President and Board of Trustees of the Village of Niles, hereby believe that is in the best interest of the Village and its residents to impose said Push Tax; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Niles, Cook County, Illinois, by and through its home rule powers, as follows:

SECTION 1: That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

SECTION 2: Chapter 94 Taxation, Article XIII Amusement Tax of the Niles Municipal Code is hereby amended by amending the following section(s):

CHAPTER 94 TAXATION

* * *

ARTICLE XIII AMUSEMENT TAX

Sec. 94-280 Definitions.

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

Except as otherwise specified, the terms used in this Section shall have the same definitions as those listed in the Video Gaming Act, 230 ILCS 40/1.

* * *

Play means each individual push of the Video Gaming Terminal which initiates the simulation provided by the Video Gaming Terminal. Play shall not include the push of individual wager amounts, selection of types of games on the Video Gaming Terminal or entry of any information or printing of winning receipts.

* * *

Sec. 94-281.1 Push tax imposed.

An amusement tax is hereby imposed upon any person who participates in the play of a Video Gaming Terminal that takes place within the jurisdictional boundaries of the Village of Niles. The rate of tax shall be equal to one cent (\$0.01) per Play on a Video Gaming Terminal.

This tax is in addition to all other taxes imposed by the State of Illinois or municipal corporation or political subdivision thereof.

Sec. 94-289.1 Terminal Operator Registration

Within thirty (30) days after the effective date of this Ordinance or thirty (30) days after installation of video gaming terminals, each Terminal Operator of a video gaming terminal shall apply for registration as a tax collector with the Village. The application shall be submitted to the Village on the forms provided by the Village and contain such information

reasonably required by the Village to impose, collect and audit all amounts related to the Push Tax.

Sec. 94-289.2 Collection, Payment and Accounting

- (a) It shall be the joint and several duty of every Terminal Operator of a Video Gaming Terminal(s) to secure from each Person participating in the Play of a Video Gaming Terminal the Push Tax imposed by this Chapter. For purposes of this Chapter, it shall be presumed that the amount of the Push Tax imposed on each Person, unless the taxpayer or tax collector provides otherwise with books, records, or other documentary evidence, has been collected from the Person by the Terminal Operator. Push Tax payments accompanied by tax returns prescribed by the Village shall be remitted to the Village on or before the 20th day of the month following the month in which payment for the Push Tax is made.
- (b) Every Terminal Operator of a Video Gaming Terminal who is required to collect the Push Tax by this Chapter shall be considered a tax collector for the Village. All Push Tax amounts collected shall be held by the Terminal Operator as trustee for and on behalf of the Village. The failure of the Terminal Operator to collect the tax shall not excuse or release the Person from the obligation to pay the tax. The ultimate incidence of the Push Tax shall remain on the Person and shall never be shifted to the Terminal Operator.
- (c) Notwithstanding any other provision of this Code, in order to permit sound fiscal planning and budgeting by the Village, no person shall be entitled to a refund of, or credit for, the Push Tax imposed by this Chapter unless the person files a claim for a refund or credit within one (1) year after the date on which the Push Tax was paid or remitted to the Village.
- (d) The Terminal Operator of any Video Gaming Terminal(s) shall be subject to audit, inspection, and record keeping provisions of this Code. It shall be unlawful for any Terminal Operator and/or Person to prevent, hinder, or interfere with the Village's Officials, employees, and/or agents designated to discharge their respective duties in the performance and enforcement of the Terminal(s) to keep accurate and complete books and records to which the Village's officials, employees, and/or agents will at all times have full access.

Sec. 94-289.3 Additional Rules and Regulations

The Village is authorized to adopt, promulgate, and enforce any additional rules and regulations pertaining to the interpretation, collection, administration, and enforcement of this Chapter.

Sec. 94-289.4 Application of Village Code

Any citation under this Chapter may be in addition to any other citations issued by the Village under any and all applicable sections of the Niles Municipal Code.

Sec. 94-289.5: Violations; Penalties

- (a) It shall be a violation of this Chapter for any person to fail to file a report within the time prescribed in this Chapter, to knowingly furnish false or inaccurate information or to otherwise fail to comply with this Chapter. Each day a violation continues shall constitute a separate violation.
- (b) All payments not remitted when due shall be paid together with a penalty assessment on the unpaid balance at a rate of 1.5% per month.
- (c) Any person who falsely reports or fails to report the amount of Push Tax due required by this Chapter shall be in violation of this Chapter and is subject to Village license suspension or revocation, fines, seizure of terminals and reporting to the Illinois Gaming Board.
- (d) *Suspension or Revocation of Village License:* The President or his or her designee shall have the power to suspend for not more than thirty (30) days or revoke any video gaming license issued by the Village for cause, if he/she determines a violation of any of the provisions of this Chapter has occurred. However, no such license shall be revoked or suspended except after the holding of a public hearing by the Mayor or his or her designee. Ten (10) days' notice of the hearing shall be given to the Licensee. Alternatively, the Licensee shall have the opportunity to engage in a prehearing conference and agree to negotiated penalties rather than proceed to a hearing.
- (e) *Fine Imposed:* In addition, any Terminal Operator violating the provisions of this Chapter shall be subject to a fine of \$500.00 for the first offense, and \$750.00 for the second offense, and \$1,000.00 for a third offense and subject to reporting to the Illinois Gaming Board.

(f) Seizure for Unlawful Use. If the Village determines a reasonable basis for believing any Terminal Operator is using a Video Gaming Terminal in an illegal manner contrary to the provisions of this Chapter or any other federal, state, or municipal law and/or regulation, said Video Gaming Terminal may be seized by the Village, followed by an administrative hearing with notice to the Terminal Operator within seven (7) days of seizure to determine the appropriateness of the seizure, and held until such time as the Terminal Operator of such Video Gaming Terminal pays any delinquent Push Tax amount, reimburses the Village for actual cartage costs incurred in the seizure and pays the Village \$20.00 for each day the Video Gaming Terminal has been in storage.

* * *

SECTION 3: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

SECTION 4: All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect immediately upon its passage due to the urgency of this matter as found by the Village Board pursuant to 65 ILCS 5/1-2-4 and as otherwise provided by law.

PASSED: This 31st day of October, 2021
YEAS:
NAYS:
ABSENT:
ABSTAIN:

APPROVED by me this 31st day of October, 2021.

President of the Village of Niles
Cook County, Illinois

ATTESTED AND FILED in my office this 31st day of October, 2021, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

Village Clerk