



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** Kelly Matalka, City Clerk

**DATE:** June 21, 2021

**SUBJECT: RAFFLE PERMIT APPLICATION APPEAL - SWAIN FISHING TEAM**

**I. RECOMMENDED ACTION**

It is recommended the City Council consider the application by Swain Fishing Team to conduct a raffle August 28, 2021 at the Ranger Lounge.

**II. DEPARTMENT CONTACT PERSONS**

John Klug, Police Chief	857-4715
Kelly Matalka, City Clerk	857-4752

**III. DESCRIPTION**

A. Background

An application for local authorization pertaining to gaming, other than site approval, shall be issued administratively by the city clerk upon the following terms and conditions:

1. The payment by the applicant of a fee [of \$25].
2. The submission by the applicant, as part of the application required by the city clerk, of the following:
  - a. The appropriate form and other information prescribed or recommended by the attorney general; or
  - b. If there is no prescribed or recommended form, then a brief narrative explaining the particulars whereby the applicant should be considered to be qualified under state law for the particular local authorization sought; what the net proceeds will be expended for; and such other information, if any, as the city clerk may reasonably require to assist him in administering this subsection.
3. The written approval by the chief of police of the issuance of the authorization.

The Police Chief denied the application for Swain Fishing Team to conduct a raffle on the basis the organization is not a public-spirited charitable organization. Under Section 18-184 of the Minot Code of Ordinances, “In the event the chief of police does not approve an application, the applicant shall have the right to place the application before the city council at its next regularly scheduled meeting which occurs not fewer than ten (10) business days after the chief of police denies the application. This review by the city council must be affirmatively requested by the applicant who is adversely affected by the decision of the chief of police.”

North Dakota Century Code 53-06.1-01 defines a "Public-spirited organization" as an organization whose primary purpose is for scientific research, amateur sports competition, safety, literary, arts, preservation of cultural heritage, educational activities, educational public service, youth, economic development, tourism, community medical care, community recreation, or similar organization,

which does not meet the definition of any other type of eligible organization. However, a nonprofit organization or a group of people recognized as a public-spirited organization by a governing body of a city or county for obtaining a permit does not need to meet this definition.

NDCC 53-06.1-03 also states, "The determination of what is a "public-spirited organization" is within the sole discretion of the governing body. An organization shall disclose on the application its intended use of the net income from the gaming activity. A governing body may issue a permit for games to be held at designated times and places."

**IV. IMPACT:**

Special Event Permits, Local Permits and Restricted Event Permits are approved administratively each month through the City Clerk's Office. The non-refundable application fee for each permit is \$25 and is deposited into the appropriate general fund revenue accounts.

**V. ALTERNATIVES**

1. The Council could ratify the decision made by the Police Chief and deny the application to conduct a raffle.
2. The Council could approve the application and grant the local permit for Swain Fishing Team to conduct a raffle.

**VI. TIME CONSTRAINTS:**

The application requested August 28, 2021 as the drawing date of the raffle.

**VII. LIST OF ATTACHMENTS:**

1. Local Permit Application