



# City of Grand Island

Tuesday, August 14, 2012

Council Session

## Item G2

### **Approving Request of Fonner Park Exposition and Events Center, Inc. (Heartland Events Center) for Ratification of Nomination and Election of Board of Directors**

*At the December 21, 1998 City Council Meeting, Resolution #98-332 was adopted supporting the application of Fonner Park to the Internal Revenue Service for a 501(c)(3) exemption for construction and operation of an Exposition and Events Center. This approval created the formation of the Fonner Park Exposition and Events Center, Inc. The Internal Revenue Service requires the election of the members of the Board of Directors of Fonner Park Exposition and Events Center, Inc. be ratified by the Grand Island City Council. The appointments of Jim Cannon, Steve Dowding, Barry Sandstrom, Roger Luebbe, and Ed Armstrong to the Board of Directors for the Fonner Park Exposition and Events Center, Inc. are recommended.*

Staff Contact: Mayor Jay Vavricek

**LEININGER, SMITH, JOHNSON, BAACK,  
PLACZEK & ALLEN**

ATTORNEYS AT LAW

ESTABLISHED IN 1929

104 N. WHEELER STREET  
P.O. BOX 790  
GRAND ISLAND, NE 68802  
(308) 382-1930

FAX # (308) 382-5521  
www.gilawfirm.com

OFFICE AT SUPERIOR:

145 EAST 4TH STREET  
P.O. BOX 186  
SUPERIOR, NE 68978  
(402) 879-3251

A.J. LUEBS (1903-1996)

D. STEVEN LEININGER  
BRUCE I. SMITH  
MICHAEL L. JOHNSON  
AREND R. BAACK  
DANIEL M. PLACZEK  
CATHLEEN H. ALLEN  
BRANDON S. CONNICK  
SONYA K. KOPERSKI  
TANYA J. HANSEN  
BENJAMIN D. GOETHEL

July 26, 2012

Mayor Jay Vavricek  
City Hall Building  
100 E. First Street  
P.O. Box 1968  
Grand Island, NE 68802

Re: Fonner Park Exposition and Events Center, Inc.

Dear Mayor Vavricek:

Please have the City Clerk of the City of Grand Island, Nebraska ("the City") place the following matter on the agenda of the meeting of the City Council of the City scheduled for August 14, 2012:

"Fonner Park Exposition and Events Center, Inc./Ratification of Nomination and Election of Board of Directors"

Hall County Livestock Improvement Association ("Fonner Park") held its annual meeting on July 25, 2012, one (1) of the purposes of which was to elect directors of Fonner Park Exposition and Events Center, Inc. ("Heartland").

Heartland is a nonprofit corporation formed under Section 501(c)(3) of the Internal Revenue Code for the purposes of lessening the burdens of government. Specifically, Heartland was formed to lessen the burdens of the City in planning, constructing and operating an agricultural exposition and events center in the City.

The Board of Directors of Heartland consists of five (5) members. As a condition to obtaining exemption under Section 501(c)(3) of the Internal Revenue Code, the Internal Revenue Service required that the following provisions be included in the Bylaws of Heartland:

- (1) You, as the Mayor of the City, nominate one (1) member of the Board of Directors of Heartland and your nominee shall be elected; and
- (2) The election of your nominee and the remaining four (4) directors as the members of the Board of Directors of Heartland is submitted to the City Council of the City for ratification.

Mayor Jay Vavricek  
July 26, 2012  
Page 2

Because Heartland was formed for the purpose of lessening the burdens of government, the Internal Revenue Service imposed the foregoing requirements on Heartland so that there would be an opportunity for oversight by the City in regard to the election of directors of Heartland.

The following director was nominated by you and elected in compliance with the requirements of (1) above.

Ed Armstrong

The following four (4) directors were also elected:

Jim Cannon  
Steve Dowding  
Barry Sandstrom  
Roger Luebbe

The election of your nominee and the remaining four (4) directors as the members of the the Board of Directors of Heartland should now be submitted to the City Council of the City for ratification in compliance with the requirements of (2) above.

You also appointed City Council President Peg Gilbert to act as a liaison representative to Heartland on behalf of the City Council of the City.

Please submit to the City Council of the City for ratification the election of your nominee and the remaining four (4) directors as members of the Board of Directors of Heartland in compliance with the requirements of the Bylaws of Heartland.

Thank you for your time and consideration.

Sincerely,

LEININGER, SMITH, JOHNSON,  
BAACK, PLACZEK & ALLEN



MICHAEL L. JOHNSON

MLJ/par

cc: ✓ Ms. RaNae Edwards, City Clerk

Mr. Hugh Miner, Jr.

43-4/398735