

employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

8-5 **FILING.** The DuPage Airport Authority Secretary shall promptly file a certified copy of this Ordinance with both the Secretary of State Index Division and the Department of Labor of the State of Illinois.

8-6 **PUBLICATION.** The DuPage Airport Authority Secretary shall cause to be published in a newspaper of general circulation within the area a notice of the determination made hereby, and such publication shall constitute notice that such determination is effective.

CHAPTER 9 REGULATIONS FOR AIRPORT SPECIAL EVENTS

Sec. 9-1 DEFINITIONS.

Airport Authority: The Airport Authority, its officers, agents, employees and representatives.

Airport Property: All property and facilities on the Airport property, not including property and facilities on the Golf Parcel and Commercial Parcel as defined in the Airport Authority Zoning Ordinance.

Executive Director: The person appointed by the Airport Authority or its designee to manage and supervise the operation of the Airport.

Extraordinary Services: Include, but are not limited to, those services involving the closing of runways, taxiways, ramps, roads and airport facilities. Crowd control and maintenance resulting from a special event are also considered extraordinary services.

Festival: An activity occurring outdoors where food, crafts or other goods are sold with or without music, games or carnival amusements.

March or Demonstration: A group of pedestrians traveling together across or meeting on Airport Authority-controlled property to advance a common cause.

Open House/Fly-in: An activity occurring on Airport Authority property in a publicly or privately owned facility where the public is invited to fly and/or drive into the Airport to attend. It may or may not include the utilization of public or private airport ramps and public or private hangars.

Outdoor Sale: Sale of merchandise, beverages or food, whether on a runway, taxiway, ramp, parking lot or Airport land, where the public is invited to make purchases.

Parade: A group of pedestrians, animals, vehicles, musical units and/or floats traveling together across any Airport Authority-controlled property.

Picnic: An outdoor gathering where food is cooked and/or served and beverages are consumed within the boundaries of the Airport property.

Race: A group of pedestrians, cyclists or others in vehicles traveling along Airport Authority-controlled property in an organized contest.

Special Event: Any activity conducted on Airport property, including, but not limited to, an outdoor sale, large assembly (25 or more people) in a private airport business or hangar or any private gathering on property owned by the DuPage Airport Authority, a carnival or carnival-style amusement, or any event requiring the assistance of Airport staff outside the realm of their typical duties, any activity requiring the use and/or closure of a parking lot, ramp, taxiway or runway and any event requiring an airspace waiver or the issuance of a NOTAM.

9-2 REGULATIONS.

9-2-1 **Permit Required.** No person shall stage a special event on Airport property without first having obtained, paid for and having in full force and effect, a special event permit. The special event permit is temporary, non-transferable and is revocable at any time by the Airport Authority. The issuance of a special event permit by the Airport Authority is completely discretionary. Applications for a special event permit shall be made in writing at least one hundred twenty (120) days in advance of the date of the event. Event sponsors may be required to meet with Airport Authority staff regarding requests for services. All questions in the permit process must be answered before Airport Authority staff will grant a permit. Applications shall be made to the Executive Director on a form provided by the Airport Authority, a copy of which appears at Appendix 9-A. Applications that may require an airspace waiver or NOTAM should be submitted six (6) months in advance. After proper IDOT and FAA approval is obtained, permits for a special event involving the closure of runways, taxiways, public ramps and parking lots must be approved by the Airport Authority Board of Commissioners. Special event permits for non-aviation related activities must be approved by the Airport Authority Board of Commissioners. A special event permit may otherwise be issued for a period of no more than seven (7) days with approval by the Executive Director. The Executive Director may, under special circumstances, waive the requirement that an application must be submitted at least one hundred twenty (120) days in advance of the event.

9-2-2 **Permit Fee.** An administrative fee will be charged by the Airport Authority for the review of any special event permit. The full fee is due through a deposit when the permit is turned in for review. The deposit will be returned within thirty (30) days of the end of the event. The permit fee structure is based on the number of anticipated participants in each special event.

- A non-refundable \$25 fee to be deducted from a \$100 deposit for 100 people or less
- A non-refundable \$100 fee to be deducted from a \$250 deposit for 300 people or less
- A non-refundable \$200 fee to be deducted from a \$500 deposit for 500 people or less
- A negotiable fee for an event expecting 500 or more people

The Executive Director of the Airport Authority may waive a permit fee or deposit for an event held in a private business on Airport property if it is deemed to have a minor impact on the Airport or tenants. If more people attend an event than the organizers anticipated on the permit form, the proper fee will be assessed against the deposit before it is returned at the end of the event. Event organizers risk forfeiting their deposit if the location for a special event is damaged or not cleaned up to the satisfaction of Airport Authority staff within twenty-four (24) hours of the end of the event.

9-2-3 **Extraordinary Services.** The cost of Airport Authority services not normally provided by Airport Authority departments but requested by event organizers or required by the Airport Authority as a condition of a special event permit shall be paid by the event sponsors. Extraordinary services of the Airport Authority field staff will be billed at one and one-half (1 ½) the current per-person hourly rate. If airport security is required, it will be billed at the current rate the Airport Authority pays for hourly security. An estimated cost of these services must be paid to the Airport Authority at the time the permit is issued, plus ten percent (10%). Within thirty (30) days of the end of the event, the Airport Authority will supply the event sponsors with an itemized bill detailing these costs. The Airport Authority reserves the right to require fencing and additional security and traffic control measures at the applicant's expense. Separate agreements and fees may have to be arranged by the event organizers with local police and fire departments. The special event applicant is responsible for locating utilities before any special event set-up is undertaken.

9-2-4 **Insurance.** The organizers of any special event to be held wholly or in part on any Airport property, runway, taxiway or ramp shall provide the Airport Authority with a Certificate of Insurance naming the Airport Authority, its officers, agents, employees and representatives,

as additional insureds. This Certificate shall cover the entire time for which the permit is issued and shall include, at a minimum, a liability insurance policy or policies in an amount of not less than One Million Dollars (\$1,000,000) for bodily injury to any one person or for any one accident. The Airport Authority reserves the right to require additional or lesser amounts of insurance depending on the planned activities.

9-2-5 **Open House, Fly-In or Hangar Party Permits.** Two (2) weeks prior to any Open House, Fly-In or Hangar Party, Airport Authority staff will notify all tenants within 500 yards of the event of the location, date and time of the event. No amusement rides, automobile shows, air acts, light shows or anything that might be deemed hazardous to the flying public will be permitted in conjunction with this type of permit.

9-2-6 **Clean-up.** Event sponsors or organizers risk forfeiture of their entire permit deposit if the site of an event is not cleaned and restored to its pre-event condition within twenty-four (24) hours of the end of the activity or longer if arranged by prior written agreement with the Executive Director of the Airport Authority.

9-3 **RESPONSIBILITIES OF EVENT SPONSORS AND ORGANIZERS.**

9-3-1 **Presubmittal Meeting.** Event sponsors or organizers are urged to meet well in advance of the application submittal to determine if the Airport Authority is able to perform any requested or required services and to determine the cost of these services.

9-3-2 **Events in Authority Buildings or On Ramp.** In addition to the charge for extraordinary services, sponsors will be required to pay a One Thousand Dollars (\$1,000) usage fee for any special event held on the premises of an Airport Authority-owned building or ramp. This \$1,000 usage fee is a per-building, per-ramp and per-day cost that does not include the Flight Center ramp or Flight Center conference room. Depending upon the scope of the event, the Airport Authority will consider waiving this fee.

9-3-3 **Bond.** The Airport Authority may require a compliance bond to cover the cost of potential damages resulting from an event or violations of this Chapter or permit granted under same. The bond amount shall be set by the Airport Authority, in their exclusive judgment, and the permit shall not be issued until said amount is received. Should the Airport Authority determine there has been a violation of this Chapter or the permit granted under same, the Airport Authority may apply any or all of the bond to defray costs incurred by the Airport Authority. This shall not limit the Airport Authority's rights or remedies, whether at law or in equity, and shall not be treated as liquidated damages.

9-3-4 **Rules and Regulations.** Event sponsors are required to follow any and all regulations pertaining to the holding of the event. It is the responsibility of the special event sponsor to see that all Rules and Regulations of the Airport Authority are adhered to and that all participants are fully informed and aware of these Rules and Regulations by providing them with a printed copy. Special event sponsors are required to show evidence of compliance with all local, state and federal regulations pertaining to their planned activities. Depending upon the scope of the special event, sponsors may be required to contact the following jurisdictions that could be impacted by their planned event:

- | | |
|-------------------------------------|---|
| *FAA | *Various Kane County Departments |
| *IDOT (Division of Aeronautics) | *Kane County Police and Fire Protection Dist. |
| *City of West Chicago | *Village of Wayne |
| *West Chicago Fire Protection Dist. | *Fermilab |
| *Various DuPage County Departments | *Various State Agencies |

The special event sponsor shall be responsible for obtaining permits or approval required by other local, state and federal agencies before a special event permit is issued by the Airport Authority.

9-3-5 **Approval of Route.** The route of any parade, race, march, demonstration or walk must meet with the approval of Airport Authority staff and approval from any local, state and federal agencies that hold jurisdiction over the proposed route (See paragraph 3 above). Approval by the Airport Authority of a special event permit does not constitute the approval of any other governmental jurisdiction or property owner.

9-3-6 **Sponsor Presence Required.** During the special event, the sponsor of the event must be present at the scene, either personally or through employees, agents or representatives who have been designated in the special event permit, throughout the entire course of the event. At least one sponsor, employee, agent or representative present at the event must have in his or her possession a copy of the approved special event permit. Special events involving aerial activities that are not of a routine nature for the Airport will require approval by the Executive Director of an "air boss" designated by the sponsor or organizer who is experienced in directing and controlling the aerial activities planned for the event.

9-3-7 **Layout Plan.** The special event sponsor must prepare a diagram or plan showing the layout of the event, including, but not limited to, restrooms, first aid facilities, emergency vehicle access, tents, barricades, fencing or other temporary appurtenances. If the event is a parade, race, march, demonstration or walk, the diagram or plan must illustrate the entire course of the event.

- 9-4 **VIOLATION/REVOCAION OF PERMIT.** The Executive Director may revoke any permit should any terms and conditions of the permit be violated or should it be determined by the Airport Authority that the applicant made a misrepresentation on its application. The special event permit shall expire at the earliest of the following times: (1) the conclusion of the event; (2) the times set forth in the application; or (3) upon revocation of the special event permit.

CHAPTER 10 ATTORNEY RETENTION

Sec. 10-1 **ATTORNEY RETENTION.** The following constitutes the DuPage Airport Authority's ("Authority") policies and procedures regarding retaining and working with attorneys.

10-2 **PURPOSE OF POLICY.** From time to time, it will be necessary for the Authority to retain counsel for purposes such as receiving advice and/or representing its interests in a variety of forums. The Authority believes that it is advantageous to utilize attorneys on an on-going basis so that familiarity with the Authority's needs, wishes and desires can be achieved. This policy is designed to promote and encourage the prospect of long-term, mutually beneficial relationships between the Authority and the attorneys that successfully perform on its behalf.

10-3 **APPROVED ATTORNEY LIST.** The Authority's Board ("Board") will approve a list of attorneys and/or firms from time to time ("Approved List"). When there is a need for legal work, the Chairman or the Executive Director will assign the work to one of the attorneys on the Approved List in accordance with this policy. No Commissioner may assign legal work without Chairman or Board approval. It is not the intent of this policy to prohibit a commissioner from conversing with an Authority Attorney about any matters in which they are currently engaged.

10-4 **COMMUNICATING WITH THE AUTHORITY.** In every legal matter affecting the Authority, the Authority as a whole has the ultimate responsibility for managing the matter and making critical decisions. However, because of the Board's meeting schedule and the need for making timely decisions on certain legal matters, it is necessary to delegate such management to the Executive Director. The Executive Director will be primarily responsible for communicating with the Authority's attorneys and, when necessary, will bring issues to the Chairman and/or Board for consideration or direction. The Executive Director may invite the Authority's attorney(s) for direct presentation to the Board.

10-5 **LITIGATION.**

10-5-1 **Litigation Strategy.** Litigation strategy should be developed as early in a lawsuit as possible and continually updated as necessary thereafter. In general, all strategy decisions should be discussed with