

ATTACHMENT #1

925.335.7893 fax

Elections Division
925.335.7800
925.335.7836 fax

Contra Costa County
Clerk Recorder-Elections Department
555 Escobar Street
Martinez, CA 94553

Joseph E. Canciamilla
County Clerk-Recorder
and Registrar of Voters

Scott O. Konopasek
Assistant County Registrar



CLERK'S CERTIFICATE TO INITIATIVE PETITION

I, Joseph E. Canciamilla, County Clerk of the County of Contra Costa, State of California, hereby certify:

That the **City of Antioch Citizens Initiative Against Gambling Expansion**.

1. That said petition consists of: **2165** sections;

That each section contains signatures purporting to be the signatures of electors of this **city**;

- | | |
|---|---------|
| 1. The number of unverified signatures filed by the proponent (raw count): | 9,347 |
| 2. That the number of voters as of the last report of registration to the state February 10, 2015 is: | 44,257 |
| 3. The minimum number of valid signatures needed using 15% of the registered voters as shown above: | 6,639 |
| 4. The number of signatures verified : | 500 |
| a. The number of signatures found SUFFICIENT : | 402 |
| b. The number of signatures found NOT SUFFICIENT : | 98 |
| c. NOT SUFFICIENT because of DUPLICATE : | 0 |
| 5. The projected statistically valid total is: (As provided by California Administrative Code 20510 – 20540) | 7,515 |
| 6. The statistical total as a percentage of the total needed is: | 113.20% |

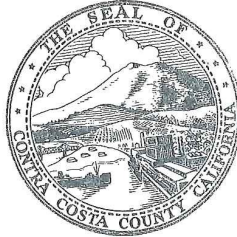
The projected statistically valid total is in excess of the 110% required based on the sample, pursuant to Elections Code 9115 and 9214.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this:

11th day of **January** 2016.

Joseph E. Canciamilla,
County Clerk-Recorder
Contra Costa County, California

Mary E. Sanchez
Elections Service Technician



ATTACHMENT #2

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

INITIATIVE LIMITING CARD ROOMS WITHIN THE CITY AND REQUIRING VOTER APPROVAL FOR NEW OR EXPANDED CARD ROOMS

Since 2011, the City of Antioch has had an ordinance regulating the number and location of card rooms that may operate in the city. The proposed initiative would change this ordinance in a number of ways. Currently, the card-room ordinance allows only two card rooms to exist within the city at one time. The initiative would change this limitation to allow only those card rooms that existed on September 1, 2015 to operate.

The present ordinance requires persons who wish to operate a card room to obtain a license, based on an application, which the City Council may approve or reject. The initiative would require that City voter approval also be obtained for any new card-room or card-room expansion.

The initiative would prohibit card rooms from being located within 1,000 feet of another card room or within 1,000 feet of any school, hospital, medical clinic, alcohol or drug recovery center, mental/social care facility, park, library, place of worship.

The initiative would mandate that the City Council deny a license application for a proposed cardroom if it finds the applicant has committed a felony, lacks good moral character, has submitted false information in support of the application, or the card room would be incompatible with surrounding land uses. The initiative would add an additional ground for denial: that the applicant does not have a current, valid license issued by the California Gambling Control Commission.

The initiative also changes the regulations for licensed card rooms, including limiting the number of player-dealer games to half the card room's tables and limiting the number of players at a table to ten (except for poker tournaments)

To the Honorable City Council of the City of Antioch,
We, the undersigned, registered, qualified voters and residents of the City of Antioch, hereby propose amendments to Title 5, Chapter 4 of the Code of Ordinances of the City of Antioch relating to card rooms, and request that the City Council submit the same immediately to a vote of the people of the City of Antioch at a special election for their adoption or rejection. The proposed statutory amendments read as follows:

Citizens Initiative Against Gambling Expansion The People of the City of Antioch hereby ordain and enact as follows:

SECTION 1. TITLE.

This initiative shall be known as the "Citizens Initiative Against Gambling Expansion."

SECTION 2. FINDINGS. The City of Antioch hereby finds, determines and declares as follows:

- A. The expansion of gambling in the City of Antioch can harm public health, safety and welfare, and increase demands on police, public safety and social services.
- B. Holding a public vote on any future expansion of gambling will serve to protect public health, safety and welfare.
- C. To prevent unsuitable persons and criminals from receiving gambling licenses, the City's gambling licensing process must be strengthened.
- D. To prevent gambling near schools and places where children gather, places of worship, health care or treatment facilities, or other gambling businesses, public health, safety and welfare requires regulating the location of gambling establishments.

SECTION 3. PURPOSE AND INTENT.

In enacting this Ordinance amendment, it is the purpose and intent of the people of the City of Antioch to:

- A. Preserve, maintain and protect the City and the People of Antioch by requiring a public vote before there is an expansion of gambling.
- B. To clarify and strengthen the laws governing gambling establishments, their location, games and the licensing of persons who own and operate gambling establishments.

SECTION 4. Title 5, Chapter 4 of the Code of Ordinances of the City of Antioch are hereby amended as follows (with added language in *italics and Underlined*, and deleted language in strike-out):

§ 5-4.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. Cal. Bus. and Prof. Code, Division 8, Chapter 5, known as The Gambling Control Act.

CARD ROOM. Any room, enclosure, or space furnished with a table or tables used, or intended to be used, as a card table for the playing of cards and similar games, the use of which table is available to the public, or any portion of the public.

CARD ROOM EMPLOYEE. Any natural person employed in the operation of a card room, including, without limitation, dealers, floor personnel, security employees, countroom personnel, cage personnel, collection personnel, surveillance personnel, data-processing personnel, maintenance personnel (but not personnel involved only in maintenance of the exterior of the premises), waiters and waitresses, and secretaries, or any other natural person whose employment duties require or authorize access to card rooms.

COMMISSION. The California Gambling Control Commission.

LICENSE. Any license issued by the Commission pursuant to the Act and regulations adopted pursuant to the Act authorizing the holder to operate a card room operation or be employed in the operation of a card room in a supervisory capacity.

WORK PERMIT. Any card, certificate, or permit issued by the Commission, authorizing the holder to be employed as a card room employee.

§ 5-4.02 NUMBER OF LOCATION AND LICENSES LIMITED.

(A) It is hereby found and determined that the public health, safety, and welfare require that the number and location of licensed card rooms in the city be limited, and the following regulations are required to fulfill such objectives:

- (1) The total number of licensed card rooms permitted in the city shall be ~~two~~ no more than those in operation as of September 1, 2015 and licensed by the City on that date, unless otherwise limited by the Act or subsequent state law.
- (2) When, pursuant to the provisions of this section, a card room license can be granted, it shall be granted or denied in the numerical order in which the application was made, all applications being subject to the provisions of this chapter.
- (3) No card room license shall be granted, nor shall the transfer of the location of an existing card room license be authorized, until a use permit and the approval of the Council has first been obtained. A use permit may be granted if the proposed location will be desirable to the public convenience or welfare and will be in harmony with the zoning provisions, the General Plan, this ordinance and any specific plan and if the location is proper in relation to adjacent uses.
- (4) No more than one card room license shall be issued for the downtown area. The downtown area is described as that territory bounded by the San Joaquin

River to Sixth Street and L to A Streets. The Council finds that in the past an undue concentration of card rooms in the downtown area has helped lead to blighting conditions.

(5) A card room shall not be located within 1,000 feet of a public or private pre-school or K-12 school, a licensed hospital, medical clinic, alcohol or other drug abuse recovery or treatment center, or community care residential facility providing mental and/or social rehabilitation services, a public park or playground, a public library, a church or place of worship, or another card room or place where gambling is permitted. The footage distance shall be measured from the closest point on the exterior property lines of the card room establishment to the closest point on the exterior property lines of the other property. The location of a card room that was licensed and operating at that location as of September 1, 2015 is exempt from this subsection.

§ 5-4.03 LICENSE APPLICATION.

(A) *Application to Commission; requirements.* Every person making an application for a card room license shall submit an application under oath to the Commission for review and consideration, pursuant to the procedures and fee schedule in the Act and regulations set by the Commission. The City Council shall not consider an application for a city Card Room License until the Commission has granted a card room license to the applicant for the requested location.

(B) *Application to city; requirements.* Every person making an application for a card room license shall submit an application, under oath, to the Chief of Police, which shall include the following:

- (1) The true names and addresses of the applicant and of all persons financially interested in the business. **PERSONS FINANCIALLY INTERESTED** shall include all persons who share in the profits of the business in any form;
- (2) The criminal record, if any, of any of the persons named in the application;
- (3) The fingerprints and photographs of the applicant and of all persons financially interested in the business;
- (4) Any other information required by the Chief of Police; and
- (5) Any application fee and/or deposit required under the Master Fee Schedule.

§ 5-4.04 LICENSE; DENIAL.

(A) *Denial by Commission; grounds.* The Commission, upon the receipt of the application, shall either grant or deny the application. Denial may be upon one or more of the grounds in the act and/or regulations set by the Commission.

(B) *Denial by the Council; grounds.* The Council, upon the receipt of the report of the Chief of Police, shall either grant or deny the application. Denial may be a license application for a new license or the transfer of an existing license shall be denied if the Council finds upon one or more of the following grounds:

- (1) That the applicant or any person financially interested in the applicant or business has been convicted of a felony;
- (2) That, in the opinion of the Council, the applicant or any person financially interested in the applicant or business is not of good moral character,
- (3) That any of the information furnished or required in the application or submitted in connection with the application was false or misleading, or material information was omitted with the probable intent to conceal the facts; and
- (4) That, in the opinion of the Council, the proposed location for the card room would be incompatible with the uses being made of the property in the immediate vicinity and/or injurious to the health, safety, or morals of the people of the city.

(5) That the applicant or a person financially interested in the applicant or business does not have a state gambling license or license endorsement for the card room in good standing. For the purposes of this subsection, a license or owner's license endorsement is not in good standing if the state license or endorsement expired without a new license or endorsement being issued prior to its expiration, the license has been suspended or revoked by the Commission, or the applicant is subject to a pending disciplinary accusation before the Commission which seeks revocation of the applicant's state gambling license.

(C) *Denial; effect.* Denial of the application shall cause the applicant to lose his place on the numerical ranking list. If the applicant desires future consideration, he shall file a new application, which shall be placed at the bottom of the numerical ranking of applicants.

§ 5-4.05 LICENSE; ISSUANCE TO ESTABLISHED BUSINESSES ONLY.

In addition to the other requirements contained in this chapter, no new license shall be issued for a card room other than in an established place of business of sufficient size and volume that the already established business is the major business of the place rather than the business of operating such card room. This section does not apply to licenses issued under section 5-4.08.

§ 5-4.06 LICENSE FEE.

(A) Every person conducting, using, and/or maintaining on premises owned, used, or leased by him any card room or card tables which may be used by patrons of the premises shall pay a license fee in the amount established in the Master Fee Resolution and the fee schedule in the Act and regulations set forth by the Commission.

(B) The license fees for card tables shall be in addition to any other license fees or taxes imposed upon the established business therein.

§ 5-4.07 FAILURE TO PAY FEES; REVOCATION OF LICENSES.

If any person conducting a card room shall fail to pay the fees specified by § 5-4.06 of this article or other fees, rates or taxes pursuant to the Antioch Municipal Code or Master Fee Schedule following notice from the Finance Department that such fees are delinquent, the Director of Financial Services shall so notify the Chief of Police. The Chief of Police shall notify the licensee of the intention of the Chief of Police to revoke the card room license for failure to pay the fees, rates or taxes. If such fees, rates or taxes are not then paid within ten calendar days after such notice, the Chief of Police shall revoke such license. During the ten calendar day time period, the licensee may have the opportunity to present to the Chief of Police evidence that the amount of fees, rates or taxes being assessed is incorrect. The Chief of Police may order the adjustment of the fees, rates or taxes being imposed. If payment is made prior to revocation, a 50% penalty shall be added to the fees, rates and taxes due and owing. The remedy of revocation shall be in addition to the civil or criminal remedies available to the city.

§ 5-4.08 LICENSE NONTRANSFERABLE; EXCEPTIONS.

(A) Except as provided in § 5-4.08 of this chapter, no card room license shall be assignable or transferable, except that such a City gambling license that was in effect on September 1, 2015 for a card room in operation on that date may be transferable to the purchaser, heir or other successor in interest of that established business where the license is used and operated; however, the transferee, before operating the card room, shall obtain permission for the card room license transfer from the Council in the same manner as for an original issuance under section 5-4.04. the Chief of Police forwarding his report and recommendation to the Council prior to action being taken. The approval or disapproval of any card room license transfer permitted by this section shall be within the sole discretion of the Council based on the criteria established by this chapter and in compliance with section 5-4.04. If a request for a license transfer has not been made within 60 days after the business sale takes place, the card room license shall expire, may be distributed to another person.

(B) For a license that was in effect for a card room operating on September 1, 2015, in the event the existing business to which the card room license is necessarily attached reverts to the former card room license holder because of the nonpayment of the purchase price or by reason of contract, operation of law, or otherwise, the card room license may be transferred to the former card room license holder subject to Council approval under section 5-4.04 as specified for all transfers. In all other cases, the license shall automatically expire. The provisions of this section shall be broadly construed so as to give effect to the intent thereof.

§ 5-4.09 SUSPENSION AND REVOCATION OF LICENSE.

(A) The Council may suspend or revoke a card room license on any of the grounds set forth in § 5-4.04 of this chapter, on the ground that the card room business has become the main business of the establishment, or on the ground that the licensee has violated a provision of this chapter. If a card room license is not used by the operation of card tables on the premises to which the card room license is attached for a period of six consecutive months, the card room license shall automatically expire.

(B) However, a card room license may be moved from one established business location to another by the licensee provided the new location has been first approved by the Council within six months after card room activity has ceased at the premises to which the card room license was last attached. The Council may grant an additional six months for a business relocation upon a showing of hardship by the licensee.

§ 5-4.10 CARD ROOM WORK PERMIT REQUIRED.

No person shall work as a card room employee without first obtaining a work permit from the Commission, nor shall any licensee of a card room employ any person as a card room employee who does not possess a valid work permit.

§ 5-4.11 CARD ROOM WORK PERMIT APPLICATION; FEE.

An applicant for a card room work permit shall submit his or her application to the Commission for review and consideration, pursuant to the procedures and fee schedule in the act and regulations set by the Commission.

§ 5-4.12 CARD ROOM WORK PERMIT NONTRANSFERABLE.

No card room work permit shall be assignable or transferable.

§ 5-4.13 CARD ROOM WORK PERMIT; SUSPENSION AND REVOCATION.

The Chief of Police may temporarily suspend a work permit on the ground that the permittee has violated any provision of this chapter or the Act, pending action by the Commission.

§ 5-4.14 RULES AND REGULATIONS.

No person, either as a licensee or employee, shall maintain, operate, or permit any act within a card room in violation of any of the following regulations:

- (A) Not more than one card room shall be located at one business location.
- (B) Four card tables shall be automatically allowed per card room. The Council, in its discretion, may allow up to six card tables per card room. *No more than half the card room tables may be operated for any player-dealer games as defined in Penal Code §330.11.*
- (C) The number of players permitted at one card table shall be *no more than 10, except for poker tournaments, as prescribed by state law.*
- (D) Card rooms shall be open to police inspection during all hours of operation.
- (E) Each card table, during the time of play at such table, shall have assigned to it a person holding a valid work permit. Such person shall be in charge of, supervise, and conduct the game strictly in accordance with the laws of the state and the provisions of this chapter.
- (F) Only games authorized by state law to be played shall be permitted to be played in any card room.
- (G) Only table stakes shall be permitted.
- (H) No person under the age of 21 shall be permitted at any card table, or participate in any game, or remain in a card room.
- (I) No intoxicated person shall be permitted in any card room.
- (J) The licensee shall post in every card room, in letters plainly visible throughout the room, signs stating the hourly rate or cost per hand charged for the use of the tables in such card room and each other of the regulations set forth in this section as the Chief of Police may require.
- (K) Each card room shall adopt a schedule of the hours of operation, after the schedule has been approved by the Chief of Police. Such approved schedule of hours shall be clearly posted at the gambling establishment so as to give law enforcement and patrons adequate notice of the hours of operation. Unless otherwise restricted, a card room may be allowed to operate 24 hours each day.
- (L) (1) No player in any licensed Antioch card room shall be permitted to wager or raise a wager by more than the following amounts:
 - (a) \$200 for individual bets in Blackjack or California games that feature a rotating player-dealer position, except for games described in division (c) which shall have higher limits;
 - (b) \$200 for individual bets in Limit Poker games;
 - (c) \$500 for individual bets in No Limit and Double Hand Poker games; and
 - (d) \$50 for individual bets in any other card room game permitted by California law.
- (2) Any licensed card room may increase their current wagering limits as stated above, provided, however, that no card room may increase its wager limit in any amount for any game until it has received prior approval from the Chief of Police. During hours of operation, card rooms shall clearly post the wagering limit rules at the tables where the games are offered, to provide patrons adequate notice of those rules.
- (M) Each card room shall be responsible and liable for its patrons' safety and security in and around the card room. Each card room shall adopt an operations plan, including security guards, video surveillance, and other measures to provide for the safety and security of patrons, after the plan has been approved by the Chief of Police.

§ 5-4.15 CONDUCTING UNLICENSED CARD ROOMS UNLAWFUL.

No person shall play, deal, carry on, open, or cause to be opened, conduct, or bet at or against any game not prohibited by the laws of the state with cards, dice, or any device for money, checks, credit, or other representative of value, except when played in a card room licensed pursuant to the provisions of this chapter.

§ 5-4.16 GAMES PROHIBITED BY STATE LAWS UNLAWFUL.

The provisions of this chapter shall not be construed to permit the licensing of any card room for the playing of any game prohibited by the laws of the state.

§ 5-4.17 EXEMPTIONS.

Any nonprofit society, club, or fraternal, labor, or other organization, having adopted bylaws and duly elected directors and members, may be excluded from compliance with the provisions of this chapter by applying to the Council and if the Council finds that the tables are for the exclusive use of the members of the organization and that no charge is made for the use of card room facilities.

§ 5-4.18 PUBLIC VOTE

Any expansion of gambling in the City of Antioch shall require a vote of the people at a statewide general, statewide primary, or regularly scheduled municipal election date. For the purposes of this Act, "expansion of gambling" means any change that conflicts with The Citizens Initiative Against Gambling Expansion, increases the number of City card room licenses, or increases the number of gambling tables that may be operated under section 5-4.14(R) to more than 8 tables.

SECTION 5. CEQA.

This initiative and ordinance change is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 153789. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

SECTION 6. EXEMPTIONS

This initiative shall not apply to any card room that has obtained, as of the effective date of this initiative, a vested right pursuant to state or local law. This initiative shall not apply to any use or activity that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people through the California Constitution.

SECTION 7. AMENDMENT.

This initiative may be amended only by a majority of the voters of the City of Antioch voting at a general election, as defined in Elections Code section 324.

SECTION 8. SEVERABILITY.

This Act shall be interpreted and applied so as to be consistent with all federal, state, and local laws, rules and regulations. If any provision of this initiative or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this initiative which can be given effect without the invalid provision or application, and to this end the provisions of this initiative are severable and to be given the greatest effect possible. In enacting this initiative, it is the express intent of the voters that, if any provision of this initiative is held invalid, the remainder of the initiative shall be given full force and effect.

SECTION 9. CONFLICTING INITIATIVES OR ORDINANCES.

If this initiative measure and another measure relating to gambling appear on the same City election ballot and both receive a majority of votes but this measure receives a greater number of affirmative votes, the provisions of this initiative shall prevail in their entirety, and the provisions of the other initiative that conflict with this initiative shall be null and void. If a majority of the voters vote in favor of both measures but this measure receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflicts with the provisions of this measure shall become valid. If prior to the adoption of this initiative, the city ordinance is changed, the provisions of this initiative shall prevail in their entirety.

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Antioch for the purpose of proposing an initiative that would restrict the expansion of gambling. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

We are proposing the **Citizens Initiative Against Gambling Expansion** in order to Preserve, maintain and protect the City and the People of Antioch by requiring a public vote before there is an expansion of gambling, to ensure that card rooms do not expand into larger Casinos without voter approval and to clarify and strengthen the laws governing card rooms and their location.

Lamar Thorpe
Antioch, CA

LaTanya Harmon
Antioch, CA

Patrice L. Guillory
Antioch, CA

Simonsen, Arne

ATTACHMENT #3

From: Simonsen, Arne
Sent: Friday, October 23, 2015 3:06 PM
To: Duran, Steve
Cc: Fitzer, Michelle; Merchant, Dawn; Garcia, Christina
Subject: Estimated costs related to the citizen Gaming Initiative

With the potential of a citizen ballot initiative in the City of Antioch which calls for a Special Election should they exceed 15% valid signatures of registered Antioch voters on their petition(s), below are the estimated costs for the following:

Stand-alone Special Election Around \$5.00 per Registered Voter = \$221,285

Consolidated June Primary Election Between \$3.00 to \$4.00 per Registered Voter = \$132,771 to \$177,028

The last day a Resolution to place a ballot measure on the June Primary: March 11, 2016

There are 44,257 registered voters in Antioch

Arne Simonsen

City Clerk
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007
(925) 779-7008



RECONFIGURED ORDINANCE

ATTACHMENT #4

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING AND RE-ENACTING CHAPTER 4 OF TITLE 5 OF THE ANTIOCH
MUNICIPAL CODE, DEALING WITH CARD ROOMS**

The City Council of the City of Antioch does ordain as follows:

Section 1. Title.

This initiative ordinance shall be known as the "Citizens Initiative Against Gambling Expansion."

Section 2. Findings.

The City of Antioch hereby finds, determines and declares as follows:

- A. The expansion of gambling in the City of Antioch can harm public health, safety and welfare, and increase demands on police, public safety and social services.
- B. Holding a public vote on any future expansion of gambling will serve to protect public health, safety and welfare.
- C. To prevent unsuitable persons and criminals from receiving gambling licenses, the City's gambling licensing process must be strengthened.
- D. To prevent gambling near schools and places where children gather, places of worship, health care or treatment facilities, or other gambling businesses, public health, safety and welfare requires regulating the location of gambling establishments.

Section 3. Purpose and Intent.

In enacting this Ordinance amendment, it is the purpose and intent of the people of the City of Antioch to:

- A. Preserve, maintain and protect the City and the People of Antioch by requiring a public vote before there is an expansion of gambling.

- B. To clarify and strengthen the laws governing gambling establishments, their location, games, and the licensing of persons who own and operate gambling establishments.

Section 4. Title 5, Chapter 4 of the Code of Ordinances of the City of Antioch are hereby amended as follows:

5-4.01. DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates a different meaning.

ACT. California Business and Prof. Code, Division 8, Chapter 5 known as the Gambling Control Act.

CARD ROOM. Any room, enclosure, or space furnished with a table or tables used, or intended to be used, as a card table for the playing of cards and similar games, the use of which table is available to the public, or any portion of the public.

CARD ROOM EMPLOYEE. Any natural person employed in the operation of a card room, including, without limitation, dealers, floor personnel, security employees, countroom personnel, cage personnel, collection personnel, surveillance personnel, data-processing personnel, maintenance personnel (but not personnel involved only in maintenance of the exterior of the premises), waiters and waitresses, and secretaries, or any other natural person whose employment duties require or authorize access to card rooms.

COMMISSION. The California Gambling Commission.

LICENSE. Any license issued by the Commission pursuant to the Act, and regulations adopted pursuant to the Act authorizing the holder to operate a card room operation or be employed in the operation of a card room in a supervisory capacity.

WORK PERMIT. Any card, certificate, or permit issued by the Commission, authorizing the holder to be employed as a card room employee.

5-4.02. NUMBER OF LOCATION AND LICENSES LIMITED.

- (A) It is hereby found and determined that the public health, safety and welfare require that the number and location of licensed card rooms in the city be limited, and the following regulations are required to fulfill such objectives:
 - (1) The total number of licensed card rooms permitted in the city shall be no more than those in operation as of September 1, 2015 and licensed by the City on that date, unless otherwise limited by the Act or subsequent state law.

- (2) When, pursuant to the provisions of this section, a card room license can be granted, it shall be granted or denied in the numerical order in which application was made, all applications being subject to the provisions of this Chapter.
- (3) No card room license shall be granted, nor shall the transfer of the location of an existing card room license be authorized, until a use permit and the approval of the Council has first been obtained. A use permit may be granted if the proposed location will be desirable to the public convenience or welfare and will be in harmony with the zoning provisions, the General Plan, this ordinance and any specific plan and if the location is proper in relation to adjacent uses.
- (4) No more than one card room license shall be issued for the downtown area. The downtown area is described as that territory bounded by the San Joaquin River to Sixth Street and L to A Streets. The Council finds that in the past an undue concentration of card rooms in the downtown area has helped lead to blighting conditions.
- (5) A card room shall not be located within 1,000 feet of a public or private pre-school or K-12 school, a licensed hospital, medical clinic, alcohol or other drug abuse recovery or treatment center, or community care residential facility providing mental and/or social rehabilitation services, a public park or playground, a public library, a church or place of worship, or another card room or place where gambling is permitted. The footage distances shall be measured from the closest point on the exterior property lines of the card room establishment to the closest point on the exterior property lines of the other property. The location of a card room that was licensed and operating at that location as of September 1, 2105 is exempt from this subsection.

5-4.03. LICENSE APPLICATION.

- (A) *Application to Commission; requirements.* Every person making an application for a card room license shall submit an application under oath to the Commission for review and consideration, pursuant to the procedures and fee schedule in the Act and regulations set by the Commission. The City Council shall not consider an application for a city Card Room License until the Commission has granted a card room license to the applicant for the requested location.
- (B) *Application to city; requirements.* Every person making an application for a card room license shall submit an application, under oath, to the Chief of Police, which shall include the following:
 - (1) The true names and addresses of the applicant and of all persons financially interested in the business. PERSONS FINANCIALLY INTERESTED shall include all persons who share in the profits of the business in any form;
 - (2) The criminal record, if any, of any of the persons named in the application;

- (3) The fingerprints and photographs of the applicant and of all persons financially interested in the business;
- (4) Any other information required by the Chief of Police; and
- (5) Any application fee and/or deposit required under the Master Fee Schedule.

5-4.04. LICENSE; DENIAL.

- (A) *Denial by Commission; grounds.* The Commission, upon the receipt of the application, shall either grant or deny the application. Denial may be upon one or more of the grounds in the Act and/or regulation set by the Commission.
- (B) *Denial by the Council; grounds.* The Council, upon receipt of the report of the Chief of Police, shall either grant or deny the application. A license application for a new license or the transfer of an existing license shall be denied if the Council finds one or more of the following:
 - (1) That the applicant or any person financially interested in the applicant or business has been convicted of a felony;
 - (2) That, in the opinion of the Council, the applicant or any person financially interested in the applicant or business is not of good moral character;
 - (3) That any of the information furnished or required in the application or submitted in connection with the application was false or misleading, or material information was omitted with the probable intent to conceal the facts; and
 - (4) That, in the opinion of the Council, the proposed location for the card room would be incompatible with the uses being made of the property in the immediate vicinity or injurious to the health, safety, or morals of the people of the city.
 - (5) That the applicant or a person financially interested in the applicant or business does not have a state gambling license or license endorsement for the card room in good standing. For the purposes of this subsection, a license or owner's license endorsement is not in good standing if the state license or endorsement expired without a new license or endorsement being issued prior to its expiration, the license has been suspended or revoked by the Commission, or the applicant is subject to a pending disciplinary accusation before the Commission, which seeks revocation of the applicant's state gambling license.
- (C) *Denial; effect.* Denial of the application shall cause the applicant to lose his place on the numerical ranking list. If the applicant desires further consideration, he shall file a new application, which shall be placed at the bottom of the numerical ranking of applicants.

5-4.05. LICENSE; ISSUANCE TO ESTABLISHED BUSINESSES ONLY.

In addition to the other requirements contained in this Chapter, no new license shall be issued for a card room other than in an established place of business of sufficient

size and volume that the already established business is the major business of the place rather than the business of operating such card room. This section does not apply to licenses issued under section 5-4.08.

5-4.06. LICENSE FEE.

- (A) Every person conducting, using, and/or maintaining on premises owned, used or leased by him any card room or card tables which may be used by patrons of the premises shall pay a license fee in the amount established in the Master Fee Resolution and the fee schedule in the Act and regulations set forth by the Commission.
- (B) The license fees for card tables shall be in addition to any other license fees or taxes imposed upon the established business therein.

5-4.07. FAILURE TO PAY FEES; REVOCATION OF LICENSES.

If any person conducting a card room shall fail to pay the fees specified by Sec. 5-4.06 of this article or other fees, rates or taxes pursuant to the Antioch Municipal Code or Master Fee Schedule following notice from the Finance Department that such fees are delinquent, the Director of Financial Services shall so notify the Chief of Police. The Chief of Police shall notify the licensee of the intention of the Chief of Police to revoke the card room license for failure to pay the fees, rates or taxes. If such fees, rates or taxes are not then paid within ten calendar days after such notice, the Chief of Police shall revoke such license. During the ten calendar day time period, the licensee may have the opportunity to present to the Chief of Police evidence that the amount of fees, rates or taxes being assessed is incorrect. The Chief of Police may order the adjustment of the fees, rates or taxes being imposed. If payment is made prior to revocation, a 50% penalty shall be added to the fees, rates and taxes due and owing. The remedy of revocation shall be in addition to the civil or criminal remedies available to the City.

5-4.08. LICENSE NONTRANSFERABLE; EXCEPTIONS.

- (A) Except as provided in Sec. 5-4.08 of this Chapter, no card room license shall be assignable or transferable, except that a City gambling license that was in effect on September 1, 2015 for a card room in operation on that date may be transferable to the purchaser, heir or other successor in interest of that established business where the license is used and operated; however, the transferee, before operating the card room, shall obtain permission for the card room transfer from the Council in the same manner as for an original issuance under Sec. 5-4.04, the Chief of Police forwarding his report and recommendation to the Council prior to action being taken. The approval or disapproval of any card room license transfer permitted by this section shall be within the sole discretion of the Council based on the criteria established by this chapter and in compliance with Sec. 5-4.04. If a request for a license

transfer has not been made within 60 days after the business sale takes place, the card room license shall expire.

- (B) For a license that was in effect for a card room operating on September 1, 2015, in the event the existing business to which the card room license is necessarily attached reverts to the former card room license holder because of the nonpayment of the purchase price or by reason of contract, operation of law, or otherwise, the card room license may be transferred to the former card room license holder subject to Council approval under Sec. 5-4.04. In all other cases, the license shall automatically expire.

5-4.09. SUSPENSION AND REVOCATION OF LICENSE.

- (A) The Council may suspend or revoke a card room license on any of the grounds set forth in Sec. 5-4.04 of this Chapter, on the ground that the card room business has become the main business of the establishment, or on the ground that the licensee has violated a provision of this Chapter. If a card room license is not used by the operation of card tables on the premises to which the card room license is attached for a period of six consecutive months, the card room license shall automatically expire.
- (B) However, a card room license may be moved from one established business location to another by the licensee provided the new location has been first approved by the Council within six months after card room activity has ceased at the premises to which the card room license was last attached. The Council may grant an additional six months for a business relocation upon a showing of hardship by the licensee.

5-4.10. CARD ROOM WORK PERMIT REQUIRED.

No person shall work as a card room employee without first obtaining a work permit from the Commission, nor shall any licensee of a card room employ any person as a card room employee who does not possess a valid work permit.

5-4.11. CARD ROOM WORK PERMIT APPLICATION; FEE.

An applicant for a card room work permit shall submit his or her application to the Commission for review and consideration, pursuant to the procedures and fee schedule in the Act and regulations of the Commission.

5-4.12. CARD ROOM WORK PERMIT NONTRANSFERABLE.

No card room work permit shall be assignable or transferable.

5-4.13. CARD ROOM WORK PERMIT; SUSPENSION AND REVOCATION.

The Chief of Police may temporarily suspend a work permit on the ground that the permittee has violated any provision of this Chapter or the Act, pending action by the Commission.

5-4.14. RULES AND REGULATIONS.

No person, either as a licensee or employee, shall maintain, operate, or permit any act within a card room in violation of any of the following regulations:

- (A) Not more than one card room shall be located at one business location.
- (B) Four card tables shall be automatically allowed per card room. The Council, in its discretion, may allow up to six card tables per card room. No more than half the card room tables may be operated for any player-dealer games as defined in Penal Code Sec. 330.11.
- (C) The number of players permitted at one card table shall be no more than 10, except for poker tournaments.
- (D) Card rooms shall be open to police inspection during all hours of operation.
- (E) Each card table, during the time of play at such table, shall have assigned to it a person holding a valid work permit. Such person shall be in charge of, supervise and conduct the game strictly in accordance with the laws of the state and the provisions of this Chapter.
- (F) Only games authorized by state law to be played shall be permitted to be played in any card room.
- (G) Only table stakes shall be permitted.
- (H) No person under the age of 21 shall be permitted at any card table, or participate in any game, or remain in a card room.
- (I) No intoxicated person shall be permitted in any card room.
- (J) The licensee shall post in every card room, in letters plainly visible throughout the room, signs stating the hourly rate or cost per hand charged for the use of the tables in such card room and each of the other regulations set forth in this section as the Chief of Police may require.
- (K) Each card room shall adopt a schedule of hours of operation, after the schedule has been approved by the Chief of Police. Such approved schedule of hours shall be clearly posted at the gaming establishment so as to give law enforcement and patrons adequate notice of the hours of operation. Unless otherwise restricted, a card room may be allowed to operate 24 hours each day.
- (L) (1) No player in any licensed Antioch card room shall be permitted to wager or raise a wager by more than the following amounts: (a) \$200 for individual bets in Blackjack or California games that feature a rotating player-dealer position, except for games described in division (c) which shall have higher limits; (b) \$200 for individual bets in Limit Poker games; (c) \$500 for individual bets in No Limit and Double Hand Poker games; and (d) \$50 for individual bets in any other card room game permitted by California law. (2) Any licensed card room may

increase their current wagering limits as stated above, provided, however, that no card room may increase its wager limit in any amount for any game until it has received prior approval from the Chief of Police. During hours of operation, card rooms shall clearly post the wagering limit rules at the tables where the games are offered, to provide patrons adequate notice of those rules.

- (M) Each card room shall be responsible and liable for its patrons' safety and security in and around the card room. Each card room shall adopt an operations plan, including security guards, video surveillance, and other measures to provide for the safety and security of patrons, after the plan has been approved by the Chief of Police.

5-4.15. CONDUCTING UNLICENSED CARD ROOMS UNLAWFUL.

No person shall play, deal, carry on, open, or cause to be opened, conduct, or bet at or against any game not prohibited by the laws of the state with cards, dice or any device for money, checks, credit, or other representative of value, except when played in a card room licensed pursuant to the provisions of this Chapter.

5-4.16. GAMES PROHIBITED BY STATE LAWS UNLAWFUL.

The provisions of this Chapter shall not be construed to permit the licensing of any card room for the playing of any game prohibited by the laws of the State.

5-4.17. EXEMPTIONS.

Any nonprofit society, club, or fraternal, labor or other organization, having adopted bylaws and duly elected directors and members, may be excluded from compliance with the provisions of this Chapter by applying to the Council and if the Council finds that the tables are for the exclusive use of the members of the organization and that no charge is made for the use of card room facilities.

5-4.18. PUBLIC VOTE.

Any expansion of gambling in the City of Antioch shall require a vote of the people at a statewide general, statewide primary, or regularly scheduled municipal election date. For the purposes of this Act, "expansion of gambling" means any change that conflicts with The Citizens Initiative Against Gambling Expansion, increases the number of City card room licenses, or increases the number of gambling tables that may be operated under section 5-4.14(B) to more than 8 tables.

Section 5. CEQA.

This initiative and ordinance change is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 153789. In the event that this ordinance is found to be a project under CEQA, it is subject to the

CEQA exemption contained in the CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

Section 6. EXEMPTIONS.

This initiative shall not apply to any card room that has obtained, as of the effective date of this initiative, a vested right pursuant to state or local law. This initiative shall not apply to any use or activity that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people through the California Constitution.

Section 7. AMENDMENT.

This initiative may be amended only by a majority of the voters of the City of Antioch voting at a general election, as defined in Elections Code section 324.

Section 8. SEVERABILITY.

This Act shall be interpreted and applied so as to be consistent with all federal, state, and local laws, rules and regulations. If any provision of this initiative or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this initiative which can be given effect without the invalid provision or application, and to this end the provisions of this initiative are severable and to be given the greatest effect possible. In enacting this initiative, it is the express intent of the voters (and City Council) that if any provision of this initiative is held invalid, the remainder of the initiative shall be given full force and effect.

Section 9. CONFLICTING INITIATIVES OR ORDINANCES.

If this initiative measure and another measure relating to gambling appear on the same City election ballot and both receive a majority of votes but this measure receives a greater number of affirmative votes, the provisions of this initiative shall prevail in their entirety, and the provisions of the other initiative that conflict with this initiative shall be null and void. If a majority of the voters vote in favor of both measures but this measure receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflicts with the provisions of this measure shall become valid. If prior to the adoption of this initiative, the city ordinance is changed, the provisions of this initiative shall prevail in their entirety.

Section 10. EFFECTIVE DATE.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
CALLING AN INITIATIVE MEASURE ELECTION**

WHEREAS the City Clerk has issued a certificate verifying that proponents of an initiative petition have timely submitted petitions containing the required number of signatures pursuant to the Elections Code to qualify for an election; and

WHEREAS the City Council has determined to submit the matter to the electorate rather than adopting the proposed ordinance;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby call an election to be consolidated with the June 7, 2016 Primary Election to determine the initiative petition.

BE IT FURTHER RESOLVED that the specific measure on the ballot shall be as follows:

MEASURE: _____

"Shall the electors adopt the Initiative Limiting Card Rooms
Within the City and Requiring Voter Approval for New or
Expanded Card Rooms Ordinance?"

BE IT FURTHER RESOLVED that that the City Clerk is directed to transmit a copy of the measure to the City Attorney for the purpose of preparing an impartial analysis of the measure.

BE IT FURTHER RESOLVED that the full text of the measure is not to be printed in the voter pamphlet.

BE IT FURTHER RESOLVED that the City Clerk shall fix and determine a reasonable date prior to the election, and consistent with rules of the Contra Costa County Elections Division, after which no arguments for or against the measure may be submitted, which date shall be noticed buy the City Clerk pursuant to Government Code Sec. 6061 and Elections Code Sec. 9286.

BE IT FURTHER RESOLVED that no rebuttal arguments shall be allowed.

* * * * *

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 9th day of February, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
City Clerk of the City of Antioch