

### Notice of Intent to Circulate Petition

Notice is hereby given by the person(s) whose name(s) appear hereon of their intention to circulate the petition within the City of Barstow, County of San Bernardino, State of California, for the purpose of enacting the "The Barstow Economic Stimulus Initiative," which establishes policy for tribal gaming in the city. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

Barstow must find new and additional ways to stimulate the local economy, both to create new and additional jobs for, and to generate new and additional revenues to provide critical public services to, its citizens. Development of a tribal gaming and resort facility in the city will accomplish these goals. To ensure that any tribal gaming and resort facility developed in Barstow generates jobs and revenue, and that potentially harmful local impacts are minimized and mitigated, it is important for Barstow to establish conditions that a tribe must meet to obtain Barstow's support for a gaming and resort facility project. It is also important that Barstow citizens have oversight over tribal gaming issues, and that a significant portion of the funds the city receives from tribal gaming be dedicated to public safety and law enforcement activities.

Name:

Manuel Gilbert Gurule      841 Linda Lane      Barstow, CA 92311

Date: May 23, 2005



4:45P.m.

*JGC*  
MAY 23 2005

May 23, 2005

City Clerk  
City of Barstow  
City Hall  
220 E. Mountain View St, Suite A  
Barstow, CA 92311

Dear City Clerk:

Please find enclosed the text of an initiative, entitled "The Barstow Economic Stimulus Initiative." We request that you immediately transmit the initiative to the City Attorney for preparation of a title and summary.

Sincerely,



Manuel Gilbert Gurule  
841 Linda Lane  
Barstow, CA 92311  
760.256.7828



May 23, 2005

*pc*

City Clerk  
City of Barstow  
City Hall  
220 E. Mountain View St, Suite A  
Barstow, CA 92311

Dear City Clerk:

Please find enclosed a notice of intention to circulate an initiative petition, a statement of reasons for the initiative, the text of the initiative, and the required \$200.00 filing fee.

Sincerely,

Manuel Gilbert Gurule  
841 Linda Lane  
Barstow, CA 92311  
760.256.7828



City of Barstow  
760-256-3531

1 City Hall  
0514305-1 05/23/2005 BR1 T6  
Mon May23,2005 04:42PM Trans#113-113  
Name: GURULE MANUEL  
113 \$200.00 100 - Misc Balance Sheet  
ID: INITIATIVE PETITION  
1 ITEM(S): TOTAL: \$200.00  
Check PAID \$200.00

Have a Nice Day !



### Barstow Economic Stimulus Initiative

Section 1. Title. This measure shall be known as the "Barstow Economic Stimulus Initiative."

Section 2. Findings.

A. The City of Barstow ("Barstow" or "City") faces challenging economic times. Like many other California cities, Barstow must find new and additional ways to stimulate the local economy, both to create new and additional jobs for, and to generate new and additional revenues to provide critical public services to, its citizens.

B. To accomplish these goals and in furtherance of Governor Schwarzenegger's desire to have local communities vote on tribal gaming matters, the Barstow Economic Stimulus Initiative is consistent with the Governor's Proclamation on Tribal Gaming Policy of May 18, 2005, and Barstow citizens hereby communicate our support for tribal gaming facilities in the City that comply with the requirements of this initiative.

C. When located in appropriate areas and when local impacts are properly mitigated, tribal gaming and resort facilities have proven in California to create new jobs and revenues and, thereby, significantly enhance local economies.

A recent financial analysis presented to Barstow shows that a tribal gaming and resort facility in Barstow would create:

- 500 new construction jobs,
- 1,600 permanent casino and resort jobs,
- 1,200 additional jobs in the community, and
- \$56.5 million annually in payroll, benefits, and taxes.

D. To ensure that any tribal gaming and resort facility developed in Barstow provides these benefits, and that potentially harmful local impacts are minimized and mitigated, it is important for Barstow to establish certain conditions that a tribe must meet to obtain Barstow's support for a gaming and resort facility project. These conditions shall include requirements that:

- (1) the tribal gaming and resort facility be located in an area of Barstow that is compatible with gaming, away from residences, schools, religious facilities, and similar incompatible uses;
- (2) the tribal gaming and resort facility preferably be owned and operated by or in conjunction with a federally recognized tribe that (a) has reservation land in, and thus historic ties to, San Bernardino County, and/or (b) is referenced in the Barstow General Plan, and

(3) the tribal gaming and resort facility operate pursuant to a municipal services agreement between the tribe and Barstow that requires the tribe to comprehensively mitigate impacts to Barstow caused by the facility, to reimburse Barstow for any city services used in connection with the facility, and to make gaming revenue payments to the City general fund.

E. To ensure that the citizens of Barstow have advance notice of and input into important operational and development issues and proposals involving any tribal gaming facility established in Barstow, it is important (1) that the municipal services agreement additionally require the tribe to consult with the City on all operational and development issues and proposals concerning the facility that pose potential impacts to the City, and (2) to establish a Barstow Citizens Gaming Oversight Commission, comprised of leaders of the public and private sectors, with responsibility to review and make recommendations to the City Council concerning the appropriate City response to any such operational or development issues or proposals.

F. To ensure that new revenues derived from the tribal gaming and resort facility are used in a manner that protects the citizens of Barstow, a significant portion of the funds from operations of the gaming and resort facility that the tribe pays to the City general fund must be dedicated to enhancing public safety programs and law enforcement activities in the City.

G. To ensure that the funds from the operation of the tribal gaming and resort facility can be made available to benefit the citizens of Barstow, this initiative must be exempted from the proposed Barstow Tax Limitation and Accountability Act initiative should it be adopted by the voters at the November 2006 general election.

Section 3. Conditions for Support of Tribal Gaming Facility.

Title 11 is added to the Barstow Municipal Code to provide as follows:

"Title 11. Tribal Gaming.

Chapter 11.04. General Provisions.

Section 11.04.010. Conditions for Support of Tribal Gaming Facility.

The City Council of Barstow shall not adopt any ordinance or resolution, enter into any municipal services agreement, or take any other legislative action to approve or support (i) any petition of a tribe to take land into trust, or (ii) any other matter involving the establishment or development of a tribal gaming and resort facility in Barstow, unless the following conditions are met:

A. The land sought to be taken into trust or on which the tribal gaming and resort facility otherwise is to be established or developed is fully located within the Casino and Resort district as described in Title 19;

B. The tribe seeking to take the land into trust or otherwise establish or develop the tribal gaming and resort facility (a) ~~shall be a~~ shall be a federally recognized Indian tribe that has existing reservation land in San Bernardino County or is referenced in the Barstow General Plan, or (2) to the extent the tribe does not

~~meet these requirements~~ ~~and~~ ~~shall be a tribe that has agreed to establish and~~  
develop the tribal gaming and resort facility in conjunction with a tribe that does  
meet these requirements; and

C. The tribe agrees to enter into a municipal services agreement with respect to the tribal gaming and resort facility, and the municipal services agreement contains provisions that require the tribe to (1) be responsible for the cost of comprehensively mitigating local impacts caused to Barstow by the tribal gaming and resort facility, (2) reimburse Barstow for the cost of any City services used in connection with the development and operation of the tribal gaming and resort facility, (3) make gaming revenue payments to the City general fund to mitigate the loss of potential tax revenues that the City might otherwise receive from alternative uses of the land, and (4) notify the City in advance of, and then consult with the Barstow Citizens Gaming Oversight Commission before making a final determination on, any operational or development issue or proposal concerning the tribal gaming and resort facility that has the potential of causing impacts to the City.”

Section 4. Establishment of the Barstow Citizens Gaming Oversight Commission.

Section 11.04.020 is added to the Barstow Municipal Code to provide as follows:

“There is hereby established the Barstow Citizens Gaming Oversight Commission (“Commission”) which shall be responsible for (1) reviewing all operational and development issues and proposals concerning a tribal gaming and resort facility that have the potential of causing impacts to the City, and (2) advising the Barstow City Council concerning the appropriate response by the City with respect to such issues and proposals. The Commission shall consist of five members. Members shall include the following persons or their designees: the Supervisor representing the First Supervisorial District of San Bernardino County, the foreperson of the San Bernardino County Grand Jury, and the President of the Board of Education of the Barstow Unified School District. Such persons shall serve as members of the Commission as long as they hold their respective positions. Such persons shall appoint a member representing the Barstow law enforcement community and a member representing the Barstow business community, who each shall serve as members of the Commission for a four year term. The Commission shall operate in full compliance, and the City shall provide staff support to the Commission to assist it in complying, with the Ralph M. Brown Act, Government Code Sections 54950 et seq., and the Public Records Act, Government Code Sections 6250 et seq.”

Section 5. Dedication of Revenue to Public Safety and Law Enforcement.

Section 11.04.030 is added to the Barstow Municipal Code to provide as follows:

“Of the gaming revenue payments and any other funds from operations of the gaming and resort facility that the tribe pays to the City general fund, thirty five

percent shall be dedicated exclusively to and used only for police and fire programs and services in the City. Such funds shall supplement, not supplant, existing funds used for these purposes."

Section 6. General Plan Amendments.

The General Plan of Barstow as adopted by the Barstow City Council on July 7, 1997 and as amended through May 23, 2005 is hereby amended as follows:

A. Figure I.2 (General Plan Land Use Policy Map) is modified by adding a new land use designation with an orange-red box (immediately below the salmon colored box for Visitor Serving Commercial) entitled "Casino and Resort (50%, 90-ft.)." In addition, Figure I.2 is modified to show the CR Casino and Resort land use designation (in orange-red) in the location designated on Attachment 1 hereto, which is incorporated herein by this reference. The CR Casino and Resort land use designation is further described as follows: the westerly boundary of the CR Casino and Resort land use designation is the I-15 freeway, the southerly boundary is Outlet Center Drive, the easterly boundary is Lenwood Road, and the northerly boundary is the southern boundary of Section 28, Township 9 North, Range 2 West, San Bernardino Base and Meridian.

B. Figure I.2a (Land Use Policy Map Color Legend) is modified by adding an orange-red box with the following description set forth to the right thereof: "Casino and Resort (50%, 90-ft.)."

C. The first sentence of the first paragraph under the heading "Land Use Designations" on page I.6 is amended as follows: "The City of Barstow Community Development Element contains ~~47~~ 18 basic land use designations."

D. The first sentence of the third paragraph under the heading "Land Use Designations" on page I.6 is amended as follows: "The Community Development Element contains seven residential designations, ~~three~~ four commercial designations, two industrial categories, a single public facilities designation, two open space/recreation categories, Specific Plan and mixed-use designation, as well as an overlay designation within which a circulation study is required and other special overlay designations (e.g. flooding)."

E. Table I.1 (Land Use Designations) on page I.7 is amended by adding the following General Plan Category immediately below the "CA (Administrative Center)" category: "CR Casino and Resort (50%, 90-ft.)." The acreage for the Casino and Resort land use designation shall be inserted into Table I.1.

F. Page I.10 is amended by adding, immediately below the description of the land use designation "CA - Administrative Center," the following land use designation description: "CR - Casino and Resort (50% lot coverage, 90-ft. maximum building height): This designation provides for the exclusive location within the City for the development and operation of tribal gaming facilities. The maximum lot coverage is 50% with a height limitation of 90-feet or six stories."

G. Page I.39 is amended by adding the following goal and policies:

A front yard of at least fifteen feet shall be required and shall extend the full width of the lot.

19.29.070 Rear yard.

Where the rear yard of a CR district abuts any residential or OP district, there shall be a rear yard of at least fifteen feet that extends the full width of the lot.

19.29.080 Side yard.

Where a side yard of a CR district abuts any residential or OP district, there shall be a side yard of at least ten feet.

19.29.090 Conditions of use.

- A. No business or building shall be erected, constructed, or established on the same lot together with a building originally designed and used as a residence unless the residential structure is completely removed.
- B. All stores, shops or businesses shall be operated wholly within an enclosed building with no outside storage or display except as provided for in this chapter and except for the supplying of petroleum products (gasoline/diesel) in service stations.
- C. Enterprises which produce or cause dust, gas, smoke, noise, fumes, odors, or vibrations detrimental to the surrounding area are prohibited.

19.29.100 Landscaping.

- A. The minimum yard size requirements as defined in Sections 19.29.060, 19.29.070, and 19.29.080 shall be landscaped and continuously maintained.
- B. An area of not less than four percent of the total lot area, in addition to landscaping as required by subsection A of this section, shall be landscaped and continuously maintained.

19.29.110 Parking.

For parking regulations, see Chapter 19.50. (Ord. 626 §2 (part), 1990; Ord. 458 §2 (part), 1979)

19.29.120 Loading area.

- A. All uses authorized by this chapter shall provide loading spaces not less than ten feet in width, twenty feet in length, and fourteen feet in height, as follows:

P-10

7602565822

Manuel GURPID

MAY 26 05 02:47P

P-9

7602565822

Manuel GURPID

MAY 27 05 02:46P



**"I.6A Casino and Resort Development**

**Goal I.6A**

Encourage and promote tribal gaming facilities exclusively in the Casino and Resort land use designation so as to minimize adverse impacts of such facilities, particularly on residences, schools, religious facilities, and other incompatible uses, and to permit City police and fire personnel to focus enforcement activities and fire and safety responses to a single area of the City.

Policy I.6A.1 Coordinate with federal and state authorities to obtain necessary approvals for tribal gaming and resort facilities to be located within the Casino and Resort land use designation and preferably to be developed and operated by, or in conjunction with, federally recognized tribes that have reservation land in, and thus historic ties to, San Bernardino County or are referenced in this General Plan ("Local Tribes").

Policy I.6A.2 Enter into municipal services agreements, preferably with Local Tribes, that include terms and conditions that minimize and mitigate the impact of such gaming and resort facilities.

Policy I.6A.3 Cooperate in extending municipal services such as water and sewer facilities to areas within the Casino and Resort land use designation."

**Section 7. Amendment of Zoning Ordinance.**

Title 19 of the Barstow Municipal Code is hereby amended as follows:

A. Section 19.04.010 is amended to add the following land-use district at the end thereof: "CR Casino and Resort District."

B. The CR Casino and Resort district shall be contiguous with the General Plan's "Casino and Resort" land use designation as shown on Attachment I.

C. Chapter 19.29 is added to provide as follows:

**"CR CASINO AND RESORT DISTRICT**

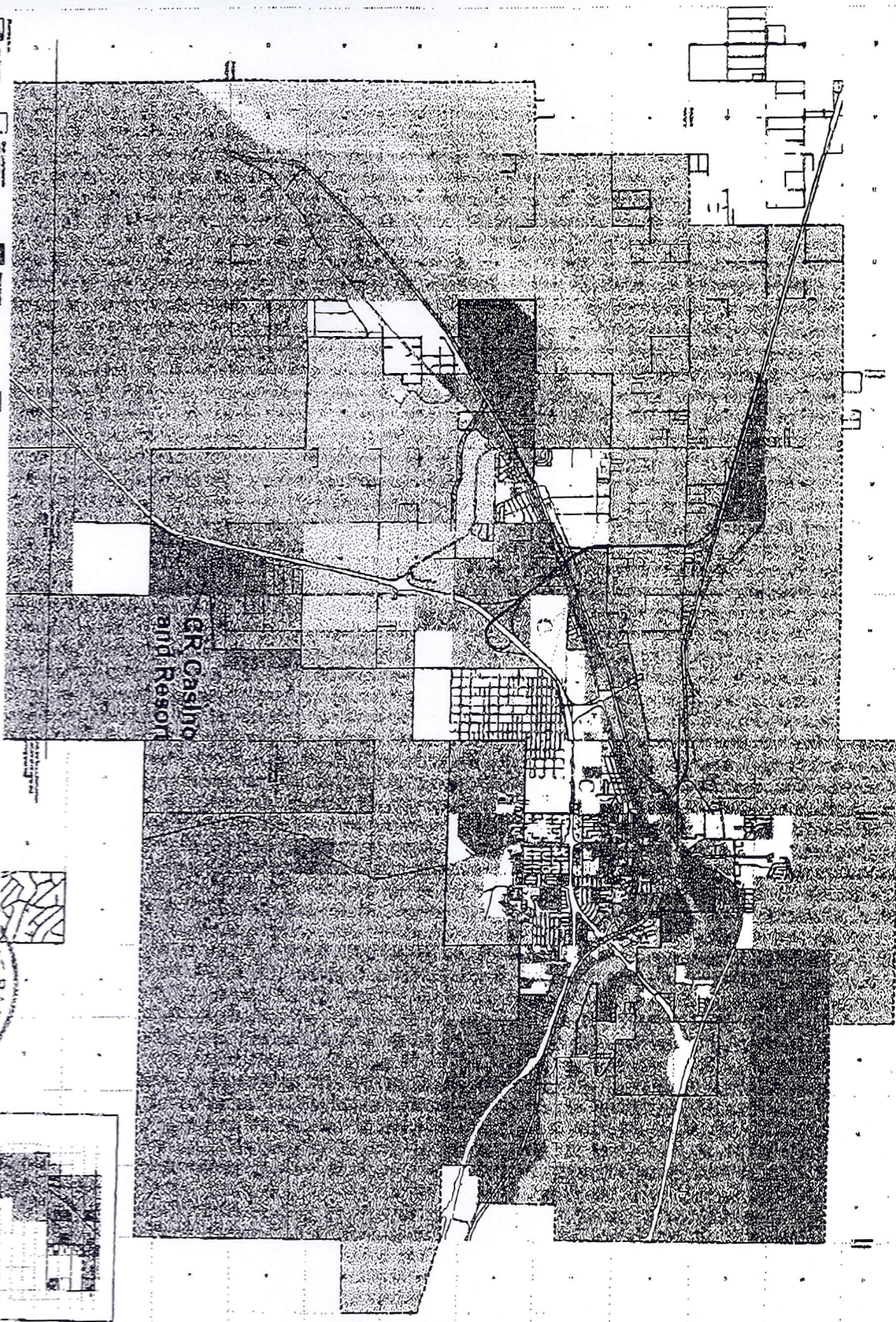
**Sections:**

- 19.29.010 Purpose.
- 19.29.020 Permitted uses.
- 19.29.030 Uses requiring a permit.
- 19.29.040 Lot Area.
- 19.29.050 Height.

	City of Barstow General Plan
	Unincorporated Area
	State Route
	County Route
	Local Road
	Water Feature
	Easement
	Utility Line
	Right-of-Way
	Boundary
	Other

General Plan Land Use Policy Map

July 1991



ATTACHMENT 1

ATTACHMENT 1

