

RESOLUTION NO. 2019 – 65R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA CALLING AND GIVING NOTICE OF, ON ITS OWN MOTION, THE SUBMISSION TO THE ELECTORS OF THE CITY OF SELMA AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 3, 2020 A BALLOT MEASURE PROPOSAL TO ADD CHAPTER 25 TO TITLE 5 OF THE MUNICIPAL CODE REGARDING ISSUANCE OF A LICENSE TO OPERATE A CARDROOM IN COMPLIANCE WITH STATE LAW

WHEREAS, the City of Selma is in the need of additional funding to enhance its ability to provide public safety, street maintenance, recreational programs, and other general public services, to enhance the quality of life of Selma residents; and

WHEREAS, many of the existing seventy-three (73) State-licensed cardrooms listed on the Department of Justice’s Bureau of Gambling Control’s webpage are significant sources of local revenue that can fund staffing, economic development, and public infrastructure projects; and

WHEREAS, the State’s Gambling Control Act, provisions in the State’s Penal Code, the State’s regulations and local gambling ordinances provide comprehensive regulatory frameworks so that the Gambling Control Commission, State Department of Justice’s Bureau of Gambling Control and local jurisdictions can ensure that legalized gambling in cardrooms is highly regulated and problem gambling is controlled; and

WHEREAS, among other regulatory roles: the Gambling Control Commission licenses cardrooms, key employees, and employees on a periodic basis; and the Bureau of Gambling Control performs background checks as part of the Commission’s licensing process and authorizes games for play in cardrooms only if they are legal under California law; and

WHEREAS, the revenue to the City from a single cardroom license could generate revenue to pay for additional police officers, firefighters, street maintenance, recreational programs, and other general governmental services and programs; and

WHEREAS, Business and Professions Code Section 19960(c) requires that the voters of a city must be asked to approve any measure that permits controlled gambling within the city; and

WHEREAS, pursuant to California Elections Code Section 9222, the City Council has authority to place propositions on the ballot to be considered at a Special Municipal Election; and

WHEREAS, the City Council has called a Special Municipal Election to be consolidated with the statewide Presidential Primary Election on Tuesday, March 3, 2020; and

WHEREAS, the City Council desires to submit to the electors of the City of Selma at the Special Municipal Election on Tuesday, March 3, 2020 a ballot measure proposal to add Chapter 25 to Title 5 of the Municipal Code to allow the City to issue a single license to operate a cardroom within the City in compliance with State law.

FILED

DEC 04 2019

FRESNO COUNTY CLERK

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. **Record.** The City Council has considered the full record before it, including but not limited to the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. **CEQA.** The proposed City Council action is not a “project” under the California Environmental Quality Act of 1970 (“CEQA”), as amended, and any implementing local or State guidelines. Specifically, the proposed City Council action is not a “project” under CEQA Guidelines Section 15378 because it does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The possibility of any indirect physical change in the environment resulting from the City Council’s action is too speculative to require environmental review under CEQA because of (a) the need for State legislation; (b) the need for voter approval; and (c) the need for future environmental discretionary permits to be approved by the City Council. Even if all three (3) of these speculative and necessary prerequisites were to occur, any potential physical changes in the environment would still be subject to CEQA review in connection with the City Council’s consideration of the required discretionary permits.

The proposed City Council action is also exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (for the reasons described in the preceding paragraph).

The proposed City Council action is also exempt from CEQA under CEQA Guidelines Section 15273 (Rates, Tolls, Fares and Charges) because the City Council action is to raise revenue for the City of Selma to assist in funding for public safety, capital improvements, recreational programs, and other general governmental services.

3. **Calling Municipal Election and Submission of Ballot Measure.** Pursuant to California Revenue and Taxation Code Section 7285.9, Elections Code Section 9222, and any other applicable requirements of the laws of the State of California relating to general law cities, the City Council, by a four-fifth’s supermajority vote, hereby calls and orders to be held in the City of Selma on Tuesday, March 3, 2020, a Special Municipal Election for the purpose of submitting the proposed Ordinance No. 2019-6 attached as Exhibit A to this Resolution and incorporated herein by this reference to the qualified electors of the City, the “Measure”, with said election to be held and consolidated with the Presidential Primary Election on Tuesday, March 3, 2020.

- a. **Ballot Measure.** The ballot measure will be placed on the ballot for the March 3, 2020 election in the following form:

Shall one licensed gambling establishment in which any controlled games permitted by law, such as draw poker, low- ball poker, panguine (pan), seven-card stud, or other lawful card games or tile games, are played, be allowed in the City of Selma?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

- b. **Implementing Ordinance.** The proposed Ordinance No. 2019-6 attached as Exhibit A shall appear in full in the sample ballot pamphlet in accordance with California Business and Professions Code Section 19960(c)(2).
 - c. **Availability of Ordinance.** The Proposed Ordinance No. 2019-6 shall be printed pursuant to California Elections Code Section 9223. Voters may obtain a copy of this Resolution, the Ballot Ordinance and/or ballot measure, at no cost, upon request made to the City Clerk.
4. **Election Official.** Pursuant to California Elections Code Section 12111 and California Government Code Section 6061, the City Council hereby directs the City Elections Official to (a) cause a notice and synopsis of the proposed measure to be published in the Selma Enterprise, a newspaper of general circulation within the City of Selma; and (b) do all other things required by law to submit the specified measure to the electors of the City of Selma at the Special Municipal Election scheduled for March 3, 2020, including causing the full text of the proposed ordinance to be made available in the Office of the City Clerk at no cost and posted on the City website.
5. **Consolidated Election.** Pursuant to the requirements of California Elections Code Section 10403, the Board of Supervisors of the County of Fresno County is hereby requested to consent and agree to the consolidation of the Special Municipal Election with the statewide Presidential Primary Election to be held on Tuesday, March 3, 2020 for the purpose of submitting the ballot measure to the voters of the City of Selma. The City of Selma requests the services of the Board of Supervisors of the County of Fresno and the Registrar of Voters of the County of Fresno to conduct said Special Municipal Election and to consolidate such election. The Registrar of Voters is requested to provide all necessary election services and to canvass the returns of the Special Municipal Election. The City of Selma shall reimburse the County of Fresno for services performed when the election is completed and upon presentation to the City of Selma of a properly approved bill.
6. **Impartial Analysis.** The City Council hereby directs the City Attorney to prepare an impartial analysis of the ballot measure not to exceed five hundred (500) words in accordance with California Elections Code Section 9280.
7. **Arguments in Favor.** Pursuant to California Elections Code Sections 9282-9287, the City Council hereby approves the Mayor and/or designee to prepare and submit a written argument in favor of the proposed ballot measure, not to exceed three hundred (300) words in length, on behalf of the City Council. Such written argument in favor of the proposed measure may include up to five (5) signatures in accordance with California Elections Code Section 9283.
8. **Arguments For and Against; Rebuttals.** Arguments for and against the ballot measure and rebuttal arguments may be filed in accordance with California Elections Code Section 9282-9287, on or before the deadline established by the Fresno County Clerk, Registrar of Voters. The City Council hereby approves the submittal of rebuttal arguments in response to arguments against the ballot measure and authorizes the Mayor to author and submit a rebuttal, if any.
9. **Public Examination Periods.** In accordance with California Elections Code Section 9295 voters may examine the ballot measure, the impartial analysis, the argument for the ballot measure and the argument against the ballot measure and/or any rebuttal in the Office of the

City Clerk at 1710 Tucker Street, Selma, California 93662, between the hours of 8:00 a.m. and 5:00 p.m. (PST), Monday through Friday or at the office of the Fresno County Clerk Registrar of Voters during normal business hours or during such dates and times as established by the Registrar of Voters.

10. **Compliance with Law.** In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.
11. **Certified Copy.** The City Council also directs the City Clerk to forward without delay to the Board of Supervisors of the County of Fresno and County Elections Official, each, a certified copy of this Resolution, including the proposed Ordinance No. ~~2019-6~~ attached hereto as Exhibit A.
12. **Miscellaneous.** The City Manager is authorized to make changes to the language of this resolution, including but not limited to the date for submission of arguments for or against the measure, the Measure to be voted on and the attached Ordinance to conform to any requirements of the Fresno County Registrar of Voters that does not alter the substantive terms of these enactments.
13. **Effective.** This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED this 2nd day of December, 2019, by the following vote:

AYES: 5 COUNCIL MEMBERS: Trujillo, Avalos, Robertson, Guerra, Franco
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None
ABSTAIN: 0 COUNCIL MEMBERS: None

Louis Franco, Mayor

ATTEST:

Reynal Rivera, City Clerk