



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: RICHARD DOYLE
DENNIS HAWKINS

SUBJECT: RESOLUTION CALLING
SPECIAL MUNICIPAL ELECTION
FOR THE CARDROOM
GAMBLING INITIATIVE

DATE: August 3, 2012

SUPPLEMENTAL MEMO

REASON FOR SUPPLEMENTAL

This memo supplements information in the original memo dated July 27, 2012 and clarifies and replaces the Recommendations for Council action and the corresponding analysis.

RECOMMENDATION

1. Accept the Certificate of Sufficiency issued by the County of Santa Clara Registrar of Voters regarding the Cardroom Initiative.
2. Adoption of a resolution of the City Council calling and giving notice of the submission to the electors of the City of San José, a Special Municipal Election to be held on November 6, 2012, to submit to the electors of the City of San José the following measure:

CARDROOM GAMBLING

Shall gambling be expanded by amending the Municipal Code to (1) allow the maximum number of Card Tables in San José to increase from 98 to 128 on January 1, 2013 and from 128 to 158 on January 1, 2014; (2) allow Cardrooms to offer any form of gambling lawful in California after July 1, 2012, without additional voter approval; and (3) require San José to review rules for additional permissible gambling?

YES	
NO	

3. Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the Sample Ballot pursuant to Elections Code Section 12111.
4. Council discussion and consideration of permitting a member or members of the City Council to submit arguments pursuant to Elections Code Section 9282.
5. Council discussion and consideration of permitting rebuttal arguments pursuant to Elections Code Section 9285. If rebuttal arguments are permitted, Council discussion and consideration of permitting a member or members of the City Council to author and submit a rebuttal, if any.

BACKGROUND AND ANALYSIS

On May 2, 2012, proponents of an initiative filed a Notice of Intent to circulate a petition which would amend the San Jose Municipal Code, Title 16 to increase the number of authorized tables in each of the City's two Cardrooms from the current forty-nine (49) per club (98 total) to up to 79 tables per club (158 total). Further, the measure would allow any form of gambling lawful in the State of California as of July 1, 2012. Based on the voter registration report on file with the California Secretary of State when the Notice of Intention was filed, the proponents were required to submit at least 19,437 signatures of registered voters to qualify the measure for the ballot. The proponents submitted their initiative petition to the City Clerk on June 13, 2012. The Santa Clara County Registrar of Voters has certified the petitions submitted on behalf of the cardroom initiative to be sufficient and qualified for the ballot. Pursuant to the requirements of the California Elections Code and San Jose Municipal Code, on August 7 the Council must take the following actions: a) accept the Certificate of Sufficiency; and b) adopt a resolution calling an election to submit the initiative to the voters at the next General Municipal Election to be held on Tuesday, November 6, 2012.

In submitting the Cardroom Gambling Initiative to the voters, the Council should consider the following options, which will be addressed in the Council's resolution:

1. The Council should decide whether the full text of the proposed ordinance should be printed in the Sample Ballot pursuant to Elections Code Section 12111.
2. The Council should decide whether to permit a member or members of the City Council to submit arguments pursuant to Elections Code Section 9282.
3. The Council should decide whether to permit rebuttal arguments, pursuant to Elections Code Section 9285. Furthermore, if rebuttal arguments are permitted, then the Council should decide whether any member or members of the City Council may submit a rebuttal argument.

CONCLUSION

Adoption of a resolution calling a Special Municipal Election for voter consideration of the Cardroom Gambling Initiative at the November 6, 2012 General Election complies with the requirements of the City Charter, San Jose Municipal Code, and California Elections Code.

RICHARD DOYLE
City Attorney



DENNIS D. HAWKINS, CMC
City Clerk

By: 
LISA HERRICK
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For questions, please contact Lisa Herrick, Sr. Deputy City Attorney, at 408-535-1900 or Dennis Hawkins, City Clerk, at 408-535-1275.