

RESOLUTION NO. 4224

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
APPROVING ISSUANCE OF A BUSINESS LICENSE TO THE KNIGHTS OF
COLUMBUS TO OPERATE BINGO GAMES FOR OUR LADY OF SOLITUDE
CATHOLIC CHURCH**

WHEREAS, the City Council has considered a Business License application submitted by the Knights of Columbus to manage and operate bingo games for Our Lady of Solitude Catholic Church; and

WHEREAS, the Knights of Columbus will manage and operate bingo games to raise charitable funds for Our Lady of Solitude Catholic Church; and

WHEREAS, the Knights of Columbus is a locally recognized, charitable and civic organization with tax exempt status and eligible to manage and operate bingo games in the City of Soledad; and

WHEREAS, the Knights of Columbus proposes to manage and operate bingo games on the first Tuesday of every month between the hours from 7:00 PM to 9:00 PM; and

WHEREAS, the Knights of Columbus proposes to manage and operate bingo games in compliance with applicable state and local regulations as set forth in *Chapter 5.08 – Bingo— of the City of Soledad Municipal Code*.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that the Council approves the application of the Knights of Columbus to operate bingo games subject to the conditions of approval as set forth in **Exhibit “A,”** attached hereto and incorporated herein by reference, and based upon the following findings:

1. **FINDING:** The issue of a Business License to the Knights of Columbus to manage and operate bingo games at Our Lady of Solitude Catholic Church, church hall, is considered a suitable location for the event and no negative community impacts are expected from the event.

EVIDENCE: The event has been reviewed by City staff, including the Police Department, and Conditions of Approval have been attached as Exhibit “A” to assure a safe and secure event.

2. **FINDING:** In approving the Business License to the Knights of Columbus, the City Council finds that the proposed event will not, under these particular circumstances, be detrimental to the health, safety, morals, comfort or general welfare of the people residing or working in the neighborhood of this project, or to the general welfare of the City.

EVIDENCE: Parking on the surrounding streets will not be impacted because the event location provides sufficient parking for patrons.

Additionally, no person under the age of 18 will be allowed to enter the bingo games hall, no alcohol sales or the presence of alcohol will be allowed in the bingo games hall, and a private security firm will monitor the event to assure the safety and security of patrons.

BE IT FURTHER RESOLVED, that the Council disapproves the applicant's request to waive the \$50.00 Business License fee.

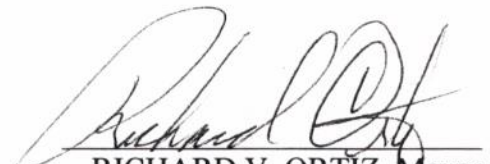
PASSED AND ADOPTED by the City Council at a regular meeting duly held on the 4th day of June 2008, by the following vote:

AYES, and in favor thereof, Councilmembers: Martha Camacho, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Christopher Bourke, Mayor Richard Ortiz

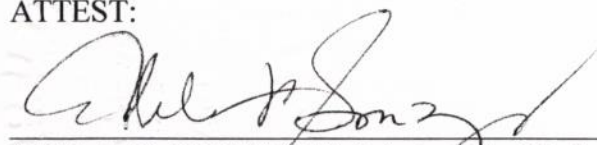
NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None


RICHARD V. ORTIZ, Mayor

ATTEST:


ADELA P. GONZALEZ, Interim City Clerk



**CONDITIONS OF APPROVAL FOR KNIGHTS OF COLUMBUS
TO OPERATE BINGO GAMES IN THE CITY OF SOLEDAD FOR
OUR LADY OF SOLITUDE CATHOLIC CHURCH**

1. The Knights of Columbus shall comply with all regulations pursuant to *City of Soledad Municipal Code Chapter 5.08 Bingo* (Attachment "A").
2. The Knights of Columbus shall agree to operate bingo games only on the designated weekday described below:

Weekday: First Tuesday of Every Month.
3. The Knights of Columbus shall agree to operate bingo games only at the specified hours provided below:

Hours: 7:00 PM to 9:00 PM.
4. The Knights of Columbus shall agree to have its members participating in the operation of the bingo games to submit to a Live Scan Report within 30 days of approval of a City Business License.
5. The Knights of Columbus shall establish a separate bank account for depositing bingo game monies prior to commencing with the bingo games.
6. The Knights of Columbus gives its consent to the Chief of Police and City Finance Director to review any financial accounts containing monies derived from the bingo games.
7. ~~As required by the City of Soledad Police Department, the Knights of Columbus shall contract a private security firm prior to commencing with the bingo games. A minimum of one (1) security guard shall be required present during the operation of the bingo games. The Knights of Columbus shall also provide to the Police Department the security firm name, address, phone number and contact (s) person.~~
8. The Knights of Columbus shall agree to prohibit the consumption of alcohol, and sales of alcohol, at the bingo games. Further, no person under the age of 18 shall be permitted inside the bingo games.

These Conditions of Approval are hereby accepted upon the express terms and conditions herein, and shall have no force or effect unless and until agreed to, in writing, by applicant and property owner(s). The undersigned hereby acknowledges the approved terms and conditions and agrees to conform to and fully comply with said terms and Conditions of Approval.

Applicant's Signature and Title

Date

Chapter 5.08

BINGO

Sections:

- 5.08.010 Permitted.
- 5.08.020 Bingo defined.
- 5.08.030 Games to benefit charitable organizations.
- 5.08.040 Minors prohibited.
- 5.08.050 Location of game.
- 5.08.060 Open to public.
- 5.08.070 Operation by staff members.
- 5.08.080 Outside financial interests prohibited.
- 5.08.090 Special fund or account.
- 5.08.100 Participants to be present.
- 5.08.110 Limitation on prize value.
- 5.08.120 License—Fee.
- 5.08.130 Violation—Penalty.
- 5.08.140 Nuisance declared.

5.08.010 Permitted.

Bingo games are allowed in the city pursuant to the terms of this chapter. (Prior code § 4A-1)

5.08.020 Bingo defined.

As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random; provided, that it does not include any game not legally prohibited prior to the adoption of Section 326.5 of the Penal Code. (Prior code § 4A-2)

5.08.030 Games to benefit charitable organizations.

Bingo games shall be conducted only by organizations exempted from the payment of the bank and corporations franchise tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 23701i of the California Revenue and Taxation Code, and by mobile home park associations and senior citizens' organizations; and provided that the receipts of such games are used only for charitable purposes. (Amended during 1986 codification; prior code § 4A-3)

5.08.040 Minors prohibited.

No minor shall be allowed to participate in any bingo game. (Prior code § 4A-5)

5.08.050 Location of game.

A nonprofit charitable organization shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. (Prior code § 4A-6)

5.08.060 Open to public.

All bingo games shall be open to the public, not just to the members of a nonprofit charitable organization. (Prior code § 4A-7)

5.08.070 Operation by staff members.

A bingo game shall be operated and staffed only by members of the nonprofit charitable organization which organized it. Such members shall not receive a profit, wage or salary from any bingo game. Only the organization authorized

to conduct a bingo game shall operate such game, or participate in the promotion, supervision or any other phase of such game. (Prior code § 4A-8)

5.08.080 Outside financial interests prohibited.

No individual, corporation, partnership or other legal entity except the organization authorized by license to conduct a bingo game shall hold a financial interest in the conduct of such bingo game. (Prior code § 4A-9)

5.08.090 Special fund or account.

All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. (Prior code § 4A-10)

5.08.100 Participants to be present.

No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted. (Prior code § 4A-11)

5.08.110 Limitation on prize value.

The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars in cash or kind, or both, for each separate game which is held. (Prior code § 4A-12)

5.08.120 License—Fee.

No bingo game shall be conducted except pursuant to a license issued by the city council. Applications for the license shall be made upon forms supplied by the city clerk, and shall be filed with the clerk, accompanied by a license fee of fifty dollars. The license, if issued, shall be for the period of twelve months. If the city council finds that the applicant does not qualify under the terms of this chapter, or that the conducting of bingo games at the particular location stated in the application will violate some other ordinance of the city, the city council shall deny the application. (Amended during 1986 codification; prior code § 4A-13)

5.08.130 Violation—Penalty.

It is a misdemeanor for any person to violate any provision of this chapter. (Amended during 1986 codification; prior code § 4A-15)

5.08.140 Nuisance declared.

Any bingo game conducted or operated contrary to the terms and provisions of this chapter and/or any participation therein contrary to the provisions of this chapter is unlawful and a public nuisance, and the city attorney shall, upon order of the city council, immediately commence an action or proceeding for the abatement and enjoinder thereof in the manner provided by law. (Prior code § 4A-16)