



APPROVED
BY THE CITY COUNCIL

JUN 1 1999

OFFICE OF THE
CITY CLERK

1.10

DEPARTMENT OF
POLICE

ARTURO VENEGAS, JR.
CHIEF OF POLICE

CITY OF SACRAMENTO
CALIFORNIA

May 21, 1999

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City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: AN ORDINANCE AMENDING SECTION 5.01.003-7 OF THE
SACRAMENTO CITY CODE, RELATING TO WORK PERMITS
REQUIRED FOR CARDROOM EMPLOYEES.**

LOCATION AND COUNCIL DISTRICT: City-wide

RECOMMENDATION:

This report recommends that the City Council immediately adopt the attached ordinance amending Section 5.01.003-7 of the City Code relating to work permits required for cardroom employees.

CONTACT PERSONS:

Captain Rick Braziel, Office of Operations, 264-7380
Michael Carlson, Administrative Analyst, Office of
Operations, 264-8478

FOR THE COUNCIL MEETING OF: June 1, 1999

SUMMARY:

Section 5.01.003-7 of the City Code stipulates that all cardroom employees be required to obtain a work permit from the Chief of Police. The attached ordinance would amend this section to bring it into compliance with the State of California Business and Professions Code. The net result is that cardroom employees would not also be required to obtain a separate permit from the State.

COMMITTEE/COMMISSION ACTION:

This item was heard by the Law and Legislation Committee on April 20, 1999, and recommended for adoption by the full City Council. It was passed for Publication of Title on May 25, 1999.

The mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property; solve neighborhood problems, and enhance the quality of life in our City.

City Council
Ordinance Amendment–Cardroom Employees
May 21, 1999

BACKGROUND:

In December of 1998, the California State Attorney General’s Office, notified the City Attorney’s Office that the Division of Gambling Control had determined that City Code Section 5.01.003-7 does not comply with Business and Professions Code 19851 and 19910.5 of the Division’s regulations regarding work permits.

Three changes were recommended and have been added to the revised ordinance:

- Incorporate into the grounds for denial of a work permit the bases for denial of a gambling license set forth in Business & Professions Code Section 19850A.
- Add a provision that acknowledges the authority of the Division to object to the issuance of a work permit.
- Add the requirement that applicants for a work permit undergo a fingerprint-based criminal history check by the Department of Justice.

Failure to amend this ordinance would cause the State to require all gambling enterprise employees to apply directly to the Division of Gambling Control for a work permit before they would be allowed to work in a gambling establishment.

FINANCIAL CONSIDERATIONS:

This proposed amendment to the City Code has no fiscal effect.

ENVIRONMENTAL CONSIDERATIONS:

This proposed amendment does not involve an activity which would be covered by the California Environmental Quality Act (CEQA).

POLICY CONSIDERATIONS:


The proposed ordinance amendment is consistent with City policy in providing a safe environment for visitors, residents, and businesses.

ESBD CONSIDERATIONS:

None.

City Council
Ordinance Amendment-Cardroom Employees
May 21, 1999

Respectfully submitted,


ARTURO VENEGAS, JR.
CHIEF OF POLICE

RECOMMENDATION APPROVED:



Robert P. Thomas

City Manager

AV:mcc

REF: 5-51

Attachment: 1-Proposed Ordinance Amendment
2-Business and Professions Code Sections 19850A
3-Business and Professions Code Section 19851A
4-Business and Professions Code Section 19910.5A
5-Admin Code Title 11, Division 3, Chapter 1, Article 1, Section 1906.3

APPROVED
BY THE CITY COUNCIL

JUN 1 1999

OFFICE OF THE
CITY CLERK

ORDINANCE NO. 99-028

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING SECTION 5.01.003-7 OF THE
SACRAMENTO CITY CODE, RELATING TO WORK
PERMITS REQUIRED FOR CARDROOM EMPLOYEES.**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 5.01.003-7 is hereby amended to read as follows:

5.01.003-7 Work permits required for cardroom employees.

Cardroom employees shall be required to obtain a work permit from the chief of police. For the purpose of this section, cardroom employees are defined as dealers, overseers and others directly connected with the operation and/or supervision of the card tables and excluding waitresses, bartenders, culinary workers and others not connected with card table operation and/or supervision. Only one work permit shall be required each year even though the holder of a work permit may change his/her place of employment within the City. Each cardroom employee shall pay the sums established by resolution of the City Council for his/her first permit, and for a permit renewal.

The chief of police shall deny an application for a work permit if, in the opinion of the chief of police, approval of the application is contrary to the interest and the health, safety and welfare of the City, or if the applicant has been convicted of a felony or any other offense involving moral turpitude, or has been convicted of any narcotics violation or violation of any gambling laws or ordinances, or if the applicant would be disqualified from holding a state gambling license for any of the reasons specified in California Business and Professions Code section 19850A. All applicants must provide a full set of fingerprints to be submitted to the Department of Justice for a criminal history background check.

- 1 -

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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Any application for a work permit shall be subject to objection by the California Division of Gambling Control. If the Division objects to the issuance of a work permit, it shall be denied. Such a denial may be reviewed in accordance with the Gambling Control Act (Cal. Bus. & Professions Code §§ 19801 et seq.).

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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§ 19850. [Section repealed 1998.]

Added Stats 1997 ch 867 §3 (SB 8), operative term contingent. Amended Stats 1998 ch 608 §5 (SB 2039). Repealed, operative August 21, 1998, by its own terms and by Stats 1997 ch 867 §66. See B & P C §19850A.

§ 19850A. Denial of license to applicant disqualified for specific reasons

[History and References]

(a) The commission shall deny a license to any applicant who is disqualified for any of the following reasons:

(1) Failure of the applicant to clearly establish eligibility and qualification in accordance with this chapter.

(2) Failure of the applicant to provide information, documentation, and assurances required by this chapter or requested by the director, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria.

(3) Conviction of a felony, including a conviction by a federal court or a court in another state for a crime that would constitute a felony if committed in California.

(4) Conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within the 10-year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code; provided, however, that the granting of relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code shall not constitute a limitation on the discretion of the commission under Section 19847A or affect the applicant's burden under Section 19848A.

(5) Association of the applicant with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code.

(6) Contumacious defiance by the applicant of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code.

(7) The applicant is less than 21 years of age.

(b) This section shall become operative on the occurrence of one of the events specified in Section 66 of the act that added this section to the Business and Professions Code.

Added Stats 1997 ch 867 §23 (SB 8), operative August 21, 1998. Amended Stats 1998 ch 608 §6 (SB 2039).

History and References

[Text of § 19850A.]

Editor's Note:

For resolution of contingency governing operation date, see 1997 note following B & P C §19810A.

Cross References:

Effect of references to section repealed on effective date of this section: B & P C §19808

Dismissal of charges after performance of sentence: Pen C §1203.4a

Sealing minor's misdemeanor record: Pen C §1203.45

§ 19851. [Section repealed 1998.]

Added Stats 1997 ch 867 §3 (SB 8), operative term contingent. Amended Stats 1998 ch 603 §5 (SB 1469). Repealed, operative August 21, 1998, by its own terms and by Stats 1997 ch 867 §66. See B & P C §19851A.

§ 19851A. Denial of license to establishment in local jurisdiction lacking ordinance covering specified matters

[History and References]

(a) The commission shall deny a gambling license with respect to any gambling establishment that is located in a city, county, or city and county that does not have an ordinance governing all of the following matters:

- (1) The hours of operation of gambling establishments.
- (2) Patron security and safety in and around the gambling establishments.
- (3) The location of gambling establishments.
- (4) Wagering limits in gambling establishments.
- (5) The number of gambling tables in each gambling establishment and in the jurisdiction.

(b) In any city, county, or city and county in which the local gambling ordinance does not govern the matters specified in subdivision (a), any amendment to the ordinance to govern those matters is not subject to Section 19950.1, provided that a local election is required to add these matters, and the ordinance only provides for private clubs by vote of the people, and that the ordinance is amended to contain these matters on or before July 1, 2000.

(c) This section shall become operative on the occurrence of one of the events specified in Section 66 of the act that added this section to the Business and Professions Code.

Added Stats 1997 ch 867 §24 (SB 8), operative August 21, 1998. Amended Stats 1998 ch 603 §6 (SB 1469).

History and References

[Text of § 19851A.]

Editor's Note:

For resolution of contingency governing operation date, see 1997 note following B & P C §19810A.

Cross References:

Effect of references to section repealed on effective date of this section: B & P C §19808

§ 19910.5. [Section repealed 1998.]

Added Stats 1997 ch 867 §3 (SB 8), operative term contingent. Repealed, operative August 21, 1998, by its own terms and by Stats 1997 ch 867 §66. See B & P C §19910.5A.

§ 19910.5A. Work permit requirement for employees; Application; Review of denial

[History and References]

(a) (1) A person shall not be employed as a gambling enterprise employee, or serve as an independent agent, except as provided in paragraph (2), unless he or she is the holder of one of the following:

(A) A valid work permit issued in accordance with the applicable ordinance or regulations of the county, city, or city and county in which his or her duties are performed.

(B) A work permit issued by the commission.

(2) An independent agent is not required to hold a work permit if he or she is not a resident of this state and has registered with the division in accordance with regulations.

(b) A work permit shall not be issued by any city, county, or city and county to any person who would be disqualified from holding a state gambling license for the reasons specified in paragraphs (1) to (7), inclusive, of subdivision (a) of Section 19850.

(c) The division may object to the issuance of a work permit by a city, county, or city and county for any cause deemed reasonable by the division, and if the division objects to issuance of a work permit, the work permit shall be denied.

(1) The commission shall adopt regulations specifying particular grounds for objection to issuance of, or refusal to issue, a work permit.

(2) The ordinance of any city, county, or city and county relating to issuance of work permits shall permit the division to object to the issuance of any permit.

(3) Any person whose application for a work permit has been denied because of an objection by the division may apply to the commission for an evidentiary hearing in accordance with regulations.

(d) Application for a work permit for use in any jurisdiction where a locally issued work permit is not required by the licensing authority of a city, county, or city and county shall be made to the division, and may be granted or denied for any cause deemed reasonable by the commission. If the commission denies the application, it shall include in its notice of denial a statement of facts upon which it relied in denying the application.

(e) An order of the commission denying an application for a work permit, including an order declining to issue a work permit following review pursuant to paragraph (3) of subdivision (c), may be reviewed in accordance with subdivision (e) of Section 19858.

(f) This section shall become operative on the occurrence of one of the events specified in Section 66 of the act that added this section to the Business and Professions Code.

Added Stats 1997 ch 867 §41 (SB 8), operative August 21, 1998.

History and References

CA-ADC - 11 CA ADC DIV 3 CH 1
11 CCR DIV 3 CH 1

Cal. Admin. Code tit. 11, div. 3 ch. 1

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
Title 11. Law
Division 3. Gambling Control
Chapter 1. The California Gambling Control Commission
Article 1. Gambling Regulations

s1906.3. Grounds for Objection to Issuance of a Work Permit.

(a) Issuance of a work permit is contingent upon whether or not the person applying for such permit is suitable to work in a gambling establishment. The division shall object to the issuance of any work permit by a local jurisdiction for the following reasons:

(1) The issuing jurisdiction does not have an application process that requires fingerprints for identification and a background check which is sufficient to determine if the applicant is disqualified from holding a state gambling license, and/or;

(2) The permit was issued to a person who is disqualified from holding a state gambling license without the prior approval of the Division.

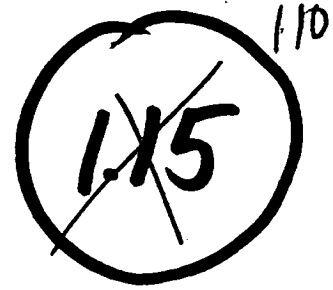
(b) The division shall issue a work permit, or grant permission to a local jurisdiction to issue a work permit, to a person who is not qualified to hold a state gambling license only upon a showing of good cause and that the public interest would be better served by issuance of such permit.

History

1. New sections 1100 through 1906.2 filed with Secretary of State 1-9-98; supplemented by amendment of section 1408.1 filed 2-2-98; adoption of section 1101.4 filed 2-2-98; adoption of section 1701.5 filed 2-20-98; amendment of sections 1401.1 and 1408.1 filed 3-31-98; and adoption of sections 1101.3(p), (q); 1408.5 and 1906.3 filed 3-31-98. All of these filings adopted and amended by the Division of Gambling Control pursuant to the authority conferred by Business and Professions Code section 19830 to implement Business and Professions Code section 19834 are subject to a limited exemption from the Administrative Procedure Act and OAL review pursuant to Business and Professions Code section 19830, subdivision (b).

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PASSED FOR
PUBLICATION
& CONTINUED
TO 6/1/99



DEPARTMENT OF
POLICE

ARTURO VENEGAS, JR.
CHIEF OF POLICE

CITY OF SACRAMENTO
CALIFORNIA
May 12, 1999

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Sacramento, California

Honorable Members in Session:

**SUBJECT: AN ORDINANCE AMENDING SECTION 5.01.003-7 OF THE
SACRAMENTO CITY CODE, RELATING TO WORK PERMITS
REQUIRED FOR CARDROOM EMPLOYEES.**

LOCATION AND COUNCIL DISTRICT: City-wide

RECOMMENDATION:

This report recommends that the item be passed for publication of title, pursuant to City Charter Title 5, and continued to June 1, 1999.

CONTACT PERSONS:

Captain Rick Brazier, Office of Operations, 264-7380
Michael Carlson, Administrative Analyst, Office of
Operations, 264-8478

FOR THE COUNCIL MEETING OF: May 25, 1999

SUMMARY:

Section 5.01.003-7 of the City Code stipulates that all cardroom employees be required to obtain a work permit from the Chief of Police. The attached ordinance would amend this section to bring it into compliance with the State of California Business and Professions Code. The net result is that cardroom employees would not also be required to obtain a separate permit from the State.

COMMITTEE/COMMISSION ACTION:

On April 20, 1999, The Law and Legislation Committee recommended that this amendment go before the City Council.

BACKGROUND:

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The city Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully submitted,


ARTURO VENEGAS, JR.
CHIEF OF POLICE

RECOMMENDATION APPROVED:



Robert P. Thomas

City Manager

AV:mcc

REF: 5-36

Attachment: Proposed Ordinance Amendment

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 5.01.003-7 OF THE SACRAMENTO CITY CODE, RELATING TO WORK PERMITS REQUIRED FOR CARDROOM EMPLOYEES.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

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Cardroom employees shall be required to obtain a work permit from the chief of police. For the purpose of this section, cardroom employees are defined as dealers, overseers and others directly connected with the operation and/or supervision of the card tables and excluding waitresses, bartenders, culinary workers and others not connected with card table operation and/or supervision. Only one work permit shall be required each year even though the holder of a work permit may change his/her place of employment within the City. Each cardroom employee shall pay the sums established by resolution of the City Council for his/her first permit, and for a permit renewal.

The chief of police shall deny an application for a work permit if, in the opinion of the chief of police, approval of the application is contrary to the interest and the health, safety and welfare of the City, or if the applicant has been convicted of a felony or any other offense involving moral turpitude, or has been convicted of any narcotics violation or violation of any gambling laws or ordinances, or if the applicant would be disqualified from holding a state gambling license for any of the reasons specified in California Business and Professions Code section 19850A. All applicants must provide a full set of fingerprints to be submitted to the Department of Justice for a criminal history background check.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

Any application for a work permit shall be subject to objection by the California Division of Gambling Control. If the Division objects to the issuance of a work permit, it shall be denied. Such a denial may be reviewed in accordance with the Gambling Control Act (Cal. Bus. & Professions Code §§ 19801 et seq.).

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____