

# AGENDA

## PUBLIC SAFETY COMMITTEE

July 13, 2010  
9:30 A.M.

Laguna Woods City Hall  
Council Chambers  
24264 El Toro Road  
Laguna Woods, CA 92637

**AGENDA DESCRIPTION:** The Agenda descriptions are intended to give notice, to members of the public, of a general summary of items of business to be transacted or discussed. Any person wishing to address the Public Safety Committee on any matter, whether or not it appears on this agenda, may do so under the appropriate section of the agenda. Whenever possible, lengthy testimony should be presented to the Committee in writing (12 copies) and only pertinent points presented orally. Requests to speak to items on the agenda shall be heard at the appropriate point on the agenda; requests to speak about subjects not on the agenda will be heard during the Public Comment section of the meeting.

### I. CALL TO ORDER

### II. ROLL CALL

### III. COMMITTEE BUSINESS

#### A. Public Safety: Rights of Individuals vs. Well Being of the Community

Speakers: Margaret Riley  
Neighborhood Improvement/Code Enforcement  
Manager, City of Buena Park  
Co-Chair Orange County Task Force on Hoarding

Corwin Brown, REHS, MS  
Supervising Environmental Health Specialist,  
Orange County Health Care Agency,  
Environmental Health

RECOMMEND ACTION: Receive and discuss presentations.

B. Bingo Regulations

RECOMMENDED ACTION: Review proposed City Bingo Games regulations and recommend approval to the City Council.

**IV. PENDING PROJECTS UPDATE**

- A. Moulton Parkway and El Toro Road Construction
- B. Red light arrows at selected intersections

**V. SUBCOMMITTEE UPDATES**

- A. Animal Services

**VI. COMMITTEE MEMBER COMMENTS**

**VII. PUBLIC COMMENTS**

**VIII. ADJOURN**

**The time and date of the next regular meeting of the Public Safety will be discussed at the meeting.**

**PUBLIC SAFETY COMMITTEE**  
**Meeting Recap**

**June 9, 2010**  
**9:30 A.M.**

**Laguna Woods City Hall**  
**Council Chambers**  
**24264 El Toro Road**  
**Laguna Woods, CA 92637**

**I. CALL TO ORDER**

Chair Templeton called the meeting to order at 9:30 a.m.

**II. ROLL CALL**

**Present:** Dalis, Horne, Leuck, Margolis, Min, Rosenblatt, Stone,  
Templeton, Venable

**Absent:** Henderson, Letcher

**III. COMMITTEE BUSINESS**

**A. Public Safety: Rights of Individual vs. Well Being of the Community**

Deputy Barbara Murphy, Orange County Sheriff's Department, gave a presentation on OCSD's response to hoarding. She stated that OCSD can place individuals on 51/50 holds if they are a danger to themselves or others or gravely disabled. They also have the ability to check on an individual's welfare, including by use of forced entry. Decisions to use force are made on a case-by-case basis with OCSD management. They do make referrals to appropriate agencies, as necessary.

Cris Robinson, Legal Affairs Manager for Laguna Woods Village, gave a presentation on the Village's response to hoarding. She stated that Village staff typically become aware of hoarding cases as a result of inspections, security visits, or complaints. Some cases are handled as nuisances and dealt with by member disciplinary hearings. The ultimate way to deal with noncompliant properties is to terminate memberships.

United Mutual has more leeway to enter residences, however their legal counsel has advised that they seek permission except in the event of emergencies, which are defined as conditions that pose an immediate threat to persons or property. The Village's Social Services Department makes referrals to appropriate agencies, as necessary, and handles an average of 20 hoarding cases per year. Village staff believe that their efforts would be helped by the City adopting an ordinance similar to what the City of Buena Park uses.

Ray Gross, resident, stated that the Golden Rain Foundation sometimes gets involved in hoarding cases.

Mary Stone suggested that Village mutuals may want to adopt interior standards that could be addressed by the member disciplinary process.

#### B. Fiscal Year 2010-11 Work Plan

Committee members discussed and identified the following potential projects/programs for the Fiscal Year 2010-11 Work Plan:

- No Right Turn on Red Lights
- Pedestrian safety, specifically people who drive without licenses
- Red light camera statistics (review on a regular basis)
- Street signs obscured due to overgrowth
- Golf cart safety
- Fire safety
- Identify theft, including paper shredding services
- Educational program on "who to call, when"
- Mental health behavioral issues
- Smoking prohibition on patios/balconies
- Ways to retain CERT members

#### C. July Meeting Date

The Committee unanimously approved rescheduling the July 14, 2010 meeting to Tuesday, July 13, 2010.

#### **IV. PENDING PROJECTS UPDATE**

Staff provided an update on the following pending project:

A. Moulton Parkway and El Toro Road Construction

#### **V. SUBCOMMITTEE UPDATES**

A. Animal Services – no meeting

#### **VI. COMMITTEE MEMBER COMMENTS**

Stu Venable asked for an update on the smoking restrictions on patios and a perceived increase in accidents at El Toro Road and Via Campo Verde. He encouraged the City to reconsider the no right turn on red restrictions and complimented the City's storm drain contractor for their efficiency.

City Manager Keane stated that the Committee will have an opportunity to review the smoking ordinance before it goes to the City Council. [After the meeting, staff and the Orange County Sheriff's Department looked into the inquiry regarding increased accidents and found no such evidence.]

Stu Venable asked the City to consider installing "In God We Trust" in the City Council Chambers.

City Manager Keane stated that such a request would need to be made to the City Council and/or Community Services Committee.

Mary Stone expressed concern regarding street signs that are obscured due to overgrowth and encouraged the City to look into the Zipcar program.

#### **VII. PUBLIC COMMENTS – None**

#### **VIII. ADJOURN**


The next regular meeting of the Public Safety Committee will be at 9:30 a.m. on Tuesday, July 13, 2010, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. All regular meetings are subject to cancellation due to a lack of agenda items.



## City of Laguna Woods Agenda Report

**FOR:** July 33, 2010 Public Safety Committee Meeting

**TO:** Chair and Members of the Public Safety Committee

**FROM:** Leslie A. Keane, City Manager 

**Agenda Item:** City Bingo Regulations

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### **Recommendation:**

Review proposed City Bingo Games regulations and recommend approval to the City Council.

### **Background**

City bingo regulations were carried forward from the County of Orange in 1999 and may be found in two sections of the Municipal Code – Businesses and Public Safety. Current regulations require extensive Sheriff's department background checks and do not reflect several changes in state law. Staff proposes updating regulations so that they are consistent with state law, consolidating them in a single section of the municipal code and simplifying the applications process.

### **Discussion**

The proposed regulations contain (attached) modifications in the following areas:

- Include charitable organizations affiliated with a school district (Section 6.24.010)
- Identify specific accounting requirements required by state law (Section 6.24.100)
- Permits, not licenses, would be issued by the City Manager, not by the Police Department (Section 6.24.040)
- Permits issued would expire two years from date of issuance (Section 6.24.020 g)

## ITEM III-B

- No background check requirement except for remote calling bingo (Section 6.24.030)
- Suspension and revocation process for violations, with appeal to City Council (Sections 6.24.050, 6.24.060, and 6.24.070)
- Increase the maximum prize from \$250 to \$500 in accordance with state law (Section 6.24.130)
- Change number of participants to room/building occupancy instead of maximum 500 (Section 6.24.150)
- Allow permittees to operate up to three days in any seven day period instead of two days only (Section 6.24.180)
- Change prohibited hours from midnight to noon to midnight to 10:00 a. m. (Section 6.24.180)

### **Fiscal Impact**

Staff has analyzed the proposed revisions to the ordinance and does not anticipate any significant increase in cost to regulate and permit bingo games.

### **Conclusion**

The recommended modification to the City's bingo games ordinance will both reduce the cost for applicants and ease the process by which bingo permits will be issued.

Attachment: Proposed Regulations



**Rescind Municipal Code Section 6.24 and 7.12.040 and replace with:**

**6.24.010 General**

(a) Pursuant to Penal Code § 326.5, bingo games are hereby permitted within the City of Laguna Woods, provided such games are conducted by organizations exempted from the payment of the bank and corporation tax by Revenue and Taxation Code §§ 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), 23701(k), 23701(w), and 23701(l), and by mobile home park associations, senior citizen organizations and charitable organizations affiliated with a school district; and provided that the proceeds of such games are used only for charitable purposes; and provided that a permit is obtained therefore pursuant to section 6.24.020, and provided that the bingo games are conducted in accordance to the requirements of California Penal Code § 326.5 and the requirements of this division.

(b) As used in this division, "bingo" shall mean 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; the game of bingo shall also include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All such preprinted cards shall bear the legend "for sale or use only in a bingo game authorized under California Law and pursuant to local ordinance." Any bingo card used must comply fully with California Penal Code § 326.5. During the sale of concealed, preprinted bingo cards, the organization responsible for the operation of the game must disclose the odds of winning, as noted in each unit of cards.

**6.24.020 Permit application procedures and qualifications**

(a) No person or organization shall organize, conduct or operate a bingo game without having first procured a permit issued by the City of Laguna Woods pursuant to the provisions of this chapter.

(b) Eligible organizations desiring to obtain a permit to conduct bingo games in the City of Laguna Woods shall file an application in writing with the office of the City Manager on such forms as such office may provide and which shall contain such information as shall be deemed appropriate. Applications shall be

accompanied by such fees as may be established from time to time by resolution of the City Council.

(c) The issuing authority shall be the City Manager.

(d) Each permit issued hereunder shall be issued to a specific organization to conduct bingo games at a specific location and shall in no event be transferable from one organization to another and/or from one location to another.

(e) No permit shall be issued to any organization unless such applicant is an eligible organization under section 6.24.010 (a) and its application conforms to the requirements, terms and conditions of this division.

(f) No organization shall be entitled to have more than one such permit in effect at any one time.

(g) A bingo permit shall expire two years from the date of issue unless revoked pursuant to the provisions of this division. A bingo permit may be renewed for a maximum period of two years at any time within three months<sup>90</sup> days from the date of its expiration, upon application therefore on such forms as are provided by the City Manager and upon payment of such renewal fees as may be established from time to time by resolution of the City Council.

#### **6.24.030 Investigation of applicant**

Upon receipt of the completed application and the fee, the City Manager shall investigate the truth of the statements in the application and whether or not the property of the applicant qualifies and the extent to which it qualifies, as property on which bingo games may lawfully be conducted. If the permit is for a remote calling game, the application shall be referred to the police department for a background investigation.

#### **6.24.040 Contents of permit**

Upon being satisfied that the applicant has fully provided the required information and is qualified under Penal Code § 326.5 and this division to conduct bingo games in the City of Laguna Woods, the City Manager shall issue a permit to said applicant, which shall contain the following information:

A. The name and nature of the organization to who the permit is issued.

- B. The address where bingo games are authorized to be conducted.
- C. The day of week and hours of day for which bingo games may be conducted.
- D. The date of the expiration of such permit.
- F. Such other information as may be necessary or desirable for the enforcement of the provisions of this division.

**6.24.050 Summary suspension and revocation.**

- (a) Whenever it appears to the City Manager that the permittee is conducting a bingo game in violation of any of the provisions of this division, he/she shall have the authority to summarily suspend the permit and order the permittee to immediately cease and desist any further operation of any bingo game. Any such order shall be in writing and served upon the permittee in accordance with Municipal Code Section 1.06.050.
- (b) Any person who continues to conduct a bingo game after any summary suspension thereof under this section shall be deemed guilty of a misdemeanor.
- (c) The order issued under this section shall also notify the permittee that it shall have five days from the date of such order to request a hearing to determine whether such license shall be revoked. Failure to request, in writing, such hearing before the City Manager within said five-day period shall result in a revocation of the permittee.
- (d) Upon such request for a hearing by a permittee whose permit has been suspended under this section, the City Manager shall provide such hearing within 30 days after receipt of such request. No permit shall be revoked under this section unless notice of the time and place of such hearing shall have first been given at least 10 days before the hearing thereof by depositing in the United States mail a notice directed to said suspended permittee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the suspension and revocation. The permittee shall be afforded the opportunity to present evidence why the license should not be revoked.
- (e) At the close of the hearing, the City Manager shall render a decision. If the City Manager decides that the permit should be revoked, a written notice thereof

shall be served upon the permittee in accordance with Municipal Code section 1.06.050. Said written notice shall contain the following:

1. A clear and concise statement of the ground for revocation.
2. A statement that the licensee has a right to appeal the decision to the City Council.

(f) Any organization whose permit is revoked under this section shall not conduct any bingo game in the City until such time as the City Council, on appeal by the permittee, determines to overrule the decision of the City Manager.

**6.24.060 Administrative revocation.**

(a) Whenever it appears to the City Manager that the permittee is conducting bingo games in violation of any of the provisions of this division, or that the permit was obtained by fraudulent representation and no summary suspension is ordered as provided by section 6.24.050, the license may be revoked; provided, however, the licensee shall have the opportunity to appear at a hearing conducted by the City Manager within 30 days of the date of request. No permit shall be revoked under this section unless written notice shall have been given at least ten days before the hearing thereof by depositing in the United States mail a notice directed to said licensee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the revocation. The permittee shall be afforded the opportunity to present evidence why the license should not be revoked.

(b) At the close of the hearing, the City Manager shall render a decision. If the City Manager decides that the license should be revoked, a written notice thereof shall be personally served upon the licensee. Said written notice shall contain the following:

1. A clear and concise statement of the ground for revocation.
2. A statement that the licensee has a right to appeal the decision to the City Council.

(c) Any organization whose permit is revoked under this section shall not conduct any bingo game in the City until such time as the City Council, on appeal by the licensee, determines to overrule the decision of the City Manager.

#### **6.24.070 Appeal to City Council.**

Any licensee whose license is revoked pursuant to section 6.24.050 or 6.24.060 shall have the right, within ten days after receiving notice in writing of the revocation, to file a written appeal to the City Council. Such appeal shall set forth the specific ground(s) on which it is based. The City Council shall hold a hearing on the appeal within 60 days after its receipt, or at a time thereafter agreed upon by the appellant, and shall cause the appellant to be given at least ten days' written notice of such hearing. At the hearing, the appellant or its authorized representative shall have the right to present evidence and a written or oral argument, or both, in support of its appeal. The determination of the City Council on the appeal shall be final.

#### **6.24.080 Effect of revocation.**

Any organization whose license is revoked may not apply for license to conduct bingo games in the City of Laguna Woods for a period of one year from the date of such revocation; provided, however, if the ground for revocation is cancellation of the exemption granted under Revenue and Taxation Code § 23701(d), such organization may again apply for a license upon proof of reinstatement of said exemption.

#### **6.24.090 Inspection.**

(a) Every licensee shall permit the City of Laguna Woods, by and through its authorized representatives, access to any portion of the premises used in the conduct of the licensed bingo operation at all reasonable times for the purpose of inspection.

(b) All records pertaining to the bingo operation, including ledgers and accounts, shall be kept for three years. Such records, ledgers and accounts shall be made available upon request of the City of Laguna Woods, by and through its authorized representatives. Photocopies shall be provided to the City upon request at no charge to the City.

#### **6.24.100 Profits to be kept in separate fund or account.**

(a) With respect to organizations exempt from payment of the bank and corporations tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in the special fund or account and shall

not be commingled with any other fund or account. Those profits shall be used only for charitable purposes.

(b) With respect to other organizations authorized to conduct **bingo** games pursuant to this section, all proceeds 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. Proceeds are the receipts of **bingo** games conducted by organizations not within subsection A above. Those proceeds shall be used only for charitable purposes, except as follows:

1. The proceeds may be used for prizes.
2. A portion of the proceeds, not to exceed twenty percent of the proceeds before the deduction for prizes, or two thousand dollars per month, whichever is less, may be used for the rental of property and for overhead, including the purchase of **bingo** equipment, administrative expenses, security equipment, and security personnel.
3. The proceeds may be used to pay permit fees.

(c) All permittees under this chapter shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of **bingo** games which are authorized by this chapter. The city, by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time, and permittee shall fully cooperate with the city by making such record available.

#### **6.24.110 Financial interest in permittee only.**

No individual, corporation, partnership or other legal entity except the permittee shall hold a financial interest in the conduct of a bingo game.

#### **6.24.120 Conduct of bingo games.**

(a) All bingo games shall be open to the public, not just to members of the permittee's organization.

(b) 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.

(c) No person under the age of 18 years of age shall be allowed to participate in any bingo game.

(d) No person who is obviously intoxicated or under the influence of any controlled substance shall be allowed to participate in any bingo game.

(e) There shall be one corresponding ball or object in the receptacle for each number and letter on all cards utilized in the bingo game. The balls or objects to be drawn shall be essentially the same as to size, shape, weight, balance and all other characteristics that may influence their selection. All balls or objects shall be present in the receptacle from which they will be drawn before each game is begun. A method of displaying the numbers called shall be utilized and shall be plainly visible to all participants.

(f) The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo games. All such preprinted cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance."

**6.24.130 Maximum amount of prize.**

The total value of prizes awarded during the conduct of any bingo games, on any given day, shall not exceed \$500 in cash or kind, or both, for each separate game which is held.

**6.24.140 Exclusive operation by licensee.**

A bingo game shall be operated and staffed only by members of the permittee organization. Such members shall not receive a profit, wage or salary from any bingo game. Only the permittee shall operate such game or participate in the promotion, supervision or any other phase of such game. This section does not preclude the employment of security personnel who are not members of the licensee organization.

**6.24.150 Attendance limited to occupancy capacity.**

Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the Fire Department and Building Department of the City of Laguna Woods in accordance with applicable laws and regulations. The permittee shall not reserve seats or space for any person.

#### **6.24.160 Games to be conducted only on permittee's premises.**

(a) A permittee 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. The license issued shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application.

(b) In the event the described property ceases to be used as an office and as a place for performance of the purposes for which the permittee is organized, the permit shall have no further force or effect. A new permit may be obtained by an eligible organization upon application under this division when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized.

#### **6.24.170 Award of prizes.**

All prizes for each bingo game shall be awarded immediately following the conclusion of play of such bingo game.

#### **6.24.180 Hours and days of operation.**

Nothing in this division shall be construed to require that the property owned or leased by the permittee be used or leased exclusively by such permittee; provided, however, that said permittee shall in no event conduct bingo games more often than three days out of any seven-day period. The conduct of such operation shall not exceed 8 hours and shall not be conducted between the hours of midnight and 10:00 a.m. of any day.

#### **6.24.190 Violations and penalties.**

(a) Any person violating any provision or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor, which is punishable by a fine not to exceed one thousand dollars (\$1,000) and/or imprisonment in the county jail for a period of not more than six months.

(b) Notwithstanding the provisions of Section 6.24.190 (a) of this section, any violation of Section 6.24.140 of this chapter shall be punishable by a fine not to exceed ten thousand dollars (\$10,000).



(c) All sanctions provided in this chapter shall be cumulative and not exclusive.

**6.24.200 Enforcement.**

The City of Laguna Woods may bring an action in a court of competent jurisdiction to enjoin a violation of Penal Code § 326.5 or of this division.

**6.24.210 False or misleading advertising.**

It shall be unlawful for any person, firm, corporation or association, with intent directly or indirectly to induce, encourage or solicit any person to participate in any bingo game or games authorized pursuant to this division, to make or disseminate or cause to be made or disseminated before the public in this City, in any newspaper or other publication, or any advertising device, or any other manner or means whatsoever, any statement concerning any such bingo game, including but not limited to the amount of prizes to be awarded or distributed in any game, which is untrue or misleading, and which is known or which, by the exercise of reasonable care, should be known to be untrue or misleading.