



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/21/2023

ITEM NO: 10

DATE: March 10, 2023
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Introduce a Proposed Ordinance Amending Section 3.50.015 of the Town Code to Increase Maximum Bingo Award to \$500

RECOMMENDATION:

Introduce a Proposed Ordinance Amending Section 3.50.015 of the Town Code to Increase Maximum Bingo Award to \$500

BACKGROUND:

State law provides that games of bingo in which people pay to win prizes is considered a lottery or game of chance and therefore constitutes gambling. While gambling and lotteries are generally prohibited, there is an exception for fundraising so long as the proceeds are used for charitable purposes. (Penal Code Section 326.5.) The Town Code currently authorizes non-profit corporations to conduct bingo games for fundraising purposes. (Town Code Sections 3.50.010 and following.) Penal Code Section 326.5 authorizes local jurisdictions to set a maximum prize amount, which can be up to \$500. Town Code Section 3.50.015 currently sets a maximum amount of \$250.00.

DISCUSSION:

KCAT has asked that the Town increase the maximum prize amount from \$250 to \$500. For the Town Council's consideration, staff has prepared an ordinance to increase the bingo prize amount from \$250.00 to \$500.00.

Below, the new proposed language is shown underlined and deleted language is shown in ~~strike through~~:

PREPARED BY: Bridgette Falconio
Administrative Technician

Reviewed by: Town Manager, Police Chief, Finance Director, and Town Attorney

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SUBJECT: Town Code Amendment Regarding Bingo Award Amount

DATE: March 10, 2023

DISCUSSION (continued):

Town Code Section 3.50.015:

“The total value of prizes awarded during the conduct of any bingo games shall not exceed ~~two hundred fifty~~ five hundred dollars (~~\$500.00~~ \$250.00) in cash or kind, or both, for each separate game which is held.”

CONCLUSION:

If the Town Council decides that the maximum bingo prize amount should increase from \$250 to \$500, staff recommends that the Town Council introduce the proposed Ordinance. The Council should also include any comments or recommended changes to the proposed Ordinance. Once introduced, the Ordinance will return to the Town Council for adoption on April 4, 2023.

COORDINATION:

The Town Attorney’s Office and Town Manager’s Office coordinated this report.

FISCAL IMPACT:

The proposed Ordinance will not affect the Town’s Budget.

ENVIRONMENTAL ASSESSMENT:

Because the proposed Ordinance will not result in a change in the physical environment, its adoption is not a project defined under CEQA and no further action is required (Public Resources Code Section 21065).

Attachment:

1. Proposed Ordinance Amending Bingo Ordinance