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INTRODUCED BY COUNCILMEMBERS JEAN QUAN, NANCY NADEL, AND JANE BRUNNER

2005 JAN -6 PM 6:58

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION DECLARING THE CITY COUNCIL'S OPPOSITION TO THE ESTABLISHMENT OF CASINOS AND LEGALIZED GAMBLING WITHIN ITS MUNICIPAL BORDERS AND DIRECTING THE CITY ADMINISTRATOR TO NEGOTIATE A CONTRACT WITH QUALIFIED CONSULTANTS TO ADVISE THE CITY WITH RESPECT TO THE ESTABLISHMENT OF THE LOWER LAKE RANCHERIA-KOI NATION CASINO IN OAKLAND

WHEREAS, The Bureau of Indian Affairs has begun Environmental Hearings on a proposed 200,000 square foot hotel and casino complex, under the aegis of the Lower Lake Rancheria-Koi Nation, on Hegenberger Road near the Oakland Airport and could complete the approvals as soon as late summer; and

WHEREAS, Numerous studies have demonstrated that legalized gambling and casinos have significant negative impacts on surrounding communities, including but not limited to parking and traffic impacts, and increases in crime, personal bankruptcy, blight from surrounding closing businesses, proliferation of pawn shops, homelessness, domestic violence, child abuse, suicides and fraud; and

WHEREAS, Despite claims by the Lower Lake Rancheria-Koi and their agents to the contrary, the National Gambling Impact Study Commission concluded in 1999 "that it is currently impossible to obtain even a rough approximation of a true cost-benefit calculation concerning the economic impact of legalized gambling;" and

WHEREAS, There are currently five proposed casinos in the East Bay, none of which has been analyzed for any of these economic, social or public safety impacts individually or collectively; and

WHEREAS, Although the proposed casino is to be located on and near important Bay wetlands critical to the health of the Bay and the survival of native species on the shores of the Oakland Estuary, it will not receive any environmental review under the California Environmental Quality Act (CEQA), but instead will be evaluated under the weaker standards of the National Environmental Protection Act (NEPA); and

WHEREAS, the federal process either through a Department of Interior "administrative procedure" and/or a vote of Congress, could override the City Council as the elected representatives of the people of the City of Oakland as to whether a casino such as the proposed Lower Lake Rancheria-Koi casino is wanted in our community, necessary for the success of our city, or appropriate to our stated goals of sustainable economic and community development; and

WHEREAS, We, as the elected representatives of the people of the City of Oakland, are strongly opposed to the lack of public process regarding the casino and the subversion of local authority in the establishment of such a casino by Federal fiat; now

THEREFORE BE IT RESOLVED, that the Oakland City Council opposes the Lower Lake Rancheria-Koi Indian Casino on Hegenberger Road; and be it

FURTHER RESOLVED, that the Oakland City Council opposes the establishment of any legalized gambling establishment within its municipal borders;

FURTHER RESOLVED, that the City of Oakland and its representatives work actively to oppose the Casino in the Environmental Impact Study process for the Hegenberger site;

FURTHER RESOLVED, the City Council directs the City Administrator to obtain and negotiate contracts with, subject to approval by the City Council, qualified and expert consultants to advise the City with respect to this proposal.

FURTHER RESOLVED, that the City Administrator is authorized to prepare appropriate responses to the Bureau of Indian Affairs' "Notice of Intent to Prepare an Environmental Impact Statement for the Lower Lake Rancheria Casino-Hotel Project, Oakland, CA" by the BIA's January 21, 2005 deadline to ensure that the City of Oakland's opposition to the project and concerns over the environmental, social, and economic, and procedural issues are addressed in any environmental document prepared for the casino project.

FURTHER RESOLVED, that the City Administrator is to prepare a proposed plan for the City to oppose the casino project and report back to the City Council on the plan. The plan should include details of the process for land to be transferred to a tribe for gaming, ways in which the City can advocate its opposition to the casino project to the appropriate legislative bodies, express its opposition and respond further in the Environmental Impact Statement process, and a budget for hiring any outside experts and consultants, including any environmental, economic, or advocacy consultants, or outside counsel needed, and a source of funds for implementing the plan.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

City Clerk and Clerk of the Council
of the City of Oakland, California