RESOLUTION - ACTION REQUESTED 2020-494

MEETING: August 11, 2020

TO: The Board of Supervisors

FROM: Kevin Cann, District IV Supervisor

RE: 7Th Street Pavilion Alcohol Consumption

RECOMMENDATION AND JUSTIFICATION:

Consider whether to allow alcohol consumption at the 7Th St. Pavilion and, if so, under what controls. It is essential that the Board of Supervisors decide whether or not they are willing to allow consumption of alcohol on the Pavilion site and under what specific regulation.

On August 4, 2020, the Board adopted a “Resolution Temporarily Expanding Outdoor Dining and Other Outdoor Business Activities During the COVID-19 Emergency (State and Local)” and separately agreed to “Waive Encroachment Permit Fees for the Closure of 7Th Street Between HWY 140 and Bullion St.” Because the consumption of alcohol on site is a question which only became apparent after the August 11, 2020, agenda was published, a special agenda item is requested as the area has already begun operation.

This project has been a fast track effort by the County, Chamber of Commerce and the business community. During Board deliberations the subject of recently modified State Alcohol Control Board (ABC) regulations allowing the consumption of alcohol, purchased in legally permitted restaurants, to occur on temporarily established outdoor dining areas was not discussed. While the Chamber, in a specific liability insurance policy for the 7th St area named the county as an insured party, the consumption of alcohol on the site was not part of the Board’s discussion or actions in permitting the road closure and outdoor dining facility.

Chamber representatives and restaurant owners state that the ability to serve alcohol as legally described and regulated by the State ABC is essential to the ability to make a profit under the current COVID-19 Governor’s emergency orders.

While the County has permitted the 7th St Pavilion and provided much of the infrastructure and maintenance to make it possible, it falls on the Chamber of Commerce and a number of community service groups to operate and manage the area on a daily basis. It is essential that the Board of Supervisors decide whether or not they are willing to allow consumption of alcohol on the Pavilion site and under what specific regulation.
Resolution - Action Requested 2020-494

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has considered previous time sensitive items when critical information has been received after the upcoming Board agenda has been published.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Negative actions will leave the authorizations for the 7th Street Pavilion unchanged. The Board may also suggest alternatives.

ATTACHMENTS:
ABC Fourth Notice of Regulatory Relief (PDF)

RESULT:  ADOPTED [UNANIMOUS]
MOVER:  Rosemarie Smallcombe, District I Supervisor
SECONDER:  Miles Menetrey, District V Supervisor
AYES:  Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey
EXCUSED:  Merlin Jones
EVANSTON INSURANCE COMPANY

IMPORTANT NOTICE

CALIFORNIA SURPLUS LINES NOTICE (D-2)

1. The insurance policy that you have purchased is being issued by an insurer that is not licensed by the State of California. These companies are called “nonadmitted” or “surplus lines” insurers.

2. The insurer is not subject to the financial solvency regulation and enforcement that apply to California licensed insurers.

3. The insurer does not participate in any of the insurance guarantee funds created by California law. Therefore, these funds will not pay your claims or protect your assets if the insurer becomes insolvent and is unable to make payments as promised.

4. The insurer should be licensed either as a foreign insurer in another state in the United States or as a non-United States (alien) insurer. You should ask questions of your insurance agent, broker, or “surplus line” broker or contact the California Department of Insurance at the toll-free number 1-800-927-4357 or internet website www.insurance.ca.gov. Ask whether or not the insurer is licensed as a foreign or non-United States (alien) insurer and for additional information about the insurer. You may also visit the NAIC’s internet website at www.naic.org. The NAIC – the National Association of Insurance Commissioners – is the regulatory support organization created and governed by the chief insurance regulators in the United States.

5. Foreign insurers should be licensed by a state in the United States and you may contact that state’s department of insurance to obtain
more information about that insurer. You can find a link to each state from this NAIC internet website: https://naic.org/state_web_map.htm.

6. For non-United States (alien) insurers, the insurer should be licensed by a country outside of the United States and should be on the NAIC’s International Insurers Department (IID) listing of approved nonadmitted non-United States insurers. Ask your agent, broker, or “surplus line” broker to obtain more information about that insurer.

7. California maintains a “List of Approved Surplus Line Insurers (LASLI).” Ask your agent or broker if the insurer is on that list, or view that list at the internet website of the California Department of Insurance: www.insurance.ca.gov/01-consumers/120-company/07-lasli/lasli.cfm.

8. If you, as the applicant, required that the insurance policy you have purchased be effective immediately, either because existing coverage was going to lapse within two business days or because you were required to have coverage within two business days, and you did not receive this disclosure form and a request for your signature until after coverage became effective, you have the right to cancel this policy within five days of receiving this disclosure. If you cancel coverage, the premium will be prorated and any broker’s fee charged for this insurance will be returned to you.
EVANSTON INSURANCE COMPANY
CERTIFICATE NO.: -

CERTIFICATE OF INSURANCE
SPECIAL EVENT LIABILITY PROGRAM

<table>
<thead>
<tr>
<th>PRODUCER</th>
<th>PUBLIC ENTITY (ADDITIONAL INSURED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alliant Insurance Services, Inc. in conjunction with Apex Insurance Services P. O. Box 6450 Newport Beach, CA 92658 License No: OC 36861</td>
<td>Amended certificate replaces certificate issued to you on August 4, 2020 Liquor Liability Coverages applies from August 11, 2020 to October 4, 2020</td>
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<table>
<thead>
<tr>
<th>NAMED INSURED (EVENT HOLDER):</th>
<th>EVENT INFORMATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariposa County P O Box 784 Mariposa, CA 95338</td>
<td>TYPE: Outdoor Dining</td>
</tr>
<tr>
<td></td>
<td>DATE(S): 8/4/2020 to 10/4/2020</td>
</tr>
<tr>
<td></td>
<td>LOCATION: 7th Street, Mariposa CA 95338</td>
</tr>
<tr>
<td></td>
<td>*Liquor Liability Yes ☑ No ☐</td>
</tr>
<tr>
<td></td>
<td>**Liquor Liability after 12 am ends before 2 am ☐</td>
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This is to certify that the insurance policy listed below has been issued to the above insured named (event holder) for the policy period indicated. The insurance described herein is subject to all the terms, exclusions and conditions of such policy(ies) unless amended as described in Special Conditions.

INSURANCE CARRIER: Evanston Insurance Company

MASTER POLICY NUMBER: SEP41030

MASTER POLICY DATES: EFFECTIVE: JANUARY 1, 2020 EXPIRATION: JANUARY 1, 2021

<table>
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<tr>
<th>COMMERCIAL GENERAL LIABILITY</th>
<th>OCCURRENCE FORM</th>
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<td>General Aggregate Limit</td>
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<tr>
<td>Products &amp; Completed Operations</td>
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<tr>
<td>Personal &amp; Advertising Injury</td>
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<td>Each Occurrence Limit</td>
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<tr>
<td>Damage To Premises Rented To You (Any One Premises)</td>
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<td>Medical Payments (Any One Person)</td>
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<tr>
<td>Liquor Liability</td>
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Optional Limits Purchased

☐ $1,000,000/$3,000,000
☒ $2,000,000/$2,000,000

Damage To Property (If purchased)

The limits of insurance apply separately to each event insured by this policy as if a separate policy of insurance has been issued for that event.

OTHER ADDITIONAL INSURED

CANCELLATION. Should the above described policy be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

AUTHORIZED REPRESENTATIVE:

DATE ISSUED: 8/11/20
Newport Beach/Alliant Insurance Services, Inc.
Alliant Insurance Services, Inc. - NPB Main
PO Box 8473
Pasadena, CA 91109-8473
Phone: (949) 756-0271

Mariposa County
PO Box 784
Mariposa, CA 95338-0189

Vendors / Contractors Program

Client: Mariposa County
Policy Number: SEP41030
Insurance Carrier: Evanston Insurance Company
Policy: Special Event Liability
Effective: 1/1/2020 to 1/1/2021

<table>
<thead>
<tr>
<th>Item #</th>
<th>Trans Eff Date</th>
<th>Due Date</th>
<th>Trans</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>5638166</td>
<td>1/1/2020</td>
<td>9/10/2020</td>
<td>ENDT</td>
<td>Amended Premium Outdoor Dining</td>
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<td>BNKF</td>
<td>Special Events - Credit Card Fee</td>
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Total Invoice Balance: $4,041.00

PLEASE MAIL A COPY OF THIS INVOICE WITH PAYMENT

REMITTANCE ADDRESS
Alliant Insurance Services, Inc. - NPB Main
PO Box 8473
Pasadena, CA 91109-8473

OVERNIGHT/COURIER ADDRESS
Alliant Insurance Services, Inc. - Lockbox #8473
Comerica Bank
5th Floor
2321 Rosecrans Ave
El Segundo, CA 90245

ACH/WIRE PAYMENTS
Comerica Bank
333 W. Santa Clara Street
San Jose, CA 95113
ABA/Routing Number: 121137522
SWIFT: MNBUS533
Account Number: 1894398625

ACH/Wire Reference: Include your ten-digit Client Account Number and Invoice Number (both can be found in the top right of this invoice)
E-mail remittances to accountsreceivable@alliant.com.

IMPORTANT NOTICE: The Nonadmitted & Reinsurance reform act (NRRA) went into effect July 21, 2011. Accordingly, surplus lines tax rates and regulations are subject to change which could result in an increase or decrease of the total surplus lines taxes and/or fees owed on this placement. If a change is required, we will promptly notify you. Any additional taxes and/or fees owed must be promptly remitted to Alliant Insurance Services, Inc.

IMPORTANT NOTICE: The Foreign Account Tax Compliance Act (FATCA) requires the notification of certain financial accounts to the United States Internal Revenue Service. Alliant does not provide tax advice. Please contact your tax consultant for your obligations regarding FATCA.

Alliant embraces a policy of transparency with respect to its compensation from insurance transactions. Details on our compensation policy, including the types of income Alliant may earn on a placement, are available at www.alliant.com. For a copy of our policy or for inquiries regarding compensation issues pertaining to your account contact: Alliant Insurance Services, Inc., Attn: General Counsel, 701 B St., 8th Floor, San Diego, CA 92101.