RESOLUTION - ACTION REQUESTED 2020-723

MEETING: December 15, 2020

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Alcoholic Beverage Control License Resolution

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution Authorizing the California Department of Alcoholic Beverage Control to Issue Five New On-Sale General Licenses to Restaurants with a Minimum Capacity of 50 Diners in 2021.

Assembly Bill (AB) 2459 authorizes the California Department of Alcoholic Beverage Control (ABC) to issue up to ten (10) additional "on-sale general licenses for bona fide public eating places in the County of Mariposa that have a seating capacity for 50 or more diners". The Mariposa County Board of Supervisors is authorized to determine the number of licenses issued in a given year, provided that no more than five additional licenses are issued in any one year.

On-sale general licenses, also known as a Type 47 license, permits the sale of beer, wine and distilled spirits for consumption on or off the premises. This license type is more permissive than a typical beer and wine license, but also must be associated with a bona fide eating place with "actual and substantial" sales of meals for consumption on the premises.

At the direction of the Board, the attached resolution authorizes five additional on-sale general licenses to be made available in 2021.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On January 21, 2020, the Board approved draft legislation to increase the number of alcohol licenses available in Mariposa County. The draft legislation was introduced as AB 2459 on February 19, 2020.

On March 10, 2020, the Board approved a letter of sponsorship for AB 2459.

On July 7, 2020, the Board approved a letter of support for AB 2459.

AB 2459 unanimously passed the Assembly on August 24, 2020.
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AB 2459 unanimously passed the Senate on August 26, 2020.

AB 2459 was signed into law on September 9, 2020.

On October 27, 2020, the Board addressed the need for this resolution in a discussion and direction item. The Board directed staff to prepare a resolution authorizing five additional licenses for the coming year.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Do not approve. No additional licenses will be made available at this time, which may limit to ability of some development to take place and/or some local businesses to expand their operations or offerings.

Amend and approve. The Board may direct staff to amend the resolution before it is signed by the Board chair.

**ATTACHMENTS:**

AB2459 Resolution (PDF)

**RESULT:** ADOPTED BY CONSENT VOTE [UNANIMOUS]

**MOVER:** Miles Menetrey, District V Supervisor

**SECONDER:** Marshall Long, District III Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Menetrey
MARIPOSA COUNTY RESOLUTION NO. 20-723

AUTHORIZING THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TO ISSUE FIVE ADDITIONAL ORIGINAL ON-SALE GENERAL LICENSES

WHEREAS, the County of Mariposa, as the home of Yosemite National Park, has recognized a need for additional original on-sale general licenses for the sale of alcohol in restaurants with a seating capacity of fifty (50) or more diners; and

WHEREAS, Assembly Member Frank Bigelow and co-authors Senators Andreas Borgeas and Bill Dodd introduced legislation, known as AB 2459, to amend Section 23826.10 and add Section 23826.15 to the Business and Professions Code and allow for up to ten (10) additional licenses in Mariposa County over the next five years; and

WHEREAS, Governor Newsome signed AB 2459 on September 9, 2020; and

WHEREAS, Section 23826.10 of the Business and Professions Code, as amended, requires the Board of Supervisors of the County of Mariposa to specify the number of licenses to be issued in any year, not to exceed five additional licenses in any given year, by resolution; and

WHEREAS, said resolution is effective for one year and required to be submitted to the Department of Alcoholic Beverage Control no later than July 1 of the year to which the resolution applies;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Mariposa hereby authorizes five additional on-sale general licenses for bona fide eating places to be made available in 2021, pursuant to Section 23826.10 of the Business and Professions Code.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California on this 15th day of December 2020, by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

KEVIN CANN, Chair

ATTEST:  

RENE LAROCHE, Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM, County Counsel