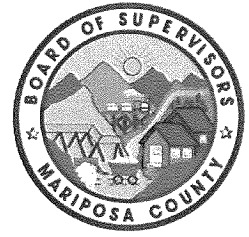


MARIPOSA COUNTY

Administration • 966-3222



RESOLUTION - ACTION REQUESTED 2021-647

MEETING: December 7, 2021
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 Two New On-Sale General Licenses to Restaurants with a Minimum Capacity of 50 Diners in 2022.

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 two additional on-sale general licenses to be made available in 2022. If approved, the County will have three remaining licenses to release for 2023-2025.

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.

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 discussed the application of the new law and directed staff to prepare a resolution authorizing five additional licenses for release in 2021.

On December 15, 2020, the Board approved Resolution 2020-723 authorizing the release of five additional licenses for 2021. These licenses were tentatively awarded in October 2020.

On November 9, 2021, the Board discussed the need for licenses for release in 2022 and directed staff to prepare a resolution to release two additional licenses.

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 2022(PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

MARIPOSA COUNTY RESOLUTION NO. 21-647

AUTHORIZING THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TO ISSUE TWO 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 Newsom 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 two additional on-sale general licenses for bona fide eating places to be made available in 2022, pursuant to Section 23826.10 of the Business and Professions Code.

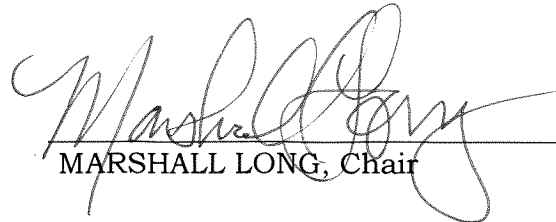
PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California on this 7th day of December 2021, by the following vote:

AYES: SMALLCOMBE, SWEENEY, LONG, FORSYTHE, MENETREY

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE


MARSHALL LONG, Chair

ATTEST:

APPROVED AS TO FORM:


RENÉ LAROCHE, Clerk of the Board


STEVEN W. DAHLEM, County Counsel