

DEPARTMENT: Board of Supv.

BY: Doug Balmain

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_X_)

Resolution finding that the public interest would be served by the issuance of an additional off-sale beer and wine license in Mariposa County. An applicant from District 2 wishes to acquire such a license and is prohibited from doing so by a State-imposed moratorium, to the significant inconvenience of the public.

BACKGROUND AND HISTORY OF BOARD ACTIONS: Assembly Bill 463 imposed a moratorium on Off-Sale Beer and Wine Licenses until January 1, 1998. Senate Bill 408, which will become effective on January 1, 1996, allows a local jurisdiction to make a finding that issuance of another license would be in the public interest subject to two conditions as follows:

First, that the applicant premises is not located in a district having 20% higher reported crimes than the county as a whole, and

Second, that there is not a higher concentration of off-sale retail licenses in the applicant's census tract than there is in the county as a whole.

Findings - The Sheriff's Department does not keep crime statistics on less than a full county basis, so the Board may confidently certify that the applicant's premises is not located in a district having a higher crime rate than the entire county. Based on information from the Alcoholic Beverage Control (ABC), the number of licenses per capita county-wide is 1 per 461 population, while the number in the Coulterville census tract is 1 per 450 population. The Board of Supervisors believes this 2% variance is insignificant.

Also, it should be stressed that Mariposa County has a very small permanent population, which is subject to significant increases from tourism, and quite significant distances may separate small pockets of population. For example, in the Coulterville census tract, the existing off-site licenses are concentrated in the Coulterville/Greeley Hill area, and the applicant's location is the Lake Don Pedro area, which is some 20 - 30 minutes by automobile from the other licenses. In light of the known errors in census methodology, the insignificant difference between the license concentration in the applicant's census tract and the County as a whole, and the significant separation between population concentrations, this Board believes this license would qualify for the exemption offered in SB - 408. Action by the Board today will let the ABC process this license application, which could then be issued shortly after the start of the year.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: This business would continue to be hampered by the Statewide moratorium.

COSTS: () Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated costs \$ _____
C. Required additional funding \$ _____
D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required
A. Unanticipated revenues \$ _____
B. Reserve for contingencies \$ _____
C. Source description: _____
Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

CLERK'S USE ONLY:
Res. No.: 45-529 Ord. No. _____
Vote - Ayes: _____ Noes: _____
Absent: _____ Abstained: _____
() Approved () Denied
() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
 Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action
Comment: _____
A.O. Initials: [Signature]

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: SUPERVISOR BALMAIN
FROM: MARGIE WILLIAMS, Clerk of the Board *mw*
SUBJECT: ADDITIONAL OFF-SALE BEER AND WINE LICENSE

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on December 12, 1995

ACTION AND VOTE:

Resolution Finding that the Public Interest would be Served by the Issuance of an Additional Off-Sale Beer and Wine License in Mariposa County (Supervisor Balmain)

BOARD ACTION: Supervisor Balmain initiated discussion concerning request on behalf of the former "C Arrow B" business. Discussion was held relative to request and policy issues and legislative requirements. (M)Balmain, (S)Taber, to adopt a resolution finding it is in the "economic interest" versus "public interest", failed by the following vote: Ayes: Balmain, Taber; Noes: Stewart, Reilly; Abstained: Parker. Note: later this date, Supervisor Parker changed his vote to "aye" and motion passed.

1:32 p.m. Board reconvened and Supervisor Parker changed his previous vote from "abstained" to "aye" relative to an additional off-sale beer and wine license - Motion passed and Res. 95-527 adopted.

cc: File