



MEMORANDUM

Date: February 24, 2015
To: City Council
From: Bryan H. Montgomery, City Manager 
Subject: Resolution designating the Chief of Police as Responsible for the Determination of Public Convenience or Necessity, if required pursuant to any request for licensure through the State of California Department of Alcoholic Beverage Control.

Summary and Background

The State of California Department of Alcoholic Beverage Control (ABC) is charged with the responsibility under State law to review and issue licenses for the sale and/or manufacture of alcoholic beverages. ABC is authorized to deny an application for a license if the issuance of that license would either create a law enforcement problem, or result in or add to an undue concentration of licenses, unless a determination is made that "Public Convenience or Necessity" would be served by the issuance of that license.

State law grants authority to the City to make determinations of Public Convenience or Necessity for all applications, except for non-retail, hotel, motel, restaurant, and manufacturing establishments, if the proposed license is located in an area of high crime or overconcentration of licenses. It is very common in other cities for the Chief of Police to be the City official that makes these determinations, with a potential appeal to the City Council. The attached resolution would formally designate the Chief of Police to serve in this role in Oakley.

Fiscal Impact

None.

Recommendation

Adopt the resolution designating the Chief of Police as responsible for the determination of Public Convenience or Necessity if required for an ABC license.

Attachment

1. Resolution

RESOLUTION NO. __-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA DESIGNATING THE OAKLEY CHIEF OF POLICE AS RESPONSIBLE FOR THE DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY, IF REQUIRED PURSUANT TO ANY REQUEST FOR LICENSURE THROUGH THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, the State of California Department of Alcoholic Beverage Control (ABC) is charged with the responsibility under State statute to review and issue licenses for the sale and/or manufacture of alcoholic beverages; and

WHEREAS, State law provides that ABC shall deny an application for a license if the issuance of that license would either create a law enforcement problem, or result in or add to an undue concentration of licenses, unless a determination is made that "Public Convenience or Necessity" would be served by the issuance of that license; and

WHEREAS, State law grants authority to the City to make determinations of Public Convenience or Necessity for all applications except for non-retail, hotel, motel, restaurant, and manufacturing establishments, if the proposed license is located in an area of high crime or overconcentration of licenses; and

WHEREAS, the Oakley City Council believes it is in the City's best interest to designate the Oakley Chief of Police as the individual within the City organization to make a determination of Public Convenience or Necessity; and

WHEREAS, the Oakley City Council acknowledges that any written appeal of a decision made by the Chief of Police relating to this authority may be forwarded to the City Council in a timely manner for its final consideration.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Oakley Chief of Police be designated as the individual responsible for making determinations of Public Convenience or Necessity within the City of Oakley.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Oakley held on the 24th day of February 2015, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

- AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

ATTEST:

Doug Hardcastle, Mayor

Libby Vreonis, City Clerk

Date