AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Repealing Resolution 2011-43 and Re-Au

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Attached please find A Resolution Repealing Resolution 2011-43 and Re-Authorizing Alcoholic Beverage Tastings in Unincorporated Gunnison County, Colorado With Certain Terms and Conditions

Fiscal Impact:

Submitted by: Office of the County Attorney **Submitter's Email Address:** rmagruder@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 3/9/15

Reveiwed by: Discharge Date: 3/9/2016 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/9/2016

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 3/15/2016

Revised April 2015

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 2016-____

A RESOLUTION REPEALING RESOLUTION 2011-43 AND RE-AUTHORIZING ALCOHOLIC BEVERAGE TASTINGS IN UNINCORPORATED GUNNISON COUNTY, COLORADO WITH CERTAIN TERMS AND CONDITIONS

WHEREAS, pursuant to C.R.S. § 12-47-301(10), the Board may authorize retail liquor store licensees in unincorporated Gunnison County, Colorado to conduct on premises alcoholic beverage tastings; and

WHEREAS, the Board has authorized, with certain terms and conditions, alcoholic beverage tastings by retail liquor licensees within unincorporated Gunnison County, Colorado by the adoption of Resolution 2011-43; and

WHEREAS, to be current and consistent with Colorado Law, the Board desires to repeal Resolution 2011-43 and, pursuant to C.R.S. § 12-47-301(10), re-authorize and re-establish certain terms and conditions regarding the conduct of alcoholic beverage tastings by licensed retail liquor licensees in unincorporated Gunnison County, Colorado; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that Resolution 2011-43 shall be and hereby is repealed and, pursuant to the authority identified in C.R.S. § 12-47-301(10), as amended, alcoholic beverage tastings by licensed retail liquor licensees in unincorporated Gunnison County, Colorado shall be and hereby is authorized subject to the following terms and conditions:

A. AUTHORITY – PURPOSE: This Resolution is adopted pursuant to the authority granted by C.R.S. §12-47-301(10)(a), as amended, for the purpose of authorizing alcoholic beverage tastings pursuant to such statute.

B. DEFINITIONS: Terms used are defined in the *Colorado Beer Code*, C.R.S. §12-46-101, *et. seq*., as amended, or C.R.S. §12-47-101, *et. seq*., the *Colorado Liquor Code,* as amended, and shall have the meanings provided in such statutes. Additional, the following words shall have the following meanings, unless the content clearly requires otherwise:

Local Liquor Licensing Authority:	Board of County Commissioners of the County of Gunnison, Colorado
Tastings:	The sampling of malt, vinous or spirituous liquors on the premises of a retail liquor store or liquor-licensed drugstore.
Tastings License:	A separate license valid for one year issued by the Local Liquor Licensing Authority pursuant to this Resolution authorizing tastings to be conducted by the licensee

C. LICENSE REQUIRED: A retail liquor store licensee may conduct Tastings only pursuant to a valid Tastings License.

D. APPLICATION: A retail liquor store licensee who wishes to conduct tastings shall submit an application to the Local Liquor Licensing Authority on forms supplied by the Local Liquor Licensing Authority. Such application shall be accompanied by a non-refundable annual fee pursuant to C.R.S. §12-47-301(10)(b), as amended.

E. APPROVAL OR DENIAL OF APPLICATION: If the applicant demonstrated that he or she is able to conduct Tastings without violating the provisions of this Resolution or C.R.S. §12-47-301(10), as amended, and without creating a public safety risk to the neighborhood, the application shall be approved and the Tastings License issued. Otherwise, the application shall be denied.

F. ANNUAL LICENSE: A Tastings License shall be valid for one year, and shall run concurrently with the retail liquor store of the holder of the Tastings License; provided, however, that the first Tasting License issued to a retail liquor store licensee shall be valid only until the expiration of the then-current retail store license.

G. LIMITATIONS ON TASTINGS: Tastings conducted by the holder of a Tasting License shall be subject to the limitations and requirements set forth in C.R.S. §12-47-301(10), as amended. Compliance with the limitations and requirements set forth in C.R.S. §12-47-301(10), as amended, shall be a term and condition of any Tastings License, whether expressly set forth in the Tastings License or not.

H. LICENSEE RESPONSIBILITY: A violation of the provisions of these regulations by a retail liquor store licensee, whether by his or her employees, agents or otherwise, shall be the responsibility of the retail liquor store licensee who is conducting the tasting.

I. SUSPENSION OR REVOCATION OF LICENSE: Any violation of the terms and conditions of a Tastings License may result in the suspension or revocation of the Tastings License, as well as the licensee's retail liquor store license. The suspension or revocation of the retail liquor store license of the holder of a Tastings License shall automatically operate to suspend or revoke such Tastings License.

J. PROOF OF QUALIFICATIONS OF PERSONS CONDUCTING TASTINGS: Upon the request of any peace officer, the holder of a Tastings License shall provide proof that Tastings are to be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division in the Department of Revenue of the State of Colorado, and who is either the retail liquor store licensee, or an employee of such licensee.

K. EFFECTIVE DATE: This Resolution shall be in full force and effect immediately upon adoption by the Board of County Commissioners of the County of Gunnison, Colorado.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this 15th day of March, 2016.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Paula Swenson, Chairperson

By: _____
Phil Chamberland, Vice Chairperson

By: _____
Jonathan Houck, Commissioner

ATTEST:

_____
Deputy County Clerk