

Agenda Report

TO: CITY COUNCIL

DATE: JUNE 6, 2005

THROUGH: LEGISLATIVE COMMITTEE

FROM: CITY MANAGER

SUBJECT: PROPOSED ASSEMBLY BILLS: AB 428 (GORDON) – ALCOHOL BEVERAGE CONTROL FUND: GRANT ASSISTANCE PROGRAM; AB 454 (RUNNER) – ALCOHOLIC BEVERAGES: UNDERAGE DRINKING; AB 1126 (SALDANA) – ALCOHOLIC BEVERAGE CONTROL: LICENSES: OFFERS IN COMPROMISE

RECOMMENDTION

It is recommended the City Council:

- (1) Support the following three Assembly Bills: AB 428 (Gordon) – Alcohol Beverage Control Fund: grant assistance program; AB 454 (Runner) - Alcoholic beverages: underage drinking; and AB 1126 (Saldana) – Alcoholic beverage control: licenses: offers in compromise.
- (2) Authorize the Mayor to send correspondence to the appropriate authorities stating Pasadena's position.

BACKGROUND

In February 2005, three Assembly Bills all relating to alcohol issues, were introduced to the State Legislature. After reviewing these bills, Staff feels that the city should take a stance in support of the them.

Assembly Bill 428 (Gordon):

Existing law requires all money collected as fees under the Alcoholic Beverage Control Act be deposited in the State Treasury to the credit of the Alcoholic Beverage Control Fund for specified purposes. This bill would make legislative modifications regarding the Department of Alcoholic Beverage Control's grant assistance program and provide that money in the fund shall also be used in an

amount necessary for the support of the grant assistance program. The Alcohol Beverage Control grant assistance supports programs conducted by local law enforcement to check on and enforce laws regarding sales of alcohol as well as support training programs for alcohol vendors. Programs include decoy programs to check if liquor establishments will sell to minors and "shoulder tap" programs, which targets individuals loitering in front of liquor stores and checking if they will purchase alcohol for minors. Training programs include helping alcohol vendors recognize fraudulent identification, intoxicated persons, and minors.

Assembly Bill 454 (Runner):

Anyone who provides an alcoholic beverage to a person under the age of 21 years who then consumes the beverage and causes great bodily injury or death has committed a misdemeanor. This bill would make that act a felony. This law would help to discourage adults from supplying alcohol to minors.

Assembly Bill 1126 (Saldana):


The Alcoholic Beverage Control Act contains provisions for the suspension of alcoholic beverage licenses by the Department of Alcohol Beverage Control (ABC). Existing law authorizes an alcoholic beverage licensee to petition the Department of ABC for permission to make an offer in compromise, before the operative date of the suspension of the alcoholic beverage license, and to pay an amount in lieu of serving the suspension. Existing law mandates that the compromise may not be less than \$750 nor more than \$3,000. This bill would provide that an offer in compromise for retail licensees may not be less than \$1,000 nor more than \$5,000. This bill would provide more incentive to holders of alcoholic beverage licenses to follow the laws regarding sales of alcoholic beverages.

Staff is unaware of any professional associations taking a position on any of these bills.

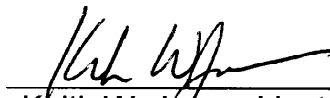
FISCAL IMPACT

No immediate fiscal impact is expected, however, if Assembly Bills 428 and 1126 pass, it is possible that the city may be offered increased funding for enforcement and education programs by way of grant opportunities from Alcohol Beverage Control Grant Assistance programs.

Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

Prepared by:


Keith W. Jones, Lieutenant
Special Operations Division

Approved by:


Bernard K. Melekian
Chief of Police