



City of Nampa  
Alcohol Review Committee  
Nampa City Hall - Council Chambers  
December 2, 2021  
3:00 PM

## Call to Order

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### (1) New Business

- 1-1. **Action Item:** Approve October 27, 2021 meeting minutes
- 1-2. **Action Item:** Continued Discussion of Nampa City Code 5-12-17 – Penalties for serving without a city license
- 1-3. **Action Item:** Review of draft ordinance changing Nampa City Code 5-12-17 – Addition of approved server training requirement

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## Adjourn

- ◆ If you would like to participate virtually, please email the clerk's office at [clerks@cityofnampa.us](mailto:clerks@cityofnampa.us) prior to the meeting, please provide your name, address and we will email a link to join the meeting.
- ◆ Individuals, who require language interpretation or special assistance to accommodate physical, vision, hearing impairments, please contact the City Clerk's Office at Nampa City Hall, (208) 468-5426. Requests should be made at least five (5) days prior to the meeting to allow time to arrange accommodation.

**CITY OF NAMPA**  
**ALCOHOL LICENSE REVIEW COMMITTEE**  
**City Hall – Council Chambers**  
**October 27, 2021**

Acting Chairman Rick Hogaboam called the meeting to order at 3:00 p.m.

Committee Member Rosin took roll with the following committee members in attendance Chief of Staff Rick Hogaboam, City Clerk Deborah Rosin, Planning and Zoning Director Rodney Ashby, Building Safety Director Patrick Sullivan. Absent Lieutenant Jamie Burns.

❖ **(1) New Business** ❖

**Item #1-1.** – Acting Chairman Hogaboam presented the request to **approve the ARC Minutes of September 29, 2021.**

Committee Member Ashby said that on page 4 of the minutes about two thirds of the way down it starts with Committee Member Sullivan said that it is a great idea that sentences looks like it just isn't wording correctly or completed.

Acting Chair Hogaboam asked legal if the minutes could be amended (sure). The coma needs to be removed and then your should be you.

**MOVED** by Ashby and **SECONDED** by Hogaboam to **approve the ARC Minutes of September 29, 2021 with the above-mentioned amendments.** The Acting Chairman asked for a roll call vote with all Committee Members present voting **YES.** The Acting Chairman declared the  
MOTION CARRIED

**Item #1-2.** – Acting Chairman Hogaboam presented an Update on the October 5, 2021 training provided by Idaho Alcohol Beverage Control for liquor license holders.

Acting Chairman Hogaboam presented the following report and explained that Deputy Haveman was on-site for the training:

The Idaho State Police conducted training on October 5, 2021 at the Nampa Civic Center for Canyon County alcohol license holders. Approximately 79 attendees were present for the training, which covered a variety of topic related to alcohol licensing and dispensing including:

- Age & identification
- Illegal liquor
- Over service
- Disruptive patrons
- Holidays & serving hours
- Licenses required
- Gambling
- Prohibited acts
- On & off premise consumption

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- Advertising

Acting Chairman Hogaboam asked how many committee members had taken some kind of training and none of the committee members had taken the training. By the next meeting all committee members should be able to complete the training.

**Item #1-3.** – Acting Chairman Hogaboam presented a request for discussion on Nampa City Code 5-12-17 – addition of approved server training requirements.

The City Attorney Joe Borton went over the proposed code for server training as a requirement of issuance of a license or renewal of a license. I was provided with what Boise and Meridian does and they are very similar on providing structure to the requirement to have training and then the content of what that training generally consists of and still providing some flexibility for the Chief of Police.

Committee Members Ashby and Sullivan said that they read through the proposed code changes and thought that it was well written. They also thought that the 30 days was enough time.

Committee Member Sullivan asked about B.3. a through i are elements of educational points within all of the training that they may be taking on-line.

City Attorney Borton said that no, that TIPPS training is the most utilized that does incorporate a through i so there is not something on the list that is in addition.

It does put sideboards on what the list of approved classes that law enforcement could allow to satisfy this commission.

Committee Members just went over some inconsistencies in the code and word smithing.

There was discussion on when this would go into effect for the required server training. It was suggested that information be sent out ahead of the requirement to establishments. This becomes effective for an establishment the moment that the license is issued or renewed and then they have 30 days from that point to get trained.

Committee Member Hogaboam said that what we like was is on here and instead of spending time on the administrative implementation of it. Heading to council you would want some type of statement articulating the purpose behind this. I think that I either bring Lt Burns up to speed on this or myself can do the staff report at the council meeting when this is an action item.

**Proposed Language:**

5-12-3 INVESTIGATION

*A Upon receipt of an application for an alcoholic beverage license, or the renewal of an existing license, the city shall conduct an investigation of the statements contained in the application or renewal, an investigation of the premises where the applicant proposes to do business, an investigation of the required server training elements set forth in subsection B, and such other and further investigations as the City may deem necessary.*

*B. Required Server training.*

*1. As a prerequisite to the issuance of any liquor license in Nampa, and as a condition of continued use of a property issued liquor license in Nampa, each license holder shall ensure that each person who dispenses alcoholic beverages has taken an "server training program".*

*2. Only a server training program enumerated in written administrative policy of the Chief of Police shall be recognized as an approved server training program for purposes of this chapter.*

*3. The Chief of Police shall approve a server training program upon a determination that such program educates participants on, and requires participants to successfully pass an examination covering, each and all of the following topics:*

- a. Consistently and accurately verifying patrons' proof of age and identification;*
- b. Recognizing false and altered identification documents;*
- c. Understanding the effects of alcohol on the human body;*
- d. Monitoring patrons' alcohol intake and/or behavior;*
- e. Recognizing intoxicated persons;*
- f. Methods of refusing to sell or serve alcohol to intoxicated persons;*
- g. Providing alternatives to alcoholic beverages;*
- h. Problem solving in dealing with intoxicated and/or belligerent patrons; and*
- i. All state and local laws and rules pertaining to the sale and service of alcoholic beverages.*

*4. Any person employed or operating as a "server" as defined in this chapter shall:*

*a. Complete certification within thirty (30) days of the date upon which he or she begins employment or operation as a server at a licensed establishment and shall maintain such certification at all times of employment or operation as a server, updating such certification as necessary. Upon a server's completion of one (1) hour of work, the thirty-day time period for certification shall be calculated cumulatively and shall be tolled only by the cessation of work for one (1) year or longer.*

*b. Maintain a written record of his or her certification.*

*c. Provide proof of certification to a law enforcement officer upon request,*

*d. Licensees operating establishments where alcoholic beverages are served and consumed on the premises, as to each server employed or operating on the licensed premises, shall ensure that (i) each server is or becomes certified as set forth in this section, and that each server maintains his or her certification throughout his or her employment*

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*or operation as a server, (ii) maintain a copy of each server's certificate, and (iii) provide any server's certificate to a law enforcement officer upon request.*

**MOVED** by Ashby and **SECONDED** by Sullivan to recommended the changes to 5-12-3 to city council with the grammatical changes that we directed and changing any references to liquor licenses to alcohol licenses, and Chief of Police or designee that we direct legal counsel to draft an ordinance for consideration by City Council and a staff report will be given at that time by a member of this committee, the enforcement of this code will take place March 1 and the a renewal or issuance of a alcohol license at that point the establishment receiving the license or the renewal will certify that they have conformed to the code all of this is for on premise license holders. The Chairman asked for a roll call vote with all committee members voting **YES**. The Chairman declared the

MOTION CARRIED

**Item #1-4.** – Acting Chairman Hogaboam presented a request for discussion of the Nampa City Code 5-12-17 penalties for serving without a city license.

The City Attorney Joe Borton went over the changes that he had proposed. He explained that you might have someone that has their license has lapsed and they technically don't have a license and then they do a violation, in that license purgatory you cannot sanction them or give them points against a license that they don't have. The red language in 5-12-7 is from scratch to try and capture a consequence for an individual that might operate without a license.

The first part is just putting some parameters that this committee might put on that says if you sell or operate or provide any alcohol beverage without a license it doesn't matter why you cannot get a license for some period of time.

Committee Member Hogaboam said this is one stab at this to see what is fair and equitable. When this item was taken to the council, they voted in favor of issuing the license. The applicant thought that all of the paperwork was in, and he was good, and that he had some health issues that hindered his abilities.

The establishment had more violations than just not having a license that has caused this issue to be brought to the committee for a resolution to be brought to Council.

There was some confusion on if the application was a renewal or a new license. Discussion was held on if there was a fine in the ordinance or if there was not one. The code does have a late fee.

City Attorney Borton said that there is usually a waiting list a state issued license. The City of Nampa does not have a waiting list if you have a place to use the license it can be issued to you.

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Committee Member Sullivan said that he is kind of torn on the number of months, I think if they are found to be serving without a license then they stop immediately and then you have a pretty large fee for finding yourself in that situation. The Building Department double fee people if they start working without a permit and we don't hold them other than they have to go through the process to pull the permit and go through plan review but then we double fee them so it hurts a little bit also. I like more fee and less time restriction because again you have to weigh how long can someplace be closed before they just close their doors if a lot of their revenue is based on sales of alcoholic beverages.

Committee Member Hogaboam asked if they close down their work?

Committee Member Sullivan said that they do shut them down in the course of pulling a permit in that case typically it is up to 40 days. It could take up to six month depending on the size of the project.

Committee Member Hogaboam said that ABC did shut down the Tilted Ace with a cease-and-desist letter pending the Council action. The state says you are not supposed to operate even though they issue a license without City approval. You need to shut down or get further penalty or risk your license entirely pending the City of Nampa actions. I think that a double fine is a good analogy, and I am fine with that.

City Attorney Borton if they are late within a certain time period for example you might say if you are within 30 days of a renewal, you can accept the fact that your renewed license will be received subject to 3 points. Like you are consenting to an application of this point system that you utilize that is one of the prices for being late or operating without a license (selling without a license) by mistake or otherwise now when you get your renewal you accept that you go three points on it.

Committee Member Rosin said that she likes that this would put it back on them and have them be responsible for their license. The clerk's office calls and goes above on all of the licenses.

Committee Member Hogaboam said that he thought that would be a good idea but it is not what is written here.

City Attorney Borton said no I could propose a different language for that. What is before you is more punitive but if you wanted something that is more customer servicey lets give you a different way of sanctioning you somehow but still allowing you to operate.

I can tell you that I have done a ton of liquor license work for establishments and not renewing your liquor license is just not done. The liquor license is a very valuable asset.

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Committee Member Rosin asked if you could renew your state license and not the city and county and not use the state.

City Attorney Borton said that there are rules on how long you have to use it before you can still own it.

Committee Member Hogaboam said that he like some kind of point system. Maybe a point per month late, something like that. 30 days late 1 point; 60 days late 2 points. We could also do a fine it should be a progressive fine. 6 months it is no longer a renewal you have let your alcohol license go essentially.

Committee Member Sullivan said that he liked the idea of points quite a bit especially if you had enough points that they are automatically on six months' probation. With that they would be on the radar and could not screw up again.

City Attorney Borton said that you want the person who comes in June or July because their license lapsed for whatever reason do you want them to have the right to renew in July or they can't renew unless they come and get some special permission.

Said that maybe you want the applicant to stand before Council and explain why they are late.

Committee Member Hogaboam said that any late renewals will automatically place on probationary status for 6 months .....

**Proposed Language:**

*5-12-7: TERM OF LICENSE:*

*Licenses issued under this chapter shall expire at one o'clock (1:00) A.M. on June 1 of the following year. Any individual or entity, (including each owner of any entity) that serves or allows to be served an alcoholic beverage within the city limits without a valid Nampa City issued license is prohibited from obtaining or renewing a Nampa city liquor License for \_\_\_ months after such violation.*

*5-12-17: DENIALS OF LICENSE APPLICATIONS AND REVOCATIONS OF LICENSES:*

.....

*B. License Point Violations: A license violation can occur on the licensed premises, in the parking lot for the premises, or in an adjacent area under the control of the licensee. License violations may result in the assessment of points against a liquor, beer, or wine license. If a single incident or occurrence would*

*constitute multiple license violations as listed below, each license violation shall be assessed points according to the schedule below and combined into a total score for that Incident.. The committee has discretion to assess points within the range corresponding to the particular violation set forth below. For the purposes of this §5-12-17, license violations and applicable points shall include the following:*

- .....
18. *Site Specific DUI: A patron of a Licensee that receives a DUI in Nampa City limits immediately following his/her leaving the Licensed premises, and under facts and circumstances that give law enforcement credible evidence that the cause of the DUI was alcohol consumed from the licensed premises. 1.0 – 4.0 points.*
  19. **Any violation of the requirements of 5-12-3(B). \_\_\_\_ - \_\_\_\_ pts**

Committee Member Hogaboam asked the City Attorney to bring to the next meeting a few different scenarios on the code for discussion.

City Attorney Borton talked about #19 – of accessing points for servers that have not completed their training.

Committee Members Sullivan and Hogaboam wanted to know if the neighboring cities had points violations for not having server training. There was also discussion of using the General violations for the servers not being in compliance.

Discussion was held on when we could have the next meeting due the holidays. It was brought up that we could have a special meeting for November and December.

**MOVED** by Rosin and **SECONDED** by Ashby to **adjourn** the **meeting** at 4:07 p.m. The Chairman asked all in favor say aye with all Committee Members present voting **AYE**. The Chairman declared the

MOTION CARRIED

Passed this 2nd day of December 2021.

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CHAIRMAN BURNS

ATTEST:

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NAMPA CITY CLERK



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 5, CHAPTER 12, OF THE NAMPA CITY CODE, ADDING A SERVER TRAINING REQUIREMENT AND VIOLATION CONSEQUENCES FOR FAILURE TO COMPLY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.**

**BE IT ORDAINED** by the Mayor and Council of the City of Nampa, County of Canyon, State of Idaho:

**Section 1.** That Title 5, Chapter 12, be amended by the addition of language to 5-12-3 of the Nampa City Code, as follows:

5-12-3 INVESTIGATION

A Upon receipt of an application for an **on-premises** alcoholic beverage license, **or the renewal of an existing on premises license**, the city shall conduct an investigation of the statements contained in the application **or renewal, an investigation of** the premises where the applicant proposes to do business, **an investigation of the required server training elements set forth in subsection B**, or such other and further investigations as **the City** may deem necessary.

**B. Required Server training.**

1. As a prerequisite to the issuance of any alcoholic beverage license in Nampa, and as a condition of continued use of a property issued liquor license in Nampa, each license holder shall ensure that each person who dispenses alcoholic beverages has taken a “server training program”.

2. Only a server training program enumerated in written administrative policy by the Chief of Police shall be recognized as an approved server training program for purposes of this chapter.

3. The Chief of Police or designee shall approve a server training program upon a determination that such program educates participants on, and requires participants to successfully pass an examination covering, each and all of the following topics:

- a. Consistently and accurately verifying patrons' proof of age and identification;
- b. Recognizing false and altered identification documents;
- c. Understanding the effects of alcohol on the human body;
- d. Monitoring patrons' alcohol intake and/or behavior;
- e. Recognizing intoxicated persons;
- f. Methods of refusing to sell or serve alcohol to intoxicated persons;
- g. Providing alternatives to alcoholic beverages;
- h. Problem solving in dealing with intoxicated and/or belligerent patrons; and
- i. All state and local laws and rules pertaining to the sale and service of alcoholic beverages.

4. Any person employed or operating as a "server" as defined in this chapter shall:
  - a. Complete certification within thirty (30) days of the date upon which he or she begins employment or operation as a server at a licensed establishment and shall maintain such certification at all times of employment or operation as a server, updating such certification as necessary. Upon a server's completion of one (1) hour of work, the thirty-day time period for certification shall be calculated cumulatively and shall be tolled only by the cessation of work for one (1) year or longer.
  - b. Maintain a written record of his or her certification.
  - c. Provide proof of certification to a law enforcement officer upon request,
  - d. Licensees operating establishments where alcoholic beverages are served and consumed on the premises, as to each server employed or operating on the licensed premises, shall ensure that (i) each server is or becomes certified as set forth in this section, and that each server maintains his or her certification throughout his or her employment or operation as a server, (ii) maintain a copy of each server's certificate, and (iii) provide any server's certificate to a law enforcement officer upon request.

**Section 2.** That Title 5, Chapter 12, be amended by the addition of language to 5-12-17(B) of the Nampa City Code, as follows:

B. License Point Violations: A license violation can occur on the licensed premises, in the parking lot for the premises, or in an adjacent area under the control of the licensee. License violations may result in the assessment of points against a liquor, beer, or wine license. If a single incident or occurrence would constitute multiple license violations as listed below, each license violation shall be assessed points according to the schedule below and combined into a total score for that Incident.. The committee has discretion to assess points within the range corresponding to the particular violation set forth below. For the purposes of this §5-12-17, license violations and applicable points shall include the following:

.....

18. Site Specific DUI: A patron of a Licensee that receives a DUI in Nampa City limits immediately following his/her leaving the Licensed premises, and under facts and circumstances that give law enforcement credible evidence that the cause of the DUI was alcohol consumed from the licensed premises. 1.0 – 4.0 points.

19. Any violation of the requirements of 5-12-3(B). .5 – 2.5 pts.

**Section 3.** This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

**Section 4.** This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

**Section 13.** All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS \_\_\_\_\_ Day of \_\_\_\_\_, 2021.

Approved:

By \_\_\_\_\_  
Mayor

Attest:

By \_\_\_\_\_  
City Clerk