

**CITY OF NAMPA
ALCOHOL LICENSE REVIEW COMMITTEE
City Hall – Council Chambers
September 29, 2021**

Chairman Lieutenant Jamie Burns 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, Lieutenant Jamie Burns, City Clerk Deborah Rosin, Planning and Zoning Director Rodney Ashby, Building Safety Director Patrick Sullivan.

❖ **(1) New Business** ❖

Item #1-1. - Chairman Burns presented the request to **approve the ARC Minutes of August 25, 2021.**

MOVED by Sullivan and **SECONDED** by Hogaboam to **approve the ARC Minutes of August 25, 2021 as presented.**

Committee Member Hogaboam asked for clarification on TNT Dynamite Bar and Grill and the Getaway Bar and Grill, they were supposed to make contact with Chairman Burns within 30 days to avoid an issue. Both establishments had their representatives in the gathering that we had. Can you confirm that contact has been made with the two establishments?

Committee Member Burns said TNT has submitted their certificates of training and the Getaway has also submitted training.

The Chairman asked for a roll call vote with all Committee Members present voting **YES**. The Chairman declared the

MOTION CARRIED

Item #1-2. - Chairman Burns presented a request for a review of the meeting with the Nampa liquor license holders.

Committee Member Hogaboam said for the record that there was a meeting in the Council Chambers and the Mayor attended and there were some of our local establishments had representatives here. They were mostly seeking clarification on the intent of the ordinance and how it works. I would say that it was productive.

Rocky Gripton was also in attendance from the State Alcohol Beverage Control and Lt. Jamie Burns, Nampa Police Department, facilitated the meeting initiated upon a request by the Firehouse Sports Pub.

I think out of that meeting comes a couple discussions of how to hold the establishment owner responsible when they have a bad employee. The state makes clear that the establishment owner at the end of the day is responsible for all activity whether or not we would make a distinction between assessing points. That would be a more comprehensive discussion on how we amend our ordinance to assess points to individuals instead of the establishment.

City of Nampa
Alcohol License Review Committee
September 29, 2021

One thing that was clear, the majority wanted to know if there are other cities that require that all people who serve alcohol have some sort of certified training. What we could do is maybe have an ordinance that includes that type of requirement.

There are different kinds of training from TIPPS training, Serve Safe, A Plus Serve Education and then Idaho State has a training, some of them have a fee associated with them and can take 2 to 4 hours.

When police do spot checks, if we have a local ordinance, the officer could ask for the certificates on servers. Servers are not required to certify licensing with the city, it is just a requirement from the city that they have it. It would be something that is requested and then there could be a point violation assessed that would fall under an administrative rule, under our current ordinance.

Committee Member Burns said that the mayor would like the entire committee to attend TIPPS training so we could understand what the establishment owners are being instructed to do.

TIPPS training cost \$40.00 and takes 4 hours to complete and is an on-line certification. Serve Safe takes 4 hours and is \$30.00. A+ Serve Education takes 2 hours and cost \$25.00. There is a state Alcohol Awareness Training on the state website, it is free it takes 1 1/2 hours.

The Mayor said if the state training is sufficient then that is what the committee members can take.

Committee Member Hogaboam said that he will send out the link to committee members.

Item #1-3. - Chairman Burns presented a request for an update on the October 5, 2021 training provided by Idaho Alcohol Beverage Control at the Nampa Civic Center at 1:00 p.m. for all liquor license holders.

The room is scheduled for about 100 people to attend, as of today there is 44 people signed up. It would be beneficial for the committee members to attend if they can fit it into their schedule.

Item #1-4. - Chairman Burns presented a request for discussion of the Nampa City Code 5-12-17 adding approved server training requirement.

In the packet there is a City of Boise code on the training of the servers.

MOVED by Burns and **SECONDED** by Hogaboam to authorize the City Attorney Joe Borton to look at the Boise code on training and bring back some recommendations for the committee to review. The Chairman asked for a roll call vote with all committee members voting YES. The Chairman declared the

MOTION CARRIED

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

We had an establishment in the city that was running without a city license to sell liquor. We had some issues with that, and the state got involved with that. I have a call into the State to see if they have been reinstated and Rocky is out of town.

This went to council and they voted to issue a city license.

Committee member Rosin said that he has had his state license reinstated when we looked on the state website it was there and he took our city license to the state the day after council.

Committee Member Burns stated we could not submit any incident reports because the ordinance did not cover running an establishment without a license.

Committee Member Hogaboam said not the specific scenario but it does bring up an interesting point, in the next meeting the clerk's office could print out the relevant code to do with a renewal of a license.

The challenge here with the Titled Ace, is that there was a transfer of license, it used to be under the license Chonies. He didn't get his renewal in on time and let it lapse for quite some time. Then submitted his application once he knew that he had to have it for the city. He was confused and thought that he was good, and he apologized to the Council. He did have a state and county license and the council approved his city license.

There was a question on if it was a renewal or if it was a new license. This is where legal could provide some clarity. If it is a renewal, then it is a late renewal and, in the ordinance, it calls for late fees, we do use some discretion when assigning those late fees. Legal said that because it wasn't current, we could not take disciplinary action as a committee. You don't want someone to circumvent point violations for a worse offence and then get off because they didn't have a license.

It could end up with potential revocation of their license. When we revoke a license like Agava Cantina, the state said it is final. It is not like a one-year suspension it is done; he cannot get a liquor license in the state again. Revoking a license is very serious business.

We need to look at when someone fails to renew within a certain amount of time (just ask legal) do they apply late for a renewal or does it now qualify as a new license and not a renewal. Even if your license has lapsed you would still be subject to any disciplinary action. If someone fails to

City of Nampa
Alcohol License Review Committee
September 29, 2021

renew in a certain amount of time and if that time frame passes, then it is a new license (legal could make some suggestions).

If we viewed this as a renewal, it is a late renewal, it did lapse, but should they be disciplined for their actions.

Committee Member Ashby said that he thought that they didn't have a certificate of occupancy and was asking Committee Member Sullivan for guidance. It seems like there has to be some kind of penalty for not renewing a license and not obtaining a certificate of occupancy. The certificate of occupancy is for public safety. If we are not keeping track of that then we are at fault not enforcing something that needs to be enforced. I completely agree that there does not need to be loop holes in our process.

Committee Member Sullivan said for a point of reference not everybody that is a business has a current certificate of occupancy because it was probably the building was built or when the first tenant or owner used the building. We don't have a mandatory business license or something, although having a current certificate of occupancy for your use is mandated by the adopted building code. Where every building has to have a current certificate of occupancy stating number of occupants, the use, the building type etc. We can't really proactively go out and beat the bushes and figure out who doesn't have one.

Committee Member Rosin asked if it would make sense to get some definitions in the ordinance of what a renewal was and what a new license with some time frames.

Committee Member Sullivan said that is a great idea if we did something like that and then maybe you could have a grace period of 5 days from your expiration but after that then maybe there is a additional renewal fee or kind of like a penalty fee. We double fee people who start work without permits and then come in for a permit. We double their permit fee per ordinance. It is a penalty for working without permits. It could be that the fee is double if you are open without your license.

Committee Member Hogaboam tasked the clerk to caption the real time draft minutes of the meeting and forward them to legal. Lt Burns or I can get on the phone with legal if additional context is needed and have him look at our existing ordinance and then make some suggestions for our future meeting.

Committee Member Burns said at one point of time, we were going to change the verbiage and city ordinance about an applicant, in the state of Idaho being able to apply for a license elsewhere. Is this something that we want legal to look at as well?

City of Nampa
Alcohol License Review Committee
September 29, 2021

Committee Member Hogaboam said yes, we can discuss that. It was interesting that legal had mentioned that if the applicant had suspended their own license prior to us taking action, then the state would have recognized that action and they could possibly be issued another license in the future. There is a different view between revoking and suspending to the state, on whether someone can apply again. We did not revise the language, but going forward being aware of that process you just wonder out of respect, and as a courtesy to someone, that might be facing disciplinary action, not that you want them to circumvent it, then they would have to deal with the state but if they suspend their license and then come to the city I am turning my alcohol license in then they have resigned their rights.

MOVED by Burns and **SECONDED** by Ashby to **adjourn** the **meeting** at 3:37 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 20th day of October 2021.

CHAIRMAN BURNS

ATTEST:

NAMPA CITY CLERK