City of Benson
City Council Communication

Regular Meeting **February 22, 2016**

To: Mayor and Council Agenda Item # 3

From: Vicki Vivian, CMC, City Clerk

Subject:

Resolution 9-2016 of the Mayor and Council of the City of Benson, Arizona, approving a Special Event Liquor License for Helping Hands @ Cochise Terrace for March 5, 2016 at Cochise Terrace, 1030 S. Barrel Cactus Ridge, Benson, Arizona

Discussion:

The organization, Helping Hands @ Cochise Terrace has applied for a Special Event Liquor License which "allows a charitable, civic, fraternal, political or religious organization to sell and serve spirituous liquor for consumption only on the premises where the spirituous liquor is sold, and only for the period authorized on the license."

As per ARS §4-203.02, the application is sent to the Arizona Department of Liquor Licenses & Control, where the director may "subject to the approval of…the governing body of a city or town..." issue the license on a temporary basis.

It is further stipulated that "qualifying organizations will be granted a special event license for no more than ten (10) days in a calendar year. A special event may be held for more than one (1) day, but it must be held on consecutive days and at the same location, or additional licenses will be required". If approved, this will be their first special event held in 2016.

The Helping Hands @ Cochise Terrace is requesting the permit for a fundraiser to be held at Cochise Terrace on Saturday, March 5, 2016 from 6:00 p.m. to 10:00 p.m.

Staff Recommendation:

Council pleasure

RESOLUTION 9-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING A SPECIAL EVENT LIQUOR LICENSE FOR HELPING HANDS @ COCHISE TERRACE OF BENSON, FOR MARCH 5, 2016 AT COCHISE TERRACE, 1030 S. BARREL CACTUS RIDGE, BENSON, ARIZONA

WHEREAS, Helping Hands @ Cochise Terrace of Benson, has applied to the City of Benson for a special event license, to allow selling and serving spirituous liquor for consumption at Cochise Terrace on March 5, 2016; and

WHEREAS, a qualifying organization may be granted a special event license for no more than ten (10) days in a calendar year with the Council's approval; and

WHEREAS, the Mayor and Council of the City of Benson have reviewed the Helping Hands @ Cochise Terrace's application, and have determined that its approval is in the best interests of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Benson, Arizona, as follows:

Section 1. The Application for the Helping Hands @ Cochise Terrace is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Section 2. All orders or resolutions in conflict herewith are, to the extent of such conflict, hereby repealed, and this resolution shall be in full force and effect upon its adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Benson, Arizona, this 22nd day of February, 2016.

_____
TONEY D. KING, SR., Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH, CLARK AND ROTHSCHILD, P.C.
By Gary J. Cohen
City's Attorney

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

FOR DLLC USE ONLY
Event Date(s):
Event time start/end:
CSR:
License:

APPLICATION FOR SPECIAL EVENT LICENSE
Fee= $25.00 per day for 1-10 days (consecutive)
Cash Checks or Money Orders Only

A service fee of $25.00 will be charged for all dishonored checks (A.R.S. § 44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.
The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event. If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control (see Section 15).

SECTION 1 Name of Organization: Helping Hands @ Cochise Terrace

SECTION 2 Non-Profit/IRS Tax Exempt Number: EIN 02-0794682

SECTION 3 The organization is a: (check one box only)

☑ Charitable ☐ Fraternal (must have regular membership and have been in existence for over five (5) years)
☐ Religious ☐ Civic (Rotary, College Scholarship) ☐ Political Party, Ballot Measure or Campaign Committee

SECTION 4 Will this event be held on a currently licensed premise and within the already approved premises? ☐ Yes ☑ No

NA

Name of Business | License Number | Phone (include Area Code)

SECTION 5 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation (look in special event planning guide) and check one of the following boxes.

☐ Place license in non-use
☐ Dispense and serve all spirituous liquors under retailer's license
☑ Dispense and serve all spirituous liquors under special event
☐ Split premise between special event and retail location

(If not using retail license, submit a letter of agreement from the agent/owner of the licensed premise to suspend the license during the event. If the special event is only using a portion of premise, agent/owner will need to suspend that portion of the premise.)

SECTION 6 What is the purpose of this event? ☑ On-site consumption ☐ Off-site (auction) ☐ Both

SECTION 7 Location of the Event: The "Barn", Cochise Terrace RV Resort

Address of Location: 1030 S Barrel Cactus Rdg, Benson Cochise AZ 85602
Street | City | COUNTY | State | Zip

SECTION 8 Will this be stacked with a wine festival/craft distiller festival? ☐ Yes ☑ No

SECTION 9 Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Section 1. (Authorizing signature is required in Section 13.)

1. Applicant: Bale Patricia Ruth [redacted]
Last | First | Middle | Date of Birth

2. Applicant's mailing address: 1030 S Barrel Cactus Rdg, # 154 Benson AZ 85602
Street | City | State | Zip

3. Applicant's home/cell phone: [redacted] Applicant's business phone: (520) [redacted]

4. Applicant's email address: [redacted]

Individuals requiring ADA accommodations call (602)542-9027.

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?
☐ Yes ☑ No **(If yes, attach explanation.)**

2. How many special event licenses have been issued to this location this year? 0
(The number cannot exceed 12 events per year; exceptions under A.R.S. §4-203.02(D).)

3. Is the organization using the services of a promoter or other person to manage the event? ☐ Yes ☑ No
(If yes, attach a copy of the agreement.)

4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name Senior Meals / Meals on Wheels Percentage: 100

Address Benson AZ 85602
Street City State Zip

Name NA Percentage:

Address
Street City State Zip

5. Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT UNLESS THEY ARE IN AUCTION SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE"

6. What type of security and control measures will you take to prevent violations of liquor laws at this event?
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

0 Number of Police 4 Number of Security Personnel ☐ Fencing ☐ Barriers

Explanation: The function will be held inside one building, the Barn.

SECTION 11 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	3-5-2016	SAT	6 - 10 PM	11 PM
DAY 2:	NA			
DAY 3:				
DAY 4:				
DAY 5:				
DAY 6:				
DAY 7:				
DAY 8:				
DAY 9:				
DAY 10:				

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SECTION 12 License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license. The following space is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.

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SECTION 13 To be completed only by an Officer, Director or Chairperson of the organization named in Section 1.

I, (Print Full Name) Patricia Ruth Bale declare that I am the APPLICANT filing this application as listed in Section 9. I have read the application and the contents and all statements are true, correct and complete.

X Patricia Ruth Bale — Signature | Treasurer — Title/ Position | 2-3-16 — Date | [redacted] — Phone Number

The foregoing instrument was acknowledged before me this 3 (Day) 2 (Month) 2016 (Year)

State AZ County of Cochise

My Commission Expires on: 6-8-19 (Date)

Signature of Notary Public

MARK D. TETRAULT
Notary Public - Arizona
Cochise County
My Comm. Expires Jun 8, 2019

SECTION 14 This section is to be completed only by the applicant named in Section 9.

I, (Print Full Name) _____ declare that I am the APPLICANT filing this application as listed in Section 9. I have read the application and the contents and all statements are true, correct and complete.

X _____ Signature | _____ Title/ Position | _____ Date | _____ Phone Number

The foregoing instrument was acknowledged before me this _____ Day _____ Month _____ Year

State _____ County of _____

My Commission Expires on: _____ Date

Signature of Notary Public

Please contact the local governing board for additional application requirements and submission deadlines. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction: http://www.azliquor.gov/assets/documents/homepage_docs/spec_event_links.pdf.

SECTION 15 Local Governing Body Approval Section

I, _____ (Government Official) _____ (Title) recommend ☐APPROVAL ☐ DISAPPROVAL

On behalf of _____ (City, Town, County), _____ Signature, _____ Date, _____ Phone

FOR DEPARTMENT OF LIQUOR LICENSES AND CONTROL USE ONLY

☐APPROVAL ☐DISAPPROVAL BY: _____ DATE: ____/____/____

A.R.S. § 41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.

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