City of Benson
City Council Communication

Regular Meeting **September 25, 2017**

To: Mayor and Council Agenda Item # 2

From: Vicki Vivian, CMC, City Clerk

Subject:

Discussion and possible action regarding Resolution 32-2017 of the Mayor and Council of the City of Benson, Arizona, approving a Special Event Liquor License for the Boy Scouts of America Catalina Council for October 21-October 23, 2017 at Cochise Terrace, 1030 S. Barrel Cactus Ridge, Benson, Arizona

Discussion:

The Boy Scouts of America Catalina Council 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 2017.

The Boy Scouts of America Catalina Council is requesting the permit for a fundraiser to be held at Cochise Terrace on Friday, October 21, 5:00 p.m.-8:00 p.m.; Saturday, October 22, 11:00 a.m.-8:00 p.m.; and Sunday, October 23, 8:00 a.m.-3:00 p.m.

Staff Recommendation:

Council pleasure

RESOLUTION 32-2017

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING A SPECIAL EVENT LIQUOR LICENSE FOR THE BOYS SCOUTS OF AMERICA CATALINA COUNCIL FOR OCTOBER 21-OCTOBER 23, 2017 AT COCHISE TERRACE, 1030 S. BARREL CACTUS RIDGE, BENSON, ARIZONA

WHEREAS, the Boy Scouts of America Catalina Council has applied to the City of Benson for a special event license, to allow selling and serving spirituous liquor for consumption at Cochise Terrace October 21-October 23, 2017; 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 Boy Scouts of America Catalina Council'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 Boy Scouts of America Catalina Council 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 25th day of September, 2017.

_____
TONEY D. KING, SR., Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH CLARK ROTHSCHILD
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 12).

SECTION 1 Name of Organization: Boy Scouts of America Catalina Council

Name of Licensed Contractor (if any): Cochise Terrace RV Resort
(Please complete if anyone other than the organization is receiving profits or assisting in the managing of the event)

SECTION 2 Non-Profit/IRS Tax Exempt Number: 86-0107576

SECTION 3 Event Location: Cochise Terrace RV Resort

Event Address: 1030 S. Barnel Cactus Ridge

SECTION 4 Applicant must be a member of the qualifying organization and authorized by an Officer, Director, or Chairperson of the Organization.

1. Applicant: Alboy (Last) Samuel (First) (Middle) (Date of Birth)
2. Applicant's mailing address: 4455 East 17th St #100 (Street) Tucson, (City) AZ (State) 85711 (Zip)
3. Applicant's home/cell phone: Applicant's business phone: (520) 780 3934
4. Applicant's email address: sam@memas hawaiianbbq.com

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

X Samuel Alboy (Signature) Council President (Title/ Position) 9-7-17 (Date) 520 780 3934 (Phone Number)

The foregoing instrument was acknowledged before me this 7th (Day) September (Month) 2017 (Year)

State Arizona County of Pima

My Commission Expires on: 07/11/2020 (Date)

FRANCISCO SALCIDO
Notary Public - State of Arizona
PIMA COUNTY
My Commission Expires
July 11, 2020

Signature of Notary Public

Individuals requiring ADA accommodations call (602)542-2999

SECTION 5 Regarding the Applicant's application for a special event permit, I hereby certify that the Organization meets the criteria in A.R.S. § 4-203.02(E) for the issuance of the permit as indicated by checking one of the boxes below.

(1) ☐ The Applicant is a political party or a campaign committee supporting a candidate for public office. Please indicate the name of the candidate that the Applicant supports, the office that the candidate seeks, and the month and year that the applicant would first fill the office if successful.

Candidate: _____

Name **Office** **Month/Year**

(2) ☒ The Applicant is a non-profit entity organized in Arizona, or pursuant to the laws of another state that is eligible for designation as a nonprofit entity under Section 501(C) of the internal revenue code of the United States.
If the Applicant is applying under option (2) as a nonprofit entity, **please also INITIAL in the space provided next to all following statements to indicate that, to the best of the applicant's knowledge, they are true and correct.**

SAA The Applicant has received a determination letter from the Internal Revenue Service ("IRS") indicating that it is eligible for designation as a nonprofit entity under Section 501(C), eligibility or will be eligible on all days that the special event will occur, or has a pending application with the IRS for such treatment that has not been resolved but that will retroactively cover all days that the special event will occur. (Please provide a copy of either the IRS determination letter or the application [without attachments] with this application).

SAA The Applicant is not aware of any action by the IRS to revoke, suspend, or otherwise eliminate the Applicant's eligibility under 501(C), or if there is a pending application, the Applicant has not received any indication that the IRS will deny its application and has a good faith basis formed upon a reasonable inquiry into IRS regulations, guidelines, and forms that it is eligible under 501(C).

SAA The Applicant understands that if there is a change in circumstances after completing this form that may cause or has caused it to lose its eligibility under 501(C), whether before or after receiving an IRS determination letter, that it has an affirmative duty to notify the Department of Liquor, which may then take appropriate action with regard to the loss of eligibility.

To be completed only by an Officer, Director, or Chairperson of the organization.

I, **(Print Full Name)** Samuel Alboy declare that I am an Officer, Director, or Chairperson of the organization filing this application as listed above. I have read the application and the contents and all statements are true, correct and complete.

X			
Signature	**Title/ Position**	**Date**	**Phone Number**
	Council President	9-7-17	520 280 3934

The foregoing instrument was acknowledged before me this 7th (**Day**) September (**Month**) 2017 (**Year**)

State Arizona County of Pima

My Commission Expires on: 07/11/2020 (**Date**)

FRANCISCO SALCIDO
Notary Public - State of Arizona
PIMA COUNTY
My Commission Expires
July 11, 2020

Signature of Notary Public

SECTION 6 Will this event be held on a currently licensed premise and within the already approved premises? ☒ Yes ☒ No
(**If yes**, Local Governing Body Signature **not** required)

Cochise Terrace RV Resort	~~91-166-1238~~	520-720-0911
Name of Business	**License Number**	**Phone (Include Area Code)**

Individuals requiring ADA accommodations call (602)542-2999

SECTION 7 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation 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 USING RETAIL LICENSE, PLEASE SUBMIT A LETTER OF AGREEMENT FROM THE AGENT/OWNER OF THE LICENSED PREMISES TO SUSPEND OR RUN CONCURRENT WITH THE PERMANENT LICENSE DURING THE EVENT. IF THE SPECIAL EVENT IS ONLY USING A PORTION OF THE PREMISES, AGENT/OWNER WILL NEED TO SUSPEND THAT PORTION OF THE PREMISES.)

SECTION 8

What is the purpose of this event? ☒ On-site consumption ☐ Off-site (auction/wine/distilled spirits pull) ☐ Both

SECTION 9

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 days have been issued to this organization during the calendar year? Ø
   (The number cannot exceed 10 days per year.)

3. Is the organization using the services of a promoter or other person to manage the sale or service of alcohol? ☐ Yes ☒ No
   (If yes, must be a licensed contractor or licensee of series 6, 7, 11, or 12)

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 Catalina Council Boy Scouts of America Percentage: 60%
   Address 2250 E Broadway Blvd Tucson AZ 85719
   Street City State Zip

   Name Cochise Terrace RV Resort Percentage: 40%
   Address 1030 S. Barrel Cactus Ridge Benson AZ 85602
   Street City State Zip

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 A SPECIAL EVENT UNLESS THEY ARE IN AUCTION WINE OR DISTILLED SPIRITS PULL SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE.

5. 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.)

   _____ Number of Police 5 Number of Security Personnel ☐ Fencing ☐ Barriers

   Explanation: all liquor will be served with meals at the RV Park Park will provide policing personnel.

Individuals requiring ADA accommodations call (602)542-2999

SECTION 10 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:	10/21/17	FRIDAY	5 pm	8 pm
DAY 2:	10/22/17	Saturday	11 AM	8 pm
DAY 3:	10/23/17	Sunday	8 am	3 pm
DAY 4:				
DAY 5:				
DAY 6:				
DAY 7:				
DAY 8:				
DAY 9:				
DAY10:				

SECTION 11 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. Please attach a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.

ATTACH DIAGRAM

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.

SECTION 12 Local Governing Body Approval Section.

Date Received: _____

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

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

SECTION 13 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

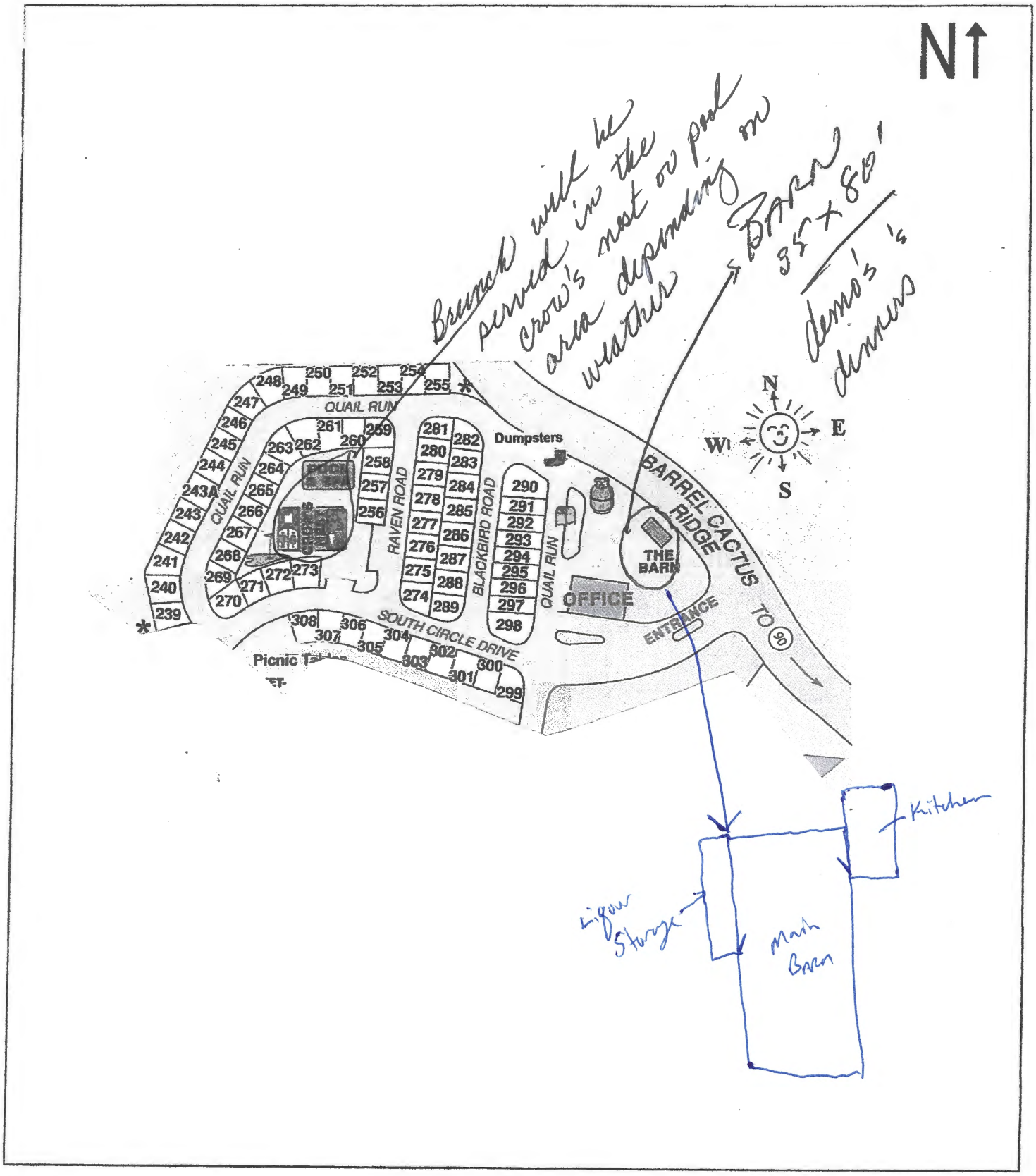
B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or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

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.



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

Tex-Mex Weekend Getaway presented By

CT RV Resort & The Boy Scouts of America

Friday Night

Oct. 20th

5:30pm – 8pm

Tex-Mex Appetizers

Delicious Margaritas

$10 pp includes 1 margaritas

Meet new friends!

Saturday Lunch

Oct. 21st

11am - 1pm

Tex-Mex Buffet

Live food demonstration

John Wayne Cocktail

$10 PP includes 1 cocktail

Saturday Night

Oct. 21st

Dinner 6pm - 7pm

Dance 7-9pm

$10 pp includes 1 glass of wine

Chuck wagon dinner

Live music

Additional Drinks $2

Sunday Brunch

Oct. 22nd 9am - 11am

Music

A full breakfast/lunch buffet along with Bloody Mary's or Mimosas for your enjoyment. $10 PP 1 drink

Boy Scouts receive 60% of proceeds

$15 per night per rv site

For reservation

Cochise Terrace RV Resort

1030 S Barrel Cactus Ridge, Benson, AZ

250-720-6181 or 720-301-2516 9 am - 6pm

www.cochiseterrac.com

Public Welcome at any event!

BOY SCOUTS OF AMERICA
NATIONAL COUNCIL

Saturday, January 28, 2017

Kenneth L. Tucker, SE
Catalina, #11
5049 E. Broadway Blvd.,Ste 200
Tucson, AZ 85711-3636

Re: Requests for information regarding your council's federal tax-exempt status

Dear Ken:

This letter clarifies the tax-exempt status of your council. The Boy Scouts of America, National Council, is recognized as a public charity and tax exempt under IRC Section 501(c)(3), as well as IRC Section 170(b)(1)(A)(vi). We are not a private foundation as described in IRC Section 509(a). A copy of our current tax-exempt determination letter is attached.

For tax purposes, your council is a bona fide subordinate organization of the Boy Scouts of America, in good standing, and covered under the Boy Scouts of America's group exemption ruling, IRS Ruling No. 1761. Though the council is a separate entity and responsible for its own, independent audit, our exemption ruling extends the same recognition of tax-exempt status to this council as to the Boy Scouts of America National Council.

Each year, the Boy Scouts of America National Office submits to the IRS in electronic format a list of approved subordinate organizations which includes all local councils and their endowment trusts. Your council's information is on the attached list of subordinates.

On behalf of the many young men and women you serve in your council area, thank you again for all you do for Scouting. Questions, if any, can be directed to Russ McNamer, Associate General Counsel – Tax and Corporate, National Office, Legal Department, (972) 580-2226 (O), (214) 801-6974 (C) or Russ.McNamer@scouting.org.

Very truly yours,

Michael Surbaugh
Chief Scout Executive

Attachments
2017 IRS Letter
IRS Group Exemption Spreadsheet

1325 West Walnut Hill Lane
P.O. Box 152079
Irving, TX 75015-2079
972-580-2000
www.scouting.org

Prepared. For Life.

IRS Department of the Treasury
Internal Revenue Service

CINCINNATI OH 45999-0038

In reply refer to: 0248254921
Jan. 20, 2017 LTR 4167C 0
22-1576300 000000 00
00014111
BODC: TE

BOY SCOUTS OF AMERICA
% STEPHANIE PHILLIPS
1325 W WALNUT HILL LN
IRVING TX 75038

003738

Employer identification number: 22-1576300
Group exemption number: 1761

Dear Taxpayer:

This is in response to your request dated Jan. 10, 2017, for information about your tax-exempt status.

Our records indicate we issued a determination letter to you in November 1965, and you're currently exempt under Internal Revenue Code (IRC) Section 501(c)(3).

We also recognized the subordinates on the list you submitted as exempt from federal income tax under IRC Section 501(c)(3).

For federal income tax purposes, donors can deduct contributions they make to you as provided in IRC Section 170. You're also qualified to receive tax deductible bequests, legacies, devises, transfers, or gifts under IRC Sections 2055, 2106 and 2522.

Because IRC Section 170(c) describes your subordinate organizations, donors can deduct contributions they make to them.

Please refer to www.irs.gov/charities for information about filing requirements. Specifically, IRC Section 6033(j) provides that, if you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked on the filing due date of the third required return or notice.

In addition, each subordinate organization is subject to automatic revocation if it doesn't file a required return or notice for three consecutive years. Subordinate organizations can file required returns or notices individually or as part of a group return.

For tax forms, instructions, and publications, visit www.irs.gov or call 1-800-TAX-FORM (1-800-829-3676).

If you have questions, call 1-877-829-5500 between 8 a.m. and 5 p.m., local time, Monday through Friday (Alaska and Hawaii follow Pacific Time).

0248254921
Jan. 20, 2017 LTR 4167C 0
22-1576300 000000 00
00014112

BOY SCOUTS OF AMERICA
% STEPHANIE PHILLIPS
1325 W WALNUT HILL LN
IRVING TX 75038

Sincerely yours,

Kim A. Billups, Operations Manager
Accounts Management Operations 1

EIN	FR 990 CD	PRIMARY NM	PRIMARY CONT NM	SORT NM	CARE OF NM	PRIMARY ADR	PRIMARY CITY NM	PRIMARY STATE CD	PRIMARY ZIP CD	
860107516	01	BOY SCOUTS OF AMERICA		11 CATALINA COUNCIL		5049 E BROADWAY BLVD STE 200	TUCSON	AZ	857113636505	