



Legislation Text

File #: 17-1363, **Version:** 1

A Resolution accepting and adopting the updated Liquor and Beer Rules and Regulations for The City of Colorado Springs, pertaining to Hearing Officers.

Presenter:

Sarah B. Johnson, City Clerk

Summary:

Presentation to discuss proposed ordinance and resolution substituting Hearing Officers as the Local Licensing Authority for existing Liquor and Beer Licensing Board hearings and decisions.

Previous Council Action:

City Council last amended the Liquor and Beer Rules and Regulations earlier in 2017, and passed Resolution 95-17 to enact regulations regarding applications and certifications for Promotional Associations with Common Consumption Areas, and other minor housekeeping issues.

Background:

In concert with the companion proposed Ordinance detailed in file #17-1362, this Resolution amends the City's current Liquor Rules and Regulations (City Liquor Rules), by replacing the term "Local Licensing Authority" (LLA) with the term "Liquor and Beer Licensing Board" or "Liquor Board," with the proposed use of a Municipal Judge to act in the capacity of a Hearing Officer as the LLA on quasi-judicial hearings currently heard by the Liquor Board. The proposed ordinance and resolution would be effective February 1, 2018.

As noted in the attached redline version of the proposed changes to the City Liquor Rules, applicable sections regarding the quasi-judicial functions of the Liquor Board functions have been replaced with the Hearing Officer acting as the LLA, and references to Liquor Board procedures for elections, quorum, special meetings or committees, and parliamentary procedure are no longer relevant and have been eliminated.

An appeal of the decision of the Hearing Officer remains to District Court, as is the current process with the existing Liquor Board, and there would be no changes to the process for public hearing or neighborhood input.

This item supports the City's strategic goal relating to excelling at City services, by streamlining the process for quasi-judicial hearings, and providing consistent decision making processes.

Financial Implications:

While there may be some increase in cost to pay a Hearing Officer, much of that cost would be offset by the reduction in staff time and expense for Liquor Board meeting preparation, training sessions,

broadcast related expenses, and legal counsel time. In addition, this change is a business friendly initiative that could significantly decrease the legal expenses to applicants and licensees to conduct business with the City, meeting the objectives of the Mayor's and City Council's strategic plan.

Board/Commission Recommendation:

Through various work and training sessions, the Liquor Board has explored the concept of Hearing Officers replacing the Liquor Board. The current membership of the Liquor Board has indicated unanimous full support of this change, with the most common comment being "it makes sense."

Stakeholder Process:

Notifications and requests for comment were sent out to liquor industry groups, neighborhood groups, as well as licensee representative groups and attorneys, with no negative responses.

Alternatives:

Set item for approval to coincide with second reading of companion Ordinance, estimated to be heard at the December 12, 2017 City Council Meeting.

Remand item for further changes or discussion.

Proposed Motion:

Adopt a Resolution accepting and adopting the updated Liquor and Beer Rules and Regulations for the City of Colorado Springs at the City Council Meeting on December 12, 2017.

N/A