

Resolution No. 2012-110

Authorizing Issuance of County Alcoholic Beverage Licenses and Catering Permits by the County Clerk

WHEREAS, Title 23, Idaho Code provides counties with the authority to issue licenses for the sale of alcoholic beverages, including beer, wine, and liquor, as defined and regulated therein; and

WHEREAS, sections 23-934A and 23-934B, Idaho Code, provide counties with the authority to issue catering permits for the temporary, off-site sale of alcoholic beverages by licensees; and

WHEREAS, the provisions of Title 23, Chapter 10, Idaho Code pertaining to beer and those of sections 23-934A and 23-934B, Idaho Code pertaining to catering permits expressly require the approval of the county's Board of Commissioners, while the provisions of Title 23, Chapter 9 pertaining to liquor licensing and those of Title 23, Chapter 13 pertaining to wine merely require the approval of the county without specifying the county official who must give that approval; and

WHEREAS, historically the Kootenai County Board of Commissioners ("Board") has taken all final actions regarding approval of applications for alcoholic beverage licenses and catering permits, and regarding transfer, renewal, revocation, cancellation, and suspension of such licenses and permits; and

WHEREAS, historically the Kootenai County Clerk, acting in his or her capacity as the Clerk of the Board of County Commissioners and as County Recorder ("Clerk"), has issued, transferred and renewed alcoholic beverage licenses and has issued catering permits only upon approval of the Board; and

WHEREAS, the Board is of the opinion that it would be more efficient and would better serve the public if the Clerk were entrusted with the approval and issuance of alcoholic beverage licenses, license transfers and renewals, and catering permits, in the ordinary course of business where all applicable requirements of Idaho law and County ordinance have been met, and no objection to the issuance or renewal of the license or issuance of the catering permit has been received from the Sheriff or other law enforcement agency with jurisdiction; and

WHEREAS, the Kootenai County Alcoholic Beverage Ordinance, Title 3, Chapter 1, Kootenai County Code, has been amended to enable the Board to provide the Clerk with such authority by resolution duly enacted; and

WHEREAS, the Clerk has informed the Board that he is able and willing to assume this authority; and

WHEREAS, the Board shall retain ultimate authority regarding issuance, renewal, transfer, revocation, cancellation, and suspension of County alcoholic beverage licenses and catering permits in accordance with the provisions of Title 3, Chapter 1, Kootenai County Code;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Kootenai County, Idaho that the Kootenai County Clerk is hereby authorized to approve applications for county alcoholic beverage licenses and to issue, renew and transfer such licenses, and is further authorized to issue alcoholic beverage catering permits, in the ordinary course of business where all applicable requirements of Idaho law and County ordinance have been met, and no objection to the issuance, renewal or transfer of the license or issuance of the catering permit has been received from the Sheriff or other law enforcement agency with jurisdiction. Such authority shall be subject to the regulations set forth in Title 3, Chapter 1, Kootenai County Code.

BE IT FURTHER RESOLVED that this resolution shall be effective upon delivery of a certified copy of this Resolution to the Director of the Idaho State Police.

Upon a motion to adopt the text of the foregoing Resolution made by Commissioner _____ and seconded by Commissioner _____, the following vote was recorded:

Commissioner Nelson:
Commissioner Green:
Chairman Tondee:

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho on the _____ day of November, 2012.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

ATTEST:
CLIFFORD T. HAYES, CLERK

W. Todd Tondee, Chairman

By: _____
Deputy Clerk

Daniel H. Green, Commissioner

Jai K. Nelson, Commissioner

C: Director, Idaho State Police (certified copy), ISP Bureau of Alcohol Beverage Control, Clerk,
Prosecuting Attorney-Civil Division, Resolution File