

LAW AND LEGISLATION COMMITTEE AGENDA

Thursday, March 15, 1990

3:00 p.m.

City Council Chamber
915 "I" Street
Sacramento, California

1. Legislative update from Ken Emanuels, the City's Legislative Advocate. (D-All)

RECOMMENDATION OF STAFF: FILE

2. Ord. amending Article VIII of Chapter 5 of the Sacramento City Code relating to picture arcades. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL

3. Ord. reorganizing Sections 24.1 through 24.20 of the Sacramento City Code into Articles I and II of Chapter 24, and adding Article III, relating to display of harmful matter to minors. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL

4. Ord. revising Chapter 13, Article III, relating to concert permits. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND APPROVAL AND FORWARD TO COUNCIL

5. Federal H.R. 3849 (Bates), relating to the "Government Printing Office Improvement Act of 1990." (D-All)

RECOMMENDATION OF STAFF: RECOMMEND OPPOSITION

AGENDA CONTINUED TO NEXT PAGE

LAW AND LEGISLATION COMMITTEE AGENDA (CONTINUED)

6. SB 665 (Davis), as amended 1/18/90, relating to gang violence prevention in schools. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT

7. AB 574 (Harvey), as amended 2/18/90, relating to release on bail of persons accused of crimes involving controlled substances. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT

8. SB 1749 (Robbins), as amended 1/8/90, relating to late claim liability for bonds. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND OPPOSITION

9. SB 1819 (Montoya), as amended 1/22/90, relating to public liability for claims investigations. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT

10. SB 1837 (Hart), as amended 1/24/90, relating to distribution of tobacco products from vending machines. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT

11. SB 1980 (Robbins), as amended 2/13/90, relating to immunity from liability for emergency dispatcher services. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT

AGENDA CONTINUED TO NEXT PAGE

LAW AND LEGISLATION COMMITTEE AGENDA (CONTINUED)

12. AB 242 (Nolan) as amended 1/17/90, relating to notification to mayor or city clerk of intention to construct, expand, or lease a building to be used as a parole facility. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT

13. Update regarding campaign finance ordinance. (D-All)

RECOMMENDATION OF STAFF: FILE

14. AB 2641 (Wright) relating to household hazardous waste collection programs. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND OPPOSITION

15. SB 1998 (Bergeson) relating to Solid Waste Local Government Technical Advisory Committee. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT

16. AB 3222 (Peace) relating to mandatory water meters. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND OPPOSITION

17. Recommendation to support, if amended, AB 2661 (Klehs) relating to water management planning. (D-All)

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT, IF AMENDED

COMMITTEE MEMBERS: Robie (Chair), Chinn, Pane and Serna

City of Sacramento
State Legislature

B I L L R E F E R R A L

DATE: _____ COMMITTEE ACTION: _____

TO: _____ DATE: _____

FROM: KENNETH EMANUELS, LEGISLATIVE ADVOCATE

REPLY NO LATER THAN: _____

A.B. _____, As Amended _____ * Author _____

S.B. _____, As Amended _____ * Author _____

*Date of introduction or latest amendment

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact Ken Emanuels at 444-6789, FAX 444-0303, (1400 K Street, Suite 306, Sacramento, CA 95814.) This questionnaire should be returned to the City Attorney's Office for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

NO RECOMMENDATION. If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. _____.

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary).

2. This measure should be: (Please circle desired position)

Supported	Opposed	Supported if Amended
Placed on Watch List		Other (explain)

3. Please explain your reasons for the above determination, including how this measure effects your Department and the fiscal impact of this measure on the City. Please make your comments in a format that can be used in a letter to state officials. (Continue on next page or attach additional sheets if necessary.)

ASSEMBLY BILL

No. 2845

Introduced by Assembly Member Polanco

February 12, 1990

An act to add Section 23007.5 to, and to add Article 1.7 (commencing with Section 23810) to Chapter 5 of Division 9 of, the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2845, as introduced, Polanco. Alcoholic beverages.

Existing law contained in the California Constitution vests in the state the exclusive right and power to license and regulate the manufacture, sale, purchase, possession, and transportation of alcoholic beverages in this state. Existing law also provides procedures under which the department may place reasonable conditions upon retail licensees which will protect the public welfare and morals.

This bill would authorize the department, upon an accusation filed by any city council or county board of supervisors pursuant to a resolution, as specified, to place a condition on an off-sale beer and wine license or an off-sale general license prohibiting the sale of fortified wines, as defined. A violation of the condition would be grounds for the suspension or revocation of the license.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23007.5 is added to the Business
2 and Professions Code, to read:

3 23007.5. "Fortified wine" means any wine which
4 contains more than 14 percent of alcohol by volume.

5 SEC. 2. Article 1.7 (commencing with Section 23810)
6 is added to Chapter 5 of Division 9 of the Business and
7 Professions Code, to read:

8

9 Article 1.7. Conditional Fortified Wine Licenses

10

11 23810. Any city council or county board of supervisors
12 may determine by resolution, following a public hearing,
13 that the off-premises sale of fortified wines presents a
14 danger to the health, safety, or welfare of any
15 neighborhood or area within its jurisdiction. The
16 determination shall be made only if the city council or
17 county board of supervisors makes one of the following
18 findings based on substantial evidence:

19 (a) The neighborhood or area is impacted by the
20 presence of public inebriates on an ongoing basis to a
21 greater extent than in the community as a whole.

22 (b) The neighborhood or area is the site of repeated
23 arrests for public intoxication, to a greater extent than in
24 the community as a whole.

25 (c) The neighborhood or area suffers other
26 identifiable effects relating to public inebriation, to a
27 greater extent than in the community as a whole.

28 23811. Accusations against any off-sale beer and wine
29 licensee or off-sale general licensee or applicant for those
30 licenses may be filed with the department by any city
31 council or county board of supervisors pursuant to a
32 resolution, as specified in Section 23810. Upon the filing
33 of the accusation, the department shall determine
34 whether or not a condition should be placed on the
35 license prohibiting the sale of fortified wines for
36 off-premises consumption within the specified
37 neighborhood or area. If the department finds that
38 grounds exist for imposing such a condition, the condition

1 shall be endorsed upon the license and any renewal
2 thereof and shall be binding upon all persons to whom
3 the license is transferred.

4 23812. The department, upon its own motion, or upon
5 the petition of a licensee or a transferee who has filed an
6 application for the transfer of the license, if it is satisfied
7 that the grounds which caused the imposition of the
8 condition no longer exist, shall order the removal of the
9 condition.

10 23813. A violation of a condition placed upon a license
11 pursuant to this article shall constitute the exercising of
12 a privilege or the performing of an act for which a license
13 is required without the authority therefor and shall be
14 grounds for the suspension or revocation of the license.

15 23814. The proceedings specified in Section 23811
16 shall be conducted in the same manner as is required for
17 other proceedings involving petitions, protests, or
18 accusations, and the right of a respondent in those
19 proceedings to appeal shall include the right to appeal
20 from an order imposing the condition upon the licenses
21 involved in the proceedings. If the department denies a
22 petition filed pursuant to Section 23812, the licensee or
23 transferee may, within 10 days after the mailing of the
24 denial, make a written request for a hearing. The
25 proceedings at that hearing shall be conducted as
26 provided in Section 24300, and the respondent shall have
27 the same rights of appeal therefrom as in disciplinary
28 actions.