Memo

To: David Twiggs, COO/General Manager

From: Linda Mayhood, Asst. General Manager

Date: July 15, 2015

Re: Resolution Authorizing Sale of Alcoholic Beverages for On-Premises Consumption

Motion

I move to approve the resolution authorizing the sale of alcoholic beverages for on-premises consumption.

Background

Arkansas Act 383, approved 03/11/2015, amends Arkansas Code 3-9-203 Section 1. Arkansas Code 3-9-203 (d), concerning an exception to the requirement that a city or town have a referendum election for on-premises consumption of alcohol, was amended to read as follows:

(d) A property owner’s association with a population of five thousand (5,000) or more or a city or town may authorize by ordinance the sale of alcoholic beverages for on-premises consumption under this subchapter if the property owner’s association or a city or town is located in a county that authorized the manufacture and sale of intoxicating liquor after November 1, 2012.

As the Property Owners’ Association cannot pass an ordinance, the Arkansas State Alcohol and Beverage Control (ABC) attorney was contacted regarding the word ordinance. He stated basically the amendment was written specifically for HSV and ABC would accept the board’s authorization of the sale of alcoholic beverages for on-premises consumption by adoption of a resolution in lieu of an ordinance.

Authorization of the sale of alcoholic beverages for on-premises consumption will allow all restaurants with Private Club licenses in the Saline County portion of HSV to purchase liquor at wholesale rather than retail prices. In addition, it will also allow wholesalers to deliver to the establishments in HSV.

This bill becomes effective July 21, 2015 (90 days after the legislature adjourned).

This will be discussed at the July 15, 2015 board meeting.

Staff respectfully requests this be approved at the July 15, 2015 meeting, if possible, so restaurant operators can purchase liquor wholesale.
RESOLUTION

Sale of Alcoholic Beverages for On-Premises Consumption

WHEREAS, The State of Arkansas Senate, during its Regular Session of the State of Arkansas 90th General Assembly, approved Act 383 amending Senate Bill 215; and

WHEREAS, Act 383 amended the exception to the requirement that a city or town have a referendum election to authorize the sale of alcoholic beverages for on-premises consumption; and for other purpose; and

WHEREAS, Arkansas Code 3-9-203 (d) is amended to read: a property owner’s association with a population of five thousand (5,000) or more or a city or town may authorize by ordinance the sale of alcoholic beverages for on-premises consumption under this subchapter if the property owner’s association or a city or town is located in a county that authorized the manufacture and sale of intoxicating liquor after November 1, 2012; and

WHEREAS, Act 383 is effective July 21, 2015; and

WHEREAS, Hot Springs Village Property Owners’ Association has a population of five thousand (5,000) or more, and has been authorized by the Arkansas State Alcohol and Beverage Control division to authorize the sale of alcoholic beverages for on-premises consumption by resolution in lieu of an ordinance; and

WHEREAS, The Board of Directors of Hot Springs Village Property Owners’ Association has determined that it is in the best interest of our members to allow the sale of alcoholic beverages for on-premises consumption.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of Hot Springs Village Property Owners’ Association authorizes the sale of alcoholic beverages for on-premises consumption as provided by Act 383 and amended Senate Bill 215.

ADOPTED this 15th day of July, 2015.

Harv Shelton, President

Secretary