



OHMVR COMMISSION MEETING Livermore, CA

February 25, 2012

STAFF REPORT: Department of Parks and Recreation Alcohol Policy

STAFF: Phil Jenkins, Division Chief

SUBJECT: Agenda item V. B: Consideration of policy regarding alcohol sale at state park unit concessions and special events.

Summary

To serve as guidance to the Director of the Department Parks and Recreation (Department) for decisions regarding the sale of alcoholic beverages at concession operations and special events at units of the State Park System, the California State Park and Recreation Commission has adopted the general policy attached to this report. The policy allows the sale of alcohol at concessions for grocery or camping supply and bona fide eating establishments under the Alcoholic Beverage Control Act as well as for special events not exceeding seven days. In other circumstances, the Director may allow the sale if the sale is determined to be in the best interest of the state with a follow-up report required to the Commission. The policy does not affect or replace other state law regulating the sale or consumption of alcoholic beverages.

Discussion

The responsibility of the Off-Highway Motor Vehicle Recreation (OHMVR) Commission is different from that of the State Park and Recreation Commission with respect to the establishment of policies. The State Park and Recreation Commission establishes general policy for guidance of the Department with regard to the operation of state park units other than State Vehicular Recreation Areas (SVRAs). SVRAs are authorized and administered pursuant to the OHMVR Act. By recent amendment to the OHMVR Act, the OHMVR Commission no longer establishes general policies. This alcohol policy does not apply to SVRAs. The policy is being submitted to the OHMVR Commission for information and consideration pursuant to the Commission's responsibility to be aware of any action that may have an effect on the OHMVR Program and to make suggestions for improvement.

Because the OHMVR Commission exercises its responsibility with respect to SVRAs, it may or may not take a different view of the appropriateness of selling alcoholic beverages at concessions and special events at SVRAs. As such, it is appropriate for the OHMVR Commission to consider, and provide advice if it wishes, to the OHMVR

Division with regard to the policy at SVRAs. It is the responsibility of the Division to adopt policies that are appropriate for the OHMVR Program and its SVRAs taking into consideration recommendations made by the OHMVR Commission. The Division, working with the Department, may adopt the policy as adopted by the Department, or it may adopt a modified policy as appropriate for SVRAs and the OHMVR Program. The OHMVR Commission's consideration and input on this issue, following any public comment and input, is an important aspect of this process.

Commission Action

The Commission may:

1. Take no action.
2. Concur with the policy as an appropriate approach for SVRAs.
3. Provide recommendations for modification of the policy with regard to its application at SVRAs.

Attachments

Transmittal Memorandum dated February 10, 2012

Policy IV.7 Alcoholic Beverages; Revised 10-21-11

Memorandum

Date : February 10, 2012

To : District Superintendents

From : Anthony I. Perez 
Deputy Director Park Operations

Subject : California State Park Commission Policy Change – Sale and Consumption of Alcohol

During the past year, California State Park Commission members and Department staff worked together to revise the policy for the sale and consumption of alcoholic beverages within the State Park System. The work group sought to balance park visitor interest, safety concerns and economic benefits in the provision of alcoholic beverages.

The attached policy essentially streamlines the approval process and delegates authority to the Director to approve the sale and consumption of alcoholic beverages under specific criteria. The policy relates to the provision of alcoholic beverages through both concession operations and special events.

Pending the adoption of a Departmental Notice to formally implement the internal approval process, please forward any new requests for alcohol sales to my attention through your respective division chiefs on a Director's Action Request (DAR). The DAR shall include for the Director's signature a notification to the Commission.

I appreciate the efforts of those who worked on this project to reach consensus. If you have questions, feel free to call Jim Luscutoff at (916) 653-7733 or my office.

Attachment

cc: Ruth Coleman, Director
Brian Cahill, Assistant Deputy Director
Ronilee Clark, Southern Division Chief
Scott Nakaji, Northern Division Chief
Phil Jenkins, OHMVR Division Chief
Jim Luscutoff, Concessions and Reservations Division Chief
Louis Nastro, Commission Secretary

CALIFORNIA STATE PARK AND RECREATION COMMISSION
STATEMENTS OF POLICY

Policy IV.7

ALCOHOLIC BEVERAGES

REVISED 10-21-11

This Commission policy addresses the sale of alcoholic beverages within the State Park System; the policy gives the Director the opportunity to balance issues of public health and safety, potential economic benefit to the Department, and the possible enhancement of certain units for the public. The Commission recognizes the sale, manufacture, possession and licensing to sell such beverages is regulated by the Business and Professions Code, and by the rules and regulations of the Department of Alcoholic Beverage Control and other state agencies. This policy in no way seeks to interfere with implementation of those statutes, applicable policies or regulations of other state agencies. In establishing this policy, it is the Commission's intent to provide general guidance to the Director for the approval of the subject sales and to describe the circumstances under which the sales of alcoholic beverages may be permitted within the State Park System.

The use of alcoholic beverages in the State Park System has presented both management and enforcement challenges for the Department, while at the same time it is recognized that the controlled opportunity to make alcoholic beverages available to the public can, under the right circumstances, broaden the appeal of concession services at certain units, serve the interests of park visitors and provide an economic benefit to the State Park System.

Therefore it is established:

The Director of the California Department of Parks and Recreation after consultation with the Deputy Director of Park Operations regarding approval of alcohol sales and its compatibility with maintaining public safety as well as a high quality visitor experience may approve the sale of alcoholic beverages, subject to all applicable statutes and regulations, in the following circumstances:

1. The sale of beer and/or wine for consumption off-premises at grocery and camper supply concessions if such beverages are not otherwise available to the public within a reasonable distance outside the park.
2. The sale of alcoholic beverages for consumption at a concession that is a bona fide public eating place, as defined in the Alcoholic Beverage Control Act.

3. In recreation zones of historic units of the State Park System, commercial activities involving the sale of alcoholic beverages may be permitted if those activities are part of the history of the individual unit and the development retains or restores historical authenticity. This provision permits commercial activities such as saloons even if the precise items being sold are different from what was sold in the historic period.
4. The renewal of an existing concession contract authorizing the sale of alcoholic beverages if the conditions stated in paragraphs 1 or 2 above remain substantially unchanged.
5. The short-term sale of beer, wine and/or alcoholic beverages at special events for a period of no longer than 7 days.
6. In any circumstance not envisioned herein, the Director has the authority to approve the sale of alcoholic beverages upon making a finding that doing so is in the best interest of the State Park System. The Director shall provide a copy of the finding to the Commission.

The Director retains responsibility for the continuity of this policy. Enforcement of all pertinent regulations regarding the sale and consumption of alcoholic beverages in the State Park System is the responsibility of the Deputy Director of Park Operations. The Commission supports the enforcement and resolution of all alcohol-related violations within the State Park System consistent with state law, including but not limited to alcohol violations related to the operation of water craft and motor vehicles.