



AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion regarding the Creation of a Liquor Commission and provide direction to the City Administrator, Police Chief and City Attorney

Presenter: Chief Lamkin

Please check appropriate box:

	Government Operations	X	Government Services 05.28.13
	Planning & Development		City Council
	Public Hearing		

Estimated Cost: \$N/A Budgeted: YES NO

If NO, please explain how item will be funded:

Executive Summary:

A presentation was made at the April Government Service Committee outlining several potential changes that could be made to the existing liquor licensing code. Several of those items will take longer to clarify and implement, however, the creation of a Liquor Commission was identified as one part that could be done upon agreement and approval by City Council. The attached matrix identifies the questions to be decided. They are:

1. Size of the Commission.
2. Composition of the Commission.
3. What is the Commission's role, advisory or decision making?
4. How often will the Commission meet?
5. What authority will the Commission have?

Staff is presenting these items for discussion to determine the language to be prepared for ordinance changes to be presented to City Council.

Materials submitted by Ald. Martin regarding Liquor Commissions in other communities.

Attachments: (please list)

Matrix

Recommendations for the creation of a Liquor Commission

Recommendation / Suggested Action (briefly explain):

Recommend that the Government Services Committee discuss the matter and provide direction to the City Administrator, Police Chief and City Attorney.

For office use only: Agenda Item Number: 5.d

Item:	Comments/Analysis:
Number of members	<p>A 5-7 member commission would be advisable to be able to conduct business in the event of an absence of some of the members.</p> <p>Under state law, a 5 member body requires 3 members to conduct business. With a 7 member commission, 3 members are required to conduct business as well.</p>
Composition of commission	<p>There are various approaches used by other communities. In some cases, the members are from the community, nominated by the Mayor, and approved by the City Council. In some communities the Mayor and Council serve as the Liquor Commission.</p> <p>NOTE: Meetings of the Commission will be subject to the Illinois Open Meetings Act.</p>
Advisory body or decision-making body	<p>This could be the most important issue to be decided. Is the Commission going to be the final decision-making authority on the issues within its scope of responsibility? Alternatively, the Commission could serve in an advisory capacity and make recommendations to the Liquor Commissioner/Mayor?</p>
If advisory, recommendation made to Liquor Commissioner or Mayor/City Council	<p>If the Commission is only able to make recommendations, then who will the recommendations be made to and who will serve as the final decision-making authority for the City?</p>
Consideration of new applications	<p>Will the Commission be asked to review new applications for liquor licenses that are received by the City? If so, this could extend the time from initial application to license approval.</p>

Item:	Comments/Analysis:
Consideration of renewal applications or changes to existing applications (e.g. new owner)	Will the Commission be asked to review changes to existing applications for liquor licenses, such as when there is a change in ownership or an establishment is moving to a new location? If so, this could extend the time from initial application to license approval.
Consideration of violations of liquor control laws and ordinances	If an establishment violates laws or ordinances related to the sale or service of alcoholic liquor (e.g. sale to a minor, overservice, remaining open after the specified closing time), will the Commission hear the case and specify a penalty or corrective action(s)?
Consideration of violations of other laws or ordinances	If an establishment violates other laws or ordinances not related to liquor sale or service (e.g. gambling, noise, nuisance issues), will the Commission have the ability to hold a hearing and specify a penalty or corrective action?
Consideration of changes to codes and ordinances of the City related to liquor control	Will the Commission have the ability to consider and initiate changes to the City's codes regarding liquor control?
Commission to have its own legal counsel or represented by City Attorney	In cases where violations are alleged, and hearings are to be held, will the Commission be able to retain its own legal counsel? In these cases, the Chief of Police may need legal counsel as well. The same person/firm cannot represent both.
When will the commission meet and how often?	<p>Commission meetings may be scheduled on a monthly basis to accommodate applications or other items that require action. Meetings could be cancelled, if there is no business to be considered.</p> <p>Hearings for disciplinary matters could be held as part of regular meetings, if the case is straightforward and simple. More complex cases could take several days. Those could be scheduled as needed, but members of the Commission will need to be able to participate.</p>

RECOMMENDATIONS FOR THE CREATION OF A LIQUOR COMMISSION

Number of Commissioners 7

Makeup of Commission 3 Residents; 3 Aldermen; LLC as Chair.

Status of Commission Advisory only

LLC Mayor as: Local Liquor Control commissioner

- Duties
- 1) Assist the LLC in the exercise of the powers and the performance of the duties herein provided for such commissioner.
 - a) Review applications and the investigation of applicants for liquor licenses, and to submit findings and recommendations to the LLC, setting forth its conclusions respecting such applications.
 - b) Conduct disciplinary hearings for suspension or revocation of licenses, providing recommendations to the LLC and findings of fact, sustaining, in whole or in part, or dismissing complaints against licensees.
 - c) Annually, prior to March 1st, determine the closing hours of retail liquor establishments and the effective enforcement thereof, and make such recommendations to the LLC.
 - d) Review and recommend changes to the Liquor Control Ordinance.

Note:

Meetings are subject to the Open Meetings Act.

Liquor Commissions in the State of Illinois

Jim Martin

May 20, 2013

Page 1

COMMUNITY	NO. OF COMM	MAKEUP OF COMM	CHAIR	STATUS	DUTIES
Auburn	5	Council	Mayor	Advisory	<ul style="list-style-type: none"> 1) Review of license applications and providing recommendations for approval and denial. 2) Conduct public hearings of complaints and provide recommendations for action by the commissioner. 3) Conducting disciplinary hearings for suspension or revocation of licenses, providing recommendations and findings of fact, sustaining, in whole or in part, or dismissing complaints against licensees. 4) Conducting investigations of licensees as directed by the commissioner and issuance of subpoenas to effectuate such investigations of and hearings.
Bloomington	5	Residents	Mayor	Advisory	<ul style="list-style-type: none"> 1) The liquor advisory board shall consist of seven voting members and one ex officio member who shall not be eligible to vote on matters before the liquor advisory board, but may participate in discussions as fully as the seven voting members. 2) Residency requirements: All of the voting members shall reside within the corporate boundaries or within one and one-half miles of the corporate boundaries of the city.
Carbondale	7	Residents plus 1 ex officio	President	Advisory	<ul style="list-style-type: none"> 1) Assist the liquor control commissioner in the exercise of the powers and the performance administration of the state liquor control act.
Carrollton	7	Residents	Mayor	Advisory	<ul style="list-style-type: none"> 1) Upon call of the liquor control commissioner, the liquor control advisory commission shall consider an application for a liquor license and shall receive any and may require such evidence as it may deem necessary to make a factual determination that the application complies with the requirements of the category of license applied for and the provisions of this chapter.
Charleston	7	Residents	Mayor	Advisory	<ul style="list-style-type: none"> 1) To review applications and the investigations of applicants for liquor licenses, and to submit findings and recommendations to the Commissioner setting forth its conclusions respecting such applications. 2) To conduct disciplinary hearings at the request of the Commissioner and to submit findings and recommendations to the Commissioner setting forth its conclusions respecting the existence and nature of violations of the type described in subsection 33.3B(1) of this Chapter and the appropriate disciplinary action to be taken, if any.
Clarendon Hills	3	Residents	Mayor	Advisory	<ul style="list-style-type: none"> 1) To keep written records of its meetings and proceedings which shall be open for public inspection during regular business hours at Village offices, provided that such public record shall not include matters concerning the applicants or licensees, the disclosure of which would result in an invasion of privacy.
East St. Louis	5	Residents	Mayor	Advisory	<ul style="list-style-type: none"> 1) Make timely studies, surveys, investigations and hold public hearings. 2) Determine the closing hours of retail liquor establishments and the effective enforcement thereof. 3) Ensure uniformity and compliance with this chapter and other ordinances and regulations. 4) Review the qualifications of applicants for liquor licenses and make recommendations with references thereto. 5) Receive complaints from citizens that any of the provisions of this chapter, or any rules or regulations adopted pursuant thereto, have been or are being violated, and the liquor control advisory commission may hold hearings on such complaints to ascertain the validity thereof. In conducting such hearings, the liquor control advisory commission shall act as a body, but detailed work may be delegated to a deputy liquor control commissioner or the executive officer. All decisions rendered as consequence of such hearings shall be advisory and prepared for the mayor's action.
Glen Ellyn	Council	Council	Mayor		<ul style="list-style-type: none"> 1) Administer the laws of the state and the city pertaining to the sale of alcoholic liquor.
Grove Village	2	Residents	Mayor	Advisory	<ul style="list-style-type: none"> 1) Assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner.
Lockport	Open	Residents	Mayor	Advisory	<ul style="list-style-type: none"> 1) Assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner.

IQUOR COMMISSIONS IN THE STATE OF ILLINOIS

May 20, 2013

Jim Martin

Page 2

COMMUNITY	NO. OF COMM	MAKEUP OF COMM	CHAIR	STATUS	DUTIES
Belen Carbon	Council	Trustees	Mayor	Advisory	1) Assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner.
Bruny County	County Chair & County Board	County Chair & County Board	County Chair	Action	1) Receive applications and issue licenses. 2) Examine or cause to be examined applicants for renewal and examine or cause to be examined the books and records of any applicant, to hear testimony and take proofs of the information provided, and to issue subpoenas for the purpose of examining an applicant for a retail liquor dealer's license. 3) Suspend for not more than 30 days or revoke licenses upon the liquor control's determination, after hearings to determine any violations committed.
Bighwood	Open	Residents	Mayor	Advisory	1) Assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner.
Boffman Estates	3	2 Trustees	Village President	Action	1) To grant and to suspend for not more than 30 days or revoke for cause or fine all liquor license issued to persons for premises within the commissioner's jurisdiction. 2) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the liquor code or any rules or regulations adopted by the commission or by the State commission have been or are being violated or at such time to examine said premises of said license in connection therewith. 3) To receive complaints from any citizen within the jurisdiction that any of the provisions of the Code or any rules or regulations adopted pursuant thereto, have been or are being violated and to act upon such complaints. 4) To receive local license fees and pay them to the Village Collector.
Jacksonville	2	Council	Mayor	Advisory	1) At the discretion of the Local Liquor Commissioner, following a written report or written complaint alleging a violation which could result in disciplinary action, call a meeting of the Liquor Commission, and advise the LLC as to whether any disciplinary action should be taken against the licensee, and if so, what such action should be. 2) Take such action as he (the LLC) deems appropriate under the circumstances, without a meeting of the liquor commission.
Minooka	2	Village Board	Mayor	Action	1) Assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner. 2) Grant and revoke for cause all local licensees; to enter or authorize any law enforcing officer to enter at any time any premises licensed hereunder, to determine whether any provisions of the liquor code have been violated, to receive complaints from any citizen that any provision of the liquor code has been violated; and to act upon such complaint, and to receive local license fees and pay the same to the village treasurer. 3) To examine or cause to be examined under oath any applicant for a local license, or renewal thereof.
Maperville	7	Residents	Mayor	Advisory	1) Review applications and the investigation of applicants for liquor licenses, and to submit findings and recommendations to the LLC setting forth its conclusions respecting the existence and nature of any violation of this Chapter and the appropriate disciplinary action to be taken, if any. 2) Conduct disciplinary hearings and submit findings and recommendations to the LLC setting forth its conclusions respecting the existence and nature of any violation of this Chapter and the appropriate disciplinary action to be taken, if any. 3) Review and recommend changes in this Chapter to the LLC. 4) Keep written records of its meetings and proceedings which shall be open for public inspection during regular business hours at city offices provided that such public records shall not include matters concerning the applicants or licensees which result in an invasion of privacy.
Normal		Open Residents	Village President	Advisory	1) Assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner.

COMMUNITY	NO. OF COMM	MAKEUP OF COMM	CHAIR	STATUS	DUTIES
North Pekin	3	Village President & Residents	Village President	Action	<ul style="list-style-type: none"> 1) To grant and revoke for cause all licenses issued under the provisions of this chapter. 2) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the Illinois liquor code are being violated. 3) To receive complaints from any citizen of the village that any of the provisions of this chapter have been or are being violated and to act upon such complaints. 4) To receive local license fees and pay them to the treasurer.
Dak Park	5	Residents	Village President	Advisory	<ul style="list-style-type: none"> 1) Assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner.
Theoria	5	Residents	Mayor	Advisory	<ul style="list-style-type: none"> 1) Review all applications for approval of sites proposed for the retail sale of alcoholic liquors and making recommendations to the city council thereon and conducting hearings at the request of the LLC and recommending to the LLC regarding the issuance, denial, renewal, continuation or termination of any subclass license.
Ringree Grove	2	Trustees and Village President	Village President	Action	<ul style="list-style-type: none"> 1) Authority to grant, suspend and/or revoke alcoholic liquor licenses in accordance with applicable state and federal village ordinances and resolutions, and any rules and regulations established by and for said commission. 2) All official actions of any decisions by the local liquor control commission shall require a simple majority vote of those members present constituting a quorum. A quorum shall require the presence of not less than 2 members. 3) The local liquor control commission shall have the right to examine, or cause to be examined, under oath, any applicant for a local liquor license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine the books and records of any such applicant or licensee, to hear testimony and take proofs for its information in the performance of its duties, and for such purpose, to issue subpoenas which shall be effective in any part of the state. For the purpose of obtaining any of the information desired by the local liquor control commission under this section, the commission may authorize its agent to act on its behalf.
Langamon Cty	7	Residents	County Board President	Advisory	<ul style="list-style-type: none"> 1) Review license applications and providing recommendations for approval and denial. 2) Conduct public hearings of complaints and providing recommendations for action by the LLC. 3) Conduct disciplinary hearings for suspension or revocation of licenses, providing recommendations and findings of fact, sustaining, in whole or in part, or dismissing complaints against licensees. 4) Conduct investigations of licensees as directed by the LLC and issuance of subpoenas to effectuate such investigations of any hearings.
Herman	Council	Council	Village President	Action	<ul style="list-style-type: none"> 1) The liquor control commission of the village, or a majority thereof, shall be in charge of the issuance, revocation and suspension of licenses under this chapter and shall be responsible for the enforcement of the provisions.
Springfield	3	Residents	Mayor	Advisory	<ul style="list-style-type: none"> 1) Review license applications and providing recommendations for approval and denial. 2) Conduct public hearings of complaints and providing recommendations for action by the LLC. 3) Conduct disciplinary hearings for suspension or revocation of licenses, providing recommendations and findings of fact, sustaining, in whole or in part, or dismissing complaints against licensees. 4) Conduct investigations of licensees as directed by the LLC and issuance of subpoenas to effectuate such investigations of any hearings.
Fernon Hills	3	Trustees & Village Clerk	Village President		<ul style="list-style-type: none"> 1) Assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner.

COMMUNITY	NO. OF COMM	MAKEUP OF COMM	CHAIR	STATUS	DUTIES
Willa Park	3	2 residents & Village President	Village President	Advisory	<ul style="list-style-type: none"> 1) To impose suspension, revocation or fine, for cause, on any license issued pursuant to this chapter. 2) To issue subpoenas at the request of any party as part of a disciplinary hearing. 3) To conduct disciplinary hearings on any written formal complaint or formal charge; to issue written orders and findings consistent with the provisions of local ordinance and the laws of the State of Illinois; to exercise such other implied or express powers and duties as may be necessary for the proper conduct of disciplinary hearings and the imposition of any sanction or fee authorized by law. 4) To retain counsel to advise it in connection with its duties. 5) To secure the services of individuals to prepare a verbatim transcript of any proceedings before it. 6) To perform such duties and responsibilities as the village president/local liquor control commissioner may from time to time request in writing.
Wolo	2	Trustees	Village President	Advisory	<ul style="list-style-type: none"> 1) Assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner.
Wadsworth	Open	Residents	Village President	Advisory	<ul style="list-style-type: none"> 1) Assist the commissioner in the exercise of the powers and the performance of the duties herein provided for such commissioner.
West Dundee	2 and Village President	Trustees	Village President	Action	<ul style="list-style-type: none"> 1) Grant, suspend and/or revoke alcoholic liquor licenses in accordance with 235 Illinois Compiled Statutes 5/4-4, village ordinances and resolutions, and any rules and regulations established by and for said commission.
Western Springs	3	Residents	Village President	Advisory	<ul style="list-style-type: none"> 1) To review applications and the investigations of applicants for liquor licenses, and to submit findings and recommendations to the Commissioner setting forth its conclusions respecting such. 2) Conduct disciplinary hearings and submit findings and recommendations to the LLC setting forth its conclusions respecting the existence and nature of any violation of this Chapter and the appropriate disciplinary action to be taken, if any. 3) Keep written records of its meetings and proceedings which shall be open for public inspection in accordance with the freedom of information act. 4) To perform such other duties as determined by the LLC.
Wheaton	5	Residents	Mayor	Quasi adjudicative	<ul style="list-style-type: none"> 1) To review applications and the investigations of applicants for liquor licenses, and to submit findings and recommendations to the Commissioner setting forth its conclusions respecting such applications. 2) Conduct disciplinary hearings and submit findings and recommendations to the LLC setting forth its conclusions respecting the existence and nature of any violation of this Chapter and the appropriate disciplinary action to be taken, if any. 3) Keep written records of its meetings and proceedings which shall be open for public inspection in accordance with the freedom of information act. 4) Review and recommend changes in this chapter to the LLC and city council.
Wheeling	Trustees	Trustees	Village President	Action	<ul style="list-style-type: none"> 1) To grant and to suspend for not more than 30 days or revoke for cause or fine all liquor license issued to persons for premises within the commissioner's jurisdiction. 2) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the liquor code or any rules or regulations adopted by the commission or by the State commission have been or are being violated or at such time to examine said premises of said license in connection therewith. 3) To receive complaints from any citizen within the jurisdiction that any of the provisions of the Code or any rules or regulations adopted pursuant thereto, have been or are being violated and to act upon such complaints.

COMMUNITY	COMM	COMM	CHAIR	STATUS	DUTIES
tion	3	Residents	Mayor President	Advisory	
					<p>1) To review applications and the investigations of applicants for liquor licenses, and to submit findings and recommendations to the Commissioner setting forth its conclusions respecting such applications.</p> <p>2) Conduct disciplinary hearings and submit findings and recommendations to the LLC setting forth its conclusions respecting the existence and nature of any violation of this Chapter and the appropriate disciplinary action to be taken, if any.</p> <p>3) Keep written records of its meetings and proceedings which shall be open for public inspection in accordance with the freedom of information act.</p> <p>4) To perform such other duties as determined by ordinances enacted by the city council.</p>