

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Chief Financial Officer CHAIRMANGRAY

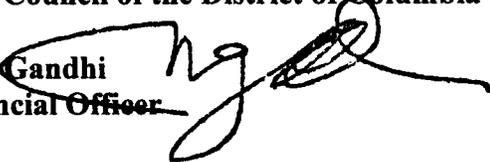


2008 MAY -5 PM 2:49

Natwar M. Gandhi  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Vincent C. Gray  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi   
Chief Financial Officer

**DATE:** MAY 5 2008

**SUBJECT:** Fiscal Impact Statement: "Omnibus Alcoholic Beverage Amendment Act of 2008"

**REFERENCE:** From the March 11, 2008 Draft Committee Print of Bill Number 17-528

---

**Conclusion**

Funds are sufficient in the FY 2008 budget and the proposed FY 2009 through FY 2012 budget and financial plan to implement the provisions of the proposed legislation. No additional staff or resources will be required to implement the proposed legislation.

**Background**

The proposed legislation is the omnibus vehicle for making reforms necessary to improve operations of the ABC Board (Board) and the Alcoholic Beverage Regulation Administration (ABRA). The proposed legislation requires Alcoholic Beverage Control (ABC) licensees to file a security plan with the Board. The plan is required to contain at a minimum the following elements:

- A statement on the type of security training provided for, and completed by, establishment personnel, including conflict resolution training, procedures for handling violent incidents, other emergencies, and calling MPD; and procedures for crowd control and preventing overcrowding;
- Procedures for the establishment to permit patrons to enter;
- Plans for the stationing of security personnel inside and in front of the establishment and the number and location of cameras used by the establishment;

- Procedures in place to prevent patrons from becoming intoxicated and ensuring that only persons 21 years or older are served alcohol; and
- Procedures for the establishment's maintenance of an incident log.

A security plan will be required for the renewal of a nightclub's license. The Board, at its discretion, may require a security plan for license renewals for establishments such as restaurants, taverns, or multipurpose facilities.

The proposed legislation would allow the holder of an on-premises retailer's license to rent out or provide their establishment for use by a third party or promoter. The proposed legislation requires the licensee in such circumstances to maintain ownership and control of the licensed establishment for the duration of the event. The licensee is responsible for entrances and exits, and the staff of the establishment including bar and security. Under no circumstances shall a licensee permit the third party or promoter to be responsible for providing security or maintain control over the establishment's existing security personnel.

The proposed legislation clarifies language in existing law pertaining to failure to provide access to allow an ABRA investigator, a designated agent of ABRA, or a member of the Metropolitan Police Department (MPD) to enter or inspect, without delay, the licensed premises, examine the books, records of the business, and/or otherwise interfere with an investigation.

A licensee, a group of licensees, or a Business Improvement District (BID) on behalf of licensees (Licensees), may enter into an agreement with MPD to provide for reimbursable detail of police officers. Such a detail is eligible for reimbursement under an existing subsidy program. The proposed legislation allows ABRA to reimburse MPD fifty percent of the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details. The program is currently limited to FY 2008. The proposed legislation requires MPD to submit to ABRA on a monthly basis invoices documenting the fifty percent amount owed by each licensee.

Invoices will be paid by ABRA to MPD within thirty days of receipt in the order that they are received until the subsidy program's funds are depleted. ABRA shall notify MPD when funds in the subsidy program fall below \$250,000. In addition, any invoices unpaid by ABRA either for good cause or a lack of sufficient funds left in the subsidy program shall remain the responsibility of the licensee.

The proposed legislation amends and clarifies current law governing access to public meetings. In addition, the proposed legislation clarifies what operations are considered to be a "meeting," what operations are not to be considered a "meeting," what operations or requirements not only warrant but require a closed session, and the requirements on the Board during and following closed session meetings.

**Financial Plan Impact**

Funds are sufficient in the FY 2008 budget and the proposed FY 2009 through FY 2012 budget and financial plan to implement the provisions of the proposed legislation. No additional staff or resources will be required to implement the provisions of the proposed legislation.