

RESOLUTION

WHEREAS, the Legislature of the State of South Dakota has provided for the approval of liquor licenses by the boards of county commissioners of the counties of said State pursuant to SDCL Title 35; and

WHEREAS SDCL §35-4-11.1 provides that the board of county commissioners shall on or before the first of September in each year determine by ordinance or continuing resolution the number of on-sale licenses (other than malt beverage) it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses; and

WHEREAS, the Meade County Board of County Commissioners has set the number of on-sale liquor dealer licenses at 14 and the fee for such license at \$225,000; and

WHEREAS, Meade County currently has issued 13 on-sale liquor dealer licenses, making one such license available for issuance; and

WHEREAS the Meade County Board of Commissioners wishes to make the license available to the public in a fair and impartial manner; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Meade County Commission makes the following rules applicable to the issuance of new on-sale liquor dealer licenses:

1. Applicants may apply for the existing on-sale liquor dealer licenses beginning on the date of this resolution by submitting an application packet to the Meade County Auditor. Such application packet shall include the following:
 - a. **Uniform Alcoholic Beverage Application.** This must be completed fully and according to its instructions, and bear the necessary original signatures. Photocopies will not be accepted.
 - b. **Application Fee.** Certified check, cashier's check, or bank draft in the amount of \$25,000. Alternatively, the applicant may submit a surety bond in the amount of \$50,000 which guarantees that the applicant will consummate the purchase of the on-sale liquor dealer licenses if the applicant is successful in the lottery for such license as set forth below.
 - i. If the applicant fails or refuses to consummate the purchase of the on-sale liquor dealer licenses within 15 days of successful selection, the applicant shall forfeit and the County shall be entitled to retain the application fee as liquidated damages. Any applicant who fails or refuses to consummate the purchase according to the terms of this resolution shall be disqualified from applying for any alcoholic beverage license for a period of one year.
 - ii. In the event that applicant whose name is drawn in the lottery shall not be able to meet the licensing standards set out by SDCL Ch. 35-2, the applicant shall forfeit and the County shall be entitled to retain the application fee as liquidated damages.
 - iii. The winner of the lottery shall have the application fee credited toward the issuance fee for the on-sale liquor dealer license.
 - iv. Those unsuccessful in the lottery shall have their application fee refunded immediately.

- c. **Deadline.** All applications for the on-sale liquor dealer license shall be delivered to the office of the Meade County Auditor not later than 5:00 p.m. on January 15, 2016.
 - d. **Lottery.** The names of those applicants who have submitted a valid application for on-sale liquor dealer licenses shall be drawn at random in an open meeting of the County Commission on January 27, 2016. The application of the person whose name is drawn will be accepted by the County Commission and that applicant's application shall be set for hearing in accordance with SDCL Ch. 35-2.
- 2. In the event the applicant refuses to consummate the purchase of the on-sale liquor dealer license or fails to meet the licensing standards set out by SDCL Ch. 35-2, a subsequent lottery shall be held according to the terms of this Resolution.
 - 3. In the event that no valid applications are received by the Meade County Auditor by 5:00 p.m. on January 15, 2016, the on-sale liquor dealer licenses shall become available on a first-come, first served basis, subject to the statutory licensing terms regarding notice, hearing, and all license requirements. For purposes of this resolution, "first-come first-served" shall mean that the first fully and accurately completed application for on-sale liquor dealer licenses which is submitted to the office of the Meade County Auditor with the issuance fee of \$225,000 in good funds shall be entitled to have their application noticed and heard in accordance with the alcoholic beverage licensing statutes.
 - 4. In the event the first-come first-served applicant is not able to meet the licensing standards set out by SDCL Ch. 35-2, the applicant who next submits a fully and accurately completed application together with the issuance fee shall be next considered.

DATED this _____ day of December, 2015.

APPROVED: _____
Alan Aker, Chairman

ATTEST: _____
Lisa Schieffer, Auditor