



Las Vegas

Agenda Item No.: 4.

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2019

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2019-2 - For possible action. Amends LVMC 6.40.155 to generally prohibit restricted gaming in establishments with a nonprofit club general alcoholic beverage license, and amends LVMC 6.50.150 to clarify the circumstances under which an establishment with a nonprofit club general on-sale alcoholic beverage license may allow members of the general public to enter the establishment for gaming purposes. Sponsored by Councilwoman Michele Fiore

Fiscal Impact:

- No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend LVMC 6.40.155 to generally prohibit restricted gaming in establishments with a nonprofit club general alcoholic beverage license, and additionally amend LVMC 6.50.150 to clarify the circumstances under which an establishment with a nonprofit club general on-sale alcoholic beverage license may allow members of the general public to enter the establishment for gaming purposes. The amendments will harmonize the City's alcoholic beverage license requirements with the requirements of State law and regulations pertaining to establishments with restricted gaming.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2019-2

Motion made by BOB COFFIN to Approve as Do Pass as a First Amendment

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
BOB COFFIN, STAVROS S. ANTHONY, MICHELE FIORE; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

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MARY McELHONE, Deputy Planning Director, stated the proposed amendment allows those Nonprofit Club General Licensees currently licensed for gaming to have restricted gaming in their establishments. She explained how over the years, the City's ordinances and the Nevada Revised Statutes (NRS) became farther and farther apart.

The proposed ordinance would allow for restricted gaming to be in these nonprofit liquor license establishments whereas the public can go in only for the purpose of playing the slot machines. Currently, members and their guests are required to log in, so a condition was added that any playing members of the public would also have to log in on a separate log. Additionally, a key employee (manager or owner) would have to keep track of the individual until they left the premises, and the log would need to include the date and time of arrival. The general public has to be identified and leave at the conclusion of slot machine play. Suggestions were made regarding how to identify these individuals, which included a name tag, badge, vest, hat, etc.; something so that the identifier is easily visible from 10 feet away. Additionally, these individuals can only be served water; no food or beverages, including liquor. A security plan regarding how this will be enforced also needs to be submitted to the Director for approval.

MS. McELHONE noted the proposed ordinance was discussed with the Gaming Control Board, and with the proposed changes, they would allow restricted gaming into these locations.

COUNCILMAN ANTHONY asked who would be affected by this ordinance. MS. McELHONE explained three locations would be affected: 1) Elks Paran Lodge #1508 at 600 West Owens Avenue with 2 slot machines, 2) Las Vegas American Legion Post 8 at 733 Veterans Memorial Drive with 11 slot machines, and 3) Red Rock Moose Lodge at 4970 West Charleston Boulevard with 7 slot machines.

COUNCILMAN ANTHONY stated his understanding of the difference was that the public would be allowed to go into these establishments and use the slot machines; whereas currently, they are not supposed to. MS. McELHONE confirmed this to be correct, adding the City currently does not allow the public in its nonprofit liquor license locations, but State law requires they be open to the public.

DEPUTY CITY ATTORNEY JEFF DOROCAL stated the City Attorneys Office has a proposed amendment to make the name of the license uniform throughout the bill. In the title, it is listed as Nonprofit Club General Alcoholic Beverage; later in the bill, it is listed as General On-Sale Alcoholic Beverage. The Proposed First Amendment is to add On-Sale to all of the places where it needs to be.

COUNCILWOMAN FIORE stated this was simply a fix to bring everything in compliance with the NRS. Gaming helps these nonprofit clubs stay afloat, and she thought it was something that should have been grandfathered in, as The American Legion is celebrating its 100th Anniversary.

COUNCILMAN COFFIN asked how the proposed ordinance would affect the current controversy with the Paran Lodge. MS. McELHONE explained it would affect them as it does

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the other locations; they will continue to be allowed to have slot machines as they did a year ago. She noted this was a separate issue from the recent problems at that location.

COUNCILMAN COFFIN asked about the assumption gaming would be limited to slot machines and the possibility of having a poker room. MS. McELHONE explained these were restricted gaming locations, and in order to have a poker room or anything beyond slot machines would require a nonrestricted gaming license. She confirmed for the Councilman that patrons were allowed to be served water only. She noted the ordinance was modeled after Red Rock Moose Lodge where the patron is identified when they enter as being a member of the paying public, is escorted to the slot machine for play, and staff does not serve them anything but water.

The Councilman did not understand why the patrons could not be given a sandwich and a nonalcoholic beverage. MS. McELHONE reminded the Councilman these establishments were nonprofit clubs for members and their guests only; as such, staff is trying to make the distinction that the member of the public is at the location simply to play slot machines, not to participate in the club activities.

COUNCILWOMAN FLORE clarified the City held the same Commission this was needed, and this is the model they accepted. She noted she also met with GREG SILVER, the attorney for one of the lodges.

COUNCILMAN ANTHONY announced the proposed bill would move forward to the February 6, 2019 City Council meeting.

COUNCILMAN ANTHONY declared the Public Hearing closed.

