



## Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILMAN ANTHONY called the meeting to order at 10:03 a.m.

PRESENT: COUNCILMEMBERS ANTHONY, COFFIN and FIORE (excused at 11:10 a.m.)

ALSO PRESENT: DEPUTY CITY ATTORNEY JEFF DOROCAK, JACQUIE MILLER and PATTY HLAVAC, Deputy City Clerks

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations: City Hall, 495 South Main Street, 1st Floor; Clark County Government Center, 500 South Grand Central Parkway; Grant Sawyer Building, 555 East Washington Avenue; City of Las Vegas Development Services Center, 333 North Rancho Drive.

3. Bill No. 2018-61 - ABEYANCE ITEM - For possible action - Amends LVMC Titles 6 and 19 to adopt provisions establishing a business license category and land use regulations for social use venues (marijuana), together with accompanying requirements and limitations. Sponsored by: Councilman Bob Coffin

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

DARCY ADELBAI-HURD, Business License Section Manager, provided highlights from the bill stating that the bill was for social use venues which is a business that offers or allows as part of its business activities to be a location and equipped for the consumption of marijuana or marijuana products. The annual license fee would be \$5,000 and the business itself would not be allowed to provide or distribute marijuana; however, the business can sell marijuana paraphernalia and be attached to any other type of business that is approved. The business would be required to submit a security plan, a training plan that includes the effects of marijuana use over consumption, safety standards and sanitation needs and an air quality control plan would be required to mitigate the THC (tetrahydrocannabinol) content in the air. She noted employees would be required to be 21 years of age and older and must have work cards. Additionally, consumption would not be allowed outside the establishment or in the general view of the public. Delivery of marijuana to the location would be in accordance with state laws and there is to be no storage of marijuana or alcohol on the premises. Odor control and disposal requirements would be the same as the marijuana establishments currently, and the use is a privilege license with the requirement of a Special Use Permit (SUP).

Regarding the Proposed First Amendment which was distributed and submitted for the record, DEPUTY CITY ATTORNEY JEFF DOROCAK explained that staff, based upon direction from COUNCILMAN COFFIN, eliminated any provisions in the bill that would allow alcohol sales or anything related to alcohol at the establishment. The amendment also provided some non-substantive cleanup to the bill.

BEN SILLITOE, Oasis Cannabis, wished to commend the Council members who worked on the bill as well as staff who worked to develop an ordinance to begin social use venues in Las Vegas. He believed the industry was in support of removing the section pertaining to alcohol, and he respected the Sheriff's difference in opinion to consumption lounges.

MR. SILLITOE shared several requests he had in regards to the proposed ordinance. He wished for there to be no restriction to one point of entry and exit. Additionally, he noted there was some language that requires the operator to protect their employees from exposure to cannabis; while he believed it was appropriate to mitigate exposure to cannabis smoke, he felt this language could be further specified. He pointed COUNCILMAN COFFIN to the sections within the backup documentation in which he was referring to which were Page 9, Lines 1 and 2 and Page 4, Line 15.

COUNCILWOMAN FIORE believed if an individual does not smoke cannabis, perhaps they should not work in the venue. MR. SILLITOE and COUNCILMAN COFFIN agreed with the Councilwoman and MR. SILLITOE provided a suggestion of verbiage to address the matter.

RYAN ARNOLD appeared on behalf of Fremont Street Experience asserted the Committee was aware that he and his client have been working for years with staff to try and address certain elements under the Fremont Street canopy; packaged liquor being one of them. He wondered what the hurry was and thought it would be better to see what the Legislature determines. MR. ARNOLD noted that currently the City does not allow any type of dispensary near Fremont Street and wondered why a use like this would be allowed on Fremont Street. He expressed his opposition noting his client's concerns and asked that the Council members deny the proposed ordinance.

VIRGINIA VALENTINE, President of the Nevada Resort Association, stated that there was a clear mandate from the Gaming Commission and the Gaming Control Board that the gaming industry and marijuana shall not meet. This decision was made to protect the reputation and integrity of Nevada's gaming industry. The mandate was based on federal law, and she noted that the United States Department of Justice considers marijuana a Schedule I illegal drug under the Controlled Substances Act; given this decision, the gaming industry is bound to follow the federal law or risk disciplinary fines and loss of license for non-compliance. She explained what this meant for gaming establishments.

MS. VALENTINE asserted the Gaming Commission has drawn a clear and thick line of demarcation between the two industries. She noted GOVERNOR STEVE SISOLAK has issued an executive order creating an Advisory Panel to discuss this and other marijuana-related issues to create comprehensive statewide policy and to establish a Cannabis Control Board. MS. VALENTINE felt it sensible to pause on creating a new ordinance that may be in conflict with state law in a matter of months.

She acknowledged there were already safeguards, such as city and county codes, in place to help protect and maintain a buffer between the gaming and marijuana industries, and the Nevada Resort Association would like to see this approach extended to the location of lounges. MS. VALENTINE pointed out the concern over lounges centers on the fact that the closer the lounge, the higher the risk of illegal, unwanted activity that could follow; this activity could result in a complaint to the Gaming Control Board.

COUNCILMAN COFFIN informed MS. VALENTINE that a Special Use Permit would be required and explained to her that the proposed ordinance was enabling but does not force anyone to either host, rent to, or have marijuana on the premises. Further, it does not take any rights away from individuals who are in the gaming business to protest nearby establishments through the Special Use Permit process. MS. VALENTINE understood the Councilman's explanation but believed once something is enabled, even with a Special Use Permit, it becomes harder to withhold approval of that permit.

JJ WALKER, owner of Cannabition, spoke in support of the bill stating that the lounges are not marijuana businesses but are providing a safe outlet for tourists that do not have a place to legally consume cannabis.

MICHAEL WEIN, owner of Relief Wellness Cultivation and Production Facility, and TABITHA THOMPSON, Paint and Puff, also spoke in support of the bill.

MR. SILLITOE clarified that the proposed language he was referring to was on Page 4, Lines 13 and 14; he read for the record his suggestion of verbiage.

COUNCILMAN ANTHONY asked several questions in regards to the criteria and who can apply to operate a consumption lounge, how to prevent the use of black market marijuana and how to prevent impaired individuals from driving. MS. ADELBAI-HURD stated that as written, the bill has no stipulations as to who can apply; it is a privilege license, therefore the applicant must pass a background check and be approved by the City Council. She affirmed that anyone who qualifies for the privilege license can open a consumption lounge and have the Special Use Permit approved.

She confirmed for the Councilman that marijuana cannot be purchased at the consumption lounge but it can be consumed there. She indicated that the consumption lounges would be responsible for assuring black market marijuana would not be coming into the lounge and would be required to show how in their security plans.

Additionally, the establishments would be required to have a training program for employees providing details on when over intoxication has occurred and what that looks like. COUNCILMAN ANTHONY felt this did not make sense, as the reason to go to a consumption lounge is to get high. He felt individuals would need to stay for a long period of time to recover; therefore, people would be walking out impaired and there is no way to stop them from getting into a car. MS. ADELBAI-HURD confirmed this was correct adding that the City does not have a plan for the establishments to stop that.

COUNCILWOMAN FIORE stated that she is an advocate for the marijuana industry noting in 2013, SENATOR TICK SEGERBLOM needed one Republican vote to pass marijuana legalization in Nevada; she served as that one vote. The Councilwoman asserted she did not vote for marijuana legalization so that constituents could just be high but voted for it to change the criminal justice system. She felt it was the City's responsibility to have consumption lounges where people can consume while also acknowledging the need for the City to maintain a safe position with regard to the consumption lounges.

COUNCILWOMAN FIORE was willing to push the bill forward with the addition of two conditions. The first condition was no consumption lounges in any casino areas. She also wished to see the City begin the process with current dispensaries.

COUNCILMAN COFFIN accepted the Councilwoman's requested conditions as well as MR. SILLITOE'S suggestion of verbiage.

COUNCILMAN ANTHONY thanked staff for their work; however, he was not in favor of the proposed ordinance as he thought it needed to be redone. He believed the City has been very successful in moving forward with marijuana because it has taken its time, it has listened to constituents and has not rushed the process. He acknowledged a letter received from SHERIFF JOSEPH LOMBARDO with regard to alcohol as well as dangerous black market drugs being consumed in the consumption lounges. He also acknowledged a letter in opposition from the Nevada Resort Association, the Las Vegas Metro Chamber of Commerce and the Fremont Street Experience. The Councilman believed the city would have consumption lounges in the future but thought it did not need to happen immediately. He wished to see what the State Legislature determines adding the City should be partnering with the County so that consumption lounges are uniform across the valley.

He explained the bill's recommendation process noting he was against recommending the bill to the City Council.

COUNCILWOMAN FIORE asked MR. ARNOLD and MS. VALENTINE to come to the podium. MS. VALENTINE understood the Councilwoman's requests and speaking on behalf of herself, felt it was better than the proposed ordinance presented at the moment. MR. ARNOLD agreed with MS. VALENTINE and stated that there was still a lot that needed to be reviewed.

COUNCILWOMAN FIORE thought this was a move in the right direction and should the bill go through to the March 20, 2019 meeting, there is still time to make amendments. The Councilwoman was not keen on waiting for the Legislature because the process could take a long time. MS. VALENTINE appreciated the Councilwoman's comments and requested to review a draft as to what these amendments would look like and noting if they are treated like licensees, consumption lounges would also be subject to review of the future Cannabis Review Board, should it come to fruition.

COUNCILWOMAN FIORE acknowledged JAY BROWN in the audience and asked for his opinion. MR. BROWN thought another Recommending Committee meeting could be held on March 18, 2019, but felt the Councilwoman's requested amendments were a step in the right direction.

COUNCILMAN COFFIN indicated there was a difference between consumption lounges being on casino property versus within the resort corridor. He asked that the word corridor is avoided. COUNCILWOMAN FIORE stated that just as dispensaries are not in those areas, she wished for the rules to be the same for consumption lounges. ROBERT SUMMERFIELD, Planning Director, clarified there is no distance separation in the City's code for any marijuana establishment (whether cultivation facility, production or dispensary) from any gaming establishment.

COUNCILMAN COFFIN acknowledged he had also received the Sheriff's letter noting references to alcohol had been removed from the bill. The Councilman shared information he had recently received about fatal accidents which determined a small minority of people had both alcohol and marijuana in fatalities concluding alcohol being the biggest factor.

COUNCILWOMAN FIORE asked for the Councilman to hold the item in abeyance to the next Recommending Committee meeting on March 18, 2019.

COUNCILMAN COFFIN rescinded his initial motion to approve, and COUNCILWOMAN FIORE motioned to hold the item in abeyance to March 18t, 2019.

DEPUTY CITY ATTORNEY JEFF DOROCAC recited the Councilwoman's motion for clarification. As this motion failed, MR. DOROCAC provided a suggestion of a new motion which also failed. A third motion was made to forward the bill with no recommendation which passed.

At the request of COUNCILWOMAN FIORE, MR. SUMMERFIELD confirmed that a proposed second amendment would be made available as part of the discussion at the March 20, 2019, City Council meeting.

COUNCILMAN ANTHONY declared the Public Hearing closed.

Subsequent to the vote, COUNCILMAN ANTHONY announced that this bill would be heard at the March 6, 2019, City Council meeting.

Motion made by Stavros Anthony to Forward to the 3/20/2019 City Council Meeting with no recommendation

NOTE: An initial motion by COUNCILWOMAN FIORE to hold this item in abeyance failed with COUNCILMEMBERS ANTHONY and COFFIN voting No. A subsequent motion by COUNCILMAN COFFIN to Approve as a First Amendment with additional changes failed with COUNCILMEMBERS ANTHONY and FIORE voting No.

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Stavros Anthony, Michele Fiore, Bob Coffin;

4. Bill No. 2019-5 - ABEYANCE ITEM - For possible action - Amends LVMC 2.60.070 to adopt the most recent versions of the Nevada Local Government Records Management Program Manual and related Local Government Records Retention Schedules. Proposed by: LuAnn D, Holmes, City Clerk

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

PAT CABRERA, Enterprise Records Officer for the Office of the City Clerk, stated that she listened to the most recent Recommending Committee meeting and acknowledged that many of the questions asked by the Council members were the same questions being asked by the City's internal departments about records. To ensure that everyone has the same level of understanding, she requested to step through an excerpt of the records management workshop that was held September of 2018 by the Office of the City Clerk in conjunction with the Office of the City Attorney, Information Technologies and the Office of Administrative Services.

Through a PowerPoint presentation, a copy of which has been attached as backup, MS. CABRERA reported that the City is governed by three different regulations which are the Las Vegas Municipal Code, the Nevada

Administrative Code and the Nevada Revised Statutes (NRS) all of which relate to records management. The City Clerk is responsible to implementing and developing a records management program for the City that includes guidelines for retaining public records and also how historical and archival records are maintained at the Archive and Records Center.

MS. CABRERA shared that department directors across the City also have their own duties as they relate to records management as outlined by the Las Vegas Municipal Code. Department directors must conduct and maintain inventory of public records within their respective departments and then establish policies and procedures to comply with the code. She noted records delegates have been established across the City and the Office of the City Clerk works directly with the delegates to ensure they are administering policies and procedures as they relate to records management. These delegates also supervise the disposition of records which includes either destroying or transferring the records to the Archive and Records Center and establish and maintain their filing systems within their departments. Additionally, the delegates work with MS. CABRERA to ensure they are keeping up with those policies and procedures from a records management perspective.

MS. CABRERA referenced NRS 239, the Nevada Public Records Law, which presumes that all local government records are open for public inspection and copying unless specifically declared by law to be confidential.

According to the Nevada Administrative Code, a record of a local government entity is any information produced that has anything to do with or in connection with the transaction of official business conducted at the City.

Lastly, she noted the Las Vegas Municipal Code also states that anything that has been generated or received by any office or official in connection with a transaction of public business is a public record. She directed the Council members' attention to the PowerPoint presentation which referenced the City's policy as it pertains to the term public record which was authored by CITY ATTORNEY BRAD JERBIC and read by MS. CABRERA.

Continuing to reference the PowerPoint presentation, MS. CABRERA indicated a request should be made for an identifiable record which is one that exists at the time of the request. The City is not record to organize data to create a record that does not exist at the time of the request and is not required to provide access to records that were not identified within the request. Additionally, a request for general information is not a public records request.

MS. CABRERA explained that non-record materials are any documentation that does not serve as the record of an official action of a local governmental entity such as campaign materials, unused blank forms except ballots, informational or convenience copies, or personal papers or materials. She acknowledged several other definitions of common records management terms such as a convenience copy which is a duplicate record, a long-term record which is a record which must be retained for more than 10 years, a confidential record which is a record declared by law to be confidential and not public records, and a disposition which is the destruction or a transfer of the record.

COUNCILWOMAN FIORE understood Bill No. 2019-5 to be a cleanup bill to which MS. CABRERA confirmed noting that the reason for all of the information was based on her thought that there was a lot of misunderstanding of what a record is. In response to the Councilwoman's concerns regarding her personal e-mail, MS. CABRERA explained that if a Council member is making a business decision or is conducting a business transaction through their personal e-mail as it relates the City it constitutes a public record.

MS. CABRERA continued her presentation by explaining that a retention schedule is used to govern what is kept versus what is destroyed giving the example of correspondence which is transitory. MS. CABRERA noted she had submitted a copy of the Retention Schedule for the record and what the subject bill is about.

COUNCILMAN COFFIN stated that he could not adopt or approve a bill if he does not know what is in it. He acknowledged the three authorities MS. CABRERA had mentioned which the City must comply with but noted there was a fourth authority which is the Supreme Court. He expressed his concerns regarding the Comstock decision.

MS. CABRERA informed the Council members the City has adopted the local retention schedule published by the State in 2008, 2010 and 2012; the retention schedule was not adopted in 2014 and 2016. She explained that these updates are necessary because the State goes through the legislative session every odd year; once the legislative session is over, the State compiles all of the records that are derived from that legislation. Those updates govern how long the City retains a document thus why the retention schedules are so important. She

pointed out if staff was to do this on their own, it would be an administrative burden. This was the reason for the why staff was asking for the adoption of the local government retention schedules.

COUNCILMAN ANTHONY noted the proposed ordinance only requests the approval of the Local Government Records Management Program Manual and the related Local Government Records Retention Schedules. He asked where these two items originated from. MS. CABRERA replied the State stating that the Local Government Records Retention Schedules are about 600 pages long and have been adopted by every other jurisdiction in the valley. She reaffirmed the Local Government Records Management Program Manual was created by the State and is adopted as is with the exception of some changes made to address records the City may have that the State does not.

COUNCILMAN ANTHONY encouraged MS. CABRERA to meet with the Council members individually to inform them of the changes they might make. MS. CABRERA wondered if both of the documents should be distributed so that the Council members may better understand what is entailed in each, and the Councilman asked that they be brought before him and explained to him personally. COUNCILMAN COFFIN suggested CITY ATTORNEY BRAD JERBIC accompany MS. CABRERA as she briefs the Council members.

COUNCILMAN ANTHONY declared the Public Hearing closed.

Subsequent to the vote, COUNCILMAN ANTHONY announced that this bill would be heard at the March 6, 2019, City Council meeting.

Motion made by Stavros Anthony to Hold in Abeyance to 4/1/2019

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

For-Stavros Anthony, Bob Coffin; Excused-Michele Fiore;

5. Citizens Participation: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Committee. No subject may be acted upon by the Committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name and correct spelling for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

None.

6. Adjournment

Minutes:

The meeting was adjourned at 11:18 a.m.

Respectfully submitted:

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Patty Hlavac, Deputy City Clerk

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall, 495 South Main Street, 1st Floor  
Clark County Government Center, 500 South Grand Central Parkway  
Grant Sawyer Building, 555 East Washington Avenue  
City of Las Vegas Development Services Center, 333 North Rancho Drive