



Las Vegas

Agenda Item No.: 3.

**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: APRIL 1, 2008**

DEPARTMENT: CITY ATTORNEY  
DIRECTOR: BRADFORD R. JERBIC

Consent  Discussion

SUBJECT:  
NEW BILL

Bill No. 2008-17 Establishes new regulations for cable television operators and other video services provided consistent with NRS Chapter 711, as amended. Proposed by: Mark R. Vincent, Director of Finance and Business Services

**Fiscal Impact**

No Impact

Augmentation Required

Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

This bill will repeal and replace Chapter 6.20 of the Municipal Code, relating to cable television services. The bill follows up legislation adopted by the Nevada Legislature during the last session reallocating regulatory authority over providers of such services. This bill will make the adjustments required by the new legislation, but enable the City, as permitted by that legislation, to continue to collect franchise fees and regulate the use of its right-of-way.

**RECOMMENDATION:**

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

**BACKUP DOCUMENTATION:**

1. Bill No. 2008-17
2. Business Impact Statement

Motion made by RICKI Y. BARLOW to Hold in Abeyance to 5/6/2008

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

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

MARK VINCENT, Director of Finance and Business Services, explained that this bill resulted from the recent legislative session, wherein changes were made regarding video service

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providers, including the opportunity to opt out of existing franchise agreements and file with the State of Nevada. In February 2008, the City received notice from Cox Communications that it would be exercising that option. Consequently, the City had to amend its ordinance as soon as possible in order to have the authority to continue to collect fees and to manage right-of-way requirements. Unfortunately, STEVE SCHORR, Vice President of Cox Communications, informed him that he would need more time to review the ordinance, but staff would like to move forward quickly to be able to collect fees and to deal with permitting for right-of-way.

MR. SCHORR stated that the market changes daily. The competitive environment was the impetus to make changes at the legislative level. It was not done with intent to harm local governments. Bills were drafted with the input of LCD and local governments. The changes protect local governments and ensure their ability to continue to collect franchise fees.

However, the proposed bill is more extensive than he thought it would be, and he would like the opportunity to follow Cox's process and have the company attorneys in Atlanta, Georgia, review it. He requested the bill be held in abeyance for possibly 30 days. He assured the Committee members that nothing would change the relationship Cox has established with local governments. Cox has been operational under the State since January 2008, and the City would be receiving payments for the first quarter, January-March. He would keep the same channel.

COUNCILWOMAN TARKANIA expressed great satisfaction in hearing that the City would be able to keep KCLV Channel 2. MR. SCHORR pointed out that local broadcasters would eventually have to transition from analog to digital. The City has been guaranteed to remain on Channel 2 through 2010, and discussions will have to resume at the end of that period.

MR. VINCENT interjected and suggested holding the bill until the 5/6/2008 Recommending Committee meeting. MR. SCHORR expressed concurrence. CHIEF DEPUTY CITY ATTORNEY STEED clarified for MR. VINCENT that there would not be a problem holding the bill until 5/6/2008, because it has not yet been published.

COUNCILMAN BARLOW commented that he looks at KCLV Channel 2 as an investment for the public to have open government, and he looks forward to discussions about the forthcoming changes in 2010. MR. SCHORR stated that even broadcasters that have invested a lot of money will be transitioning to high definition in order to make improvements. Channel 8 currently broadcasts in high definition on 730, which does not make sense because there is no association in numbers. Cox is trying very hard to place the local channels in a number series that would be easier for the public. It is expected that Channel 8 will move to Channel 708, Channel 3 to Channel 703, etc.; and the best it could probably do is to move the City's Channel 2 to Channel 102, the County's Channel 4 to 104.

He noted that an agreement was made with the FCC to continue to broadcast local channels on the current channels through 2010. But it would be a mistake to keep local channels at their current position, because they would be alone and probably not have any viewership.

COUNCILMAN BARLOW conceded that that would make the change more seamless. MR. SCHORR noted that Cox has built a reputation on the partnerships it has developed with local

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governments. It also wants to keep the City's constituents happy, because they are Cox's customers.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

