



Las Vegas

Agenda Item No.: 3.

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 3, 2008

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:
ABEYANCE ITEM - Bill No. 2008-17 Establishes new regulations for cable television operators and other video services providers 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:

ABEYANCE to 6/3/2008 Recommending Committed meeting by the 5/6/2008 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
3. Submitted after meeting Bill No. 2008-17 First Amendment

Motion made by RICKI Y. BARLOW to Approve Do Pass as a First Amendment

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, provided a brief background related to video service providers affected by the recent revisions to the Nevada Revised Statutes. He stated that the City of Las Vegas to be consistent with the States legislation, likewise established new regulations.

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In an effort to address the concerns voiced by Embarq and Cox Communications, City staff collaborated with the video service providers in revising language contained in the City's regulations. MR. VINCENT believed an amicable agreement had been reached.

Referring to Bill No. 2008-17, MR. VINCENT thoroughly reviewed the chapter revisions and provided explanations for each language change when requested. He briefly covered amendments regarding public inspections and copying, business licenses, review and audit of business records, franchise fees, and excavation criteria for underground work. Also included were deletions, clarifications, and added language. MR. VINCENT noted additional inclusions referring to landscaping, exposed surface facilities, and various forms of security and bonding requirements.

COUNCILWOMAN TARKANIAN stated her concern regarding the two-day notification to residential occupants. MR. VINCENT believed the two-day notice is a set standard but called upon CHRIS WARE, Franchise Officer, for further clarification. WARE stated that he had copied that particular section directly from the existing code which has been in existence since 1998.

STEVE SCHORR, Vice President, Cox Communications, stated that there does not appear to be a problem with the language as written. He emphasized that forty-eight hours is substantial notification and anything in excess of that time would create a hardship for the cable company. MR. SCHORR remarked that he knows of no complaints having been received regarding the forty-eight hour notifications.

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that the City's authority to regulate will be limited to the right-of-way where there are abutting residential lots.

MR. VINCENT recommended approval with the proposed amendments.

MR. SCHORR recalled that at the onset of the first meeting of the Committee, there were a number of questions and issues that were raised. He complimented the City of Las Vegas for listening to the concerns of the video service providers but most importantly he appreciated the proficiency and willingness of DEPUTY CITY ATTORNEY LARRY BETTIS in facilitating discussions with the attorneys representing both Embarq and Cox Communications.

MR. SCHORR commended both DEPUTY CITY ATTORNEY BETTIS and MR. VINCENT for their capability in creating the revised documents enabling the video service providers to move forward.

ROB McCOY, representing Embarq, concurred with MR. SCHORR's previous comments. He expressed his appreciation to the City for their openness and willingness to work with the video service providers.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.