

**Resolution No. R-39-2008**

**RESOLUTION REGARDING THE VIDEO ENTERPRISE FUND**

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3 WHEREAS, the City of Las Vegas (the “City”) established a “City Video Production  
4 Enterprise Fund” pursuant to Las Vegas Municipal Code (“LVMC”) Chapter 6.20, as such chapter  
5 existed prior to April 16, 2008, and pursuant to Resolution R-70-99, which fund shall hereafter be  
6 referred to as the “Video Enterprise Fund” or “VEF” ; and

7 WHEREAS, prior to April 16, 2008, the VEF has been funded through an allocation of  
8 a percentage of franchise fees paid to the City by Cox Communications Las Vegas, Inc. (“Cox”), a  
9 cable television provider operating in the City pursuant to its franchise agreement with the City (the  
10 “Cable Franchise”); and

11 WHEREAS, pursuant to NRS Chapter 711, as amended, Cox has terminated the Cable  
12 Franchise and is now providing video service in the City pursuant to a Certificate of Authority issued  
13 by the Nevada Secretary of State (the “Video Service Franchise”); and

14 WHEREAS, Cox is required to pay franchise fees to the City pursuant to its Video  
15 Service Franchise and LVMC Chapter 6.20, as amended to comply with NRS Chapter 711; and

16 WHEREAS, pursuant to its Cable Franchise and Video Service Franchise, Cox has  
17 carried and is required to carry certain public, educational and government (“PEG”) channels as a part  
18 of its video service; and

19 WHEREAS, in the future, other video service providers may also be issued Certificates  
20 of Authority by the Secretary of State, allowing them to provide video service in the City, for which  
21 such providers may also be required to pay franchise fees to the City; and

22 WHEREAS, the City intends to maintain the VEF, consistent with all amendments to  
23 NRS Chapter 711 and LVMC Chapter 6.20, and with the issuance of the Video Service Franchise; and

24 WHEREAS, the City intends to continue funding the VEF by allocating to the VEF a  
25 portion of the franchise fees paid to the City by video service providers for the provision of video  
26 services in the City.

27 NOW, THEREFORE, pursuant to the requirements of Section 2.300 of the Las Vegas  
28

1 Charter, IT IS HEREBY ACKNOWLEDGED, DETERMINED AND RESOLVED, by the City  
2 Council of the City of Las Vegas, Nevada, as follows:

3 1. This Resolution shall supersede Resolution R-70-99 with regard to all funding of  
4 and expenditures from the fund which shall hereafter be referred to as the "Video Enterprise  
5 Fund" or "VEF".

6 2. The City Council shall determine annually, by approval of the Final Budget, the  
7 portion of franchise fees paid to the City by Video Service Providers that will be applied to the VEF  
8 operating budget.

9 3. Except as otherwise provided herein, expenditures from the VEF may be made only for  
10 the administration of LVMC Chapter 6.20, as amended, and for programming for and support of PEG  
11 channels carried by video service providers as a part of their video service in the City.

12 4. The amount of franchise fees deposited to the VEF must be reasonably related to the  
13 purposes stated herein. Adjustments of the franchise fees deposited to the VEF may be necessary  
14 from time to time to comply with this requirement. Expenditures from the VEF will be controlled  
15 through normal accounting practices.

16 5. Notwithstanding any of the foregoing provisions to the contrary, the City Council,  
17 subject to the provisions of NRS 354.612, declares that its intent is not to relinquish authority to  
18 reallocate the money in the VEF for other purposes, if in its discretion such action is warranted.

19 PASSED, ADOPTED, AND APPROVED this 18<sup>th</sup> day of June, 2008.

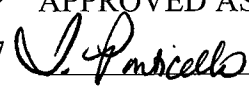
20 CITY OF LAS VEGAS

21  
22 By:   
OSCAR B. GOODMAN, Mayor

23 ATTEST:

24   
25 BEVERLY K. BRIDGES, City Clerk

26 APPROVED AS TO FORM

27  6/29/08  
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