

1 **Bill No. 97-66**

2 Ordinance No. 5013

3 AN ORDINANCE RELATING TO GRANTING A FRANCHISE; GRANTING MCIMETRO, A
4 DELAWARE CORPORATION, AUTHORIZED TO DO BUSINESS IN NEVADA, A FRANCHISE
5 FOR TELECOMMUNICATIONS SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY
6 OF LAS VEGAS, SUBJECT TO AND IN ACCORDANCE WITH THAT CERTAIN FRANCHISE
7 AGREEMENT ENTERED INTO BETWEEN THE CITY OF LAS VEGAS AND MCIMETRO;
8 PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING
9 ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

7 Sponsored by:
8 Mayor Jan Laverty Jones

Summary: Grants to MCImetro, a non-exclusive franchise for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and MCImetro, incorporated by reference into the proposed ordinance.

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13 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
14 AS FOLLOWS:

15 SECTION 1: For the purpose of this ordinance, the following terms and phrases,
16 words, abbreviations and their derivations shall have the meaning given herein:

17 (A) "Company" means MCImetro Access Transmission Services, Inc. (MCImetro),
18 a Delaware Corporation authorized to do business in the State of Nevada.

19 (B) "Telecommunications service" means any switched or other one-way or two-
20 way transmission of voice or data, including but not necessarily limited to:

21 (1) Services interconnecting interexchange carriers for the purpose of any
22 one-way or two-way transmission of voice or data;

23 (2) Services connecting interexchange carriers or competitive access
24 carriers to local exchange providers for the purpose of any one-way or two-way transmission of voice
25 or data;

26 (3) Services connecting interexchange carriers to any entity, other than
27 another interexchange carrier or the local exchange provider for the purpose of any one-way or two-
28 way transmission of voice or data;

1 (4) Services providing private line point to point service for end users for
2 the purpose of any one-way or two-way transmission of voice or data;

3 (5) Nonentertainment video, video conferencing or point to point private
4 line service;

5 (6) Services regulated by State regulatory agencies or the Federal
6 Communications Commission ("FCC") which the State agency or FCC has authorized the Company
7 to provide, if the Company has provided advance notice of same to the City; and

8 (7) Transport services for the bulk transport of transmission signals,
9 whether digital or analog, and whether voice, video or data, that are in part or in whole a local
10 exchange telephone service, a video dial tone and a personal communication service to any company
11 authorized to provide such services by the City, State or Federal Government authority having
12 jurisdiction over such services.

13 "Telecommunications service" shall not include cable services as defined in
14 Title 47, Chapter 5, Subchapter V-A of the United States Code, as amended (47 USCA §521, et seq.)
15 or as recognized by the FCC.

16 SECTION 2: The City of Las Vegas, Nevada, hereby grants to the MCImetro, the non-
17 exclusive right, privilege, authority and permission to construct, use and maintain a
18 telecommunications service in, upon, along, across, above, over and under all present and future
19 streets, avenues, highways, alleys, bridges and public ways within the incorporated boundaries of the
20 City of Las Vegas, subject to and in accordance with the terms and conditions of that certain document
21 entitled Franchise Agreement dated the 8th day of September, 1997, by and between the City of Las
22 Vegas and the MCImetro, a copy of which said Agreement is on file with the Clerk of the City of Las
23 Vegas and by this reference incorporated herein as a part of this Chapter.

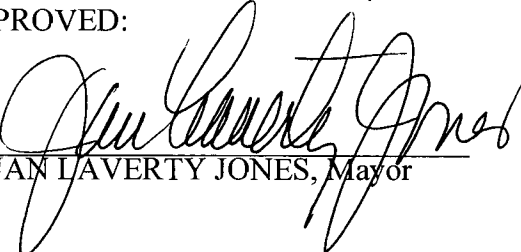
24 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
26 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

4 SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this 8th day of September 1997.

8 APPROVED:

9
10 By 
11 JAN LAVERTY JONES, Mayor

12 ATTEST:

13 
14 BARBARA JO RONEMUS, City Clerk

15 APPROVED AS TO FORM:

16 Valstead 8-12-97
17 Date

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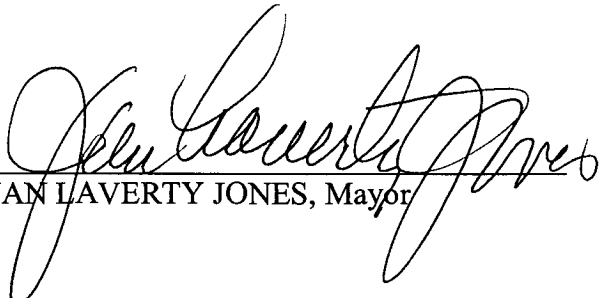
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 25th day of August, 1997 and referred to the following committee composed of
3 Councilmen Adamsen and Reese recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 8th day of September, 1997 which was a regular meeting
5 of said Council; that at said regular meeting, the proposed ordinance was read by title to the
6 City Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, Reese, Brown and Mayor Jones


8 VOTING "NAY": NONE

9 ABSENT: Councilman McDonald

10 APPROVED:

11 
12 JAN LAVERTY JONES, Mayor

13 ATTEST:

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15 BARBARA JO RONEMUS, City Clerk

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BILL NO 97-66

AN ORDINANCE RELATING TO GRANTING A FRANCHISE, GRANTING MCIMETRO, A DELAWARE CORPORATION, AUTHORIZED TO DO BUSINESS IN NEVADA, A FRANCHISE FOR TELECOMMUNICATIONS SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, SUBJECT TO AND IN ACCORDANCE WITH THAT CERTAIN FRANCHISE AGREEMENT ENTERED INTO BETWEEN THE CITY OF LAS VEGAS AND MCIMETRO, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY:
 Mayor Jan Laverty Jones

SUMMARY: Grants to MCImetro, a non-exclusive franchise for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and MCImetro, incorporated by reference into the proposed ordinance At a City Council meeting AUGUST 25, 1997

BILL NO. 97-66 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Adamsen and Reese

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1st FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
 PUB August 28, 1997
 Las Vegas Review-Journal

STATE OF NEVADA)
 COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:


That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of AUGUST 28, 1997 to AUGUST 28, 1997, on the following days:

AUGUST 28, 1997 SEP 4 2 12 PM '97

Signed: Maureen Melchiori

Subscribed and sworn to before me this 28 day of Aug, 1997

Peggy D. Barron
 Notary Public

 PEGGY D. BARRON
 Notary Public - Nevada
 Clark County
 My appt. exp. Feb. 17, 1998

RECORDED
CITY CLERK

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BILL 140 97 66
ORDINANCE NO 5013

AN ORDINANCE RELATING TO GRANTING A FRANCHISE; GRANTING MCIMETRO, A DELAWARE CORPORATION, AUTHORIZED TO DO BUSINESS IN NEVADA, A FRANCHISE FOR TELECOMMUNICATIONS SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, SUBJECT TO AND IN ACCORDANCE WITH THAT CERTAIN FRANCHISE AGREEMENT ENTERED INTO BETWEEN THE CITY OF LAS VEGAS AND MCIMETRO, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY:
Mayor Jan Laverly Jones

SUMMARY: Grants to MCimetro, a non-exclusive franchise for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and MCimetro, incorporated by reference into the proposed ordinance. The above and foregoing ordinance was first proposed and read by title to the City Council on the 25th day of August, 1997, and referred to the following committee composed of Councilmen Adamsen and Reese for recommendation; thereafter the said committee reported favorably on said ordinance on the 8th day of September, 1997, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote.

VOTING "AYE" Councilmen Adamsen, Reese, Brown and Mayor Jones
VOTING "NAY" NONE
ABSENT Councilman McDonald
DID NOT VOTE NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1st FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB September 11, 1997
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of SEPTEMBER 11, 1997 to SEPTEMBER 11, 1997, on the following days:

SEPTEMBER 11, 1997

Signed: Maureen Melchiori

Subscribed and sworn to before me this 11 day of Sept, 19 97

Peggy D. Barron
Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

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CITY CLERK

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BILL NO 97-66
ORDINANCE NO. 5013

AN ORDINANCE RELATING TO GRANTING A FRANCHISE; GRANTING MCI METRO, A DELAWARE CORPORATION, AUTHORIZED TO DO BUSINESS IN NEVADA, A FRANCHISE FOR TELECOMMUNICATIONS SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, SUBJECT TO AND IN ACCORDANCE WITH THAT CERTAIN FRANCHISE AGREEMENT ENTERED INTO BETWEEN THE CITY OF LAS VEGAS AND MCI METRO; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:
Mayor Jan Laverly Jones

SUMMARY: Grants to MCI Metro, a non-exclusive franchise for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and MCI Metro, incorporated by reference into the proposed ordinance. The above and foregoing ordinance was first proposed and read by title to the City Council on the 25th day of August, 1997, and referred to the following committee composed of Councilmen Adomson and Reese for recommendation; thereafter, the said committee reported favorably on said ordinance on the 8th day of September, 1997, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE" Councilmen Adomson, Reese, Brown and Mayor Jones
VOTING "NAY" NONE
ABSENT Councilman McDonald
DID NOT VOTE NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1st FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB: September 11, 1997
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

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SEPTEMBER 11, 1997

Signed:

Maureen Melchiori

Subscribed and sworn to before me this

11 day of Sept, 19 97

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998



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BILL NO 97-66
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SPONSORED BY:
 Mayor Jon Lovelady Jones
 SUMMARY: Grants to MCI Metro, a non-exclusive franchise for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and MCI Metro, incorporated by reference into the proposed ordinance.
 At a City Council meeting, AUGUST 25, 1997
 BILL NO. 97-66 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:
 Councilmen Adamsen and Reese
 COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1st FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
 PUB: August 28, 1997
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STATE OF NEVADA)
 COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of AUGUST 28, 1997 to AUGUST 28, 1997, on the following days:

AUGUST 28, 1997

Signed: *Maureen Melchiori*

Subscribed and sworn to before me this 28 day of Aug, 1997

Peggy D. Barron
 Notary Public



PEGGY D. BARRON
 Notary Public - Nevada
 Clark County
 My appt. exp. Feb. 17, 1998

