



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 21 Ordinance/Resolution# 2537 Council District:     

For Meeting of October 5, 2009  
(Adoption Date)

**TITLE: AN ORDINANCE REPEALING LAS CRUCES MUNICIPAL CODE, SECTIONS 2-426, 2-427 AND 2-428 CABLE TV COMPLIANCE COMMISSION IN ITS ENTIRETY.**

**PURPOSE(S) OF ACTION:** To eliminate the Cable TV Compliance Commission.

Name of Drafter: Udell Vigil		Department: Admin/PIO		Phone: 541-2200	
Department	Signature	Phone	Department	Signature	Phone
Originating Department			Budget	<i>[Signature]</i>	2300
			Assistant City Manager	<i>[Signature]</i>	2271
Legal	<i>[Signature]</i>	2128	City Manager	<i>[Signature]</i>	2076

### BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Cable TV Compliance Commission (Commission) has been on hiatus for approximately two years due to lack of official business. The Commission has no active members, with the terms of the last appointed members expiring in 2008. The Commission was created prior to the Public Information Office's (PIO) establishment of CLC-TV, the City of Las Cruces' government access cable TV channel on Comcast Cable of Las Cruces (Comcast). Since CLC-TV began airing City of Las Cruces programming on an ongoing basis in February 2003, all issues pertaining to cable TV matters are handled by PIO, thereby eliminating the need for the Cable Compliance Commission. The ordinance amendments will therefore eliminate the Cable TV Compliance Commission.

### SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Ordinance.
2. LCMC, Sections 2-426, 2-427 and 2-428, attached as Exhibit "A".
3. Cable TV Compliance Commission committee information report, attached as Exhibit "B".

(Continue on additional sheets as required)

**OPTIONS / ALTERNATIVES:**

1. Adopt the amendments to the ordinance deleting Las Cruces Municipal Code ("LCMC"), Sections 2-426, 2-427 and 2-428.
2. Do not adopt the amendments to the ordinance. This action means that no changes will be made to Las Cruces Municipal Code ("LCMC"), Sections 2-426, 2-427 and 2-428.the ordinance.
3. Modify the ordinance and provide further direction to staff.

**COUNCIL BILL NO. 10-008  
ORDINANCE NO. 2537**

**AN ORDINANCE REPEALING LAS CRUCES MUNICIPAL CODE, SECTIONS 2-426, 2-427 AND 2-428, CABLE TV COMPLIANCE COMMISSION IN ITS ENTIRETY.**

The City Council is informed that:

**WHEREAS**, the Cable TV Compliance Commission has been on hiatus for approximately two years due to lack of official business; and

**WHEREAS**, there are currently no active members serving on the Cable TV Compliance Commission, with the terms of the last appointed members expiring in 2008; and

**WHEREAS**, the Cable TV Compliance Commission was created prior to the Public Information Office's (PIO) establishment of CLC-TV, the City of Las Cruces' government access cable TV channel on Comcast Cable of Las Cruces (Comcast). Since CLC-TV began airing City of Las Cruces programming on an ongoing basis in February 2003, all issues pertaining to Comcast are handled by PIO, thereby eliminating the need for the Cable Compliance Commission; and

**WHEREAS**, the ordinance amendment will therefore eliminate the Cable Compliance Commission; and

**NOW, THEREFORE**, be it ordained by the governing body of the City of Las Cruces:

**(I)**

**THAT** Las Cruces Municipal Code ("LCMC"), Sections 2-426, 2-427 and 2-428 are deleted in their entirety.

**(II)**

**THAT** City staff is authorized to do all deeds necessary to accomplishment of the herein above.

**DONE AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**Subdivision VIII.****Cable TV Compliance Commission\*****Sec. 2-426. Established.**

There is established the cable TV compliance commission (CTCC).  
(Code 1988, § 2-351; Ord. No. 1718, § (I)1, 1-4-99)

**Sec. 2-427. Appointment; qualifications.**

(a) The cable TV compliance commission shall consist of seven members appointed by the city council. Each member of the city council shall appoint one member of the cable TV compliance commission for a term coinciding with that of the appointing councilor. At its first meeting, the cable TV compliance commission shall elect a chair and vice chair to serve for a term of one year. The cable TV compliance commission shall meet periodically at the call of the chair. The vice chair shall serve in the absence of the chair. A quorum of the cable TV compliance commission shall be four members. A majority of the quorum may take action in the name of the cable TV compliance commission.

(b) Members appointed to the cable TV compliance commission shall not be employees, stockholders or owners of any grantee or other cable TV company, of any broadcast television or radio station, of any entity engaged in the production of television or radio commercials, or of any entity that advertises on television or radio; or employees or elected officials of the city.

(Code 1988, § 2-352; Ord. No. 1718, § (I)2, 1-4-99)

**Sec. 2-428. Duties.**

(a) The cable TV compliance commission shall coordinate programming requests for any public, educational or governmental access channels established pursuant to any franchise granted under this Code.

(b) The cable TV compliance commission shall hear complaints from any party that alleges injury to its business or property from activities of any grantee in violation of any franchise agreement; this article; or any other ordinance that relates to cable services. Following any such hearing, the cable TV compliance commission shall adopt a proposed resolution, which shall be recommended to the city council. The city council after a public hearing, if one is requested, may endorse the proposed resolution or adopt a different one.

(c) The cable TV compliance commission may propose to the city council changes to this subdivision or city ordinances to accommodate changed conditions in the cable industry.

~~— (d) — The cable TV compliance commission shall conduct a public hearing at the request of the city council to determine whether any grantee is in default under any franchise agreement and shall recommend to the city council a proposed resolution for any circumstances of default the cable TV compliance commission finds to exist.~~

~~— (e) — The cable TV compliance commission shall conduct public hearings concerning rate increases proposed by any grantee in accordance with rate setting powers which may be granted to the city by congress or the FCC and in accordance with procedures established by ordinance or any franchise agreement and shall recommend to the city council proposed action on such rate increase.~~

~~— (f) — The cable TV compliance commission shall conduct such periodic reviews of a grantee's performance as are mandated by any franchise agreement granted pursuant to this subdivision and shall make reports to the city council concerning such reviews. All enforcement and regulatory authority shall reside in the city council. (Code 1988, § 2-353; Ord. No. 1718, § (I)3, 1-4-99)~~

# Committee Information Report

Committee Name	Cable TV Compliance	First Name	Last Name	Address	City	Appt Date	Appt Expires	Ineligible	Appointed By
Paul		Harmon		724 S. Mesquite		12/15/2003	3/31/2008	3/31/2012	Trowbridge
Paul		Molina		P O Box 20000					
John		Christopher							
Udell		Vigil		P O Box 20000					
Mark		Steffen		1820 Calle de Suenos		2/1/1999	3/31/2006	3/31/2006	Archuleta
		Vacant					3/31/2008		Frieze
		Vacant					3/31/2002		Miyagishima
Lynford L.		Ames		685 Farney Road		5/4/1998	3/31/2008	3/31/2008	Connor
Myron		Linder		1140 Portico Trail		2/17/2004	3/31/2008	3/31/2012	Mayor
Janice		Garcia		5032 Arena Dr.		5/6/2002	3/31/2006	3/31/2010	Jones