

ORDINANCE NO. 2009-O-053

REPEALING CITY OF LAREDO CODE OF ORDINANCES CHAPTER 7.5-1 THROUGH 7.5-26 WHICH ESTABLISHED THE LAREDO CABLE COMMISSION AND ITS AUTHORITY.

WHEREAS, on September 4, 1984 the City Council adopted Ordinance No. 84-O-130 establishing the Laredo Cable Commission with duties related to Cable Franchise Administration and Public Access Channels. The general authority of the commission included the authority to accept funds from any source, to conduct inquiries, surveys, and investigations; to receive testimony of witnesses; hold public hearings, and the like pertaining to the operations of a cable television system in the city as may be required for the conduct of its business and the discharge of the duties assigned to it; and administration of the access channels; and

WHEREAS, on April 3, 1995, the City Council passed Ordinance No. 95-O-68 (being codified as Section 7.5-1 through 7.5-15 of Chapter 7.5 Laredo Code of Ordinances) which dealt with cable television rate regulation; and

WHEREAS, on August 19, 1996, the City Council adopted Ordinance No. 96-O-125 granting a franchise to KBL Cablesystems of the Southwest, Inc. to construct and operate a cable television system and setting for the terms and conditions thereof. The Laredo Cable Television System Franchise Ordinance of 1982, as it is known, attempted to change the name of the Laredo Cable Commission to Laredo Telecommunications Committee; and

WHEREAS, on January 2001 the City Council, by motion, adopted the "Priority Procedures for the Mayor and City Council" (revised August 2005) and designated the Telecommunications Advisory Committee a standing committee created whose members are appointed by the Mayor and Council Members; and

WHEREAS, on September 5, 2005 Texas Governor Rick Perry signed Senate Bill 5 into law, thereby designating the Public Utilities Commission (PUC) franchising authority for a state-issued franchise for the provision of cable service or video service. Since the duties of the Laredo Cable Commission, as they related to franchises were diminished by the SB 5, the commissioners determined that the commission was no longer empowered to perform many of duties set forth in Ordinance No. 84-O-130. The Laredo Telecommunications Commission similarly continued to meet and similarly fell into a period of dormancy; and

WHEREAS, on February 17, 2009, the City Council voted unanimously to re-activate the Telecommunications Advisory Committee and create/amend a new charge to address issues of public access, consumer advocacy, and community telecommunication needs.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: City of Laredo Code of Ordinances Chapter 7.5, Section 7.5-1 through 7.5-26 inclusive, which established The Laredo Cable Commission and its authority, be and hereby is repealed effective upon passage of this ordinance.

Section 2: It finds, determines, recites and declares that sufficient written notice of the date, hour, place and subject of this meeting of the city Council was posted at a place convenient to the public at the city hall of the City of Laredo for the time required by law preceding this meeting, as required by the Texas Open Meetings Act, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter was considered.

Section 3: This Ordinance shall take effect immediately from and after its passage.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR
ON THIS THE 6th DAY OF April, 2009.**



RAUL G. SALINAS, MAYOR


ATTEST:



GUSTAVO GUEVARRA, JR.
CITY SECRETARY



APPROVED AS TO FORM:
Raul Casso, City Attorney



By: Nathan R. Bratton
Assistant City Attorney

AN ORDINANCE NO. _____

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related to franchises were diminished by the SB 5, the commissioners determined that the commission was no longer empowered to perform many of duties set forth in Ordinance No. 84-O-130. The Laredo Telecommunications Commission similarly continued to meet and similarly fell into a period of dormancy; and

WHEREAS, on February 17, 2009, the City Council voted unanimously to re-activate the Telecommunications Advisory Committee and create/amend a new charge to address issues of public access, consumer advocacy, and community telecommunication needs.

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Section 5: This Ordinance shall take effect immediately from and after its passage.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR
ON THIS THE ___ DAY OF _____, 2009.**

RAUL G. SALINAS, MAYOR

ATTEST:

GUSTAVO GUEVARRA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
Raul Casso, City Attorney


By: Nathan R. Bratton
Assistant City Attorney

COUNCIL COMMUNICATION

DATE: 04-06-09	SUBJECT: ORDINANCE 2009-O-053 REPEALING CITY OF LAREDO CODE OF ORDINANCES CHAPTER 7.5-1 THROUGH 7.5-26 WHICH ESTABLISHED THE LAREDO CABLE COMMISSION AND ITS AUTHORITY.	
INITIATED BY: Horacio de Leon, Asst. City Manager	STAFF SOURCE: Heberto L. Ramirez, IST Director	
PREVIOUS COUNCIL ACTION: Council approved the introductory reading of this ordinance at its March 16 th meeting.		
BACKGROUND: <p>On September 4, 1984 the City Council adopted Ordinance No. 84-O-130 establishing the Laredo Cable Commission with duties related to Cable Franchise Administration and Public Access Channels. The general authority of the commission included the authority to accept funds from any source, to conduct inquiries, surveys, and investigations; to receive testimony of witnesses; hold public hearings, and the like pertaining to the operations of a cable television system in the city as may be required for the conduct of its business and the discharge of the duties assigned to it; and administration of the access channels.</p> <p>On August 19, 1996, the City Council adopted Ordinance No. 96-O-125 granting a franchise to KBL Cablesystems of the Southwest, Inc. to construct and operate a cable television system and setting for the terms and conditions thereof. The Laredo Cable Television System Franchise Ordinance of 1982, as it is known, attempted to change the name of the Laredo Cable Commission to Laredo Telecommunications Committee.</p> <p>On January 2001 the City Council, by motion, adopted the "Priority Procedures for the Mayor and City Council" (revised August 2005) and designated the Telecommunications Advisory Committee a standing committee created whose members are appointed by the Mayor and Council Members.</p> <p>On September 5, 2005 Texas Governor Rick Perry signed Senate Bill 5 into law, thereby designating the Public Utilities Commission (PUC) franchising authority for a state-issued franchise for the provision of cable service or video service. Since the duties of the Laredo Cable Commission, as they related to franchises were diminished by the SB 5, the commissioners determined that the commission was no longer empowered to perform many of duties set forth in Ordinance No. 84-O-130. The Laredo Telecommunications Commission similarly continued to meet and similarly fell into a period of dormancy.</p> <p>The confusion that exists between the Cable Commission and the Laredo Telecommunications Commission is being resolved by abolishing the Laredo Cable Commission and re-activating and amending the charge to the Telecommunications Advisory Commission (as it was so designated by the Priority Procedures for the Mayor and City Council").</p> <p>On February 17, 2009, the City Council voted unanimously to re-activate the Telecommunications Advisory Committee and create/amend a new charge to address issues of public access, consumer advocacy, and community telecommunication needs.</p>		
FINANCIAL IMPACT: None.		
COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: Staff recommends approval.	