

CLARK COUNTY, NEVADA

Business Impact Statement

The following Business Impact Statement was prepared pursuant to Nevada Revised Statutes (NRS) 237.080 and 237.090 to address the proposed impact of adoption of amendments to:

Clark County Code Title 5, Chapter 5.01 – Rights-of-Way Management and

Title 6, Chapter 6.13 – Public Utilities

Description of the proposed ordinance or rule:

The proposed amendments to the Clark County Code will provide for the granting of a franchise agreement for broadband service and/or broadband infrastructure access; require a business license; add and revise definitions; and establish fees for broadband providers.

Intent of the proposed ordinance or rule including issues to be resolved or other factors to be considered:

The intent of this proposed ordinance is to create a new license and franchise for broadband providers that is based on a fee of 2% of gross revenue as provided for in Assembly Bill 509 (AB 509) of the 2025 Regular Session of the Nevada Legislature. Currently, there is no license category or franchise that is applicable to the business operations and activities of a broadband provider that requires access to the public rights-of-way.

Description of the manner in which public comment, data or arguments was solicited from affected businesses and/or community stakeholders:

On September 18, 2025, the County sent a Notification of Proposed Amendments to Clark County Code, Title 5, Chapter 5.01 – Rights-of-Way Management and Title 6, Chapter 6.13 - Public Utilities (Notification Letter, Attachment #1) and the Proposed Ordinance to various chambers of commerce, trade associations, licensed telecommunication providers, and other interested parties. The Notification was published in the Las Vegas Review-Journal on September 23 and 30, 2025 (Attachment #2). The Notification and proposed ordinance were also available on the Department of Business License's website. Recipients of the Notification Letter were encouraged to respond with any comments or concerns regarding the proposed ordinance.

Summary of public comment, data or arguments including the number of public comments received:

Following a comment period that lasted 17 working days, one (1) written comment was received. [County responses to comments are in bold text and bracketed.]

Response #1 – Gigapower – (Attachment #3)

A response was received from Gigapower, LLC recognizing and supporting “the County’s intent to enter into agreements with public utilities that provide telecommunications services and install

fiber infrastructure in the public ROW.” Gigapower stated that “AB509 caps local government fees for a broadband provider’s ‘access to the right of way’ at no more than 2% of gross revenue.” Gigapower is concerned that the fees contemplated by an ordinance proposed by the Public Works Department when added to the license fees contained in this proposed ordinance would result in fees that would exceed 2% of gross revenue and that the 2% gross revenue fee limit in AB 509 is meant to be the absolute maximum that the County can impose on a broadband provider. Gigapower believes that “the ordinance amendment should be drafted in such a way that reflects a total fee cap of 2% of gross revenue across all license and ROW requirements.” **[The license fees imposed by this proposed ordinance are for compensation to the County for the access and continued use of the public rights-of-way to provide services to the public. The fees contained in a separate ordinance proposed by the Public Works Department are charged when work is being performed in the rights-of-way and when travel lanes are closed.]**

Public availability of the Proposed Ordinance and Business Impact Statement:

Upon request, a copy of the proposed ordinance and Business Impact Statement can be obtained from the Clark County Department of Business License and such requests should be sent to:

Clark County Department of Business License
Chapters 8.20 & 8.24
500 S. Grand Central Pky., 3rd Flr
Box 551810
Las Vegas, NV 89155-1810

or a copy may be obtained from the following website:

www.clarkcountynv.gov/businesslicense.

Number of businesses likely to be affected by the proposed ordinance:

There are approximately 10 businesses that are currently franchised as telecommunication service providers or are in the process of obtaining such a franchise that may need to obtain a broadband franchise. This number is expected to rise, and the total number of potential franchisees cannot be determined at this time.

The following chambers of commerce and trade associations were notified of the proposed rule:

Chamber of Commerce

African Chamber of Commerce and Tourism
American Vietnamese Chamber
Armed Forces Chamber of Commerce
Asian Chamber

Boulder City Chamber
Filipino American Chamber of Commerce of Greater Nevada
Gay and Lesbian Chamber of Commerce
Henderson Chamber of Commerce
Indian Chamber
Korean American Chamber of Commerce, Nevada
Korean Chamber
Las Vegas Asian Chamber of Commerce
Las Vegas Health & Fitness Chamber of Commerce
Las Vegas Wedding Chamber of Commerce
Latin Chamber
Laughlin Chamber
Mesquite Chamber
Moapa Valley Chamber
Native American Chamber of Commerce
Peruvian Chamber of Commerce
Sin City Chamber
Southern Nevada Veterans Chamber of Commerce
Urban Chamber
Vegas Chamber
Ward 5 Chamber of Commerce Las Vegas
Women's Chamber

Trade Associations

ABC (Associated Builders and Contractors)
Building Owners and Managers Association
Certified Commercial Investment Member Association of Southern Nevada
Clark County Association of Health Underwriters
Clark County Medical Society
Commercial Alliance Las Vegas
Greater Las Vegas Association of Realtors
Las Vegas Hospitality Association
NAIOP (National Association for Industrial and Office Parks)
Nevada Banking Association
Nevada Broadcasters Association
Nevada Business Aviation Association
Nevada Farmers Bureau
Nevada Franchised Auto Dealers Association
Nevada Homebuilders Association
Nevada Hospital Association
Nevada Hotel and Lodging Association
Nevada Legal Services

Nevada Manufacturers Association
Nevada Mining Association
Nevada Petroleum Marketers and Convenience Store Association
Nevada Press Association
Nevada Professional Facility Managers Association
Nevada Resort Association
Nevada Restaurant Association
Nevada Rural Electric Association
Nevada Rural Hospital Partners
Nevada Society of Certified Public Accountants
Nevada Subcontractors Association
Nevada Taxpayers Association
Nevada Telecommunications Association
Nevada Trucking Association
NFIB (National Federation of Independent Businesses)
Public Relations Society of America, Las Vegas Valley Chapter
Realtors
Retail Association of Nevada
Southern Nevada Homebuilders Association
Work Health Solutions

Summary of any workshop(s) held pursuant to NRS 237.080(5):

The County did not receive any request for a workshop from any chambers of commerce and/or trade associations pursuant to NRS 237.080(5). Therefore, no workshop was conducted.

The estimated economic effect of the proposed ordinance or rule on businesses:

1. Adverse effects

The proposed ordinance will increase the cost for broadband providers that access the public rights-of-way. Currently such providers do not provide any compensation to the County as they are franchised as telecommunication service providers and are not providing telecommunication services to the public.

2. Beneficial effects

The proposed ordinance would provide compensation to the County for the use of the public rights-of-way by private companies.

3. Direct effects

This proposed ordinance provides greater parity between broadband providers and telecommunication service providers by compensating the County for the use of the public rights-of-ways.

4. Indirect effects.

The proposed ordinance would require telecommunication service providers that currently have a franchise with the County to either amend their franchise agreement or enter into a new broadband franchise agreement by July 1, 2026.

5. Other economic effects to be considered.

No other economic effects were identified.

Description of the methods that local government considered to modify the proposed ordinance or rule; or otherwise reduce the impact of the proposed rule on businesses, the parties involved, and a statement of the methods used:

During the hearings on Assembly Bill 509 (2025 Nevada Legislative Session) it was revealed that the maximum 2% gross revenue fee that is contained in AB 509 is consistent with similar fees assessed to broadband providers in other parts of the U.S. The County is currently receiving no revenue from the current broadband providers for using the public rights-of-way and it was determined that no modifications of the proposed ordinance were necessary.

The estimated cost to the local government for the enforcement of the proposed ordinance or rule:

It is anticipated that the enforcement of this proposed ordinance will be absorbed by current staff.

If applicable, explanation of a new fee or increase to an existing fee including a projection of the annual revenue expected to be collected and the manner in which the revenue will be utilized:

The proposed ordinance establishes a new fee for broadband providers. The new fee is based on a percentage of gross revenue and cannot be determined at this time. License fees generated by this proposed ordinance would go to the County General Fund to be used at the Board's discretion.

Assessment of provisions of the proposed ordinance or rule, which may duplicate or are more stringent than Federal, State or local standards regulating the same activity:

The proposed amendments do not duplicate and are not more stringent than Federal, State or local standards.

If applicable, explanation of why the duplicative or more stringent provisions are necessary:

Not applicable.

The reasons for the conclusions regarding the impact of the proposed rule on businesses:

The provisions in the proposed ordinance are necessary to provide for a license and franchise for companies that need to access public rights-of-way to be able to provide broadband services to the public.

Certification of Business Impact Statement

Pursuant to NRS 237.090 (2), I, Kevin Schiller, as County Manager for Clark County, Nevada, hereby certify that, to the best of my knowledge and belief, the information contained in this statement was prepared properly and is accurate.



Kevin Schiller
County Manager

10.23.2025

Date