

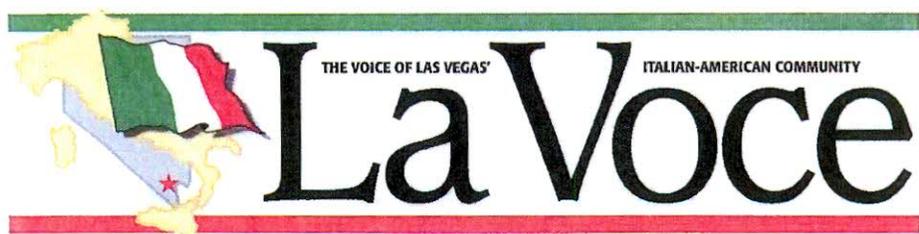


Proposed Ordinance -
Newsracks
October 8, 2013

PUBLIC COMMENTS RECEIVED

Whether the Proposed Amendment Will:

- (a) Impose a direct and significant economic burden upon a business; or
- (b) Directly restrict the formation, operation or expansion of business.



3395 S. Jones Blvd. #428, Las Vegas, NV 89146

Dominic P. Gentile, *Publisher*

Kathryn Gentile, *Interim Editor*

October 8, 2013

Jacqueline R. Holloway
Director
Clark County Department of Business License
500 South Grand Central Parkway, 3rd Floor
P.O. Box 551810
Las Vegas, NV 89155-180

Dear Director Holloway and Members of the Clark County Board of Commissioners:

Many of you know me as a practicing lawyer in our community for the last thirty-five years, but that is not the capacity in which I write to you today. Since October 2001 I have had the pleasure and honor of being the publisher of La Voce – the Voice of the Italian American Community in Southern Nevada. Over that period of time some of you and many of your predecessors in office have advertised in our publication during your campaigns for election and have even sought the endorsement of our Board of Directors. Our monthly is now in its thirteenth year of publication. It services the approximately 170,000 Americans of Italian ancestry living in Nevada (80% of them in Southern Nevada) according to the United States Department of Commerce Census Bureau American Community Survey. It is also taken back to the homes of the millions of visitors to Southern Nevada who pick it up from the news racks located on Las Vegas Boulevard in the Resort Corridor/Tourist Area.

We estimate that our publication has a local readership of at least 50,000 per month. This estimate is based upon statistics and readership patterns for monthly publications reported by the most honored publishing industry barometer, Editor & Publisher magazine. In truth, we have no idea of how many non-Nevadans read our publication, but we do know that 25% of our copies are distributed in the H-1 zone on Las Vegas Boulevard and within 300 feet to the East and West of it. Those copies are not included in our local readership estimates. Because La Voce is a free publication, it is accessible to all persons who have an interest in “things Italian American” such as food, travel, art, music, entertainment, fashion, design, religion, politics, literature, language studies, history and culture. We have very few copies – at times none at all – remaining in the H-1 zone racks at month’s end.

Tel: 702.635.9868 - Fax: 702.309.8027 – Email: lavoce-editor@hotmail.com

I feel comfortable in speaking for most Italian Americans in Southern Nevada when I say that an important reason for the existence of La Voce is to place the message into the mainstream of American thought that the portrayal of Italian Americans as miscreants and less than stellar American citizens by many in the business of dramatic presentations is an overblown fallacy. This is especially important in Las Vegas, where legend and lore at times overcome present day reality. And I do not feel awkward in saying that we have been successful in that regard. I believe that at least some of you have had or know of others with life experiences that will allow you to relate to how much that means to a culturally united community that has been disserved in such a manner.

Because our publication is free, all of our revenue is generated from advertising. Our primary source of advertising revenue is from local restaurants, service industry businesses and merchants. Few of them have locations in the Resort Corridor/Tourist Area. They are destination locations who use our publication to attract tourist business. While La Voce is truly a labor of love and was never designed or intended to be a profit making venture, when it does make a profit it is given to local charities. That was a part of our original mission statement and we have abided by it. In recent years La Voce has suffered no less than the rest of our business community from the economic downturn. Fewer businesses mean fewer advertisers. Obtaining distribution on Las Vegas Boulevard through news racks not only saved us but allowed us to recover advertisers that we had lost. Without our advertisers we will surely fail. And without our distribution on Las Vegas Boulevard, our advertisers simply will not attract the tourist as a customer and will cease their financial support of our publication.

The sponsor of the proposed ordinance has announced that the removal of news racks will ameliorate the pedestrian traffic congestion in the Resort Corridor/Tourist Area. The sponsor has also said that removal of news racks will not impede the delivery of the messages that are currently contained in them, as alternative means of dissemination of that message are available. It is not my intention to engage the sponsor in a debate on that issue at this time and place, although there appears to be a complete absence of evidentiary support for that proposition in the November 2012 Kimley-Horn Clark County Pedestrian Study. Such a debate, if it occurs, is better suited for different fora. It is important that you all know, however, that La Voce cannot afford to employ persons to hand out its publication to pedestrians engaging in what should be an enjoyable walk along The Strip. The cost is prohibitive and it has nothing to sell. Nor would it do so if it were able to afford to pay such persons. As a matter of principle, La Voce simply does not wish to be identified with the type of intrusive conduct that is incessantly displayed by those involved in hand-billing who forcefully impose upon passersby the materials that they are promoting. That is to say nothing about the unnecessary congestion that they cause.

Neither does La Voce wish to perish. It is true that in S.O.C. Inc. vs. County of Clark, 481 F. Supp. 1122 (D. Nev. 2007) the United States District Court for the District of Nevada upheld the First Amendment rights of commercial businesses to distribute through off-premises canvassing materials that propose a commercial transaction. However, it did so only after commenting that Clark County did not even attempt to focus on enacting a time, place and manner restriction on such activity. History has taught us that it is the conduct of those passing out handbills that is creating the pedestrian congestion and safety problems, not the news racks. A news rack does not force its message upon a pedestrian. Only those who want to receive the message go up to the news rack and remove a copy of the publication that it contains.

La Voce wants to continue to promote the Italian American culture and message to the visitors to Las Vegas and to further the business of its advertisers. To that end it respectfully submits for your consideration an alternative that can keep the use of the passive, non-intrusive news racks alive while at the same time achieving the solution for the congestion problem that you and all citizens of our community so righteously seek. A time, place and manner restriction that would create a physical zone along the same area of the sidewalks as is occupied by the news racks – one that would exist between news racks along the curb – to which hand-billers and others with a constitutionally protected interest in speech would be restricted as to “place”, would accommodate those who seek to promulgate their message. At the same time, because of their being restricted to the predetermined fixed area, they would not be lawfully allowed to interrupt the flow of pedestrian traffic. In other words, they would have the same space within which to work as those who seek to disseminate their message through the use of the passive news racks, nothing more and nothing less. In addition, the news racks could be required to be of uniform size, shape and materials so as to beautify the surroundings and eliminate them from being used by unlicensed operators of all types of tourist oriented diversions. For example, requiring a shape that would not accommodate use as a display counter for goods of any type or as a platform for an illegal card game.

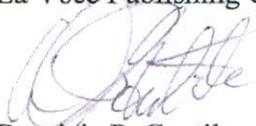
If it truly is the desire of this honorable elected body to protect the right to disseminate a message while at the same time eliminating congestion along the Resort Corridor/Tourist Area, this alternative proposal can accommodate both of those goals without offending the First Amendment to the Constitution of the United States of America. It is my sincere hope that each of you will give this proposal fair consideration and allow La Voce to continue to make the celebration of the Italian American culture available to those who visit our city as they walk along Las Vegas Boulevard.

Jacqueline R. Holloway
October 8, 2013
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I thank you in advance for your anticipated courtesy and consideration of these suggestions as to the proposed amendments to Chapter 16.08 of the Clark County Code.

Sincerely,

La Voce Publishing Company



Dominic P. Gentile
Publisher

cc: Commissioner Steve Sisolak
Commissioner Larry Brown
Commissioner Susan Brager
Commissioner Tom Collins
Commissioner Chris Giunchigliani
Commissioner Mary Beth Scow
Commissioner Lawrence Weekly

Southwest Advertising, Inc.

2375 E. Tropicana Avenue #8269
Las Vegas, NV 89119

PHONE (702) 791-3215

FAX (702) 796-0331

October 8, 2013

Jacqueline R. Holloway, Director
Clark County Department of Business License
500 S. Grand Central Parkway, 3rd floor
P.O. Box 551810
Las Vegas, NV 89155-180

re: Proposed Amendments to Clark County Code, Chapter 16.08

via e-mail to PublicCommentCCBL@clarkcountynv.gov

Dear Ms. Holloway and Clark County Commssioners,

This is in response to your letter dated September 17, 2013, requesting data and arguments regarding the proposed amendments to Chapter 16.08 of the Clark County Code, which will eliminate newsrack permits and institute a ban of newsracks on the sidewalks along Las Vegas Boulevard, from Sahara Avenue to Russell Road, as well as 300 feet east or west of Las Vegas Boulevard, effective January 1, 2014.

Southwest Advertising, Inc. has been incorporated in Nevada since 1993, and we currently maintain over 700 newsrack permits issued by Clark County. We utilize the newsracks to disseminate publications and/or advertisements for clients, including adult-oriented outcall entertainment services and strip clubs, as well as community newspapers.

To address both the first and second issues raised in your letter, if the proposed ban on newsracks proceeds, it will undoubtedly impose both a direct and significant economic burden upon our business, and the proposed amendment would without question directly restrict the operation and any future expansion of our business. More directly, it will eliminate our ability to remain in business entirely. Our revenue is generated by our ability to disseminate our clients' messages, publications and advertisements. Many advertisers seek to reach the tourist traffic on Las Vegas Boulevard, and many of *our* advertisers desire to do so in a manner that is passive, non-intrusive and unthreatening, which the newsracks are uniquely capable of doing; only a person who makes the conscious decision to approach a newsrack, open its door, reach in and remove a publication is subject to its material. With the passage of the proposed amendments, the direct and immediate economic burden to our business would be the lack of all revenue. Furthermore, it would also result in the breach of advertising contracts by Southwest Advertising, Inc., who would no longer be able to fulfill obligations to their advertisers.

I would also like to take the opportunity to point out a few issues that I believe to be key to this matter.

The proposed amendments to Clark County Code 16.08 have been widely reported as a response to the

recommendations of the Kimley-Horn and Associates Pedestrian Traffic Study, yet the study itself simply does not support that assertion. It is quite clear that, according to the study that a primary cause of pedestrian congestion are the non-permanent obstructions and the lack of enforcement of the “no-obstructive use” ordinance. Thus, the proposed amendment appears to in fact be another veiled attempt to silence a particular type of expressive content that is lawful and constitutionally protected.

It is worth noting that the Kimley-Horn and Associates Pedestrian Traffic Study was preceded by a Resort Corridor Workgroup study. The Resort Corridor Workgroup was comprised of members of the Metropolitan Police Department, members and officers of several hotels located on the Las Vegas Strip, as well as staff from Clark County. In March of 2012, the Resort Corridor Workgroup presented several recommendations to the Clark County Commission. Absent from the workgroup's report was any suggestion or recommendation to remove the newsracks located on Las Vegas Boulevard. In fact, the workgroup suggested provisions for the uniformity of the newsracks, as well as providing a trash can at each newsrack (Resort Corridor Workgroup Final Recommendations, page 1).

In November of 2012, the Kimley-Horn and Associates Pedestrian Traffic Study was released. In the entire 190 pages of the study, the sole location of newsracks identified that contribute to the impediment of pedestrian flow is at the southeast corner of Las Vegas Boulevard and Harmon Avenue, by the Harley Davidson Cafe. At this location, the study itself does not recommend the removal of the newsracks. Rather, the study recommends that “newsracks immediately south of this walkway restriction should be *relocated* to increase existing pedestrian walkway width.” (Kimley-Horn and Associates Pedestrian Traffic Study, page 139, emphasis added.)

Moreover, what the Kimley-Horn and Associates Pedestrian Traffic Study makes abundantly clear is that the majority of obstructions on the strip are “non-permanent obstructions”, which are defined as hand-billers, performers, solicitors and vendors (Kimley-Horn and Associates Pedestrian Traffic Study, page 27). Thus, the study recommends that Clark County “enforce the no-obstructive use ordinance” in multiple locations where non-permanent obstructions are present (Kimley-Horn and Associates Pedestrian Traffic Study, pages 139, 141, 142 and 143).

Identifying special areas of concern, the study highlights 10 locations, lettered A through J (Kimley-Horn and Associates Pedestrian Traffic Study, pages 139-143). I would direct your attention to Locations C, D, E, F, G, H, I and J, which all include the recommendation that the the no-obstructive use ordinance be enforced. I would also ask that special attention be given to the short term recommendations on Locations E and F, which note that “non-permanent obstructions were prevalent in this area averaging as many as 10” (Kimley-Horn and Associates Pedestrian Traffic Study, page 141); Location H, which states that “non-permanent obstructions were prevalent in this area averaging as many as 15” (Kimley-Horn and Associates Pedestrian Traffic Study, page 142); and Locations I and J, where “non-permanent obstructions were prevalent... averaging as many as 8” (Kimley-Horn and Associates Pedestrian Traffic Study, pages 142-143). Of the 10 locations identified in the study as “specific areas of concern” (Kimley-Horn and Associates Pedestrian Traffic Study, page 139), 8 locations have the recommendation of enforcing the no-obstructive use ordinance for non-permanent obstructions. In *only 1* of these locations does the study make any recommendation regarding newsracks whatsoever, and it is simply to *relocate* them further south (Kimley-Horn and Associates Pedestrian Traffic Study, page 139).

In the study's conclusion (Kimley-Horn and Associates Pedestrian Traffic Study, page 137), it once again reiterates the need for a no-obstruction zone, as well as noting there are “a significant number of individuals creating undue obstruction in the current no-obstructive use zones at intersections and

driveways.” (Kimley-Horn and Associates Pedestrian Traffic Study, page 137.) After being involved during months of meetings with hand-billing companies, newsrack companies, members of the Metropolitan Police Department, including Sheriff Gillespie and Captain Fasulo, as well as members of the American Civil Liberties Union, I learned of many times when a pedestrian would walk into the street to avoid a hand-biller, performer, solicitor or vendor, which should be a primary safety concern. I am confident that an individual who is engaged in hand-billing, performing, soliciting or vending poses a far greater risk to public safety than a stationary, immobile newsrack that is bolted to the sidewalk. And while Commission Chair Sisolak has stated that a hand-biller can move if asked to while a newsrack cannot (“County Considers Ordinance to Ban All Newsracks on the Strip”, Las Vegas Review Journal, March 5, 2013), I would counter that it is far easier to avoid a stationary object than a person whose primary goal is to get in front of the flow of pedestrian traffic.

I listened intently to Commission Chair Sisolak's interview on KNPR's State of Nevada on September 16, 2013. It was once again stated by Commission Chair Sisolak that, “this only relates to where we've had a pedestrian study that shows a pinch point. If you want to put a newsrack on Flamingo or on Tropicana where that's not a traffic- a pedestrian traffic problem, that's not covered by this.” (“No More 'Smut Racks' on the Strip?” at 2:02). As stated above, the assertion that the study indicates that the newsracks are causing pinch points, with the exception of one location, is simply not supported. Furthermore, the proposed newsrack ban covers Las Vegas Boulevard from Sahara Avenue to Russell Road, and 300 feet both east and west of Las Vegas Boulevard. One would be hard-pressed to interpret any of the language in the Kimley-Horn and Associates Pedestrian Traffic Study as recognizing a pedestrian traffic problem that extends so far to the north, south, east and west.

Finally, the statement that this ban “will solve what we need to do, which is keep traffic flowing on Las Vegas Boulevard” (Commission Chair Sisolak, as quoted in the Las Vegas Review Journal, “County Commission Considers Outlawing News Racks on Strip”, September 11, 2013) finds no justification in the Kimley-Horn and Associates Pedestrian Traffic Study. I would submit that this ban, if approved, will have no positive impact on the pedestrian congestion that the Commission claims it is trying to alleviate. On the contrary, it will result in an exponential increase in the number of hand-billers and other non-permanent obstructions that the study itself identifies, and further inhibit the ease of pedestrian travel on Las Vegas Boulevard.

I urge all members to reconsider the passage of the proposed amendments to Clark County Code 16.08 that would ban newsracks, and instead seek remedies to the problems as identified in the Kimley-Horn and Associates Pedestrian Traffic Study.

Should you have any questions, I can be reached at 702-791-3215 or 702-697-5370, or via e-mail at vegasgirlkathy@hotmail.com.

Respectfully Submitted,

Kathryn Gentile
President
Southwest Advertising, Inc.

cc: Commission Chair Steve Sisolak, Commission Vice Chair Larry Brown, Commissioner Susan Brager, Commissioner Tom Collins, Commissioner Chris Giunchigliani, Commissioner Mary Beth Scow; Commissioner Lawrence Weekly, and County Manager Donald Burnette

Camille Shauntee

From: BL Public Comment
Sent: Wednesday, October 09, 2013 8:21 AM
To: Mike Harwell; Jacqueline Holloway; Robert Gower
Subject: FW: STRIP ADVERTISING RESPONSE TO BANNING OF NEWS RACKS OF THE LAS VEGAS STRIP
Attachments: 254.JPG; 278.JPG; 266.JPG; 255.JPG; 270.JPG; 271.JPG; 280.JPG; 101_0595.JPG; 101_0598.JPG; 101_0596.JPG; 101_0564.JPG; 101_0558.JPG; 101_0557.JPG; 101_0495.JPG; 101_0476.JPG; 101_0516.JPG; 101_0513.JPG

Another item was received at 9:54 pm, after the 5:00 pm cutoff.

From: STRIP ADVERTISING.COM [mailto:stripadvertising@hotmail.com]
Sent: Thursday, October 03, 2013 9:54 PM
To: BL Public Comment
Subject: STRIP ADVERTISING RESPONSE TO BANNING OF NEWS RACKS OF THE LAS VEGAS STRIP

EXHIBITS OF OBSTRUCTIONS ,THAT A BLIND MAN CAN SEE

Bus stop Shelters Poles, Old Telephone Poles ,light poles ,Planters ,Old Obstruction Signs, Fire hydrates ,Electric boxes, Trash cans, News racks are uniformed 12 to 16 inch” in depth Not 2 Ft News racks are to back side of curb, bolted down and not a safety issue.

MEMERANDUM OF POINTS AND AUTHORITIES

IN RESPONSE TO THE PROPOSED ORDINANCE OF BANNING NEWSRACKS

1.A This has been a on going problem with the County constantly being Hotel Puppets and lack of ethics to businesses of Nevada, under color of office by the County Commissioners .Forget about the small businesses and voters, do what Hotel contribution direct them to do.

The Hotels in the last several years have become a corporate monopoly having taking control of all advertising in the Strip area ,which all businesses depend on to make income to pay their rents and feed their families.That have invested their life savings in businesses to have the American Dream.

B Billboards use to be up and down the Strip and advertised all businesses now there's no more bill boards except Hotel billboards on their property advertising , half naked girls 10 stories high ,shows and gaming ,stores ,shops cannot advertise anywhere else according to leases .Hotels are the only ones with violations of racy signs and have received fines for going over the edge on Billboards .Now Hotels have kick out phone books out of rooms and old time publications out of rooms ,and started their own publications. As soon as people started using mobile billboards the Hotels had Commissioner try to Ban the mobile billboards ,and have the drivers harassed to point of giving the jobs up. The Hotels have all started their own publications and have taking control of almost all advertising on the Strip. Hotels have also Banned other Hotels and Advertisers from advertising in news racks or publication. All types of businesses depended on advertising in the phone book . Hotels are not the only ones that need Tourist money. Commissioners have help monopolized the Tourist Industry for the Hotels.

2.A In 1997 the County try to Ban Handouts and placed white lines and signs in the middle of sidewalk that are still there today ,that do nothing except create a obstruction.They were placed by Clark County Public Works ordinance 16.11 and has never been enforced . Hand outs are the number one problem on the Strip

,being obstructions and litter issue .Handout stand in the middle of the side walk and are very aggressive to Tourist 95% of Hand outs are illegal aliens and the County has laws on the books 7.26 County Code , they do not enforce .This would reduce the number of illegals on the Strip and put a stop on the organized crime. Any 1st amendment can be regulated .The Hand outs are as many of 300 on a weekend ,blocking traffic , standing in front of news racks, using racks as storage for lunch boxes, back packs ,closet for clothing inside of news racks .News rack owner have been jumped and had to fight, when owners take material out of news racks.

B News racks are freedom of choice to Tourist , news racks cater to all markets .Hotels guides ,coupons ,clubs, maps, personals ,news racks are suppose to be content neutral . 1st amendments are also suppose to be Revenue Neutral ,The County has called the racks, smut racks which is a insult to owners obey all laws and the only ones that pay fees on the Strip .County acts like that this Ban is not a content issue . Vegas is Adult Disneyland built on showgirls and gambling , The smut Hotels state sex sells by their advertising .Every bellman, valet parker or limo driver has there own girls and don't pay taxes on income. Its been like that, since the Strip started. In the news paper articles by the County, acts like its a war against publishers, owners have had to deal with this unethical mentality . Commissioner have stated this is the last round. For years now the County takes are money and then hits us in the head. These Commissioner are no better than the last batch that went to jail for extortion and bribery to businesses .

3.A In 1989 the State of Nevada went through legislation to have the County,to have jurisdiction to enforce ordinances on the State High Way . Any work or building permits go through the County ,all inspection are done by the County .The County has deliberately left these obstructions on the sidewalk ,fire hydrates, poles, have been left in the middle of sidewalk making a obstructions on purpose .

B In 1997 the Strip Beautification 97 A & B to make Strip more presentable to the Tourist was paid for by the resort association . A study was done by Poggmyer Design Group ,and had a list of items , planters, walkways, trash, cans ,bus top shelters, landscaping and allocated 85 location at \$7500.00 a location for County news racks which was very high ,findings are the same as today new Study. which the money disappeared when the beautification project got started by the County. For years owners wonder where the money went. At the begging of this Ban, it started out of placing County news racks, got another high bid of \$300,000 and here history repeating itself again .Now as usually we can believe anything the County says the County racks disappeared again. Now its a Ban to ruin our companies and put us out of businesses and have our families broke and on the street . Old publishers took it upon themselves and bought new news racks for their companies. Their were grandfather clauses ,and rights of Historic Presents on the right to do business ,applied for owners, invested thousands of dollars to increase their value of there magazines company. County said they were not going to use County racks in 2007. So now the County did the old bait and switch to publishers, having 13 secret meeting without publishers and completely ignored news rack owners request to be present in impact meeting and violated open meeting laws NRS 241 .00 Chapter . On march 19 item 59 County had a closed door meeting Violated 241.015 (2) (b) (2)

C The managers of Public Works had taken that sections out of 16.08.052 11 (e) for County news racks out. The Da takes section out of 16.08 in the middle of lawsuits and then says its moot ,being deceitful to the Courts in past Court cases acting above the law.

D In the recent Study the County used taxes payer dollars to find out, what they already knew, from the first Study of 1997.Which County ignored recommendations and did nothing back then .Now to do another Study giving another \$528,00 making a total of 1.1 million of taxes payer money , is a unethical joke ,TO SEE WHAT NEEDS TO BE MOVED .Wow a blind man could see what is a obstruction and what needs to be moved.The poles ,fire hydrates Bus tops etc .are in the middle of the sidewalk, since 1997 . What are tax payer paying Public Works for, don't we have capable engineers that work for the County .during this time of recession. Why are the Commissioners throwing money away like this .When Nevada has the highest Unemployment, Home For closers and Homeless people that plague are streets pan handling . When that money could of went to better use. This Ban is a political platform for Commissioners next election and hoping

for a fat check from the Hotels for their campaigns . There are several instances of the Commissioners rehashing old agendas and acting like there doing something . Not enforcing laws on the books makes no sense. County codes are 7.26 ,16.11 ,11.07.6.56,16.12 .The one sure thing they accomplished is a Federal Lawsuit which the County will be responsible for fees and damages if they proceed with the Ban. (SEE EXHIBITS)

4.A In 1990 news rack ordinance was introduced . There were hundreds of news racks on the Strip , their was a need for regulation on the Strip due to unsightliness and safety .When they introduced the 16.08 code with Adopted Map ,allowing 6 news racks at each location, they held a lottery ,for each news rack of designated location in accordance with the Adopted Map which gave permits and news racks a Historic Presents for 24 years now. In the new introduction of the news rack Ban they used the old introduction of 16.08 of 1990 forgetting to mention that news racks have already been regulated, acting like news racks or unregulated and misleading on its face. In (Sellinger vs Clark County as long as a permit holder pays for annual permit and complies with 16.08 permits cannot be taken away without due process .Case No U.S. District Court of Nevada cv-s-94-655-PMP(RJJ)

B News racks are the center of the 1 st amendment rights (Kash Enterprises Inc. vs City of Los Angeles 138 Cal. Rptr.53 2d series) (1st amendment protections are applicable to the public distribution of newspapers and periodicals through news racks and as a consequence ,municipalities lack constitutional authority to foreclose all use of such news racks on their streets and sidewalks .U.S.C.A.Const.Amend1

C This recent attempt to Ban is a violation of (1st amendment , speech) (4 th amendment unlawful seizure)and (5 th amendment taking of private property without just compensation (Tigard vs Dolan).14 th amendment equal protection ,all amendments of the U.S. Constitution are violating publishers rights .Taking of private property for government improvement without just compensation .

D Owners have spent hundreds of thousands of dollars, life savings of their livelihood to comply with doing business on the Strip .Strip Advertising has spent over \$ 100,000 just in attorney fees over the years , just to get Hotels to stop throwing away property issue.. Every time owners turn around the County plays games in attempts to destroy our businesses .Have ruin our 3 rd party contracts .Recently Strip Advertising had work 2 years on contracts, only to have the Hotels stop the contracts and ruin \$200,000 income and caused over a \$100,000 in actual damages .

5.A For the last few years the County during the recession , have made attempts to ruin other businesses, showing a pattern of attempts to ruin people life's , having the County taking over businesses, showing the monopoly behavior , like Hotels .Such as Fire Fighter businesses ,Constable Office ,Restaurants putting restriction on forcing customers to Hotels making several neighborhood bars going out of business.The County forgets 1 st amendment issue should be Revenue Neutral County can not make a profit off the businesses .What's funny on the Strip, news rack owners are the only ones that any pay fees ,Handouts that have caused all the problems out on the Strip don't pay on dime. More than half of out call services don't even have a general business license. Strip Advertising pays for approximate 450 permits of advertising group of publishers pay \$65.00 per permit total of \$29,250.00 a year not including daily maintenance of news racks and trash pick up of locations. After the recent Fee lawsuit settlement .

6.A The County enforcement has a supervisor that constantly trying to raise cost of fees .For 20 year their has been only 1- to 2 enforcement agents, that have done the job .In the Fee lawsuit of 2007 it came out he was trying to hire 9 more agents and order 5 trucks at news rack owners expense to clean up the entire County .Now the Agent has attempted to hire extra employees and secretaries again ,that make his appointment and won't let the agents do their job. States their incompetent to do things on their own .Agents are not allowed to speak to any owners, everyone has to go through supervisor,he will not let them do their job without him, which is to insure his job to keep his hours up, also a supervisor of other depts. . Has had all

kinds of internal office complaints against him and cause of a lawsuit for wrongful firing of a agent of Public Works that had been with the for County 20 years in News racks .Agent also has complaints from owners for, yelling at owners and their staff .If you make a statement or voice your opinion, agents retaliates against the owners. Has stated if I keep you busy you don't have time to do anything , which is intimidation under color of office.

B Agents have told Hand out owners. When news rack owners voice their opinions on Hand outs armies .Which has put news rack owners in jeopardy , owners have had treats to life vandalism , breaking windows, setting news racks on fire ,which create violations for the agents. Agents have selective memory and forget their County employees .Over the years the news racks in outside areas have been cleaned up ,new rack owner fix violation right a way ,As there a of waste time and money on violations sending faxes ,emailing , certified mail at \$7.00 a letter. The violations are fixed by the time owners get the certified letter. News rack owners work everyday and fix violation on the spot.

7. A Their has been 4 surveys done on the Strip ,which was a attempt to eliminate locations of the Adopted Map .Strip Advertising sued County in Federal Court. To put back locations and made a settlement with the DA of Public Works .Now Public Works is in violation of the Federal Court order ,by slow playing putting locations back since 2009 and here it is 2013 , still haven,t replaced locations. (Strip Advertising VS Clark County Public Works Case No. 2;09-cv-0629-JCM-PAL)

B The County could save money in many ways instead of constantly trying to raise permits. One way of saving thousands of dollars and labor for owners putting yearly tags on . Is to have a permit tag, instead of having to change tags every year it would save on cost of tags and paper work each year. As agents know what news racks are permitted and which are illegal. Agents would save on this time of quad triple paper work and cost of permit material, which is very expensive .So they can quit acting like there 're doing something, besides trying to inflate fees. This would also save owners time and labor cost of replacing yearly tags.

8. A In the last fee raise it came out supervisor was doing surveillance at 2- 3 am at double time, riding around with agents from other depts. at time in half. padding his check at tax payer expense , also cleaning up card litter, cleaning bus top shelters and traffic poles, which none of these things were agents jobs, agents were doing damage to news racks with violation stickers of spaying adhesive to windows causing damage, it would take hours to get the sticker off, wrongful impoundments ,all of these things were at news racks owner expense .Agents would do selective enforcement against some owners .This was all a lack of ethics of Commissioners and Public Works , Managers .

B. Now the supervisor has recently hired a another secretary and another enforcement agent that nobody seen in the field makes a total of 5 news rack personal . These days owners fix violations right away as vandalism and graffiti plague the whole County. The H-1 zone and non H-1 zone are cleaned up. Nobody puts illegal racks on Strip anymore, very seldom is their a impound ,unless a car wreck or some unusually circumstance .Supervisor are not cleaning up cards or playing I spy anymore .

C. So the County is inflating costs again, which is a lack of ethic's, a complaint should be made with the Ethics Task Force . Also a internal audit of time and a half pay. In the last few years there has been a few depts. with this problem of Public Works padding their checks. As the costs of the program ,should be down these days ,not inflating costs and being deceitful SAYING ITS MUCH MORE, WHEN ITS NOT .Its wrong to be putting these costs of cleaning all of Clark County on a few owners back. 1st amendment issue should be Revenue Neutral . Public Works acts of unbridle authority ,and oppression under color of office , makes it very difficult for small businesses to do routine business without interference from County Public Offices ,There's no need to raise fees of permits or Ban permits .

(Plain Dealer Pub. Co. VS City of Lakewood 794 F 2nd 1139 (6th Cir. 1986)

9.A There are several laws on the books that would pass mustard in the Courts on Handouts, litter control , County choses not to enforce the codes. For years this has been the problem on the Strip.

B There are several obstructions on the Strip 1.hand outs 2.bustop shelters ,3 .old signs 4.fire hydrates, 5 planters. 6.electrical boxes 7. shows and Bars on the Strip ,Water Show ,Volcano, Treasure Island Pirate Show ,news racks are 12" inch to 16" inch in depth NOT 2 FT , meet osha laws ,and handicap regulations .News racks are next to curb and out of the path of walk ways are 5 ft to 25 ft , wide on the Strip. For 25 years of Strip Advertising, has never seen a news rack unbolt its self and chase a tourist into traffic .News racks are bolted and meet all safety standards.

C The traffic areas with the most traffic, there are no news racks in those locations, its private property and don't have locations in these areas .Where news racks are, the sidewalks are wider on the Strip than in most areas and not a obstruction or safety issue .In reading all of the Study and recommendations, does not say anything about Banning except one location by a escalator which the enforcement agents had moved the location , which their is a standard of footage of any item has to be a certain distance away from a escalator landing .The location was against a pedestrian fence,and was not in walkway and was not a obstruction. The Banning issue is vague and over broad on the 300 ft East and West rule of the Strip which is excessive censorship to publishers. The whole ordinance is a censorship of clubs, dancers ,of our 1st amendment rights . The Strip is Public Forum (Robert E. Lewis and Game program VS Colorado Rockies Baseball Club ,Ltd .Case No. 968A361 Colorado Supreme Court)

10.A In the 16.08.070 (a) the section states the Director or his designee has the authority to quickly , simply, easily , fix without expense to the Clark County ,16.08.070 sec A gives the County the authority to fix the problem.

The news racks have already been regulated and has work for 23 years. The owner have spent thousands of dollars on style of news racks. That fit all regulation code and are smaller in depth than regulation .Federal Law States, you cant just take private property away .Just cause some people don't like them, or for Government improvement.The owner have a style of news rack that can be uniformed in all locations.

B There are only a few locations, where their not all the same style of news rack on the Strip but are all in regulation of code .All the owners are willing to make them all the same style news rack and color at each location. If there 1-2-3-4-5-6 white racks or yellow at each location. We would paint them all the color of the majority color , at each location ,to make them all the same style and color and uniformed .This would be at no cost to the County or tax payers .We are allowed to have are publications name on the outside of the news racks (Chicago Observer Inc. ain VS City of Chicago 929 F.2 nd (7th Cir.1991)

11. We have outlined all the issues at hand and a reasonable remedy to clean the Strip up without any expense to the County or Tax payers . We have all ready retained attorneys and the ACLU is on Board with the publishers and prepared to fight for or rights and businesses , will take this to the US Supreme Court if Necessary ,I have sued The County 4 times now and won all my issues in each case and have no problem going all the way .Since County has made this a death sentence to publishers Strip Advertising will exhaust all remedies of law and use any avenue in its power to fight for our rights .

RESPECTFULLY SUBMITTED

STRIP ADVERTISING/EDDIE MUNOZ
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89160
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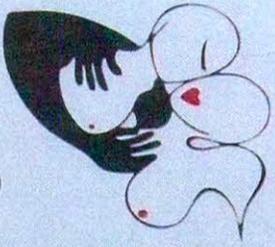
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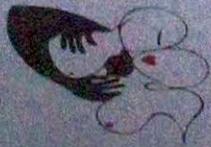
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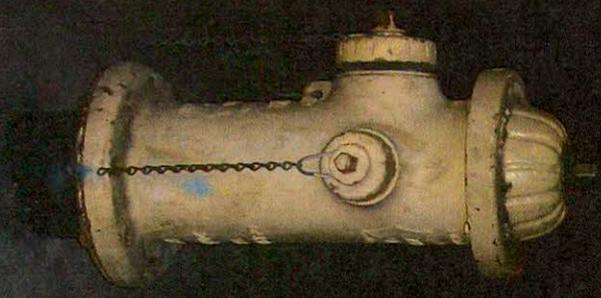
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Hillsboro Enterprises
4558 W. Hacienda Ave.
Las Vegas, Nevada 89118

October 8, 2013

Department of Business License
Attn: Ms. Jacqueline Holloway
Director Business License
500 S Grand Central Parkway
La Vegas, NV 89109

Re: Protest to Proposed Amendment to Chapter 16.11 of Clark County Code

Dear Clark County Commissioners,

This letter is to protest the proposed ban on all newsracks on and along Las Vegas Boulevard between Russell Road and Sahara Avenue, which is also known as the "Resort Corridor." The Clark County Pedestrian Study prepared by Kimley-Horn and Associates, Inc. dated November, 2012 documented a comprehensive review of all impediments to pedestrian traffic along the Resort Corridor, including newsracks. See Study at Section 2.1.3, page 10-11. The Kimley-Horn Study did not recommend the removal of all newsracks or the complete banning of newsracks. See Study at Section 4, pages 137-143. As noted in the Kimley-Horn Study, there are a total of 237 individual newsracks at 40 locations. See Study at Section 2.1.3, page 10. The only recommendation made in the Kimley-Horn Study regarding newsracks was the relocation of one newsrack. See Study at Section 4.2, page 139, referring to Location C.

Despite commissioning and paying for a comprehensive analysis of the pedestrian traffic flow within the Resort Corridor, and receiving the Kimley-Horn Study that did not recommend the removal and banning of all newsracks, it has been proposed that Clark County outlaw newsracks within the Resort Corridor. It is submitted that such a proposal is unnecessary, unjust and unfair. Further, and more importantly, the targeting of newsracks in this way is unconstitutional.

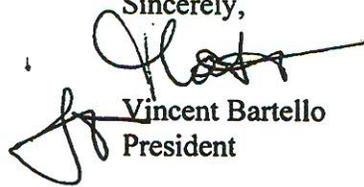
Newsracks do not pose a significant impact to the pedestrian traffic flow within the Resort Corridor. Also, newsracks do not present any significant threat to the health and safety of persons walking along Las Vegas Boulevard within the Resort Corridor.

Newsracks are a constitutionally protected form of communication. Moreover, newsracks are the least intrusive manner of communication. They are a passive form of speech and only persons interested in the publication within the newsracks seek out those publications.

To outlaw newsracks within the Resort Corridor will only cause unintended consequences, including protracted and expensive litigation, which Clark County has not prevailed in the past concerning its attempt to restrict First Amendment rights.

Therefore, it is respectfully requested that the Clark County Commission not approve or adopt any amendment to the existing laws that would result in the wholesale removal and banning of all newsracks.

Sincerely,



Vincent Bartello
President