

RESOLUTION 2005-234

ADOPTING THE REVISED POLICIES PROCEDURES AND GUIDELINES FOR THE CITY'S COMMUNITY ACCESS CHANNEL

WHEREAS, As a result of the Franchise Agreement adopted on November 6, 2001, the City was provided with one analog channel for programming, and

WHEREAS, The Policies, Procedures and Guidelines governing the Community Access channel were adopted by Resolution 2003-157, and

WHEREAS, At the June 29, 2005, Community Access subcommittee, the Policies, Procedures and Guidelines were reviewed and recommendations for revisions were made;

NOW, THEREFORE, BE IT RESOLVED, That the City Council adopt the revised Policies, Procedures and Guidelines for the City's Community Access Channel.

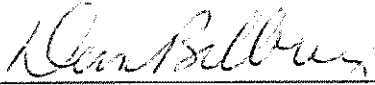
The foregoing Resolution 2005-234 was passed and adopted by the Tracy City Council on the 6th day of September, 2005, by the following vote:

AYES: COUNCIL MEMBERS: IVES, SUNDBERG, TOLBERT, TUCKER, BILBREY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE



Mayor

ATTEST:


City Clerk

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I. STATEMENTS OF PURPOSE

The City has determined that "Community Access" programming constitutes the highest priority for the EG Access channel capacity provided for in the AT&T Broadband franchise renewal.

II. OBJECTIVES OF COMMUNITY ACCESS PROGRAMMING

- A. To provide educational programming for the students of Tracy.
- B. To encourage the education of Tracy students in community television programming and production.
- C. To establish an opportunity for communication between the City of Tracy and its citizens.
- D. To provide the City, community organizations, and businesses an opportunity to produce and participate in non-commercial, community access television.
- E. To create maximum interest in community events, people, places, and issues via cable television.

III. DEFINITIONS

- A. **Access** - Receiving access to the Access Facility, Channel, and Equipment, to produce and cablecast noncommercial community programming to cable television system subscribers in Tracy.
- B. **Access Channel** - A channel designated by the cable provider for the purpose of cable casting programming produced by students, city & community access users.
- C. **Access Equipment** – City supplied equipment for the use and purpose of recording, mixing, and cable casting of programs to cable subscribers within the city.
- D. **Access Facility** – Studio support by the City for the purpose of producing student, City and community access programs
- E. **Access Programming** – Programming produced by schools and City contract producers and Access users to be cablecast on the access channel.
- F. **Access Users** – Educational and Governmental access users.
- G. **Community Access** – Is the cable channel funded pursuant to the Franchise Agreement.

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- H. **Community Access Coordinator**– An employee of the City of Tracy responsible for the day-to-day operations of Community Access.
- I. **Community Access Subcommittee** – The cable television advisory and policy committee consisting of the City Manager or designee and two members of the City Council.
- J. **Education and Government (EG) Access Programming** - "Educational programming" means Programming contributed by a school, community college, an individual, or non-profit organization relating to school activities or giving instruction or information.

"Governmental programming" means Programming contributed by a state, county, city, or other governmental entity.
- K. **Production Proposal** – Descriptive paperwork designed to assist the Access Users to define the scope of a project for approval by the Community Access Coordinator.
- L. **Prime Time** – The period from 6:00 p.m. to 10:00 p.m. daily.
- M. **Underwriters** - Individuals and/or organizations that make monetary, equipment, and/or facility improvement, donations in support of Community Access Programming.

IV. PROGRAMMING GUIDELINES

- A. Content Criteria - Program content will be reviewed for the following:
 - 1. The program shall comply with State and Federal Law; and
 - 2. The program shall contain no commercial matter. "Commercial matter" shall include: (i) any advertising material designed to promote the sale of any products or services, including advertising by or behalf of candidates for public office; (ii) any audio or visual reference to any business enterprises, service or product for which any economic consideration was received by anyone in exchange for the display, announcement and/or reference to such business, enterprise, product or service, or (iii) any material used or designed for use to solicit funds, support or other property of value, directly or indirectly, for any business or enterprise for commercial purposes, or for any political party or candidate for office; and
 - 3. The program shall contain no advertisement of or information concerning any lottery, gift enterprise, or similar scheme offering prizes drawn or awarded by means of any such lottery, gift enterprise or scheme, whether said list contains any part or all of such prizes.

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4. The tapes of official meetings of City Council, Committees, Boards, or Commissions shall be shown in their entirety.

V. ACCESS USER GUIDELINES

These Access Guidelines shall apply to all Access Users.

A. Authorizations

All Access Users are responsible for the content of their program and for obtaining all rights necessary to cablecast any program or material on the system. All Users are responsible for providing proof that they have obtained in writing all necessary approvals, copyrights, and licenses for the use of any material used in the program, including but not limited to approvals by broadcast stations, networks, sponsors, music licensing organizations, copyright owners, performers, and persons appearing in or referred to in the program.

B. Underwriting Policy

Individuals, Organizations, or businesses may be acknowledged as a Community Access sponsor pursuant to the following policy:

1. The City Council may establish, by resolution, a formula for determining appropriate relationship between the amount of a sponsor donation and the time and quality of the program during which the sponsor is to be acknowledged.

C. Character Generator Policies

1. The Character generator for the Access Channel shall operate from the Access Facility on a 24-hour basis (excluding time devoted to video tape). Character generated programming shall announce forthcoming Access programming and programming schedules as well as the community activities and promotions of City-based non-profit organizations.
2. Character generated programming will be updated weekly to avoid dated information.
3. City-based for-profit businesses and organizations may provide holiday greetings such as "Seasons Greetings from _____" or "Happy Thanksgiving from _____." The greeting may consist of one or two slides, cards or character generated graphics, and include the name, address and/or telephone number of the business or organization. Greeting shall run for no more than 30 seconds.

VI. COMMUNITY ACCESS USER ELIGIBILITY

A. Training

Before using any Access facility, all persons will be required to attend a Video Production Workshop and sign an **Agreement**. Failure to sign and adhere to the

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terms of the **Agreement** will result in the forfeiture of privileges to use of the Access Channel.

B. Indemnification

Users must agree to defend, indemnify, and hold harmless the City of Tracy and their officers against any claims arising out of any use of the program material that is being cablecast or any breach of these "Policies Procedures and Guidelines", including but not limited to, any claims in the nature of libel, slander, invasion of privacy or publishing rights, non-compliance with applicable laws and unauthorized use of copyrighted material. The User must understand that he may be criminally or civilly liable for performing or producing such material, which is cablecast.

C. Disclaimer policy

The Community Access Coordinator may run the following disclaimer before and after programming:

The following (proceeding) privately produced program is a presentation of Community Access Cable. The City of Tracy does not support or endorse this program.

In the course of productions, a Community Access User shall never represent to any other party that he or any other person involved officially represents the City in any manner. Violation of this rule will subject the user to immediate forfeiture of all privileges.

D. Minors (Persons under the age of 18)

1. Permission

Minors using the access equipment and facilities must have on file a signed parental consent from the parent or guardian who signs the form assumes responsibility for any liability arising from the minor's use of the Access Facility and/or equipment.

2. Use

Certified minors may work in the Access Facility but portable equipment may only be checked out with written permission of a parent or legal guardian.

3. Limitations

The Community Access Coordinator may refuse at his or her discretion to allow a minor to use Access Equipment based on a failure of the minor to demonstrate an ability to use the equipment in a safe and proper manner.

E. Refusal of service

The Community Access Coordinator may suspend or revoke the privilege to use the Access equipment or facility to anyone who appears to be under the influence of alcohol or drugs; who interferes with the orderly conduct of business; who refuses to cooperate with or in any way mistreats the Community Access

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Coordinator or facility employees, interns or volunteers; who has misused equipment; failed to return it on time; who has violated any rules found in this document; or has in any other way abused the privilege of using the Access Equipment or facility.

VII. SCHEDULING POLICY

A. Community Access Coordinator Control

1. The Community Access Coordinator shall schedule all programming on a nondiscriminatory basis and shall periodically meet with the Executive Committee to select programming. Only those programs, which meet these programming procedures and guidelines, shall be cablecast.

B. Community Access Scheduling Procedures

1. All programs never before aired on the Access channel must be presented a minimum of two weeks in advance of the requested airdate to the Community Access coordinator to ensure timely review.
2. The Community Access Coordinator shall accept request for Access Programming to be run on a specific date at a specific time, but all Access programming will be cablecast at a date and time determined by the Community Access Coordinator to be appropriate or convenient.
3. Programs produced by, or under the supervision of the Community Access Coordinator of the City shall be given scheduling priority.
4. Programs, which are produced on a regular basis, may be aired a **minimum of one-time** in a calendar week. **Additional** airings will be based on channel time availability
5. Running time for a single program submitted by an authorized individual shall be limited to sixty minutes if there is more alternate programming than available airtime.
6. All first run programs may be aired once in a calendar week. Shows will be repeated based on channel time availability.
7. In the event there is more programming submitted than channel time availability, the following criteria will be used to decide which programming will air:

Non Governmental Programming produced by Access Users residing outside of the City limits will receive the lowest priority and will be removed first.

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Programming which has aired more than one time will receive the second lowest priority.

C. Public inspection policy

The Community Access Coordinator shall maintain a complete record of the names and addresses of all persons, or other entities requesting access time and/or cable casting equipment. Such record will be maintained and available for public inspection at the access facility during normal City business hours.

VIII. TECHNICAL PROCEDURES

A. Length of programs

1. Programs scheduled in half hour time slots must not exceed 28 minutes.
2. Programs scheduled in hour time slots must not exceed 58 minutes.
3. Programs exceeding 53 minutes will be scheduled according to available Access Channel airtime.

B. Video tape technical standards

1. Tapes must be submitted with the following information clearly labeled on the tape case and spine.
 - a. Title of program
 - b. Name of producer
 - c. Time of program in exact minutes and seconds from the beginning of the tape
 - d. Indicate channels on audio
2. The Community Access Coordinator will review submitted tapes to ensure minimum technical standards when aired over the cable system.
3. Tapes unable to carry a stable signal or which exhibit poor production techniques will not be aired.
4. All videotapes supplied for airing will be on a format compatible with Access Facility equipment.
5. Audio quality of all videotapes will be constant and of sufficient level to permit adequate reproduction on the channel's transmission equipment.
6. The program must be no more than a second-generation dub with low noise content and a minimum of color smearing.

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7. The tape must contain 10 seconds slate 30 seconds countdown, program video and black to the end of the tape. The tape shall begin with 30 seconds of color bars.
8. Tapes must be electronically edited on an editing machine. Camera edits cause by turning VTR off and on while shooting are not acceptable.
9. All tapes should have titles and credits recorded on a character generator or graphically displayed using readable letters.

C. Delivery and return of tape

All Access Users must personally deliver and pick-up their own videotapes. Videotapes will be kept for a three (3) month period after the date submitted. After that time, the videotape(s) will be disposed of or recycled. Tapes may be returned via U.S. Mail at the expense of the user.

D. Copyright and Ownership of Footage

All raw footage produced on Access Equipment and/or videotape stock shall be the sole property of the Community Access Channel and may be re-used or sold for use in other productions.

IX. GRIEVANCE PROCEDURES

- A. Any person wishing to protest decisions made by the Community Access Coordinator (e.g. playback and production scheduling, refusal to carry a program due to content or length, or any conflict arising as to these Policies, Procedures, and Guidelines) may file an appeal and request a hearing before the Community Access Subcommittee.

B. Appeal Procedures

1. Community Access Subcommittee

Any applicant wishing to file an appeal must submit a detailed report regarding the complaint to the Community Access Coordinator. Such appeal shall be filed within ten (10) days after the disputed action. A hearing before the Community Access Subcommittee will take place within 30 days of the filing of the appeal. At the time of the appeal hearing the Community Access Subcommittee shall hear all relevant evidence, shall determine the merits of the appeal, and render a written decision within seven (7) days after the hearing.

2. Tracy City Council

- a. Should a person wish to appeal the Community Access Subcommittee's decision he or she shall file the original appeal and the decision of the Committee with the Tracy City Clerk's office.

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b. All appeals to the City Council shall be made in accordance with Chapter 1.12 of the Tracy Municipal Code.

Adopted by Resolution 2003-157
Revised by Resolution 2005-234