

TABLE OF CONTENTS

CITY OF NORTH LIBERTY

CABLE ACCESS POLICY AND PROCEDURE GUIDELINES

I.	PEG ACCESS PROGRAMMING	2
	A. Public Access	2
	B. Educational Access	2
	C. Government Access	2
	D. Community Programming	3
II.	PROGRAM CONTENT	3
	A. Gambling	3
	B. Obscenity/Pornography	3
	C. Solicitation	3
	D. Advertising	3
	E. Products or Service	3
	F. Commercial Identification	3
	G. Misrepresentation	3
	H. Illegalities	3
	I. PROGRAM DISCLAIMER	3
	J. Approval, Clearances	4
	K. Program Underwriting	4
	L. Underwriting Guidelines	4
	M. Political Guidelines	4
III.	VIDEOS REFUSED FOR CABLECAST	4
IV.	VIDEO LABELING	4
V.	FORMAL GRIEVANCE POLICY AND PROCEDURE	4
VI.	EMERGENCY MESSAGE SYSTEM	5
VII.	NLTV BULLETIN BOARD	6
VIII.	GUIDELINES ENFORCEMENT PROCEDURE	6
IX.	CHARGES FOR TELECOMMUNICATIONS DEPARTMENT SERVICES	7
X.	OFFICIAL USE AND AVAILABILITY OF NLTV PROGRAMMING	8

I. PEG ACCESS PROGRAMMING

The City of North Liberty defines types of programming for the Access Channel and any other access channels as follows. General priority for scheduling programs will be, from greatest to least priority, Government Access, Community Programming, Educational Access and Public Access.

A. PUBLIC ACCESS:

1. Any member of the public may produce and/or submit a program for cablecast, by completion of a Cablecast Request form.
2. Requires personal identification, sponsorship and DISCLAIMER:
 - a. Must run at least twenty (20) seconds.
 - b. Must contain the following DISCLAIMER (which is the DISCLAIMER referred to throughout this text):

“THE VIEWS EXPRESSED IN THE FOLLOWING VIDEO PRESENTATION ARE THE SOLE RESPONSIBILITY OF THE PRODUCER(S) AND THUS DO NOT NECESSARILY REPRESENT THE VIEWS OR OPINIONS OF THE CITY OF NORTH LIBERTY, THE MAYOR, CITY COUNCIL, OR CITY STAFF”.

3. Public Access programs will be scheduled at the discretion of the Telecommunications Production Coordinator based on the following ranking of priority, from highest to lowest:
 - Locally-produced programs with timely subject matter
 - Regional or imported programs with timely subject matter
 - Locally-produced programs of any subject matter
 - Regional or imported programs of any subject matter
4. The Telecommunications Production Coordinator shall attempt to resolve conflicts. (See Section V, “Formal Grievance Policy and Procedure”)

B. EDUCATIONAL ACCESS:

1. Programming produced or supplied by a recognized representative of an educational institution, public or private; such as:
 - Iowa City Community School District.
 - Clear Creek Community School District.
 - The University of Iowa.
 - Other local educational institutions.
2. Educational institution representatives determine if content is “educational”.

C. GOVERNMENT ACCESS:

1. Programming supplied or produced by local government agencies.
2. Program may be recorded by Telecommunications Department designees at the direction of the City Administrator.
3. The following public meetings must be recorded gavel to gavel. As a guide, priority in taping and scheduling shall be in this order:
 - a. The Telecommunications Production Coordinator shall ensure that the following public meetings are routinely cablecast live and/or recorded for showing on local PEG access channel:
 - North Liberty City Council
 - North Liberty Planning and Zoning Commission
 - North Liberty Telecommunications Commission
 - North Liberty Library Board
 - North Liberty Parks and Recreation Board
 - b. The following public meetings may be cablecast live and recorded at the discretion of the Telecommunications Department, in consultation with the City Administrator:
 - Johnson County Board of Supervisors
 - Iowa City School Board
 - North Liberty Board of Adjustment
 - North Liberty Tree & Stormwater Advisory Board
 - North Liberty Cemetery Board

- Any other public meeting
- 4. Programming should include identification of sponsorship and producer responsibility.
- 5. Each program submitted for local government access shall be shown a minimum of two times.

D. COMMUNITY PROGRAMMING:

1. Programs produced on behalf of a local non-profit or not-for-profit organization.
2. The Telecommunications Department may produce Community Programming, at no cost to the organization(s) involved. In general, Government Access production takes precedence over Community Program production.
3. Community Programs produced by any entity other than the Telecommunications Department must contain the DISCLAIMER.
4. Depending on sponsoring organization(s) and program content, Community Programs may also be defined as Government or Educational Access programs.
5. Telecommunications staff may elect to provide one (1) copy, in a format of staff's choosing, of any Community Program produced by NLTV to the sponsoring organization or program/event participant.

II. PROGRAM CONTENT

In accordance with federal, state and local law, a program being cablecast live or played back on the PEG Channel may not include gambling or obscenity/pornography. If the Telecommunications Production Coordinator believes herein that a program may violate the guidelines stated, the Telecommunications Production Coordinator will contact the City Attorney and follow the instruction given by same. The recommendation of the City Attorney may include removing the program in question from cablecast pending review and finding of the City Attorney. "Time, place, and manner restriction" may be applied by the City Attorney on the PEG Channel.

- A. **GAMBLING.** No program may promote or conduct any commercial lottery, raffle, contest or game involving prizes awarded in whole or in part by lot or chance.
- B. **OBSCENITY/PORNOGRAPHY.** The program may not contain material which is obscene as defined by 413 US 15, *Miller v. California*, based on the following criteria:
 1. The average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest.
 2. The work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law.
 3. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.
- C. **SOLICITATION.** The program may not solicit funds or other property of value from viewers, except for the purpose of fundraising for a 501(c)3 non-profit organization or government agency. Any on-air fundraising initiatives must specify the intended use for solicited funds, and be approved by the Telecommunications Production Coordinator or City Administrator.
- D. **ADVERTISING.** The program may not promote the for-profit sale of products or services, including prices, or promote or endorse a trade or business. Coverage of local meetings or events that mention commercial entities, or promotion of free public events hosted by commercial entities may be exempt from this section and sections E and F (below).
- E. **PRODUCTS OR SERVICE.** The program may not discuss or show products or service made available by persons, corporations or institutions which have a commercial interest in the subject of the programs. It may, however, identify underwriters providing grants or contributions to defray the cost of programs. The identification format must be exactly like the following:

THIS PROGRAM HAS BEEN MADE POSSIBLE (IN PART) BY A GRANT FROM/BY
SUPPORT FROM (THE SPONSOR'S FULL NAME).
- F. **COMMERCIAL IDENTIFICATION.** The program may not promote, or make reference to any products, service, trademark or brand name in any manner which does not in some way correlate with the message being brought forth in the program on the access channel.
- G. **MISREPRESENTATION.** The program may not contain any material intended to defraud the viewer or designed to obtain money by false or fraudulent pretenses, representation or promises.
- H. **ILLEGALITIES.** The program may not contain any material which constitutes libel, slander, defamation, invasion of privacy or publicity rights, unfair competition or violation of trademark or copyright or which may otherwise violate any local, state or federal law.

- I. **PROGRAM DISCLAIMER.** The **DISCLAIMER** will appear preceding every Public program that is submitted for cablecast. It is the responsibility of the producer to edit on this **DISCLAIMER** before the first cablecast of a program. If the **DISCLAIMER** does not appear on the program, that program will be pulled out of the cablecasting schedule and the producer notified that her/his program will not be cablecast until the program **DISCLAIMER** is edited onto the program. See Section I, "PEG Access Programming," Article A, "Public Access," Section 2-c for complete **DISCLAIMER**.
- J. **APPROVALS, CLEARANCES.** Producers must obtain in writing, and be able to produce upon request, all necessary approvals, clearances, licenses, etc. for the use of any program material to be cablecast. This includes, but is not limited to, approvals by broadcasting stations, networks, sponsors, music licensing organizations, copyright owners, performers' representative, and all persons featured in the program material, and any other approvals that may be necessary to transmit the program via public access channel.
- K. **PROGRAM UNDERWRITING.** The underwriting of community access programs to defray cost is permitted on the PEG access channel provided that such underwriting does not constitute commercial exploitation, as determined by the City Attorney, of the PEG Access Channel.
- L. **UNDERWRITING GUIDELINES.**
 - 1. Advertising, as defined in the "content" section, is not permitted.
 - 2. Corporate logos with an accompanying slogan are permitted at the opening and/or close of programming.
 - 3. Underwriters' phone numbers are not permitted.
 - 4. Underwriting acknowledgments may be spoken and/or written but are limited to ten (10) seconds each at the beginning or the end of the program.
 - 5. Any mention of product or services performed is prohibited.
 - 6. The picture of the commercial establishment underwriting a program is not permitted, unless it is part of the copyrighted company or corporation logo.
- M. **POLITICAL GUIDELINES.** Legally qualified candidates for public office desiring to use the PEG access channel must adhere to the following:
 - 1. For municipal, state and county offices, material is cablecast after the last official deadline for filing papers has passed, and ending at 6:00 p.m. the Saturday before the election.
 - 2. For federal officers, the material is cablecast beginning six months before the election and ending at 6:00 p.m. the Saturday before the election.
 - 3. The minimum length of any program in which a candidate appears is five minutes.
 - 4. The total amount of time allotted to any one candidate from public office to appear on the PEG Access Channel is one hour per month, excluding panel discussions or candidate forums.

III. VIDEOS REFUSED FOR CABLECAST

Videos that are refused to be cablecast must be retrieved within fourteen (14) days of notification for correction. If not retrieved within that time, or if a stamped self-addressed mailer has not been provided, the City and Telecommunications Department reserves the right to erase and recycle or discard these materials.

IV. VIDEO LABELING

All programs submitted for cablecast must be accurately timed and labeled on media face and storage case with the following:

- A. Producer's name.
- B. Producer's telephone number.
- C. Series or program title.
- D. Program record date.
- E. Type of access programming (educational access, government access, public access).
- F. Preroll (length of program to run before switching to cable) and total run times.

V. FORMAL GRIEVANCE POLICY AND PROCEDURE

Any person may present a formal written grievance to the Telecommunications Department, in person or by mail. Copies will be forwarded to the Telecommunications Commission Chair and Vice Chair. Attempts will be made to resolve grievances within 30 days. All formal written grievances require the following information in order to be processed:

- A. Name of all persons participating in filing of the grievance, or identification of a single “contact” person to whom the response should be presented by an individual in the event that a person claims to represent a group or organization.
- B. The current address of all persons participating in the filing to the grievance or of the designated “contact” person.
- C. Current name and work telephone numbers of all persons participating in the filing of the grievance or of the designated “contact” person.
- D. An indication of the time of day and location at which persons filing the grievance and/or the designated “contact” person can most likely be reached.
- E. The nature of the grievance clearly stated with relevant details as follows:
 - 1. If the grievance is based on a policy or procedure, or program content, it must be filed within 30 days of the last program air date, and it should include:
 - a. An explanation of which policy or procedure is in question.
 - b. The nature of the grievance against the policy or procedure.
 - c. The recommendation(s) for change in policy or procedure that is believed needed.
 - 2. If the grievance is based on an incident, it must be filed within 30 days of the incident and should include the following relevant information:
 - a. The name of, or a description of, the staff person(s) involved in the grievance incident.
 - b. The name of, or a description of, any other person(s) involved in the grievance incident.
 - c. The date and the time of day of the grievance incident.
 - d. The location where the grievance incident occurred.
 - e. A clear and complete explanation of what occurred and of the reasons and/or behavior of the staff person(s) and/or other person(s) involved in the incident.
- F. Once the grievance is received, the Telecommunications Production Coordinator will attempt to make an initial contact with the person(s) filing the grievance, or with the designated “contact” person, within five (5) working days. A written response will be sent and postmarked within 14 working days from the date that the grievance was received.
- G. If party reporting the grievance is not satisfied with the Telecommunications Production Coordinator’s decision, the filing party can then appeal to the Telecommunications Commission. Appeal must be made within 30 days of notice of the Telecommunications Production Coordinator’s decision or until the next Telecommunications Commission meeting, whichever is greater. If not satisfied with the Telecommunications Commission, appeal may be made to the City Administrator. If not satisfied with the City Administrator’s decision, appeal may be made to the City Council. The City Council’s decision will be final and conclusive. Attempts will be made so that the grievant receives a decision from the City Council within 30 days of appealing the City Administrator’s decision.
- H. Failure to follow the grievance policies and procedures as stated above may result in a delayed response to any grievance. Successive failure to follow grievance policies and procedures will relieve the City from any responsibility to respond to the grievance.

VI. EMERGENCY MESSAGE SYSTEM

- A. The access channel can be used by designated City officials to display an emergency message to the viewing public. This system shall only be used during an emergency that affects City residents but is not severe enough to warrant activation of the official Emergency Alert System (EAS). In cases when the EAS has been activated, this system may only be used to notify viewers to turn to their official EAS broadcast station.
- B. The following City officials shall be trained in activation of the emergency message system:
 - 1. Telecommunications Production Coordinator
 - 2. Media Coordinator
 - 3. One Community Center staff person, as designated by Telecom. Production CoordinatorThe Telecom. Production Coordinator may designate other City staff as qualified to be trained to use the system.
- C. City officials shall use their discretion in attempting to contact a Telecommunications Department staff person prior to activating the system themselves. To protect the integrity of the message system, City officials should first attempt to contact the Telecommunications Production Coordinator to assist in posting their message, if such a brief delay does not endanger residents.

- D. The Telecommunications Department shall designate the screen location, font, color and formatting of text to be used for emergency messages.
- E. Any emergency message must include the following:
 - 1. Nature of the emergency
 - 2. Effective time and date of emergency
 - 3. "Issued by" including the official's title
 - 4. How to find out more information, if applicable
- F. The individual who posts an emergency message is also responsible for posting an "all clear" message and returning the channel to normal programming.
- G. Examples of appropriate use of the NLTV emergency message system would be:
 - 1. Snow emergency
 - 2. Interruption in water service
 - 3. Missing person
 - 4. Emergency road closure
 - 5. Precautionary evacuation
 - 6. Railroad derailment

VII. NLTV BULLETIN BOARD

- A. Members of the public and representatives of local non-profit organizations may utilize the NLTV Bulletin Board free of charge for the purpose of promoting any non-commercial service or event.
- B. Information to be posted on the NLTV Bulletin Board should be submitted to the Telecommunications Department in person or by mail, fax, telephone, e-mail or web form.
- C. The Telecommunications Department reserves the right to edit materials to be posted for length, formatting and content.
- D. Messages should be submitted no later than one week prior to any timely event or promotion. Telecommunications Department staff shall use their best efforts to post Bulletin Board announcements within two business days of receipt.

VIII. GUIDELINES FOR ENFORCEMENT PROCEDURE

- A. When the Telecommunications staff determines that there has been an apparent violation of any of the guidelines that have been previously mentioned in this document the Telecommunications Production Coordinator:
 - 1. Shall send the user written notification of the alleged violation and advise the user of her/his right to meet with the Telecommunications Production Coordinator before a final determination, including possible sanctions, is made. This notification will also be sent to the Telecommunications Commission Chair and Vice Chair. The user shall be advised that her/his request for a meeting must be made to the Telecommunications Production Coordinator orally or in writing within two weeks of the date of the letter of notification.
 - 2. May immediately suspend cablecast of a program, provided that the program contains alleged violations of procedures previously stated in these guidelines, or provided that continued cablecast of the program would create clear and substantial risk of legal liability for the PEG Access Channel. In the event of suspension of cablecast, the user shall be sent written notification of the alleged violation within 48 hours of the suspension. Copies of that notice shall be sent at the same time to all members of the Telecommunications Commission, City Council and City Administrator. All other procedures for processing alleged violations, indicated in the following section, shall also apply.
- B. After meeting with user, or, if no meeting is requested, after two weeks from the date the user was notified of the infraction, the Telecommunications Production Coordinator may take no action or may take one or more of the following actions:
 - 1. Suspend for a period of time, or revoke, in whole or in part, the user's rights to use the PEG Access Channel.
 - 2. Take such other action as is fair, reasonable and equitable.
- C. No person shall have user rights suspended or revoked unless the Telecommunications Production Coordinator determines that the user's conduct is an aggravated infraction of any PEG Access Channel rules and regulations. In determining whether an infraction is aggravated, the Telecommunications Production Coordinator shall consider whether:
 - 1. The user has been involved in previous infractions.

2. The infraction reflects a serious disregard by the user of the personal or property rights of others.
 3. The infraction was intentional or demonstrated a willful disregard for these rules and procedures.
- D. The Telecommunications Production Coordinator shall notify the user in writing of a decision to impose sanctions as soon as possible. If the Telecommunications Production Coordinator suspends or revokes user rights and if the Telecommunications Production Coordinator determines that the user's conduct seriously endangered the person or property of others, the notice shall so state, and the revocation or suspension shall take effect immediately. Otherwise, sanctions shall not take effect until 20 days after the user is notified of the Telecommunications Production Coordinator's decision. The Telecommunications Commission, Mayor, City Council and City Administrator shall be sent a copy of any notice required by this section. If party is not satisfied with Telecommunications Production Coordinator's decision, they may appeal to the Telecommunications Commission.
- E. Upon receipt of appeal from a user, the Telecommunications Commission shall include the matter in its agenda, granting priority over all the other agenda matters except for the appeals made under this section. That portion of a Telecommunications Commission meeting at which an appeal is heard shall be open to the public and shall be recorded. At the meeting the Telecommunications Production Coordinator shall describe any sanctions imposed and the basis for alleging a violation of the PEG Access Channel's rules. The user shall then be entitled to testify regarding the alleged violation and any sanctions. Both user and the Telecommunications Production Coordinator may present witnesses or evidence related to the alleged violation. Public comment will be taken at the discretion of the Commission.
- F. If the Telecommunications Commission determines that there is sufficient basis to justify the Telecommunications Production Coordinator's determination of a violation of the Public Access Channel's rules, then that determination shall be affirmed. The Telecommunications Commission may modify the Telecommunications Production Coordinator's determination or any sanctions imposed or may make a new determination or impose new sanctions. If the Telecommunications Commission determines there was no violation of the PEG Access Channel's rules, the Telecommunications Commission shall remove any sanctions.
- G. Any decision by the Telecommunications Commission may be appealed to the City Council. All decisions made by the City Council shall be final and conclusive.

IX. CHARGES FOR TELECOMMUNICATIONS DEPARTMENT SERVICES

- A. There will be no charge for playing videos over the channel.
- B. Telecommunications Department staff can make copies of NLTV and City programs at her/his discretion. Copies will be made on the following charge scale, except for certain NLTV-produced programs deemed as promotional, which may be sold at a higher rate for fundraising purposes:
- | | |
|----------------------|---------------|
| VHS (up to 2 hours): | \$10 per copy |
| DVD (up to 2 hours): | \$15 per copy |

The Telecommunications Department offers transfer of non-copyrighted material (such as home videos or school projects) from VHS, S-VHS, mini-DV or DVD onto DVD. Rates for DVD copies are as follows:

DVD (content <10 minutes):	\$15 per copy
DVD (content >10 but < 30 minutes):	\$20 per copy
DVD (content >30 minutes, up to 2 hours):	\$25 per copy

All VHS and DVD copies will be labeled and packaged at the discretion of the Telecommunications Department.

- C. The Telecommunications Department may offer other services to the public, such as editing of footage for transfer to DVD, custom DVD menus, or transfer of video footage to CD-ROM, which will be charged at a rate of \$45 per staff hour. Such services are available at the discretion of Department staff.

X. OFFICIAL USE AND AVAILABILITY OF NLTV PROGRAMMING

- A. NLTV will archive copies of the following public meetings, in addition to playing them on NLTV:

1. City Council regular meetings
 2. Planning and Zoning Commission meetings
 3. Telecommunications Commission meetings
 4. Library Board of Trustees
 5. Tree and Stormwater Advisory Board
 6. Parks & Recreation Commission
 7. Other public meetings and special events at the discretion of City administration and/or Telecommunications Department staff
- B. Above programs will, in addition to being played on NLTV, be stored in the following formats:
1. DVD copy in NLTV office. This copy will be:
 - a. The program in its entirety
 - b. To be stored indefinitely
 - c. As a master for making copies
 - d. For staff use/review on premises only
 2. DVD copy for checkout at North Liberty Community Library, available up to one year after meeting/event date.
- C. City Council meetings, in addition to the above formats, will be available as digital video on the City of North Liberty website, available for download/viewing as long as server storage space will allow, but no less than one month after the meeting date.
- D. NLTV may elect to make a DVD or VHS copy of any program available for short term/temporary use by City officials or the media, to be lent at Departmental staff discretion on a first-come, first-served basis. However, individuals interested in viewing NLTV programming are encouraged to do so on NLTV (cable channel 5), online and in the North Liberty Community Library. Anyone may purchase copies of NLTV programming based on the pricing structure in Section IX B.