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CITY OF NORTH LIBERTY

CABLE ACCESS POLICY AND PROCEDURE GUIDELINES

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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 and sponsorship:
 - a. Must run at least twenty (20) seconds.
 - b. A DISCLAIMER (which is the DISCLAIMER referred to throughout this text) will be added by Communications Staff:
“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 Communications Staff 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. Communications Staff shall attempt to resolve conflicts. (See Section V, “Formal Grievance Policy and Procedure”)
5. Each program must identify a local sponsor; the submission must provide the name of this resident of Johnson County, Iowa, and their contact information on the Cablecast Request form.

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 Communications Department designees.
3. Communications Staff shall ensure that the following public meetings are routinely cablecast live and/or recorded for showing on local PEG access channel. Priority in taping and scheduling shall be in this order, as department resources allow:
 - a.
 - North Liberty City Council
 - North Liberty Planning and Zoning Commission
 - North Liberty Communications Advisory Commission
 - North Liberty Library Board
 - North Liberty Parks and Recreation Board
 - North Liberty Board of Adjustment
 - North Liberty Tree & Stormwater Advisory Board
 - North Liberty Cemetery Board
 - North Liberty Board of Appeals

Work, planning, goal setting and educational sessions of the above-mentioned Boards and Commissions will be cablecast live and/or recorded as requested by the City Administrator and as staff time permits. If a meeting (or portion) will not be covered, it shall be noted on the agenda along with a brief explanation.

- b. The following public meetings may be cablecast live and recorded at the discretion of the Communications Department, in consultation with the City Administrator:
 - Johnson County Board of Supervisors
 - Iowa City School 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.
 - a. Public meetings shall be shown on the channel for one month or until the next scheduled meeting, whichever comes first.
6. All public meeting agendas will be posted on the City of North Liberty Web site at least 24 business hours before the meeting.

D. COMMUNITY PROGRAMMING:

1. Programs produced on behalf of a local non-profit or not-for-profit organization.
2. The Communications 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. Depending on sponsoring organization(s) and program content, Community Programs may also be defined as Government or Educational Access programs.
4. 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 Communications Staff believes herein that a program may violate the guidelines stated, Communications Staff 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 Communications Staff 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. **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.
- J. 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.
- K. 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 Communications 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 Communications Department, in person or by mail. Copies will be forwarded to the Communications Advisory Commission Chair, Vice Chair and City Administrator. 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 10 working 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.
- d. The date and the time of day of the grievance incident.
- e. The location where the grievance incident occurred.
- F. Once the grievance is received, Communications Staff 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 10 working days from the date that the grievance was received.
- G. If party reporting the grievance is not satisfied with Communications Staff's decision, the filing party can then appeal to the Communications Advisory Commission. Appeal must be made within 10 working days of notice of Communications Staff's decision. If not satisfied with the Communications Advisory Commission, appeal may be made to the City Administrator. The City Administrator's decision will be final and conclusive. Attempts will be made so that the grievant receives a decision from the City Administrator within 10 working days of appealing the Communications Advisory Commission 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. Telecommunications Director
 - 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 Communications 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 Communications Department to assist in posting their message, if such a brief delay does not endanger residents.
- D. The Communications 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
 - 7. Boil order advisory

VII. DIGITAL BULLETIN BOARD

- A. Members of the public and representatives of local non-profit organizations may use the Digital Bulletin Board free of charge for the purpose of promoting any non-commercial service or event.
- B. Information to be posted on the Digital Bulletin Board should be submitted to the Communications Department in person, by mail, or e-mail.
- C. The Communications 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. Communications Department staff shall use their best efforts to post Digital Bulletin Board announcements within two business days of receipt.
- E. Messages from the public will be displayed through the event or for 60 days, whichever comes first.
- F. There will be a limit of 10 public items on the Digital Bulletin Board at any given time. These will be allotted on a first-come, first-served basis.

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 Communications Staff:
 - 1. Shall send the user written notification of the alleged violation and advise the user of her/his right to meet with Communications Staff before a final determination, including possible sanctions, is made. This notification will also be sent to the Communications Advisory Commission Chair, Vice Chair, Mayor and City Council and City Administrator. The user shall be advised that her/his request for a meeting must be made to Communications Staff 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 Communications Advisory Commission, Mayor, 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, Communications Staff 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 Communications Staff 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, Communications Staff 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. Communications Staff shall notify the user in writing of a decision to impose sanctions as soon as possible. If Communications Staff suspends or revokes user rights and if Communications Staff 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 Communications Staff's decision. The Communications Advisory 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 the decision in accordance with Section V of this policy entitled, Formal Grievance Policy and Procedure.
- E. Upon receipt of appeal from a user, the Communications Advisory 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 Communications Advisory Commission meeting at which an appeal is heard shall be open to the public and shall be recorded. At the meeting Communications Staff 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 Communications Staff may present witnesses or evidence related to the alleged violation. Public comment will be taken at the discretion of the Commission.
- F. If the Communications Advisory Commission determines that there is sufficient basis to justify Communications Staff's determination of a violation of the Public Access Channel's rules, then that determination shall be affirmed. The Communications Advisory Commission may modify Communications Staff's determination or any sanctions imposed or may make a new determination or impose new sanctions. If the Communications Advisory Commission determines there was no violation of the PEG Access Channel's rules, the Communications Advisory Commission shall remove any sanctions.

IX. CHARGES FOR COMMUNICATIONS DEPARTMENT SERVICES

- A. There will be no charge for playing videos over the channel.
- B. Communications Department staff can make copies of NLTV and City programs at her/his discretion. Copies will be made as DVDs (up to 2 hours) for \$15 per copy, except for certain NLTV-produced programs deemed as promotional, which may be sold at a higher rate for fundraising purposes. All DVD copies will be labeled and packaged at the discretion of the Communications Department.
- C. The Communications Department may offer other services to the public, such as editing of footage for transfer to DVD, custom DVD menus, 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. North Liberty City Council

North Liberty Cable Access Policy and Procedure Guidelines

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2. North Liberty Planning and Zoning Commission
 3. North Liberty Communications Advisory Commission
 4. North Liberty Library Board
 5. North Liberty Parks and Recreation Board
 6. North Liberty Board of Adjustment
 7. North Liberty Tree & Stormwater Advisory Board
 8. North Liberty Cemetery Board
 9. North Liberty Board of Appeals
1. Other public meetings and special events at the discretion of City administration and/or Communications 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 and available as technology allows.
 - 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. All public meetings, in addition to the above formats, will be available as digital video through the City of North Liberty Web site, 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 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.