

Purpose

This policy is to prescribe uniform procedures to allow access to the so-called Public, Education, and Government Channel(s) (the “PEG Channel”) which are intended to provide a non-commercial opportunity to (a) the governmental and educational institutions to inform the public of their activities and matters of public interest, (b) the general public for an outlet to express their creativity and free speech rights, (c) present a wide range of programming that expresses the diversity of perspectives, and (d) recognizes that with rights come certain responsibilities and accepted behaviors.

Administration

This policy shall be administered by the City Administrator, or Acting Cable Director if designated by the City Administrator, on behalf of the City of West Branch (the “City”) who shall submit an annual report to the City Council on the numbers and types of programs authorized and aired. All inquiries and complaints should be directed to the city office at

City of West Branch
PO Box 218
110 N Poplar St.
West Branch, IA 52358

Definitions

- a) Access User: Any party seeking to air materials over the City’s PEG Channel.
- b) Commercial: Advertising and promotional material, including any program disguised as a so-called “Infomercial”, designed to promote the sale of commercial products or services by telling about promoting or praising a product, service, or business, in such a manner as to make people want to buy; as intentionally showing business or product names, logos, or symbols as promotion; as having the intent to make a profit as a result of the telecast.
- c) Copyright: the exclusive legal right of publication, duplication, imitation, or sale of literary, musical or artistic work.
- d) Fundraising: The direct or indirect presentation of lottery information, games of chance for money or prizes, or similar money making enterprises or similar schemes excepting those conducted by nonprofit organizations properly licensed by the town and or state.
- e) Generally Offensive: Language of slang, vulgar or colloquial expression which refers, in the context in which it is used, to sexually explicit acts or to human elimination; or abusive language against men or women, ethnic groups, religious groups, sexual orientation, or persons with disabilities.
- f) Graphic Images: Images or depictions of human or animal elimination and/or mutilation; graphic medical surgical procedures; or abuse against men or women, ethnic groups, religious groups, sexual orientation, or persons with disabilities.
- g) Illegal: Any material which violates any local, state or Federal law, or regulation thereof including, but not limited to, FCC Regulations (i.e., slanderous or libelous material).
- h) Indecent: “Language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs” as defined in the 1992 policy statement of the Federal Communications Commission.

- i) Issue: A program whose primary purpose is to discuss the activities of an elected or appointed entity and the matters before them or a matter proposed for, or subject to, a ballot vote.
- j) Libel: Defamation by publishing or broadcasting information or statements that makes a false claim, expressively stated or implied to be factual, that may harm the reputation of an individual, business, product, group, government or nation and expose the subject to public hatred, shame or disgrace.
- k) Obscene: That material which violates the Supreme Court standard as “works which, taken as a whole, appeal to the prurient interest in sex; which portray sexual conduct in a patently offensive way, and which, taken as a whole, do not have serious literary, artistic, political, or scientific value.” or by standards established by any federal, state or local regulation or law applicable to cable television.
- l) Organization/City: The corporate body politic(s) known respectively as the City of West Branch and any of its officers or employees acting in an official capacity, and nonprofit corporations, civic, or public interest clubs or associations of citizens who maintain their official place of business within West Branch with the purpose of serving the community.
- m) Political: A program whose primary purpose is to discuss the activities of an individual elected office holder, a candidate for the same, a group of elected or appointed officials or a political party.
- n) Producer: A resident, over the age of 18, or an organization who conceives of a program idea and manages the production of the program utilizing a majority of material which is filmed, videoed, collected, voiced over, captioned, and edited in an original state or is otherwise generated originally and who collects the majority of the materials themselves or under their direction and control. Residents under the age of eighteen may be a producer provided they obtain a mentor producer over the age of 18 who accepts full responsibility for the content of the program and completes all otherwise required forms and certifications required for access. He or she must have a parent or guardian cosign any required forms.
- o) Resident: A person who is domiciled or has a place of abode or both within the city limits of West Branch, and who has, through all of his actions, demonstrated a current intent to designate that

Policy

a) Open Access

- i) No individual or group will be denied access on the basis of national origin, color, gender, gender orientation, disability, religion, political belief, or marital status.
- ii) In accordance with free speech protections of the First Amendment of the US Constitution, the City will not censor programs. This policy is not to exercise editorial control and the City does not accept any responsibility for the content of access programs, except those produced or sponsored by the City.
- iii) Programming time will be made available to access users on a first-come, first served, nondiscriminatory, non-monopolistic basis, in accordance with the procedures contained herein, provided they complete and submit the required documents for access and comply with this policy statement.
- iv) Access Users shall make a separate and distinct application for each program. After multiple programs have been produced, the City Administrator or Acting Cable Director

may, at his/her discretion, grant the access user permanent approved status for the subject material.

- v) Programs and slides must have a producer or sponsor who is considered a Resident of West Branch who is listed on the application or slide request for PEG Channel Access.

b) Borrowing Equipment

Producers are required to sign a Statement of Compliance following the Guidelines workshop that guarantees City the right to broadcast programming produced with cable access equipment and facilities on its channel, and also holds liable the producer for costs of repair or replacement of equipment or materials resulting from damage, misuse or theft while equipment or materials are in his or her possession or control. Those under legal age (18) are required to have a parent or guardian sign this Statement of Compliance. Because of insurance requirements for portable equipment, an individual must be at least 14 years of age to check out equipment.

After a legally responsible adult signature has been obtained for a community producer under 18, the producer need only sign the Equipment Checkout Form when checking out equipment. The producer who reserves equipment must pick up the equipment and is responsible for testing any portable equipment before leaving the City Office to guarantee that everything is in proper working order.

Borrowing requests may be refused when specific equipment is required for the recording of a City of West Branch event.

c) Acceptable Formats and Quality

Materials must be presented to the city of West Branch in a digital file. Acceptable file types include mp4, mpeg, mov, and mk4. City staff will attempt to convert the files to an MPEG-2 file but is not responsible for the success of this process. Those who wish to ensure this process should provide the file as an mpeg video.

Material constantly submitted with poor video quality (i.e., bleeding colors, excessive video noise, incorrect white balance, unstable video, washed out colors, insufficient brightness, focus, or contrast problems) or poor audio quality (i.e., audio level too low, excessive noise, synchronization problems, muddy or muffled sound) may be rejected.

Those wishing to add content to the channel's slide show that airs between programs must provide the following details:

- i) Event Description
- ii) Event dates and location
- iii) Contact information

Those who wish to control the formatting of the slide must submit their own image to be shown. Slide requirements are jpeg images with the dimensions 1024x768. Those who are requesting a slide to be created by city staff will have the information input into a stock slide.

d) Disclaimers and Credits

All programs produced for the access channel must have a 10-second disclaimer prior to the start of the program stating: West Branch Community Access Television is not responsible for the content of this program. All programs produced for the access channel must have a 10-second statement at the end of the program identifying the producer of the program and how to contact them.

After the addition of these disclaimers, added disclaimers of equivalent reasonable duration and type, if required by the program content, must be run for 10 seconds and then again at each quarter hour of the program.

Added disclaimers describe the program are intended to achieve a balance between the First Amendment right to free speech and the cable subscriber's right to be protected from unwanted viewing of offensive material.

- i) Producer or Sponsor Disclaimer: "The following program is locally produced (or sponsored) by <name of producer and/or organization>. The content of the program is the sole responsibility of the producer and does not reflect the views or policies the City of West Branch, its officers, or its employees. Questions about this program may be directed to <name and contact information>. Complaints about this program or inquiries on how to produce a rebuttal program may be directed to the West Branch City Office."
- ii) Graphic or Violent Material Warning: "This program contains graphic (or violent) material which may be offensive to some viewers. Parental discretion is advised. The content of the program is the sole responsibility of the producer, <producer name and contact information> and does not reflect the views or policies the City of West Branch, its officers, or its employees."
- iii) Generally Offensive Warning: "This program contains graphic or sensitive material which may be offensive to some viewers. Parental discretion is advised. . The content of the program is the sole responsibility of the producer, <producer name and contact information> and does not reflect the views or policies the City of West Branch, its officers, or its employees."

e) Prohibited

The following materials are prohibited and shall not be shown:

- i) Obscene, Indecent or Libelous Material;
- ii) Commercial or Fundraising Material;
- iii) Illegal Material;
- iv) Any person who represents themselves to be an employee, officer, or agent of the City of West Branch unless specifically authorized to do so by the City;
- v) Any use of the West Branch Logo or Seal unless specifically authorized by the City

f) Indemnification

In using the City's PEG Channel, the user shall agree to indemnify and save harmless the City of West Branch and its employees, officers, and successors and assigns from any and all claims and causes of action arising out of their use of the PEG Channel, including the payment of any and all damages awarded as a result thereof and the payment of legal costs including attorney fees, by them or any third party in connection with their use of the PEG Channel, materials they show thereon, or materials they obtain from a third party site source.

g) Complaints

The City Administrator will acknowledge the receipt of any complaint from a person with respect to access programming within seven days of receiving the complaint, conclude his review of the complaint within 45 days of receipt of the complaint, and advise the complainant of his findings forthwith. In notifying the complainant of his decision, he shall include a notice of their right to appeal if they are aggrieved by the decision. Action in response to a complaint may include:

- i) Advising the complainant of their opportunity, in accordance with this policy statement, to present an opposing view;
- ii) A finding there is no basis for the complaint;
- iii) A referral to the West Branch Police Department or other appropriate law enforcement agency (when the program is alleged to be obscene or otherwise illegal);
- iv) Other action taken in accordance with this policy statement.

h) Special Considerations

- i) Programs with general offensive or violent material may not be scheduled between 3 p.m. and 11 p.m. at the discretion of the City Administrator or Acting Cable Director.
- ii) Programs related to a ballot vote shall not be broadcast after 12:01 am of the Saturday before an election.

i) Violations

Noncompliance with these policies by users shall not be tolerated. Violation will result in written warnings or suspension of privileges by the City Administrator or Acting Cable Director based on the severity and repetition of the offense.