

COUNCIL COMMUNICATION

DATE: 08- -12	SUBJECT: PUBLIC HEARING AND INTRODUCTORY ORDINANCE REVISING ORDINANCE NO. 2009-0-052 WHICH ESTABLISHED ORIGINAL RULES AND FEES FOR THE PUBLIC ACCESS CENTER AND ESTABLISHING RULES, REGULATIONS, PROCEDURES AND RATES FOR USE OF THE PUBLIC ACCESS FACILITIES
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INITIATED BY: Horacio de Leon, Asst. City Manager	STAFF SOURCE: Heberto L. Ramirez, IST Director
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PREVIOUS COUNCIL ACTION:
On April 6, 2009 the City Council adopted Ordinance No. 2009-0-052 which established the rates, rules and procedures for the use of the Public Access Center, its equipment and personnel.

BACKGROUND:

Due to regional Public Access Center comparison research. N o n - C o m m e r c i a l rates need to be added and Commercial rates revised to the adopted ordinance and reflect updated fees.

The Fees are as follows:

Fees for Internal Departments:
PAC Production Services: Internal City Departments requests of PAC services shall pay:

- Tape Revenues: \$10.00 Tape/DVD

Fees for General Public Non-Commercial Use:
PAC Production Services: Non-Commercial requests of PAC services shall pay:

- Field/Post Production Fees: \$50.00 per hour
- Tape Revenues: \$10.00 Tape/DVD

Fees for General Public Commercial Use:
PAC Production Services: Commercial requests of PAC services shall pay:

- Field/Post Production Fees: \$75.00 per hour
- Tape Revenues: \$10.00 Tape/DVD

FINANCIAL IMPACT:
Based on current rates and future projections for Productions fees 246-0000-337-5030 And Video Tape Revenues 246-0000-337-5010, the new rate will increase revenues by More than \$25,000 for both line items combined.

COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: Staff recommends approval
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ORDINANCE NO. 2012-0-

REVISING ORDINANCE NO. 2009-0-052 WHICH ESTABLISHED ORIGINAL RULES AND FEES FOR THE PUBLIC ACCESS CENTER AND ESTABLISHING RULES, REGULATIONS, PROCEDURES AND RATES FOR USE OF THE PUBLIC ACCESS FACILITIES; PROVIDING FOR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the purpose of the Public Access Facilities are to provide a medium for individuals, groups, organizations, and institutions to communicate with the citizenry of Laredo via channels on the cable television system; and

WHEREAS, Public Access Center equipment, facilities, and channels are available for community use to facilitate the development of non-commercial programs which focus on local issues and concerns; and

WHEREAS, the Public. Access Center operates four access cable channels: Channel 2, Channel 3, Channel 13, and Channel 18; and

WHEREAS, the City of Laredo, herein sets forth rules, regulations, procedures, and rates for the fair and efficient use of the Public Access Facilities, and

WHEREAS, a public hearing is required to increase the rates as per Section 2.09 (B) of the City Charter of the City of Laredo.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Ordinance 2009-0-52 be and hereby is repealed effective upon passage of this Ordinance.

Section 2: It adopts the Rules, Regulations, Rates, Procedures and Fees set forth in Exhibit "A" attached hereto and incorporated herein by reference as if set out in full.

Section 3: It directs the City Secretary of the City of Laredo publish the attached Exhibit "A" Rules, Regulations, Rates, Procedures and Fees as the "Handbook of the Public Access Center".

Section 4: Should any work, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the of the remaining of the remaining portions of this ordinance, or the Code

of Ordinances, as amended, which shall remain in full force and effect.

Section 5: It finds, determines, recites and declares that sufficient written notice of the date, hour, place and subject of this meeting of the city Council was posted at a place convenient to the public at the city hall of the City of Laredo for the time required by law preceding this meeting, as required by the Texas Open Meetings Act, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter was considered.

Section 6: This Ordinance shall take effect immediately from and after its passage, and publication of the caption, as the law and charter in such cases provide.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2012.

RAUL G. SALINAS, MAYOR

ATTEST:

GUSTAVO GUEVARRA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
Raul Casso, City Attorney


By: Nathan R. Bratton
Assistant City Attorney

Exhibit "A"

HANDBOOK OF THE PUBLIC ACCESS CENTER CITY OF LAREDO

Adopted the ____ day of ____, 2012

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INTRODUCTION

The purpose of the Public Access Center is to provide a medium for individuals, groups, organizations, and institutions to communicate with the citizenry of Laredo via channels on the cable television system. Public Access Center equipment, facilities, and channels are available for community use to facilitate the development of non-commercial programs which focus on local issues and concerns.

The Public Access Center operates four access channels: Channel 2 is reserved for programming Religious Groups; Channel 11 is reserved for governmental access programming; Channels is reserved for educational programming by and for locally recognized educational institutions; Channel 3 has been designated as the Public Access Channel for use by members of the general public who have undergone Public Access training and are qualified to use Public Access equipment.

The handbook contains access rules, regulations, procedures and a fee structure which have been developed by the Public Access Center in conjunction with the City of Laredo' Staff and the City Council. The purpose of the rules is to ensure that:

1. Each citizen in Laredo who is interested in community access programming will have the opportunity to learn how to use PAC access equipment and facilities; and
2. Each community access user will fully understand the priorities involved in cablecasting a community access program over the cable system.

As community use of the cable system grows, the rules, regulations, procedures and fees in this handbook may be subject to change in order to serve all the citizens of Laredo, Texas.

1. IN GENERAL

1.1. Purpose. The purpose of the Public Access Center ("PAC") is to provide a medium for individuals, groups, organizations, and institutions to communicate with the citizenry of Laredo via channels on the cable television system. The PAC Studio, Portable Video Equipment and Post-Production Equipment, and a Public Access Channel are available for community use to facilitate the development of non-commercial programs that focus on local issues and concerns.

1.2. Definitions

1.2.1. "Advertising" means, for purposes of this handbook, material (in whatever form in or associated with a program) designed to promote the sale of commercial products or services or the patronizing of particular places of business. Programs funded from grants or donations shall not be considered as being supported by Advertising.

- 1.2.2. "Commercial use" means use that is (a) conducted on a for profit basis, (b) designed to promote the sale of commercial products or services or the patronizing of particular places of business, or (c) supported by Advertising. This term shall not be interpreted to prohibit a Producer from soliciting and receiving financial support to produce and transmit video programming on the Public Access Channel, or from acknowledging a contribution.
- 1.2.3. "Commercial Producer" means a Producer that is producing commercial programming.
- 1.2.4. "Community Bulletin Board" means programming which consists of a single or multiple slides which are aired in between scheduled programs.
- 1.2.5. "Funding Sponsor" means a person, organization or enterprise which provides funding towards the cost of producing a program. "Funding Sponsors" are permitted with the understanding that it constitutes a donation to support the producer's work and is not a compensation for use of cablecast time or access resources.
- 1.2.6. "Indecent programming" means 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 organs or activities.
- 1.2.7. "Information Services and Telecommunications Director" means the person that is responsible for the Public Access Channel Center Division, including supervision of the Public Access Media Services Manager.
- 1.2.8. "Media" means videotape, DVD or any other approved material which contains electronic or digitally recorded information for broadcast.
- 1.2.9. "Public Access Channel Facilities or PAC Facilities" means the building and the access channel operations at 1101 Garden Street, Laredo, Texas 78040.
- 1.2.10. "PAC Studio" means the studio and any video production equipment within the studio that is neither Portable Video Equipment nor Post Production Equipment.
- 1.2.11. "PEG Facilities and Equipment" means collectively the PAC Facilities, PAC Studio, Portable Video Equipment, and Post- Production Equipment.

- 1.2.12. "Public Access Media Services Manager" means the person charged with overseeing the day to day operations of the Public Access Channels and Public Access Facility.
- 1.2.13. "Portable Video Equipment" means any PAC equipment which can be taken out of a studio to produce video outside the studio environment.
- 1.2.14. "Post Production Equipment" means equipment for editing and manipulating recorded video, including editing the soundtrack and adding visual special effects.
- 1.2.15. "Producer" means a person or persons who (a) meets the requirements set forth in Section 2, either as a resident or as a nonresident, and (b) has been certified by the City to use PAC equipment and facilities pursuant to Section 3.
- 1.2.16. "Production Crew" means more than one producer assisting in the production of a program.
- 1.2.17. "Regular Business Hours" means those hours when the Access Center is open to the public.
- 1.2.18. "Public Access Channel" means the channels in the City where organizations, groups, or individual members of the general public are the designated programmers.
- 1.2.19. "User" means any person who places programming on the Public Access Channel in the City. Every User must meet the requirements set forth in Section 2.
- 1.3. The Public Access Channel is reserved for use by members of the general public who have undergone public access training and have been certified as qualified to use public access equipment.
- 1.4. This handbook contains access rules and procedures which have been developed by the PAC in conjunction with the City of Laredo Staff. The purpose of the rules and procedures is to ensure that:
 - 1.4.1. Each citizen in Laredo who is interested in public access programming will have the opportunity to learn how to use the PAC Studio, Portable Video Equipment, and Post Production Equipment; and
 - 1.4.2. Each public access User will fully understand the priorities involved in scheduling public access programs on the cable system (see Section 7.8.4 below).

1.5. Non-Commercial Use. PEG Facilities and Equipment and PEG channels exist primarily for non-commercial community programming purposes and are not intended for commercial use.

1.5.1. All programming produced with PEG Facilities and Equipment must appear on one of the City's access channels, unless the Producer has complied with the commercial use requirements of Section 10.

1.5.2. Should any program produced for cablecast on the Public Access Channel subsequently be used for commercial use, the Producer shall reimburse the PAC for any production costs of the program at the commercial rates listed in the Commercial Use 10 below:

1.6. The policies in this handbook are subject to change so that public access may better serve the citizens of Laredo.

2. REQUIREMENTS FOR USE OF PEG FACILITIES AND EQUIPMENT

2.1. Priority of Use. Both residents and non-residents of the City may request use of PEG Facilities and Equipment if they meet the requirements of Section 2.2 or 2.3 respectively. However, residents of the City have priority for the PEG Facilities and Equipment, and may preempt non-residents' use.

2.2. Residents.

2.2.1. Any resident of the City of Laredo who is at least 18 years of age may request the use of the PEG Facilities and Equipment if the resident meets the following conditions:

2.2.1.1. The resident has been certified to use PEG Facilities and Equipment pursuant to Section 3; and

2.2.1.2. The resident agrees to comply with the rules and procedures specified herein.

2.2.2. Any resident of the City of Laredo who is under 18 years of age may request the use of the PEG Facilities and Equipment if the resident meets the requirements of Section 2.2.1 and an adult city resident (the Sponsor) assumes legal responsibility by making all necessary applications.

2.2.3. The following may be submitted as proof of residency:

2.2.3.1. A valid Texas driver's license with an address in the City;

2.2.3.2. A valid state issued identification card with a current address in the City;

- 2.2.3.3. A utility bill containing the applicant's name and showing an address in the City, dated no earlier than 30 days prior to the application date; or
- 2.2.3.4. A valid passport showing an address in the City of Laredo.
- 2.2.4.0. The following may be submitted as proof of age:
 - 2.2.4.1. A valid state issued driver's license;
 - 2.2.4.2. A valid state issued identification card; or
 - 2.2.4.3. A birth certificate.

2.3. Non Residents

- 2.3.1. A non-resident may use the PEG Facilities and Equipment if the non-resident is:
 - 2.3.1.1. An employee of an institution or governmental agency that does business in the City of Laredo; or
 - 2.3.1.2. A member of an organization that serves or is located in the City of Laredo; or
 - 2.3.1.3. A student enrolled in an educational institution located in the City of Laredo; or
 - 2.3.1.4. An authorized representative of an institution or group of the sorts specified in Sections 2.3.1.1 through 2.3.1.3.
 - 2.3.1.5. Any non-resident not meeting the requirements of 2.3.1 may request use of the PEG Facilities and Equipment if:
 - 2.3.1.5.1 The non-resident is certified pursuant to Section 3, and
 - 2.3.1.5.2 A resident certified Producer agrees in writing to assume all legal responsibility for loss or damage to equipment resulting from the non-resident's use.

3. TRAINING PROGRAMS

- 3.1. The Public Access Center conducts a series of workshops to make Users aware of the production capability of the public access facilities. These workshops are designed to train and certify Producers to operate PAC equipment.
 - 3.1.1. Workshops are scheduled upon request on a time available basis.

3.1.2. There is a fee of \$25 per person, payable in advance, which covers orientation, four training sessions, and the assistance of a staff member during the trainee's first shoot.

3.1.3. Standard workshops will include the following:

3.1.3.1. Orientation Session: includes rules and regulations regarding use of the Public Access Center's access channel, equipment, and facilities.

3.1.3.2. Studio Equipment: includes the studio cameras, sound board, lighting, and control room operations.

3.1.3.3. Portable Equipment: Includes camcorders, monitors, microphones, battery chargers, and portable lighting equipment.

3.1.3.4. Editing Equipment: includes insert and assemble editing, and audio dubbing on a linear and linear editing system.

3.1.3.5. Character Generator: includes page, roll, and crawl files.

3.2. In order to be certified, a User is required to:

3.2.1. Complete a workshop series that covers rules and equipment operation;

3.2.2. Demonstrate to the PAC staff his ability to operate and care for equipment covered in the particular workshop.

3.3. Upon completion of the requirements listed in Section 3.2, the User will then be issued an appropriate certification card.

3.4. Experienced video participants may also be issued a certification card by attending an orientation workshop and demonstrating to the PAC staff's satisfaction their knowledge of the care and operation of the equipment.

4. USE OF VIDEOTAPES

4.1. The PAC will set aside twenty (20) numbered 30 minute tapes and ten (10) numbered 60 minute tapes for use by the public free of if charge for the purpose of creating local non-commercial programming.

4.2. Users may borrow up to six 30-minute tapes at a time. The lending period for a 30-minute tape is a maximum of seven (7) days.

4.3. Users may borrow up to two (2) 60-minute tapes at a time. The lending period for a 60-minute tape is a maximum of two (2) weeks.

- 4.4. For any tape not cleared and returned at the end of the lending period, the User will be charged five dollars (\$10.00) per day per tape.
- 4.5. If a tape is not returned within five (5) weeks, the User shall pay twenty-five dollars (\$25.00) or the purchase price of a new tape of the same type, whichever is higher. Upon payment of the amount due, the missing tape will become the property of the borrower.
- 4.6. Any User owing the PAC money because of failure to pay the fees specified above will be denied use of any PEG Facilities and Equipment until such time as all financial obligations are cleared.
- 4.7. Exceptions to the rules in this Section 4 must be approved in writing by the Public Access Media Services Manager. The Public Access Media Services Manager is responsible for promulgating contracts and check out forms.

5. USING PORTABLE VIDEO EQUIPMENT

- 5.1. Producers may check out Portable Video Equipment according to the rules in this Handbook. The rules are designed to maximize the utilization of the equipment for the greatest number of Users.
- 5.2. Reservation of Portable Video Equipment.
 - 5.2.1. Portable equipment is reserved on a first come, first serve basis.
 - 5.2.2. A Producer must reserve equipment at least seven (7) days in advance, but cannot place a reservation more than 30 calendar days in advance.
 - 5.2.3. Producers may obtain an equipment reservation form at the PAC office.
 - 5.2.4. The equipment reservation form must be signed by a Producer and submitted to PAC staff.
 - 5.2.5. A Producer may reserve only one Camcorder at any one given time.
 - 5.2.6. PAC staff are to be informed about a cancelled equipment reservation at least 36 hours in advance. Failure to abide by the rules and procedures herein stated will cause a violator to be placed on suspension for 30 days. Subsequent suspensions are for 90 days and one year respectively. Further suspensions will be submitted to the advisory board to be grounds for forfeiture of the privilege to use the Public Access Channel and PEG Facilities and Equipment.
 - 5.2.7. In case of an emergency, PAC staff has the right to cancel any reservation in order to make full use of the PEG Facilities and

equipment, provided the PAC gives the Producer that has reserved the equipment as much advance notice as possible.

- 5.3. Check-out and check-in.
 - 5.3.1. Access equipment may be checked in and out during Regular Business hours only.
 - 5.3.2. Portable Video Equipment is not available for check-out during portable equipment workshops. Priority is given to the workshop so that the equipment is available to educate and certify community members.
 - 5.3.3. The following must be presented at the time the portable equipment is checked out:
 - 5.3.4. A Producer's certification card. This card shall be kept on file at the PAC until all equipment is returned; and
 - 5.3.5. One of the identification documents listed in Section 2.2.3.
 - 5.3.6. A Producer is required to complete and sign an equipment check-out form and a Statement of Compliance at the time of check-out.
- 5.4. Portable Video Equipment must be used within the city limits of the City of Laredo unless authorization is granted by the Public Access Media Services Manager for use outside the city limits.
- 5.5. Exceptions to the rules in this Section 5 must be approved in writing by the Public Access Media Services Manager. The Public Access Media Services Manager is responsible for promulgating contracts and check out forms.

6. USING THE PUBLIC ACCESS CENTER STUDIO

- 6.1. The PAC Studio is available for use to record studio programs that will be cablecast on a Public Access Channel.
- 6.2. Post-Production Equipment is also available for scheduled use at the PAC Studio.
- 6.3. The following rules apply to using the PAC Studio:
 - 6.3.1. The PAC Studio is not available for production purposes during scheduled workshops in the studio. In this case, priority is given to the workshop so that the PAC Studio is available to educate and certify community members.
 - 6.3.2. Reservations.

- 6.3.2.1. The PAC Studio is reserved on a first/come, first/serve basis upon receipt by PAC Staff of a signed Studio Reservation Form from a Producer.
- 6.3.2.2. Producers requesting assistance in recording a certified production crew must make the request in writing at least fourteen (14), but not more than thirty (30), calendar days in advance.
- 6.3.2.3. Producers providing their own certified production crew must reserve studio time in writing at least seven (7), but no more than thirty (30), calendar days in advance.
- 6.3.2.4. A Producer may reserve the PAC Studio for up to a three-hour period on any given day, once a week. This time includes setting up, the production recording, editing and breakdown.
- 6.3.2.5. PAC Studio staff are to be informed about cancelled PAC Studio or Post/ Production Equipment time at least 36 hours in advance. Failure to abide by the rules and procedures herein stated will cause a violator to be placed on suspension for 30 days. Subsequent suspensions are for 90 days and one year respectively. Further suspensions will be submitted to the advisory board to be grounds for forfeiture of the privilege to use the Public Access Channel and PEG Facilities and Equipment.
- 6.3.2.6. In case of an emergency, PAC staff has the right to cancel any reservation in order to make full use of the PEG Facilities and Equipment, provided the PAC gives the Producer that has reserved the equipment as much advance notice as possible.
- 6.3.3. In order to maximize the use of PAC Studio time and Post/Production Equipment, a production outline is required of groups or individuals to demonstrate their readiness for use of the facilities. PAC staff is available to assist in producing such an outline.
- 6.3.4. Not more than 15 people at a time may be in the PAC Studio before, during, or after a particular production. This number includes the Producer's crew and performers.
- 6.4. Exceptions to the rules in this Section 6 must be approved in writing by the Public Access Media Services Manager.

7. CABLECASTING ON PUBLIC ACCESS CHANNEL

- 7.1. Pre-recorded programs are cablecast on a Public Access Channel.
- 7.2. A User seeking cablecast time must submit the following to the Public Access Media Services Manager:
 - 7.2.1. Application for Cablecast;
 - 7.2.2. Statement of Compliance; and
 - 7.2.3. A signed Access Program contract.
- 7.3. The Application for Cablecast shall, at a minimum, contain the following:
 - 7.3.1. The name, address and contact information for the User and, if different, the Sponsor;
 - 7.3.2. The length of the program;
 - 7.3.3. The preferred time slot for airing the program on a specific Public Access Channel.
- 7.4. The Statement of Compliance shall, at a minimum, contain the following:
 - 7.4.1. Whether any program submitted contains indecent content and if so, a statement that the User or Sponsor agrees that such programming may be aired on the Public Access Channel between the hours of 10 pm and 6am.
 - 7.4.2. A statement that the User or Sponsor understands that false or misleading statements made in the Application for Cablecast, Statement of Compliance, and Access Program Contract are grounds for forfeiture of the right to use PEG Facilities and Equipment or the Public Access Channel.
 - 7.4.3. A statement that the program User or Producer understands that the Application for Cablecast and Statement of Compliance will be on file at the PAC and available to any local person to view during Regular Business Hours.
 - 7.4.4. A statement that the User or Producer understands that her/his program recording) will be cablecast based on information provided on the Application for Cablecast, the Statement of Compliance and the Access Program Contract. Any inconsistencies may result in aborted playback. Repeat violations may result in denial of a User or Producer's right to cablecast on the Public Access Channels.

- 7.4.5. A statement that the program User or Sponsor has obtained (or, before the programming material is cablecast, will obtain) all approvals, clearances, licenses, and similar authorizations that may be necessary for the use of any program material to be cablecast, including but not limited to approvals by broadcast stations, networks, underwriters, music licensing organizations, copyright owners, performers' representatives, and all persons appearing in the program material.
- 7.4.6. A statement that the program User or Producer agrees that he/she shall not represent himself/herself or any other person involved in public access cablecasting or productions as an employee, representative or agent of the PAC, the local cable company/companies, or the City of Laredo.
- 7.5. The Access Program Contract shall contain the following:
 - 7.6. Each videotape or other recording submitted to the PAC should contain one program only, and be submitted directly to the Public Access Media Services Manager. Mailed tapes should be addressed to Public Access Media Services Manager.
 - 7.7. Every program submitted for cablecast must be clearly labeled with the title, the name of the User or Sponsor, and length (accurate TO THE SECOND; do not round off times to the minute). The title should appear on both the face and spine of the tape or disc and case. The program should be preceded by 30 seconds of color bars and tone, a slate (title, length, date of completion and Producer's name), and a ten second countdown.
 - 7.8. Time Slot Scheduling. After all documents required by Section 7.2 have been provided, the Public Access Media Services Manager will meet with the User or Producer to develop scheduling which is advantageous to both the User and the viewing audience.
 - 7.8.1. Reruns. Producers are encouraged to rerun programs a reasonable number of times.
 - 7.8.2. Programs must be scheduled to begin on the half hour or on the hour.
 - 7.8.3. Program Length. Viewing audiences tend to select channels on the half hour or on the hour. These viewing habits should be considered when writing and producing public access programs. However, in order to promote variety in program content, the PAC will consider accepting programs of any length.
 - 7.8.4. Priority. Although time slots are generally scheduled on a first come, first serve basis, the following channel priorities shall normally be observed:

- 7.8.4.1. Should requests for time exceed Public Access Channel availability on a requested date, priority for that date will be given to first run series programming submitted, and then to first run programming submitted and then to second run programming submitted.
- 7.8.4.2. Locally produced programming shall have priority over programming from other sources.
- 7.8.4.3. First time cablecasts shall have priority over repeat showings.
- 7.8.5. Time Limits. Each User and each Producer has a two (2) hour limit of programming time per week. Exceptions to this two hour time limit will be made by the Public Access Media Services Manager only for Users or Producers who can submit on a regular basis new, never seen before programs which exceed this minimum. Regularly scheduled reruns are not included in the two hour time limit.
- 7.8.6. Regular time slots up to 13 weeks in duration may be scheduled by any User with the understanding that first time Users will be given preference at renewal time; however, a User may be required to give up a regular time slot if programs are not provided as scheduled.
- 7.8.7. To assure a requested time slot, media must be submitted directly to the Public Access Media Services Manager by the Friday preceding the week of the scheduled cablecast.
- 7.8.8. Programs which contain indecent content may be cablecast only between the hours of 10:00 pm and 6:00 am. The Sponsor is requested to notify the Programming Department that her/his program(s) contain such content.
- 7.8.9. If a legally qualified candidate for public office personally appears on the Public Access Channel in connection with his or her campaign during the period 60 days prior to a primary, general, or special election, priority shall be given to requests for cablecasts by opposing legally qualified candidates for the same office. The same priority shall apply to proponents and opponents of ballot issues during the same timeframe. Members of the public may determine who has requested time by inspecting the public records maintained by the PAC for all programming pursuant to the "Public Records" section of this Handbook, Section 12.
- 7.9. Videotapes or discs must meet technical standards necessary for transmission on the cable system. PAC staff will assist Producers and Users in every way

possible in meeting these standards. These standards include but are not limited to the following:

- 7.10. PAC will make every effort to provide a secure facility to store all recordings for the brief time they are here. However, PAC cannot be responsible for the loss of the contents of any recorded media. If it is determined that a recording has been lost or damaged through PAC error, PAC will reimburse a Producer or User for the cost of normal consumer, grade replacement tape or disc stock only. It is strongly recommended that dubs (copies) of programs be submitted for cablecast, and that the edited masters be carefully stored elsewhere by their owners.
- 7.11. It is the responsibility of the User or Sponsor of a program to deliver the recording to PAC and to make arrangements to pick it up after its final cablecast. PAC will assume no delivery costs. Persons wishing to have their recording(s) returned by mail must include a self-addressed stamped envelope or envelopes with the submitted recording(s).
- 7.12. The PAC Staff will notify Users or Producers whose recording(s) have not been picked up in a timely fashion. PAC reserves the right to dispose of any recording 30 days after the User or Producer has been requested to pick it up.
- 7.13. Exceptions to the rules in this Section 7 must be approved in writing by the Public Access Media Services Manager and all programming must be approved by the Public Access Media Services Manager.

8. PROGRAM CONTENT

- 8.1. The PAC has designed its policies and facilities so as to encourage high, quality, creative community programming.
- 8.2. A Producer, or User shall indemnify and agree to hold harmless the PAC, the City of Laredo, the local cable company or companies, and their officers and employees against any and all liability arising out of such use of the Public Access Channel or PEG Facilities and Equipment, or out of any breach of the Access Program Contract, Application for Cablecast, and/or Statement of Compliance. This indemnification shall not be an admission of liability nor shall it be for the benefit of third parties.
- 8.3. Although it is not the intention of the PAC to judge community program quality, the following policies have been established based on certain legal and local considerations.
- 8.4. Public access programming must not contain:
 - 8.4.1. Obscene matter or the use of language which is obscene.

- 8.4.2. The direct or indirect presentation of lottery information.
 - 8.4.3. Advertising, whether in the form of a confined "commercial" or dispersed throughout a program.
 - 8.4.4. Any direct solicitation of funds.
 - 8.4.5. Material which constitutes libel, slander, invasion of privacy or publicity rights, unfair competition, violation of trademark or copyright, or incitement to riot, or which violates laws regarding homeland security, public nudity, or any other local, state or federal law. A sponsor or user that engages in any unlawful activity, including without limitation slander, libel, incitement to riot, and violation of laws regarding homeland security or public nudity, may be subject to prosecution. The authorization of a given User to use the channel and the cablecast of the programming do not constitute a representation that the use is lawful, or that the City has reviewed the content of the programming.
 - 8.4.6. Materials which require rights held by broadcast stations, networks, sponsors, music licensing organizations, performers, representatives, copyright holders or other persons for cablecast, unless the Producer presents written authorization for the use of any such materials.
- 8.5. To preserve the non-commercial character of the Public Access Channel, Funding Sponsors may be acknowledged on the air no more than once during a program, either at the beginning or end.
- 8.5.1. An acknowledgement may consist only of a neutral, non-promotional identification of the Funding Sponsors (for example, "Funding for this program was provided by _____").
 - 8.5.2. Such acknowledgements may be made audibly and/or visually. If the acknowledgement is visual, donors must be identified by name only, shown on the screen only in plain block letters for no longer than 15 seconds at the bottom of the screen in type not to exceed one inch in height.
- 8.6. Submission of programming violating the program content rules defined herein may result in the suspension or forfeiture of privileges of using the Public Access Channel and PEG Facilities and Equipment.
- 8.7. The Public Access Media Services Manager may impose suspension or forfeiture of privileges as referred to in Sections 8.6 and 11.1 as follows:
- 8.7.1. 1st violation: 30 day suspension,
 - 8.7.2. 2nd violation: 90 day suspension,

- 8.7.3. 3rd violation: 1 year suspension.
- 8.7.4. Continued violation of these policies by any User or Producer may result in a permanent forfeiture of the privilege of using PAC facilities.

9. COMMUNITY BULLETIN BOARDS

- 9.1. The community bulletin board is available for public service announcements (PSA's), non-commercial messages.
- 9.2. Procedures
 - 9.2.1. Announcement submissions forms are available the Public Access Studios. Completed forms may be mailed, faxed or delivered to PAC.
 - 9.2.2. Announcements should be received by noon Wednesday of the week prior to scheduled bulletin board to be cablecast.
 - 9.2.3. The person submitting an announcement must provide their name, phone number and the name of the organization they represent.
- 9.3. Content Requirements
 - 9.3.1. The announcement text should include: who, what, where, when and "For more information" contact [name] and [phone number].
 - 9.3.2. In cases where a phone number and address of any individual or organization is used, written permission for such use must be given by the individual or organization being named in the PSA.
 - 9.3.3. Announcements must have a start date and stop date.
 - 9.3.4. Announcements may not include ticket prices but may state "'For ticket information, call [phone number]."

10. COMMERCIAL USE OF PROGRAMMING AND ACCESS CENTER EQUIPMENT

- 10.1. The PEG Facilities and Equipment are primarily for the use of public Producers and City of Laredo staff members. They may also, however, be used by commercial entities as provided in this section 10.
 - 10.1.1. Commercial Producers using PEG Facilities and Equipment must provide their own staffs, who must first be certified by the PAC for the use of the PEG Facilities and Equipment they wish to use.

10.1.2. At least 72 hours' notice is required for commercial use of PEG Facilities and Equipment.

10.2. PAC Studio.

10.2.1. Commercial Producers may reserve the PAC Studio for the fees described in Section 10.5 below after Regular Business Hours or at any time the studio is not in use by non-commercial Producers and staff.

10.2.2. A PAC staff member must be present during studio use.

10.3. Portable Video Equipment. Portable Video Equipment may be reserved by commercial Producers only on weekends and only when equipment has not been reserved by non-commercial Producers and staff. Commercial Producers shall pay the fees described in Section 10.5.1.2.

10.4. Post Production Equipment. Commercial Producers may reserve Post Production Equipment as described in Section 6.3.3. Only outside Regular Business Hours or at any time the equipment is not in use by non-commercial Producers and staff. Commercial Producers shall pay the fees described in Section 10.5.

10.5. Fees for Commercial Use

10.5.1. Studio Facilities: Commercial Producers of the PAC Studio Facilities shall pay:

- For use during Regular Business Hours: \$225.00 per three hour period or portion thereof.
- For use after Regular Business Hours or on weekends: \$375.00 per three-hour period plus \$75.00/hour for staff supervision.
- Videotape Fees: \$10.00 Tape/DVD

10.5.2. PAC Portable Camera equipment: Commercial Producers shall pay PAC the following:

- \$75.00 per hour up to three hours
- \$225.00 for more than three and up to twelve hours
- \$450.00 for more than twelve and up to 24 hours

10.5.3. VHS Camcorder: Commercial Producers shall pay PAC \$100.00 per day for use of a PAC VHS Camcorder.

10.5.4. Post-Production Equipment: Commercial Users of PAC Editing Equipment (Suite A) shall pay PAC the following:

- \$75.00 for up to three hours
- \$225.00 for more than three and up to twelve hours
- \$450.00 for more than twelve and up to 24 hours

10.6. Fees for Internal Departments

10.6.1 Production Services: Internal City Departments requests of PAC services shall pay the following:

- Tape Revenues: \$10.00 Tape/DVD

10.7. Fees for General Public Non-Commercial Use

10.7.1 Production Services: Non-Commercial Users requests of PAC services shall pay the following:

- Field/Post Production Fees: \$50.00 per hour
- Tape Revenues: \$10.00 Tape/DVD

11. ENFORCEMENT

11.1. Denial Of Services

- 11.1.1. The PAC staff may deny the use of its facilities and services to individuals who interfere with the orderly conduct of public access programming as outlined in this handbook.
- 11.1.2. Anyone who appears to be under the influence of alcohol or drugs will be denied service.
- 11.1.3. Failure to abide by the rules and procedures herein stated will cause a violator to be placed on suspension for 30 days. Subsequent suspensions are for 90 days and one year. Continued violation of these policies by any User or Producer may result in a permanent forfeiture of the privilege of using PAC facilities.
- 11.1.4. Making false or misleading statements in the Application for Cablecast, Statement of Compliance, or Access Program Contract are grounds for forfeiture of the right to use PEG Facilities, Equipment and Public Access Channels.
- 11.1.5. Programming that violates these rules and procedures may result in forfeiture of privileges of using the PEG Facilities, Equipment and Public Access Channels
- 11.1.6. Users falsely representing themselves as employees of the PAC or the

City of Laredo will forfeiture the right to use PEG Facilities, Equipment and Public Access Channels.

11.1.7. The Public Access Media Services Manager may deny the use of PEG Facilities and Equipment, by suspension or forfeiture, to anyone who has, in the experience of the PAC staff, misused the equipment, failed to return it on time, or in any other way abused the privileges of using PEG Facilities and Equipment.

11.2. Resolution of Disputes and Appeal

11.2.1. The provisions of this Section 11.2 shall apply to disputes or disagreements between, or negative action taken against, a potential or actual User or Producer (hereinafter referred to as "Aggrieved Party") by PAC Staff.

11.2.2. To initiate an appeal, an Aggrieved Party must, within 5 working days of the date of the dispute or action, submit a request, in writing (hereinafter "Appeals Letter"), to the Information Services and Telecommunications Director which said Appeals Letter sets out the incident or action complained of, the action desired by the Aggrieved Party and requesting a meeting with the Information Services and Telecommunications Director to discuss the dispute, incident, or action taken.

11.2.3. The Information Services and Telecommunications Director shall schedule and meet with the Aggrieved Party within 10 business days of the receipt of the Appeals Letter and notify the aggrieved party by letter of the meeting date.

11.2.4. The Information Services and Telecommunications Director shall meet with the Aggrieved Party and address the complaint. Within five business days of the meeting the Information Services and Telecommunications Director shall issue the Aggrieved Party a written response (hereinafter " Director's Determination") to the complaint along with his findings and any action being taken against the Aggrieved Party. In the event the Aggrieved Party fails to attend the meeting his/her appeal shall be deemed to have been withdrawn unless a continuance or re-scheduling has been requested in writing at least twenty-four hours in advance by the Aggrieved Party.

11.2.5. If the decision of the Information Services and Telecommunications Director is unacceptable to the aggrieved party he/she may appeal to Laredo Telecommunications Advisory Committee provided that the request to appeal is received within five business days of receipt of the Director's Determination. The appeal will be heard at the next regular board meeting unless it cannot be submitted in time to get onto the agenda in which case the appeal will be heard at the following meeting.

11.2.6. At the meeting, the aggrieved party and the Public Access Media

Services Manager will present their positions regarding the matter.

11.2.7. Based on the presentations made by the parties, the Advisory Committee will make a recommendation to the City Manager.

11.2.8. If the City Manager does not concur with the recommendation of the Laredo Telecommunications Advisory Committee, the matter may then be presented to the City Council for its consideration and action.

12. **PUBLIC RECORDS**

12.1. A complete record of names and addresses of all persons, groups, organizations, or entities requesting time on the Public Access Channel shall be maintained at the PAC Studio. Such records will be placed in an inspection file as soon as practical after a request is received, and will be available for public inspection during Regular Business Hours at the PAC Studio.

12.2. Persons requesting public inspection shall do so in the manner prescribed by the Texas Public Information Act.

12.3. All records required herein, including Applications for Cablecast and Statements of Compliance for programming aired on the Public Access Channel, shall be maintained for the period required by State law.

13. **NON-COMMERCIAL USE OF PROGRAMMING AND ACCESS CENTER EQUIPMENT**

13.1 The PEG Facilities and Equipment are primarily for the use of public Producers and City of Laredo staff members. They may also, however, be used by non-commercial entities as provided in this Section 13.

13.1.1. Non-commercial Producers using PEG Facilities and Equipment must provide their own staffs, who must first be certified by the PAC for the use of the PEG Facilities and equipment they wish to use.

13.1.2. At least 72 hours' notice is required for commercial use of PEG Facilities and Equipment.

13.2 PAC Studio

13.2.1. Non-commercial Producers may reserve the PAC Studio for the fees described in Section 13.5 below after Regular Business Hours or at any time the Studio is not in use by commercial Producers and staff.

13.2.2. A PAC staff member must be present during studio use.

13.3. Portable Video Equipment. Portable Video Equipment may be reserved by non-commercial Producers only on weekends and only when equipment has not been reserved by

commercial Producers and staff. Non-commercial Producers shall pay the fees described in Section 13.5.1.2.

13.4 Post Production Equipment. Non-commercial Producers may reserve Post Production Equipment as described in Section 6.3.3. only outside Regular Business Hours or any time the equipment is not in use by commercial Producers or staff. Non-commercial Producers shall pay the fees described in Section 13.5 below.

13.5. Fees for Non-commercial Use

13.5.1. Studio Facilities: Non-commercial Producers of the PAC Studio Facilities shall pay: \$50.00 per hour up to three (3) hours

13.5.2. For PAC portable camera equipment. Non-commercial Producers shall pay the PAC the following:

- \$37.50 per hour up to three hours
- \$112.50 for more than three and up to twelve hours
- \$225.00 for more than twelve and up to 24 hours

13.5.3. VHS Camcorder. Non-commercial Producers shall pay the PAC \$50.00 per day for use of a PAC VHS Camcorder.

13.5.4. Post Production Equipment – Non-commercial Users of PAC editing Equipment (Suite A) shall pay PAC the following:

- \$37.50 for up to three hours
- \$112.50 for more than three hours and up to twelve hours
- \$225.00 for more than twelve and up to 24 hours