DRAFT GOVERNMENT ACCESS CHANNEL POLICY

Purpose

The purpose of this policy is to provide guidelines and standards for the use of the government access channel provided to the City of Atascadero “the City” by Charter Communications. This channel is a government access channel as provided for in the Cable Communications Act of 1984. This Federal legislation established public, educational, and government (PEG) channels for use by each of the broad corresponding groups. Because this is a government access channel, there is no legal requirement to broadcast any type of programming that is not government related or sponsored. This policy clarifies what is “government related or sponsored” programming.

General Policy

The government access channel of the City is to be used as an informational and outreach tool to assist in increasing community knowledge and awareness of the functions and responsibilities of City government, including broadcasting regularly scheduled Council and Commission meetings and providing direct, non-editorial, non-political, non-commercial and neutral information to the citizens of Atascadero concerning the operation, deliberations, and/or programs of City government. Under federal law, the government access channel does not constitute public access and is not a public forum. Nothing in this policy shall be construed to create a public forum, limited or otherwise. The channel will not be used for the purpose of building support or opposition to a particular policy, program, issue, party or individual.

All programming broadcast on the government access channel must address topics that relate directly to City government related or sponsored meetings, services, events, programs and/or activities, and meet all FCC regulations and applicable federal, state and local laws. The City Manager or his/her designee shall be responsible for administering the channel in accordance with the guidelines recommended herein.

Provisions

1) Access to the government access channel is provided to the City Manager’s Office and City departments. Specifically, programming on the government access channel may include:
a) Live and tape-delayed broadcasting of regularly scheduled City Council and Planning Commission meetings, and other select City meetings as determined by the City Manager or his/her designee, or by City Council.

b) City produced programs, or programs produced on behalf of the City to:
   i) illustrate the function or operations of City government, government facilities, or programs featuring City services,
   ii) programs created by the City, public utilities, or other governmental entities that the city in its sole determination, has determined would be of benefit to the members of the community,
   iii) information on specific City programs, and/or
   iv) City-sponsored events of interest to the community.

c) Augmenting other programming, a digital program including images of the City and bulletin-board announcements of certain City government related or City sponsored meeting and event information. This information shall reflect the City events calendar(s) maintained by the Community Services Department and/or the City Clerk’s Office.

d) City Council candidate forums sponsored by the City that all candidates have been invited to.

e) In the event of an emergency, health and safety related programming or announcements relevant to residents.

2) **Except with respect to broadcasts of agendized public meetings, candidate forums, or similar public forums, the following programming is prohibited from airing on the government access channel:**

   a) Programs that constitute libel, slander, pornography or obscene and indecent content.
   
   b) Programs that promote, advocate and/or endorse a particular religious belief or beliefs.
   
   c) Programs that attempt to influence viewers to vote for a particular political candidate or position.
   
   d) Programs that depict anyone in a prejudicial manner on the basis of race, national origin, religion, ancestry, age, disability, gender, or sexual orientation.
   
   e) Programs that solicit funds for any private, charitable, non-governmental or political purpose.
   
   f) Programs used to promote or publicize information and activities of specific groups, organizations, businesses or individuals.
   
   g) Political candidates running for election or re-election are prohibited from appearing during the “election season”, except in the normal course of their official duties, except
that candidates may appear in City-sponsored candidate forums in which all candidates have equal opportunity to participate. For these purposes, the “election season” begins when a candidate files nomination papers and ends when polls close on Election Day.

h) Any program used to endorse an issue, company, or product.

i) Any program concerning any lottery, gift enterprise or similar promotion based on lot or chance.

j) Programs containing any corporate logos or commercial advertising.

k) Any “commercial programming” prohibited by Public Utilities Code section 5870.

l) Copyrighted material. Any programming containing content that is in violation of copyright laws.

m) Programming which is prohibited by applicable Federal, State or local laws.

3) Management, Retention, Ownership and Liability rights:

a) All management, oversight and programming of the City of Atascadero government access channel shall be provided by the City Manager or the City Manager’s designee.

b) City-owned video equipment shall be used only for authorized City activities, and only by employees of the City Manager’s Office and/or the Information Technology Department, or personnel trained under the direction of these departments. Loan of equipment, for personal or outside use, is prohibited.

c) All programming produced by or for the City of Atascadero shall be and shall remain the property of the City. Programs produced by contract agents of the City become the property of the City.

d) Official public meetings shall not be edited or be subject to editorial comment.

e) Any programming prepared, originated, or provided by a City Department may be modified or edited as appropriate.