

[DRAFT]
CITY OF OTTAWA
GOVERNMENT ACCESS CHANNEL POLICIES and GUIDELINES
(Accepted Ordinance No. 3503-05)

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1. PURPOSE OF THIS POLICY

The purpose of this policy is to provide general guidelines and policy direction for the use of the City of Ottawa Government Access Channel (GAC), which is Channel 20. The Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. distinguishes public access from educational access and from government access. This document applies only to local government access.

2. AUTHORITY FOR THE CHANNEL

Pursuant to Section 611 of the Communications Act, local franchising authorities may require cable operators to set aside channels for public, educational or governmental use. The City of Ottawa, Kansas, Ordinance 3503-05 grants a non-exclusive franchise to Allegiance Communications L.L.C. to operate and maintain a cable television, informational and communication services system within the City of Ottawa. Within this ordinance, "continuation of the existing GAC" is required.

The City under the City-granted franchise controls the GAC. Responsibility for developing policy and reviewing content for conformance with these guidelines lies with the City Manager, who administers the programming and operation of the cable channel through the Information Technology (IT) Department.

3. DEFINITIONS AND PURPOSE OF THE GAC

Governmental access channels are used for programming by local government. In most jurisdictions, the franchising authority directly controls these channels. Unlike public and educational access channels, GACs have editorial rights to choose the content, format and subject of information broadcasted to the public. The City of Ottawa has complete editorial control of the content and programming on the channel. The channel, therefore, is not a "public forum."

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The primary purpose of the GAC is to provide local information from local perspectives and to educate citizens about the daily operations within local governments and community events such as high school sports, performances and other events, which would heighten city morale and promote the community. The GAC is also used to promote City services, provide education, market accomplishments and promote local events. The GAC is part of the City's information distribution process and often fills a void in normal media coverage.

4. GOALS OF THE CHANNEL

The primary goal of the GAC is to identify, explain and promote the use of City services and to encourage interaction between City Government and Ottawa citizens. Programming consists of any information relative to the operation of City services; explanations of functions of government; general information to the public relative to meetings; times, dates and places; emergency information as necessary and general announcements of current government events in the City. Programming may also include events such as coverage of City facility openings and recreational or cultural events held outside government facilities. Also included is coverage of County Government and unified school districts in Franklin County.

5. ELIGIBILITY FOR USE

- A. Only the Governing Body, the City Manager and the departments, boards, authorities and other offices that are under jurisdiction of the Governing Body or the City Manager are eligible to use the GAC, except as noted in this policy. These are referred to herein as eligible applicants.
- B. Each eligible applicant may submit requests and proposals for programming which are appropriate to the guidelines set forth in this policy. All programming requests, as well as requests for production assistance, are subject to review and approval.
- C. The GAC may provide public informational programming from other sources for scheduling if the programming meets the stated GAC guidelines.

6. OPERATIONAL PROCEDURES

- A. All public meetings of the City Commission are authorized for broadcast. Live coverage of all City Commission meetings shall be from gavel to gavel, with no editing. Rebroadcast of meetings may be edited by GAC staff, without loss of content, barring any technical difficulties, for the convenience of the viewing audience.
- B. Each eligible applicant may submit requests and proposals for programming. The programs may be locally produced. All programming requests are subject to review and approval by the IT Department. Any person who disagrees with a decision of the IT Department may request a review and determination by the City Manager. Decisions by the City Manager will be final.
- C. Information for the GAC Bulletin Board (BB) can be submitted by any eligible applicant to the IT Department. If accepted, the IT Department will format and edit the information for inclusion on the GAC BB.

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- D. A daily programming schedule will be kept on file and will be made available to the public on the City web site (www.ottawakansas.net) and, when possible, on the GAC or an alternate cable channel.

7. PROGRAM PRIORITIES

The following shall have priority on the channel.

- A. An emergency affecting the City of Ottawa residents.
- B. Live broadcast of regular and special meetings (e.g. Public Hearings) of the Governing Body and Planning Commission.
- C. Other programming on the GAC will be in the following order of priority:
 - a. Public affairs programs as well as School Board and Franklin County meetings produced by the IT Department as authorized by the City Manager.
 - b. Programs produced by any other eligible applicant that inform viewers of City services, City policies and City projects to the extent approved by the Governing Body and the IT Department. The IT Department will determine the required format. Certain Chamber of Commerce functions are included.
 - c. Programs produced by other government agencies and programming of a general government or public service nature provided the subject matter thereof is in accord with these guidelines. This shall not authorize public access or educational access.
 - d. Other community activities and events.
 - e. When the above are not scheduled, the GAC BB will play on the GAC.

8. EDITING POLICIES AND CONTROL

The City reserves the right to modify or edit any and all programming.

- A. No public meetings will be edited. Portions may be used as segments of other programming subject to approval of the IT Department provided these segments are not misleading. Replays of Governing Body meetings may be edited for the purpose of clarity and ease of viewing including the insertion of times and titles for specific agenda items.
- B. Messages programmed for use on the GAC BB may be edited to provide clarity, to maximize the capacity of the system or for any other valid, specified reason. Bulletin board programming is wholly discretionary with the IT Department, but broadcast time, availability permitting, is not to be unreasonably withheld. The applicant for such programming must specify in writing the reasons that support the respective request and provide the IT Department with a written requested schedule for such programming.

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9. SCHEDULING

The IT Department will be responsible for coordinating and determining all scheduling on the GAC.

10. PROGRAM GUIDELINES AND RESTRICTIONS

- A. Programming shall be direct, non-editorial information regarding the operation and deliberations of City government. The GAC shall not be a political forum, nor support or oppose any policy, program or issue. The IT Department has final approval as to appropriate program content for the GAC, subject to the appeal provisions.
- B. Except for GAC fundraising, the GAC shall not be available for any of the following:
 - a. Any advertising that promotes the sale of any commercial product or service. Non-commercial program underwriting is permitted, utilizing the underwriting guidelines outlined in this document.
 - b. Any endorsement for or opposition to any consumer product or service.
 - c. Any information concerning any lottery, gift enterprise or similar promotion offering prizes based in whole or in part upon lot or chance.
 - d. Any material that would violate any federal, state or city rule, regulation, statute, law or ordinance.
 - e. Any material that promotes religious beliefs or religious philosophies.
 - f. Technically unusable material.
 - g. Any material copyrighted by any entity for which a written release has not been obtained.
 - h. Material of a defamatory nature, or likely to invade an individual's privacy.
 - i. Any material that, in the judgment of legal counsel, subjects the City to potential liability.
- C. Public service or promotional announcements for government-sponsored events or programs may be accepted for broadcast. Public Service Announcements for events in government facilities such as parks and recreation are acceptable.
- D. Optional Programming: Local affiliate repeats may be obtained through local news organizations and other related groups (PBS, KOFO, the Ottawa Herald and local network affiliates, etc.). Arrangements for repeat broadcast of said programming may be made with such organizations, subject to compliance with the guidelines listed herein.
- E. Declared candidates for elective or appointed office and persons or organizations advocating any cause, viewpoint or proposed policy of a partisan nature will not be allowed to use the GAC as a medium to express their views or opinions.

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For purposes of this directive, a person is considered a candidate from the time of announcing publicly for office or from the official deadline for filing until the final election for the respective office has been held. The exclusion does not apply to persons who receive airtime as part of a public meeting on the GAC, nor does it apply to elected officials acting in their official capacity. This exclusion also does not apply to a program in which all candidates for a particular office appear in a forum where they are all given equal time.

11. COMPLIANCE WITH LAWS; COPYRIGHT

- A. It is the responsibility of all applicants to abide by all applicable laws, rules and regulations. By applying for access, each applicant thereby automatically certifies to the City of Ottawa, including the IT Department, that the respective applicant has complied with all of same, including copyright.
- B. Each GAC program is a public record under Kansas law.
- C. The City of Ottawa retains all copyright to all items that are copyrightable by the City.

12. ONE COPY WITHOUT CHARGE

- A. Upon request, one copy of each program produced by the GAC may be provided free of charge to a featured program guest.
- B. Copies for others are on a fee and time permitting basis.
- C. A copy or copies may be provided to others under special circumstances at the discretion of the IT Department or City Manager.

13. UNDERWRITING (SPONSORSHIP) GUIDELINES

A program underwriter (sponsor) is an individual, group, or entity who provides monetary or tangible assets to aid the production of a program. Corporations, divisions, subsidiaries of a corporation, endowments, foundations and individuals may be designated as underwriters to the GAC.

The City of Ottawa, under the IT Department has established the following standards and practices for developing and accepting underwriters for the GAC as a whole, as well as individual programs or time periods.

- A. The City of Ottawa has designated the following special restrictions applicable to underwriters on the GAC:
 - a. The GAC does not accept underwriter support from businesses selling products such as cigarettes, tobacco products or alcohol, including distilled spirits, wine and beer.
 - b. The GAC reserves the right to refuse underwriter support from entities that may be viewed as controversial or that promote any product or position that may be contrary to the mission and goals of the City of Ottawa or to public health, safety and welfare.

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- B. The following guidelines will determine the acceptability of underwriters on the City of Ottawa GAC:
- a. The underwriter may not exercise final editorial control over the content of any portion of the GAC's programming.
 - b. The public must not perceive that the underwriter has editorial control over the GAC's programming.
 - c. The public must not conclude that any GAC program promotes any underwriter's products, services or other business interests.
 - d. All underwritten programs may use a PBS style credit with logo or other graphic and voice over. The preferred text for underwriter credits is: "This program is made possible in part by funding from [underwriter name and brief non-solicitation message]." Also acceptable is "Sponsored by [underwriter name]" or "brought to you by [underwriter name]."
- C. The GAC will have the following guidelines to govern underwriters:
- a. All underwriter credits must identify the underwriter by name and/or logo. The GAC will not accept underwriter support without proper identification. Underwriters must place on file at the GAC office their full name, address, and phone number and agree to be available to inquiries from members of the public.
 - b. Commercial enterprises may become sponsors of programs that promote general interest in the nature of their business.
 - c. Underwriter credits may not include any strong call to action or direct solicitation to purchase a product, direct comparisons, price or value information or inducements to buy.
 - d. Toll-free numbers or web site addresses are acceptable in underwriter credits if their purpose is for the viewer to obtain more information. If their purpose is to solicit sales, however, the information is prohibited.
 - e. Underwriter credits may not exploit or take unfair advantage of the child audience.
 - f. Underwriter credits may not create the perception that there is a connection between the program content and the underwriter's products or services.
 - g. Underwriters may receive credit only at the beginning and end of a program.
 - h. No one credit may exceed fifteen seconds; a sequence of credits (multiple underwriters) cannot exceed sixty seconds.
 - i. The GAC retains the absolute right to reject or modify any underwriter or it's materials for any reason.

For Underwriting Fees see Section 18.

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14. GENERAL INFORMATION

The GAC will normally operate twenty-four (24) hours a day on Allegiance Channel 20. Office hours of the GAC will be from 8:00 am to 5:00 p.m., Monday through Friday.

Contact Information:

Government Access Channel
City Hall
101 S. Hickory Street (business address)
PO box 60 (mailing address)
Ottawa, KS 66067
785-229-3634
E-mail: gac20@ottawaks.gov
Website: <http://www.ottawaks.gov>

15. REFERENCES

U.S. Code Title 47, 531. Federal Communications Commission Fact Sheet, May 1998. City of Ottawa, Kansas Ordinance No. 3503-05.

16. UNDERWRITING FEES

If the GAC creates the programming, it will be done on a time, material and resource availability basis. Because each case can vary, please contact the GAC to help work up an estimate.

For programming that does not require any editing other than underwriting credits, please contact the GAC for current fees.

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Compliance Checklist for the GAC

Primary Objectives for the GAC Programming

- To increase public awareness of activities of local units of government, the local school district and community events
- To promote city services and provide education about the city
- To facilitate emergency response information to the general public
- To provide information from local perspectives
- To promote or increase tourism or economic development within the City of Ottawa.

Directions: Check the box marked with Y if the proposed programming meets the guideline. Check the box marked N if it does not meet the guideline.

- | Y | N | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Does the programming meet the objectives listed above? |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Does the programming support or oppose any policy, program or issue? |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Does the programming contain any of the following; |
| <input type="checkbox"/> | | a. Advertising that promotes the sale of any commercial product or service. (Non-commercial program underwriting is permitted, utilizing the underwriting guidelines outlined in the GAC policy document). |
| <input type="checkbox"/> | | b. Endorsement for or opposition to any consumer product or service. |
| <input type="checkbox"/> | | c. Information concerning any lottery, gift enterprise or similar promotion offering prizes based in whole or in part upon lot or chance. |
| <input type="checkbox"/> | | d. Material that would violate any federal, state or city rule, regulation, statute, law or ordinance. |
| <input type="checkbox"/> | | e. Material that promotes religious beliefs or religious philosophies. |
| <input type="checkbox"/> | | f. Technically unusable material. |
| <input type="checkbox"/> | | g. Material copyrighted by any entity for which a written release has not been obtained. |
| <input type="checkbox"/> | | h. Material of a defamatory nature, or likely to invade an individual's privacy. |
| <input type="checkbox"/> | | i. Material that, in the judgment of legal counsel subjects the City to potential liability. |
| <input type="checkbox"/> | | j. Profanity |
| <input type="checkbox"/> | | k. Material that may be contrary to the mission and goals of the City or to public health, safety and welfare. |

Do not check a box if the guideline does not apply.

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Is the program advocating candidates or organizations of a partisan nature? (Declared candidates for elective or appointed office and persons or organizations advocating any cause, viewpoint or proposed policy of a partisan nature will not be allowed to use the GAC as a medium to express their views or opinions). |
|--------------------------|--------------------------|---|

For purposes of this directive, a person is considered a candidate from the time of announcing publicly for office or from the official deadline for filing until the final election for the respective office has been held. The exclusion does not apply to persons who receive airtime as part of a public meeting on the GAC, nor does it apply to elected officials acting in their official capacity. Note: This exclusion also does not apply to a program in which all candidates for a particular office appear in a forum where they are all given equal time.

Submitted by: Name and Organization Date

(approval) IT Department Date

(Please print Applicant) E-maill & Phone Number