

**POLICY: USE OF GOVERNMENT ACCESS CHANNEL**

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Issue Number: 6
Date Adopted: June 4, 2019
Replaces: October 7, 2014

I. PURPOSE

To establish guidelines for use of the Government Access Channel ("Channel"), including, but not limited to, defining potential users and establishing procedures for placing information on the Channel. The mission of the Channel is to provide information to the citizens of Yorba Linda concerning the programs, services, and deliberations of local government; to provide public service information to the community; and to facilitate making local government more accessible. This policy will be effective from the date of adoption and will expire on June 30 of the following year, reverting to the original version dated November 6, 2007, unless directed by the City Council to extend it.

II. BACKGROUND

Pursuant to the Cable Communications Policy Act of 1984, channels may be designated for public, educational, and governmental (PEG) purposes. The Government Access Channel is available to Time Warner Cable television subscribers in Yorba Linda via Channel 3 and/or AT&T U-verse via Channel 99. The Channel is specifically designated for access by the City of Yorba Linda and is not required by law to offer access to individuals or entities other than the City.

III. POLICY

Cable television administration is a function of the City Manager's office. The City Manager's Office is responsible for implementing and overseeing the production of programming and coordinating the program schedule. All programming decisions will be made by the City Manager-and/or City Attorney.

IV. GOALS

The Channel is used to make local government more accessible. Specific goals include:

1. Increase resident access to local government and community meetings through various mediums, including live coverage of local government meetings via cable television;
2. Provide public information about government, programs, services, projects, and public safety in Yorba Linda;

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3. Keep residents informed of activities within the community and promote upcoming community events through the bulletin board service;
4. Provide information during local emergencies;
5. Ensure that programming is non-partisan and non-ideological.

V. PROGRAMMING CATEGORIES

The City Manager's office shall be responsible for coordinating the production and broadcast of the various types of programming as described below. Programming viewed on the Government Access Channel is categorized as follows:

1. Text Generated Programming

The City offers a bulletin board service consisting of pictures and/or text-generated information. Bulletin board messages will be aired during non-programming hours. All messages must be submitted in writing to the City Manager's office. If necessary, the message will be edited to improve readability and/or to make it fit within the limited space on the screen. Receipt of a message does not in any way guarantee its appearance on the Government Access Channel. Suitability for this channel and compliance with the policies and objectives contained herein will be determined by the City Manager. The date of input and the duration of broadcast time will be subject to staff availability and channel capacity. Messages displayed on the bulletin board shall be limited to those generated by the following defined internal and external users:

➤ Internal Users:

- i. Departments and Divisions of the City of Yorba Linda.

➤ External Users:

- i. County of Orange;
- ii. State of California;
- iii. Government agencies with which departments or divisions of Yorba Linda are affiliated, including, but not limited to, Boards and Committees, Special Districts, the County of Orange, and Orange County municipalities;

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- iv. Other governmental agencies that provide services to residents of Yorba Linda;
- v. Agencies that provide utility services to residents of Yorba Linda, including, but not limited to, water, sewer, trash, electric, gas, cable, and telephone services;
- vi. Public and private, bona fide educational institutions as defined in Education Code § 210.3, or as described in Education Code § 66010(a) and (b), and located within the City of Yorba Linda;
- vii. Yorba Linda Chamber of Commerce and other bona fide organizations whose primary purpose is to promote, assist and benefit business, trade, and economic development in the City of Yorba Linda;
- viii. Bona fide 501(c)(3) non-profit organizations and service clubs located and operated within the City of Yorba Linda (whose primary purpose is to provide charitable, financial, and in-kind support for the good of the community) that are promoting a community-oriented event or special meeting held in Yorba Linda; and
- ix. Museums, libraries, historical organizations, and similar bona fide 501(c)(3) non-profit organizations whose primary purpose is to provide cultural and historical resources for the good of the community and its visitors.

2. Public Meeting Coverage

All regular Yorba Linda City Council meetings are to be broadcast live then rebroadcast on a scheduled basis and on a tape-delayed basis unless otherwise specifically directed by a majority vote of the Council.

Video and/or digital recordings of the City Council meetings are retained for an indefinite period of time. However, as the video or digital files become unusable due to expiration of shelf life and/or storage space is exhausted, the Council may approve destruction of the oldest video/digital tapes. Arrangements can be made through the City Clerk's office to view the recordings at no cost. Other types of public meetings may be broadcast in the future.

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3. City-Produced Programs

City staff produces programming that relates to community issues, City services, and City-sponsored programs. An example of such programming is a City video newsletter which is prepared at intervals deemed appropriate by the City. The City Manager reserves the right to select appropriate programming as it relates to subject matter, filing locations, text generated information and/or audio scripts. Video and/or digital recordings of City-produced programs will be retained indefinitely. Arrangements can be made through the City Clerk's office to view the recordings at no cost.

4. Pre-produced Programs

Pre-produced programming (i.e. videos relating to government, utility services, or any other pertinent services relating to the safety of Yorba Linda residents) may be broadcast. Such programming will be screened by the City Manager for suitability and compliance with the policies and goals contained herein.

5. Emergency Message Programming

The Government Access Channel may be used to facilitate communications with residents during an emergency. In the event of an emergency situation, regularly scheduled programming on the Channel may be interrupted or cancelled in favor of an emergency override. Emergency broadcasts consist of live, taped, or text generated programming shown at any time as emergency situations dictate. The purpose of emergency programming will be to keep residents abreast of emergency situations, and to disseminate instructions relative to evacuation, detour and escape procedures. The content and scheduling of any emergency programming requires approval by the City Manager.

6. Other Programming

Other programming may be produced which does not fit into any existing program series. These programs will be considered "specials" and may be of any format. Special programs will focus on special activities, events, services, and issues pertinent to the City of Yorba Linda.

VI. PROGRAMMING REQUESTS

Internal and external users are eligible to request programming within the aforementioned scope of services. The City Manager is responsible for making all programming decisions in accordance with this Policy. Since the Government Access Channel is not a "Public Access Channel", programming that is outside the scope of the Channel's mission and

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goals will not be aired. The City has the sole right to determine the content and schedule of programming on the Channel and to edit or deny content that may be deemed offensive, obscene, illegal, or otherwise inappropriate.

a. Procedure for Placement of Information for External Users

External users wishing to utilize the bulletin board service must submit a request for information to be placed on the Channel by submitting the completed application and digital message at least two weeks (10 business days) prior to the proposed airdate. Requests must be submitted on the City-created application, available on the City's website, and the message must comply with the production specifications outlined in the application. The City Manager's Office will review the submission(s) for accuracy and completeness of information and to ensure that all content is in accordance with this Policy, if approved. The City Manager's Office will schedule the message to air on the Channel as part of the Message Board Slide Show. The date of input and the duration of the broadcast will be subject to staff availability and channel capacity. The slide will automatically be removed from the Slide Show on midnight the day of the event and/or program. Slides with no expiration date will be reviewed on a quarterly basis and may be removed by the City Manager's Office without notice. Notwithstanding these procedures, emergency messages that affect residents' health and safety will be included in the display sequence as soon as possible.

b. Approval Authority

The City Manager, or his or her designee, has the right and authority to deny any program request when it is determined, following review of a complete application and message submission, that the programming and/or bulletin board message does not meet the criteria set forth in this Policy, the applicant fails to provide all required information, or the applicant fails to provide truthful information.

VII. PROGRAMMING ELIGIBILITY

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To be eligible for production or broadcasting, programming must comply with the City's mission and goals for the Channel, as stated in this Policy, as well as meet all of the following criteria:

1. The programming shall relate to the programs, services, and deliberations of local government and organizations that provide services to, or events for, the residents of Yorba Linda. The programming shall relate to community issues and events.
 2. The programming shall not express political views. The programming shall be non-religious and shall not coerce anyone to support or participate in the exercise of religion, or tend to establish a preference for one religion over another. The Channel shall not serve as a mechanism for building support for a particular policy, belief, viewpoint, or issue.
 3. The programming shall not include slanderous, lewd, obscene, indecent, or violent material or language. When questions arise as to the admissibility of material or language in this regard, the material will be reviewed subject to federal, state, and/or local law.
 4. The programming shall not include paid advertising material designed to promote the sale of commercial products or services, or any programming in which commercial appeals for funds are made. Grants for programming purposes shall not be considered as advertising. Paid advertising material includes, but is not limited to, advertising by or on behalf of a candidate for public office and paid messages for which the primary purpose is to promote a single service, product, trade, or business.
 5. The programming shall not include copyrighted material, unless clearances for use have been obtained and written proof of such clearance is presented.
 6. The programming shall not include programming prohibited by applicable federal, state, or local laws.
 7. The programming shall not include declared candidates for any elective public office and persons advocating any cause, viewpoint or policy, proposed or otherwise, except in a program or service where the format allows for all candidates or sides of an issue to be heard on an equal basis. A person is deemed to be a candidate for public office from the time that person takes out nomination papers for public office. Candidates for public office may appear on the Government Access Channel on a bona fide news program, if the appearance of the candidate is incidental to presentation of the subject matter; or in coverage of official city meetings such as City Council.
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8. Opinions expressed on the Channel may not necessarily reflect those of the City of Yorba Linda, the Yorba Linda City Council, or City of Yorba Linda staff.