

# LOS ALAMITOS TELEVISION CORPORATION

## POLICIES AND GUIDELINES

The policies and guidelines detailed herein define a process for the public's appropriate, equitable and fair use of the LATV3 facilities.

### Purpose

LATV3 (Los Alamitos Television Channel 3) exists to provide diverse public access programming to the communities of Los Alamitos and Rossmoor. It does this by offering the community the opportunity to view, entertain and inform itself, through its own efforts, by using the public access facilities at LATV3.

### Facility Policy

- A. The use of LATV3 facilities and equipment are for non-profit and non-personal use only.
- B. No advertising or solicitation of products and services for only commercial purposes is permitted. Promotional materials of an informational nature may be acceptable.
- C. No obscene material as defined by applicable law is permitted.
- D. No lottery, information concerning lottery, gaming, gift exchange, or similar scheme offerings are permitted.
- E. Libelous, slanderous, or other illegal material as defined by applicable law is not permitted.
- F. Endorsement of declared political candidacy or ballot issues is discouraged and the provisions of such is not required (Section 76.205, FCC Code): however, it is the policy of LATV3 not to discourage the presentation of programs in which equal time is offered to all candidates or proponents of ballot issues. Further, it is the intent of LATV3 to encourage the free expression of opinion by any access host, talent, or guest who appears on the system.
- G. No individual will be denied access to the LATV3 facility or Channel 3 airtime on the basis of race, sex, physical ability, religion, political view, sexual preference, or national origin.

### Qualifications for Public Access Producers

Any individual at least 18 years of age who resides in or is employed by a business, individual or community organization located in Los Alamitos or Rossmoor, has completed the LATV3 production training program, and participated in at least three

television productions at LATV3 can be certified as an access producer. If a person has completed training through another facility, they are eligible to take a written test administered by the Station Manager to fulfill the production training requirement.

All access producers must adhere to the policies and guidelines set forth in this document. A completed *Public Access Statement of Compliance Agreement* must be signed and filed with LATV3.

### **Qualifications for Crew and Volunteers**

Any individual at least 18 years of age that has completed the LATV3 production training program and participated in at least three television productions at LATV3 can be qualified as volunteer crew. Students of Los Alamitos High School under the age of 18 can qualified to work under the supervision of the Station Manager or a certified Access Producer.

All crew and volunteers must adhere to the policies and guidelines set forth in this document. A completed Public Access Statement of Compliance Agreement must be signed and filed with LATV3. Under age crew and volunteers are required to complete a guardian permission form signed by their legal guardian and filed with LATV3.

### **Public Access Workshops**

Workshops covering video and television production are held on an as needed basis or when publicized. Training will include operation of all related studio production equipment (cameras, lights, control room). Additional workshops for camcorders and editing are also held on an as- needed basis. The basic training workshop takes three (3) weeks.

Upon completion of the training program, each producer will receive a laminated identification card. Producers are not required to wear the identification when working on shoots, however it is recommended. The identification does not state that the producer is an employee of or represents LATV3 or the City of Los Alamitos and the producers may not identify themselves as such. The identification only states that individual is certified by LATV3.

### **Producer Privileges and Responsibilities**

Upon certification, producers are qualified, to request studio time or field equipment for their production with the Station Manager. Producers are also qualified to make themselves available as crewmembers for other productions.

Prior to accepting any studio, equipment, or editing requests, the Station Manager must receive a written Program Proposal from the access producer. The proposal will be reviewed by the Station Manager to determine public access appropriateness.

Staff support for access producers will be limited to the following:

1 <sup>st</sup> and 2 <sup>nd</sup> programs:	Full Staff Support (Staff will recruit crew volunteers, direct studio production and act as crew to assist volunteers)
3 <sup>rd</sup> and 4 <sup>th</sup> programs:	Limited, As Needed Staff Support (Staff will participate in production on a limited, as-needed, basis)
5 <sup>th</sup> and all following programs:	Access Producer Solely Responsible (Staff will mentor and advise production on an on-going basis)

Staff will always be responsible for Engineering and other technical aspects of productions.

Each producer is solely responsible for the entire process of their production from arranging the talent, coordination of the crew, booking the studio or field equipment, to coordination equipment, gear and crew. The producer is responsible for the actions of crewmembers, guests, and talent during the entire production process, including cleanup. All crewmembers must be LATV3 certified.

If the need arises for outside professionals to be involved with production, they must be approved by the Station Manager and have acceptable professional credentials. The provision of professional crew members is meant to augment, not replace the work provided by volunteers and the producer. Professional crewmembers shall be limited to two (2) per production.

Producers, at their discretion, can require signed release forms for anyone appearing on television. LATV3 has standard forms, or producers may design their own form, as long as the language regarding appearing on LATV3 remains the same. It is considered prudent for any producer to obtain written permission from those who appear on television.

Producers, at their discretion who intend to produce a program at a commercial business location, or at a public building or place, should obtain a written release form from the person having authority over that location.

The producer is responsible for obtaining permission for any copyrighted material. Un-copyrighted (buy-out) music is available through LATV3.

The producer is responsible for advising everyone appearing on the production, whether in the studio or in the field, what is appropriate and not appropriate to say with regard to commercial and non-commercial information. For example, a tag with a person's name and the business name is acceptable. (see the Facility Policy for items relating to

advertising.) For more detailed information relating to advertising, please see the Station Manager.

Producers are encouraged to recruit sponsors for food, set pieces, props, and other items that may help with the production of the program. This helps lessen expense for producers and lends exposure in an acceptable, non-commercial manner to the sponsoring party. (A “thank you” for the sponsorship including the name of the sponsor may be shown in the credits.)

## **Facilities Access**

### **A. Studio Access**

All studio time is handled on a first-come, first-served, non-discriminatory basis. A studio date must be requested no later than two-weeks prior to the recording date. Access producers are limited to one (1) studio production per month. Studio time is book on a three (3) hour block basis. Additional studio dates can be approved at the discretion of the Station Manager. (The Station Manager maintains a four-month calendar, which indicates all of the on-going program productions. This calendar may be reviewed at any time.)

Producers wishing to schedule a production utilizing the studio must request the time from the Station Manager. Each producer is solely responsible (as noted above) for the entire process of their production. The Station Manager or designees are the only authorized persons to handle the engineering responsibilities associated with the studio. If no one is available to handle the engineering responsibilities, the program will be rescheduled.

All persons in the studio and all other areas of the LATV3 facilities must conduct themselves in an acceptable and lawful manner. No running, yelling, inappropriate language, throwing of food or items of any kind is permitted on the premises. The behavior will not be tolerated and the Station Manager reserves the right to excuse anyone conducting themselves in an unacceptable manner.

No food or drink items are allowed in the studio, control room, or editing areas. If the producer provides food for the crew, all food will be consumed in the green room area after the completion of the production, and the producer will clean the green room and discard all food and debris into the dumpster outside the building.

If there is a problem with any studio equipment, the access producer is not to troubleshoot or repair the equipment themselves. If it is found that equipment has been tampered with, producer privileges can be suspended.

No smoking is allowed anywhere inside the facilities.

Following the production, the studio must be cleaned and all items used by the producer

must be put away properly (striking the set). This includes removing gels from lights, properly coiling cables, putting microphones back in the cases, and returning headsets and audio cable to the proper cabinet. All backdrops and set pieces must be put away properly or removed. All equipment is to be turned off in the proper manner. The producer is responsible for the condition of the facilities when the production is over.

If any equipment is damaged or broken during production, the producer must notify the Station Manager and complete the form for equipment failure. If the damage was due to negligence on the part of any person during the course of a production, the producer will be held liable for the repair or replacement of the equipment. If the equipment was damaged or broken due to normal wear or use, the cost of the repair or replacement will be covered by LATV3. The Station Manager will handle all issues relating to equipment repair and replacement.

#### B. Field Equipment Access

Field equipment is made available to LATV3 certified public access producers on a first-come, first-served, non-discriminatory basis. Field equipment must be requested no later than three working days before the intended date of use. The access producer must specify where they intend to use the equipment. The Station Manager can deny the request based on safety factors on behalf of the producer and the equipment.

Producers wishing to use the field equipment must complete the *Equipment Checkout Form*, accepting responsibility for all equipment in their care. Producers must return the field equipment the following day. Special consideration may be granted by the Station Manager, in the event of unusual circumstances.

If there is a problem with any field equipment, the access producer is not to troubleshoot or repair the equipment themselves. If it is found that equipment has been tampered with, producer privileges can be suspended.

The Station Manager will review all items and equipment procedures with the producer at the time of checkout. All equipment must be returned in the same condition in which it was checked out. The equipment will be inspected by the Station Manager. If it is determined that equipment was damaged or broken due to negligence, the producer will be responsible for the repair or replacement of the equipment. If the equipment was damaged or broken due to normal wear or use, the cost of the repair or replacement will be covered by LATV3. The Station Manager will handle all issues relating to equipment repair and replacement.

Only certified LATV3 public access producers are allowed to operate the equipment.

### C. Mobile Production Truck Access

The LATV3 production van is only used by station staff. It is not available to access producers. The Station Manager has the discretion to work with an access producer on a joint project for special community events on an as-needed basis. If a request for the van is denied by the Station Manager, the access producer may appeal the decision to the LATV3 Board of Directors.

### D. Editing Access

Editing equipment is available at LATV3 for producers who are certified on the equipment by LATV3. Edit bay time is scheduled with the Station Manager.

### **Airtime Access**

All requests for airtime are handled on a non-discriminatory basis, according to the procedures provided under "Airtime Scheduling" below.

Producers are encouraged to strive for 30 minutes, 60 minutes, and 2-hour length programs. Programs of odd lengths are more difficult to schedule. (The program schedule is updated quarterly (e.g. "seasonally" as described under "Airtime Scheduling" below) and is displayed in the Station Manager's Office. It is also transmitted to the local newspapers and updated on the LATV3 website.)

### **Airtime Scheduling**

LATV has four annual programming "seasons" of three months each, which coincide with calendar quarters. The LATV station manager shall provide written notice of a date and time certain prior to the beginning of each season by which all airtime requests for a season must be submitted. A program schedule will be developed for each season based upon the following criteria:

- A. Live programming produced by the City or another public agency will be given first priority for each season. Each live program produced by the City or another public agency will be scheduled to run once live, at its time of occurrence, plus a maximum of four additional times per week until the next live broadcast, unless there are other blocks of air time that have not been allocated to other producers of programming in compliance with the criteria listed below. As used in these policies and guidelines, a week shall mean a seven (7) day period beginning on Sunday at 12:00 am and ending on Saturday at 11:59 pm.
- B. All other programming will be scheduled according to the following list of program types, with programming in a lower-numbered category having priority over programming in a higher-numbered category:
  1. Programs produced by the City or another public agency

2. Live series programs produced by Los Alamitos Producers
3. Live single programs produced by Los Alamitos Producers
4. Taped series programs produced by Los Alamitos Producers
5. Taped single programs produced by Los Alamitos Producers
6. Live series programs produced by Non-Los Alamitos Producers using LATV facilities
7. Live single programs produced by Non-Los Alamitos Producers using LATV facilities
8. Taped series programs produced by Non-Los Alamitos Producers using LATV facilities
9. Taped single programs produced by Non-Los Alamitos Producers using LATV facilities
10. Bicycled series programs
11. Bicycled single programs

For purposes of these provisions, a "Los Alamitos Producer" shall be an LATV certified producer who also is any of the following: (1) a resident of Los Alamitos; (2) an owner of a business located in Los Alamitos; (3) a student enrolled in a school located in Los Alamitos; and (4) a producer producing a show for and about a non-profit organization which rents or owns property in Los Alamitos.<sup>1</sup>

For purposes of these provisions, a bicycled program is a program produced by a non-LATV certified producer without the use of LATV facilities.

- C. A producer may request a particular single (e.g. date certain) or recurring (e.g. every Tuesday at 8:00 pm) block of airtime. In the event of multiple requests for the same single or recurring block of airtime for programming within the same category of priority (as described above), allocation of the slot(s) shall be done on a non-discriminatory first come, first served basis. For these purposes, the station manager will keep a written log in which he or she records the time and date on which requests for each block or recurring block of airtime are made. .

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<sup>1</sup> See the "Qualifications for Public Access Producers" section of these Policies and Guidelines for LATV certified producers. If for any reason certification is no longer required in order to get a program on the air, certification will not be required to be considered a Los Alamitos Producer for priority purposes if one of the other four (4) criteria are met.

- D. No single taped program will be granted additional (e.g. second, third, fourth etc) airtime blocks in a single week until all programming for which additional airtime requests have been received have been granted an equal number of additional (e.g. second, third, fourth etc.) airtime blocks.
- E. In developing the airtime schedule for a season, LATV shall make reasonable efforts to reserve airtime blocks for programs for which no airtime requests were received prior to the normal airtime request deadline. The purpose of this is to provide an opportunity for producers of programs concerning current events, or programs for which it was infeasible to submit a timely airtime request, to have their programs aired.
- F. Live programs produced by the City or another public agency for which a prior airtime block could not have reasonably been requested (e.g. special meetings of the City Council or other legislative bodies) shall be given priority and may "bump" a scheduled program from its airtime block. If this occurs, the LATV station manager shall provide notice on LATV of the schedule change and shall provide an airtime block for the bumped show at the soonest possible time on the schedule. In addition and notwithstanding any other policy, the LATV station manager shall also, upon request of the producer, provide one additional airtime block during that week (if available) for the show to help ensure audience access.
- G. In order to ensure that access to LATV is available to the entire community, no group of shows produced by the same non-public agency producer may occupy more than seven and one-half (7.5%) of total available airtime per week (e.g. 24/7).
- H. If airtime blocks during popular time slots become scarce due to the number of programs being produced, LATV shall discuss and consider amending these policies to create minimum show production quantities in order to request, secure and maintain a recurring airtime block. For instance, by way of example and not by way of policy, in order to receive a recurring airtime block, a producer might be required to commit to producing a minimum number of episodes of a proposed program during a minimum number of days of the programming season. If fewer than the minimum number of episodes have been aired by the established deadline day of the season, LATV may be given the right to revoke the program's airtime block allocation for the remainder of the season, so as to make the airtime available to other producers.
- I. Airtime block allocations are not guaranteed, and may not be available due to technical difficulties or other uncontrollable causes.

### **Technical Requirements**

All media submitted with a request for airtime must comply with the following technical requirements:

- A. The beginning of the media must contain at least 30 seconds of color bars and tone.
- B. An ID Slate must follow the color bars and tone, followed by a SMPTE standard countdown, prior to the beginning of the program. The ID slate must include the following:

- Title of Program (episode if possible)
- Total Running Time
- Audio Mix
- Producer's Name
- LATV3 Library ID Number

- C. The total pre-roll time at the beginning of the media cannot exceed 1 minute.
- D. There must be a continuous control track throughout the length of the program. If an interrupted control track exists, the program will not be scheduled for playback.
- E. There must be a least 30 seconds of black following end of the program.
- F. At the end of the final credits for any LATV produced program (e.g. non-bicycled), the following must appear:

- Funding provided by Time Warner Cable & Verizon, Inc.
- This has been a presentation of the Los Alamitos Television Corporation
- Copyright (year) all Rights Reserved

If additional funding sources are identified for which credit should be given, the LATV station manager shall provide written notice to all producers to adjust this notice accordingly.

- G. Media must be clearly identified with a label and corresponding label on the case. Labels must include program title, date, producer's name, the audio mix, and the total running time "TRT."

**Programming Content**

- A. LATV will not regulate the content of programming shown on LATV, except that the following types of programming are prohibited by applicable law:
  - 1. Commercial advertising or programming (including any program the primary purpose of which is to sell a product or service, such as

“infomercials” or to solicit funds for a commercial purpose).

2. Certain programs containing lottery information, as prohibited by 47 Code of Federal Regulations 76.213.
  3. Programs containing speech not protected by the First Amendment of the US Constitution or the Liberty of Speech Clause of the California Constitution, including programming that is libelous, slanderous, obscene or invasive of privacy.<sup>2</sup>
- B. LATV will not screen programs as a pre-condition to being aired.
- C. Producers of LATV produced programs shall agree in writing, on a form provided by LATV, to the following each time they submit a program for airing: (1) they are submitting a program that constitutes expression protected by the First Amendment of the US Constitution or the Liberty of Speech Clause of the California Constitution; (2) they will defend, indemnify and hold harmless the City of Los Alamitos, the Los Alamitos Television Corporation, LATV-3, any entities who have been granted written cable franchise agreements by the City of Los Alamitos (currently Verizon and Time Warner), and their officials, officers, employees and volunteers, from any and all alleged claims, actions, damages, costs, liabilities, injuries and fees (including, but not limited to, attorneys fees and costs) or losses related to their programming, including, but not limited to, claims of libelous or slanderous content; claims regarding a failure to comply with applicable federal laws, rules, regulations or other requirements of local, state or federal authorities; claims of invasion of privacy; claims of infringement of common law or statutory copyright; claims of unauthorized use of any trademark, trade name or service mark; claims for breach of a contractual or other obligation owing to third parties by the producer; and claims for any other injury or damage in law or equity which result from the use of an LATV facility or channel; (3) that they have read, understand and agree to the LATV Policies and Guidelines, including but not limited to, the "Programming Content" and "Complaints Regarding Programming Content" provisions; and (4) that they have included the following disclaimer at beginning and end of each program:
- "The views or opinions represented in this program do not necessarily represent those of the City of Los Alamitos, the Los Alamitos Television Corporation, LATV-3 or anyone connected with those entities".
- D. Producers of bicycled programs shall agree in writing, on a form provided by LATV, to the following each time they submit a program for airing: (1) they are

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<sup>2</sup> For general information about the legal definitions of the types of programs prohibited in this subparagraph (#3), please see the LATV station manager. Please note, however, that neither the Los Alamitos Television Corporation, LATV3, the City of Los Alamitos, nor anyone connected with those entities can provide legal advice to producers.

submitting a program that constitutes expression protected by the First Amendment of the US Constitution or the Liberty of Speech Clause of the California Constitution; (2) they will defend, indemnify and hold harmless the City of Los Alamitos, the Los Alamitos Television Corporation, LATV-3, any entities who have been granted written cable franchise agreements by the City of Los Alamitos (currently Verizon and Time Warner), and their officials, officers, employees and volunteers, from any and all alleged claims, actions, damages, costs, liabilities, injuries and fees (including, but not limited to, attorneys fees and costs) or losses related to their programming, including, but not limited to, claims of libelous or slanderous content; claims regarding a failure to comply with applicable federal laws, rules, regulations or other requirements of local, state or federal authorities; claims of invasion of privacy; claims of infringement of common law or statutory copyright; claims of unauthorized use of any trademark, trade name or service mark; claims for breach of a contractual or other obligation owing to third parties by the producer; and claims for any other injury or damage in law or equity which result from the use of an LATV facility or channel; (3) that they have read, understand and agree to the LATV Policies and Guidelines, including but not limited to, the "Programming Content" and "Complaints Regarding Programming Content" provisions; and (4) that they have included, or authorize LATV to include, the following disclaimer at beginning and end of each program:

"This program was not produced by LATV or with the use of LATV facilities. Moreover, the views or opinions represented in this program do not necessarily represent those of the City of Los Alamitos, the Los Alamitos Television Corporation, LATV-3 or anyone connected with those entities".

- E. When submitting a program for airing, all Producers (including those of bicycled programs) must notify the LATV Station Manager in the event that their program contains potentially violent or indecent content, even if such content is not obscene. As used in these policies, "violent content" shall mean graphic depictions of extreme acts of violence, and "indecent content" shall be defined by then applicable FCC standards. Currently, FCC standards define indecent content as:

Programs that contain 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.

- F. In the event that indecent or violent content exists, the producer must include the following viewer advisory at the opening of the program:

"The following program contains material which some viewers may

find objectionable or inappropriate for viewing, particularly by children. The views or opinions represented in this program do not represent those of the Los Alamitos Television Corporation, LATV3, the City of Los Alamitos, or anyone connected with those entities. Viewer discretion is advised.”

- G. All programming containing indecent or violent content will be scheduled after 10:00 pm and before 6:00 am.

### **Complaints Regarding Program Content**

- A. LATV may have City employee(s) review a program if LATV becomes aware that a program may constitute any of the following: (1) commercial advertising or programming (including any program the primary purpose of which is to sell a product or service, such as “infomercials”); (2) a program which contains lottery information prohibited by applicable law; (3) a program which solicits funds in a manner prohibited by applicable law; (4) unprotected obscenity (as defined in Miller v. California, 413 U.S. 15 (1973) or then applicable federal or state law); (5) unprotected incitement to unlawful action (as addressed under Brandenburg v. Ohio, 395 U.S. 444 (1969) or then applicable federal or state law); or (6) a program which contains indecent content. In no event shall a program be removed from air or moved to a time slot between 10:00 pm and 6:00 am (in the case of indecent content) unless and until the initial review has been conducted. A designated City employee shall have the responsibility to make a determination regarding such potentially inappropriate content. LATV shall make reasonable attempts to notify the producer of the show that such a review is taking place.
- B. The City of Los Alamitos, the Los Alamitos Television Corporation, LATV-3 and anyone connected with those entities shall not be responsible for any libelous or slanderous content in any program.
- C. Obscenity is currently generally defined under Miller v. California, 413 U.S. 15 (1973) as follows: (1) when an average person, applying contemporary community standards, would find that the show, taken as a whole, appeals to the prurient interest; and (2) when the show depicts or describes, in a patently offensive way, sexual conduct as defined by state law; and (3) when the show, taken as a whole, lacks serious literary, artistic, political or scientific value.
- D. Unlawful incitement is currently generally defined under Brandenburg v. Ohio, 395 U.S. 444 (1969) as follows: advocacy of the use of force or of law violation where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
- E. If the designated City employee reviews the program and concludes that it constitutes programming described in (A) above (“Challenged Program”),

LATV may pull the show from the air or, in the case of indecent content, move it to a time slot between 10:00 pm and 6:00 am while at the same time making reasonable attempts to notify the producer before taking such action. In all cases, within twelve (12) hours of taking such action, LATV shall provide written notice to the producer that his or her show has been removed from the air or moved to a 10:00 pm to 6:00 am time slot and the reason under (A) for such action. Such written notice shall be delivered to the most current electronic mail or postal address on file with LATV. All producers shall be responsible for maintaining current information with LATV.

- F. The producer of the Challenged Program shall have the right, but not the obligation, within forty-eight (48) hours of receiving notice that his or her program has been removed from the air or moved to a 10:00 pm to 6:00 am time slot, to submit a request to LATV for a binding hearing before a neutral third party hearing officer selected through the Office of Administrative Hearings (OAH) ("Hearing Officer")<sup>3</sup>. If the producer does not elect to utilize this administrative process, he or she shall have the right to pursue other legal remedies, as provided for by law.
- G. LATV will submit the Challenged Program at issue to the Hearing Officer promptly (within one (1) business day of the producer's request for an appeal). Within two (2) business days of submission of the Challenged Program, both the producer and LATV shall be permitted to file a written brief of no more than ten (10) pages to the Hearing Officer, unless the Hearing Officer determines, in his or her sole discretion, to allow more or less written argument. In addition, there shall be no hearing scheduled before the Hearing Officer, unless requested by the producer or LATV, or unless the Hearing Officer determines, in his or her sole discretion, that a hearing is needed. If a hearing is requested or determined to be necessary by the Hearing Officer, such hearing shall be scheduled within two (2) business days of submission of the Challenged Program. The Hearing Officer shall use all reasonable efforts to limit the hearing time, in the interests of prompt appeal regarding first amendment rights and in the interests of cost. The hearing shall be held in or nearby Los Alamitos, if possible, but in no event further away from Los Alamitos than the cities of Irvine or Los Angeles. The hearing shall be video or audio recorded, but need not be transcribed by a court reporter unless the producer and/or LATV request and pay for such transcription. The video or audio recording need not be certified.
- H. This administrative appeals process shall not be subject to the Administrative Procedures Act or any other formal arbitration or appeals process; rather, it shall be limited to the process provided for herein, as well as any other

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<sup>3</sup> Utilizing the OAH shall be the default process, due to its experience and cost effectiveness. If deemed necessary, however, LATV and the producer may mutually agree to utilize another neutral hearing organization, firm or individual. If an alternative is mutually agreed upon, all remaining hearing procedures and requirements provided for here shall still apply.

procedures determined to be necessary by the Hearing Officer in his or her sole and absolute discretion. Formal rules of evidence shall not apply, but the Hearing Officer may admit, in his or her sole discretion, evidence which he or she finds to be relevant, probative and supported by sufficient indicia of reliability.

- I. The Hearing Officer's sole jurisdiction shall be to determine whether the designated City employee properly concluded that the Challenged Program constitutes programming described in (A) above. Review by the Hearing Officer must be completed within three (3) business days of submission of the Challenged Program, unless the Hearing Officer determines, in his or her sole discretion, that additional time is needed. The Hearing Officer's decision shall be in writing, shall include findings of fact and conclusions of law, shall be provided to all parties at the same time, and shall be final and not subject to appeal to any person or administrative or judicial entity. All documents making up the administrative record shall be provided to and maintained by the City Clerk of the City of Los Alamitos, and shall be retained and disclosed to any person pursuant to the terms of the California Public Records Act.
- J. If the Hearing Officer determines that LATV was within its rights to remove the Challenged Program from the air or to move it to a 10:00 pm to 6:00 am time slot, LATV and the producer shall each pay fifty percent (50%) of the costs of the Hearing Officer. If the Hearing Officer determines that LATV was not within its rights to remove the Challenged Program from the air or to move it to a 10:00 pm to 6:00 am time slot, LATV shall pay one hundred (100%) of the costs of the Hearing Officer. In no event shall either LATV, the City of Los Alamitos, LATV-3, or anyone connected with those entities be responsible or liable for any other costs, fees (including, but not limited to, attorney or expert fees), or expenses incurred or claimed by the producer for the Challenged Program. Similarly, in no event shall the producer be responsible or liable for any other costs, fees (including, but not limited to, attorney or expert fees), or expenses incurred or claimed by LATV, the City of Los Alamitos, LATV-3, or anyone connected with those entities for the Challenged Program.
- K. If the Hearing Officer concludes that LATV was not within its rights to remove the Challenged Program from the air or to move it to a 10:00 pm to 6:00 am time slot, LATV will make all reasonable efforts to find a time slot(s) for the program to air to make up for the time(s) that the program did not air.
- L. If the Producer opts to use the administrative appeals process provided for herein, it shall be the sole and exclusive remedy available to LATV, the City of Los Alamitos and the producer, and no party shall have the right to judicial review or appeal.

## **Grant Application Process: Guiding Principles**

To the extent that LATV determines to seek grant funding opportunities to be distributed to producers, LATV shall establish a grant application process which is viewpoint neutral, which contains reasonable written criteria for allocation of funds, and which complies with all requirements of the funding source. All funding decisions shall be made by the Los Alamitos Cable Commission in a publicly noticed (pursuant to the Brown Act) and televised meeting. All records related to the grant process shall be available pursuant to the California Public Records Act. All members of the Cable Commission shall be subject to applicable state laws regarding conflicts of interest. No appeal of the Cable Commission decision shall be available to the City Council.

## **Bicycling**

A program produced at LATV3 may be bicycled to other public access stations for play on their systems. Producers may not receive financial compensation for the airing of their program on another station. Producers are responsible for getting copies of their programs to the other stations.

## **Fees and Charges**

There is no charge for the use of LATV3 Facilities and equipment or for the cable casting or programs on LATV3; however, a producer is financially liable for any equipment lost, stolen, or damaged while in their care. This is explained in detail on the Equipment Checkout Form. If any equipment is damaged or lost due to negligence of the producer or someone affiliated with this producer's production, the producer will be held liable for the repair or replacement of the equipment.

Currently, the format used for recording in the field is Mini-DV tape. The format used in the studio is DVD and related backup formats. All of the recording media is provided by the Los Alamitos Television Corporation at no charge for source materials and masters. If a particular production requires an unusual amount of media, arrangements may be made for the producer to contribute toward its cost. The Station Manager shall make this determination. Producers are not allowed to utilize any used tapes not provided by LATV3. Producers are granted one VHS or DVD copy of the program at no charge.

Program copies are available at \$20.00 per VHS tape or \$25.00 for DVD to the general public. The producer will be able to purchase copies on other formats (Betacam SP,  $\frac{3}{4}$ ", etc.) with a \$10.00 dubbing fee added to the cost of the media. If the producer supplies the media, a \$10.00 dub fee will be charged. All producer-provided media must be new.

Any access producer failing to return the field equipment at the previously arranged time will be assessed a late fee of \$20.00 per day. Producer privileges will be suspended until the late fees are paid. Producers can appeal the fee, in writing, to the LATV3 Board of Directors.

There will be a nominal charge for the Public Access Training Handbooks, if supplied, to cover the cost of printing.

### **Violations and Disciplinary Action**

Producers are only allowed in the facility with the authorization of the Station Manager. This includes the studio, editing bays, council control room, field equipment room, and mobile production truck. Violations will result in suspension of facility privileges.

If a producer harasses or otherwise creates a hostile work environment for LATV3 staff and/or volunteers, his/her facility privileges and airtime access will be suspended.

If a producer determines that he/she will not need scheduled LATV3 facilities, the Station Manager must be notified immediately. Failure to notify the Station Manager in a timely manner could result in suspended facility privileges.

If a producer fails to control his/her crew or guests on repeated occasions, facility privileges will be suspended.

A producer who has had privileges suspended will be notified in writing within 7 days. The producer may appeal to the Station Manager in writing within 30 days. If the appeal is denied by the Station Manager, the producer may appeal in writing to the LATV3 Board of Directors. The item will then be scheduled on the agenda of the next regularly scheduled Board meeting. The decision made by the LATV3 Board of Directors will be final.

### **Procedures for Complaints, Disputes, and Comments**

If you feel that your production needs are not being met properly, present your complaint, dispute or comment to the Station Manager in writing.

If you are not satisfied with the ensuing result, you may present a written appeal to the LATV3 Board of Directors. Please indicate if you would like your item to be placed on the public agenda for the next scheduled meeting, or if you would like an Executive of the Board to address your issue.

All decisions and findings of the LATV3 Board of Directors are final.

<p>The Board of Directors of the Los Alamitos Television Corporation may update or change these policies and guidelines at any time.</p>
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