

CITY OF RIALTO
Public, Education and
Government Access
Policy & Guidelines
RIALTO NETWORK
2016

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1.0 INTRODUCTION

1.1 PURPOSE STATEMENT

The City of Rialto and franchisee(s), in accordance with the provisions of Rialto Municipal Code (hereinafter "RMC") Chapters 5.44 and 5.46, have entered into an agreement(s) to provide Public, Educational and Government (PEG) Access Television.

In order to ensure that public needs are met, the City Council has formed the Rialto Cable Advisory Commission, consisting of five (5) appointed representatives from the community. With respect to PEG Access channels, it shall be the Cable Advisory Commission's responsibility, in cooperation with City of Rialto and RIALTO NETWORK staff, to:

- a. Monitor the implementation of PEG Access programming.
- b. Assure a sufficient variety of non-discriminatory PEG Access programming to meet the needs of students, residents, and cable viewers in the City of Rialto.
- c. Promote interest in, and use of, PEG Access channels.
- d. Act as an advisory body to the Rialto City Council with respect to PEG cable Access, training, operating guidelines and coordinate workshops.

1.2 PROGRAMMING PHILOSOPHY

In 1972, the Federal Communications Commission (FCC) provided for the creation of PEG Access channels on local cable television systems. PEG programming consists of three types of programming: Public Access Programming, Educational Access Programming and Governmental Access Programming. Each type of programming is further detailed herein. PEG Access channels are now protected by the Cable Policy Act of 1984, which requires the cable system operator to provide PEG Access Channels for the Rialto community.

As a PEG Access channel, RIALTO NETWORK offers a unique opportunity for the community to create its own programming alternatives, and to engage in responsible dialogue. Programs created may differ in style and content from those appearing on regular broadcast television. They may, for example, be designed to reach a specific audience (without regard to commercial considerations).

Programming on RIALTO NETWORK should be relevant to the people of the Rialto community. Programs may be local in focus, origin or perspective. They may involve or concern local people, issues or events. Programs may also present issues or topics with a wider focus which have direct bearing on the lives of the people of Rialto.

2.0 PEG ACCESS POLICY

RIALTO NETWORK specifically seeks to meet the need of promoting communication among the diverse segments of our community, creating an interchange of ideas transcending differences of language and culture.

2.1 PUBLIC ACCESS

Public access exists to provide an opportunity for members of our community to use the medium of television to present programs which are relevant to local community interests, affairs or concerns. RIALTO NETWORK seeks to encourage use of the community channel by the greatest number of users, and to promote diversity of program content. RIALTO NETWORK offers the community the opportunity to view, entertain and inform itself through its own efforts within specified guidelines.

It is the policy of RIALTO NETWORK to provide equal opportunity access to all persons, organizations, or groups residing, working or located within the city limits of the City of Rialto. Access shall be provided on a first come, first served basis without regard to race, ethnic origin, religion, creed, sex, sexual orientation, handicap, age, level of creativity or socioeconomic status. RIALTO NETWORK shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin. Users under the age of eighteen (18) must be supervised by an adult access producer or an adult who agrees to assume liability and financial responsibility for the minor users.

Interested persons may submit programming they believe may be appropriate for cablecast on RIALTO NETWORK. Any programming request shall be subject to review by RIALTO NETWORK staff for its appropriateness and technical aspects. Those programs which are found to be consistent with the overall operating policy of PEG access shall be cablecast provided the programming is consistent with all laws including those related to homeland security, and all written City policies and rules. Written permission for the use of copyrighted material must be authorized by the copyright owner at the time of submission or at any time prior to scheduling of a program for cablecast which permission shall be the sole responsibility of the program sponsor.

2.2 EDUCATIONAL ACCESS

Educational access exists to provide a wide variety of programming to support and promote the continuing education and general learning of the community's students and cable television viewers.

General interest educational programming will be acquired and scheduled for cablecast upon the approval of RIALTO NETWORK staff, as outlined in the procedures presented in this guide. Submission of general interest educational programming (single subject and/or series) can be made by any person, organization, or group residing or located within the city limits of the City of Rialto or any educational institution wishing to do so.

The purpose of the Education Access is to further the educational missions of contributing school districts and educational institutions. Educational access television works directly with the local public and private schools to inform, highlight, and educate citizens of local school programs, events and goals, as well as to provide educational opportunities for students interested in communications careers.

The City of Rialto seeks that educational access programming to focus on:

- a. Schools which are located geographically within contributing school districts (e.g. private, parochial, and post-secondary schools) may contribute programming to the Education Access.
- b. Programming on the Education Access will be by, about, or for the benefit of students of participating schools as defined above.

- c. Participating schools may apply school rules and standards to the programming they produce but the programming shall comply with all rules set forth herein.
- d. Contributing schools may act as producers and are only responsible for programming/content that they produce.
- e. Districts and schools may assign liability to individual student users and their parents.
- f. Educational programming not produced by schools or school districts may be aired at the discretion of Rialto Network.

Examples of educational access programs are limited but not limited to:

- Programs designed to showcase student work
- Creative student programming
 - Artistic endeavors
 - Multimedia projects
 - Student news & sporting broadcasts
 - Concerts & special projects
 - School plays, musicals, and talent shows (with approved television copyright)
 - Programs designed to build school and community spirit:
 - Broadcast of school sports schedules
 - Broadcast of school events schedules
 - Broadcast of sporting events
 - Broadcast of special school events
- Programs that share the classroom:
 - Distance learning
 - Videos of classroom activities that are approved by the school authorities
- Programs that convey philosophy, vision, and actions of educational leaders:
 - School Board meetings
 - School Budget Committee meetings
- Programs that make education “more available” to the community:
 - Public Library content to include story hours, cooking classes, exercise classes and lectures
 - Educational content from other sources
 - Adult Education
- Programs contributed by private and public educational agencies:
- Programs produced by government and public educational organizations such as NASA, The Carnegie Foundation and Corporation for Public Broadcasting
- Programs produced by government agencies to educate the public about emergency procedures.

2.3 GOVERNMENTAL ACCESS

Governmental access exists to provide information regarding federal, state, county and local government as it relates to the residents of Rialto. Specifically, government access objectives are as follows:

- a. To provide city government information to citizens of the community.

- b. To air City meetings including the City Council meetings, Planning Commission meetings, Cable Advisory Commission meetings and any other meetings in the discretion of the City.
- c. To widen the dissemination of activities and information from the legislative and Advisory bodies of the City of Rialto.
- d. To provide public information to the citizens of Rialto about the various functions Performed by the various agencies, divisions, and departments of City government.
- e. To provide information to citizens requiring access to various Federal, State, and local agencies.
- f. To supplement the public safety activities of the Fire and Police departments.
- g. To assist with internal training of City personnel.
- h. To provide a forum for thoughtful public discussion on government related issues.

It is RIALTO NETWORK's government access policy to provide direct, non-editorial information to the citizens of Rialto concerning the operations and deliberation of the City government. Government access is not intended as a mechanism for building support for a particular candidate or candidates for political office. With respect to any program concerning subjects which may be interpreted to be materially controversial, RIALTO NETWORK will maintain a position of neutrality, providing a fair opportunity for the presentation of opposing views.

All public meetings of the City of Rialto policy-making bodies, commissions, or boards are authorized for cablecast. All regular City Council meetings will be cablecast. Meetings related to governmental committees, board and commissions may be cablecast at the request of, or by permission of, the presiding officer, whenever logistics permit.

Any public meeting cablecast on RIALTO NETWORK will be aired in its entirety, gavel to gavel, excluding "closed sessions," and will not be edited or subjected to editorial comment. However, editing may occur to edit out recesses or technical limitations that restrict production procedures or such edits.

Promotional announcements for municipally sponsored events or activities are, generally, acceptable for cablecast on RIALTO NETWORK. Public Service Announcements for agencies outside of municipal government are subject to the review of the RIALTO NETWORK staff.

Currently RIALTO NETWORK has the ability to provide live programming from the Rialto City Hall, 150 S. Palm Avenue and the Dr. Kazalunas Education Center, 182 E. Walnut Avenue. RIALTO NETWORK is also capable of providing live streaming content from locations that have an Internet connection.

2.4 EMERGENCY BROADCAST/EMERGENCY MANAGEMENT

Public, Educational, and Government programming/channels may be interrupted at any time for the purpose of broadcasting emergency service bulletins and programs by government public service agencies and departments in the interest of public health and safety.

3.0 PROGRAMMING POLICY

3.1 COMPLIANCE WITH LAW

It is the policy of RIALTO NETWORK to cablecast any PEG programming that is not in violation of federal, state, and local laws, is consistent with this Policy and Guidelines. Sources of programming may include any of the following options, which are listed by priority:

- a. Live cablecast. May include City Council and other public meetings such as major educational meetings and events.
- b. Outside programming. May include a variety of PEG access programming which is available to the City at minimal to no cost.
- c. Broadcast delayed cablecast. May include rebroadcasts of “live” or outside source programming, and recordings.
- d. Locally produced programming. May include programs produced/provided by City Departments/Divisions, or programs submitted by any of the local educational institutions, their staff, their students, or residents of Rialto, Rialto businesses, or anyone qualified under these guidelines (as defined in section 6.1).

These programs will be selected for cablecasting by RIALTO NETWORK staff on the basis of relevance or interest to the community and adherence to programming policies. To the extent possible, at least fifty-one percent (51%) of the programming scheduled for cablecast on RIALTO NETWORK must have been produced within the Rialto community.

In the event of a dispute about the scheduling of programming during public access programming hours 5:00 am to 2:00 am, programs produced by Rialto access producers have priority on air time over any programs not originating in Rialto.

3.2 COMMUNITY INFORMER PROGRAMMING

During all hours of operation, when other programming is not available, community public service messages will be aired on the City’s digital bulletin board titled the “Community Informer.”

- a. Eligible Participants: Entities and groups eligible to submit messages for cablecasting over RIALTO NETWORK include the following, in order of priority:
 - First: Government, including local, county, state and federal agencies as well as, agencies controlled by the local government.
 - Second: Educational institutions.
 - Third: Local non-profit organizations, local service groups, local social and recreational clubs, businesses and for-profit groups if the sponsored event or activity benefits a local non-profit cause; and

Fourth: Public agencies outside the City of Rialto which offer information and activities of interest to Rialto residents. These messages will be displayed on the digital bulletin board as space permits.

- b. Message Preemption: Informer information may be interrupted or preempted to provide feature programming and critical information to residents in the event of a major disaster or emergency affecting the City.
- c. Message Evaluation: Each message is reviewed by RIALTO NETWORK staff for conformance with eligibility and content guidelines. Each message will be considered in relation to its priority, content, and other requirements.
- d. Message Content Requirements and Restrictions:
 - 1. Messages from groups other than the City are limited to an event or activity that takes place monthly or less often.
 - 2. Messages must be submitted on a RIALTO NETWORK Community Informer form only and can be either delivered in person, emailed, faxed or mailed to the station. Printed forms are also made available in Administration & the City Clerk's office and on the city website (<http://www.rialtoca.gov>).
 - 3. Messages must serve the public interest, and related to events and activities open to the public.
 - 4. Messages must be submitted at least two (2) weeks prior to posting.
 - 5. All messages are subject to editing and condensation.
 - 6. Time sensitive messages will be displayed through the day of the event or specified deadline.
 - 7. Messages with no specific event time or deadline will have a maximum of three (3) months of display time as long as space permits. After the 3-months, the message will have to be resubmitted to continue.
 - 8. Groups other than the City are limited to no more than three (3) messages displayed at any given time.

THE FOLLOWING TYPES OF MESSAGES WILL NOT BE CONSIDERED:

- 1. Content determined to be obscene, inflammatory, or pornographic as defined in California Penal Code section 311.
- 2. Messages that do not comply with these Policies and Guidelines or include language not otherwise permitted by law.
- 3. Messages promoting illegal activities.

4. Solicitations that invite the viewers to send or pledge money through representations, promises or any other means.
 5. Messages promoting and/or endorsing a political candidate, initiative, referendum, recall, or other election issue. However, notices publicizing public meetings, forums, and social functions sponsored by political groups which are open to the public are acceptable, as long as the names of political candidates and/or members, titles, or descriptions of ballot measures are not publicized.
- e. Disclaimer: The Community Informer is provided as a public service. Therefore, while the City will endeavor to ensure that messages submitted by individuals/organizations are transmitted accurately and in a timely manner, the City cannot and will not take responsibility for the factual accuracy of the information as submitted (i.e., times, dates, specific locations, name spellings and phone numbers). The responsibility rests with the originator.

3.3 PROGRAMS PRODUCED FOR RIALTO NETWORK ARE CATEGORIZED AS FOLLOWS:

“Non-Series” Programs: These are single programs produced by qualified users who are solely responsible for program content. Those wishing to produce RIALTO NETWORK programs must first meet with RIALTO NETWORK STAFF and may be required to attend a “Producer’s Workshop” sponsored by RIALTO NETWORK. The decision on cablecast time shall be based upon the programming discretion of RIALTO NETWORK staff.

“Series” Programs: RIALTO NETWORK defines a “series” as “four (4) or more programs of similar content or format, with a common series title.” Producers may choose to produce either monthly, weekly or bi-weekly series. Each program in the series should be the same length. Those wishing to produce RIALTO NETWORK programs must first meet with RIALTO NETWORK STAFF and may be required to attend a “Producer’s Workshop” sponsored by RIALTO NETWORK. The decision on cablecast time shall be based upon the programming discretion of RIALTO NETWORK staff.

ALL PROGRAMS CABLECAST ON RIALTO NETWORK MUST NOT EXCEED 28:30 for a 30 minute time slot or 58:30 for a 1 hour time slot.

In addition to programs produced by PEG Access users, RIALTO NETWORK also cablecasts programming from these sources:

Student-Produced Programs: As part of their instructional activities, students may also produce programs for RIALTO NETWORK, as well as assisting access producers in their productions as requested. Student producers who meet the access user qualifications (SEE Section 6.1) may submit their programs for cablecasting on their own behalf. Programs produced by students who do not meet access user qualifications must be submitted through their instructor. All student produced programs must be evaluated by RIALTO NETWORK staff for compliance with program policies prior to approval for cablecasting.

Programs Produced Elsewhere. These may include programs previously produced by or for community organizations. Persons submitting such programs must meet user qualification and agree to accept full responsibility for program content by signing the “RIALTO NETWORK Cablecast Request” form. These may also include programming produced by access or public television channels in other cities.

Candidates for Public Office.

- a. Advertisements. Candidates for public office may not use RIALTO NETWORK cablecast time or equipment to advertise for public office.
- b. Sponsored Candidate Forums/Debates: Community non-profit organizations must submit an application (RIALTO NETWORK Candidate Forum Application Form) requesting to schedule a candidate forum one (1) month prior to the date of the forum for the purpose of giving all candidates the opportunity to participate in the forum. No forum will be cablecast without an application being filed and approval for the cablecast being obtained from the Cable Advisory Commission.
 - 1. The forum shall be open to all candidates for the public office at issue.
 - 2. The sponsoring organization shall provide at least ten days' notice to all candidates of the intended date, time, and place of the forum and the intended format prior to submitting the application.
 - 3. Neither RIALTO NETWORK staff, the Cable Advisory Commission, nor the City of Rialto shall be involved in determining the format or content of the forum.
 - 4. All candidate forum cablecasts are subject to the Federal Cable Act guidelines. Any program which, in the judgment of RIALTO NETWORK's Cable Advisory Commission, is in conflict with community standards or California Penal Code Section 311, or is otherwise unprotected by the United States Constitution will be prohibited.
 - 5. See Section 7.3(B) of this Policy as it relates to the program restrictions. All content shall comply with any and all legal restrictions related to political speech.

4.0 FEES AND CHARGES

There is no charge for the cablecasting of programs on RIALTO NETWORK.

Program producers may be required to pay certain fees and charges involved in the production of their programs. At the present time, these include:

- a. Reimbursement for the replacement cost of any media material retained or removed from the premises by users.
- b. Fees for the repair or replacement of equipment or materials specifically required for an individual production.
- c. Charges for the cost of duplicating programs.
- d. Staff time.
- e. Editing.

Fees and charges may be established for the training workshops. Policies and rates on all such RIALTO NETWORK access fees and charges are subject to change; current fees and charges are included as an attachment to these guidelines (Resolution Nos. 5222 and 5583). All fees and charges or changes to fees and charges are subject to approval by the City Council.

5.0 STAFF AND FACILITIES

The production facilities and offices of RIALTO NETWORK are located at:

Rialto City Hall
RIALTO NETWORK
150 South Palm Ave.
Rialto, CA 92376
Phone: (909) 421-7235
Fax: 909-421-7253
Email Address: rialtonetwork@rialto.ca.gov

Office hours are concurrent with those of the Rialto Civic Center.

6.0 ACCESS TO RIALTO NETWORK; QUALIFICATION

Any person at least eighteen (18) years of age and who resides in, or whose primary place of employment is in the City of Rialto, or the officially designated representative of a non-profit tax exempt corporation or association, or other not for profit community organization chartered and located in the City of Rialto, is eligible to become a user of RIALTO NETWORK Community Television, regardless of whether they are a cable television subscriber. Any such individual (or organizational user) may make an appearance or produce a program for cablecast on RIALTO NETWORK, provided they adhere to all rules and guidelines for production and program content and agree to assume liability and financial responsibility.

Any person under eighteen (18) years of age, who resides in, or whose primary place of employment is in the City of Rialto, or who attends a school located in the City may be granted access to production facilities and equipment, provided that they are supervised by an adult who agrees to assume liability and financial responsibility. Students who are enrolled in a Rialto Unified School District school may produce programs provided that an instructor, or other responsible adult, supervises and assumes responsibility for all aspects of the production and for the loaned equipment.

7.0 PRODUCTION

7.1 HOW TO PRODUCE A PROGRAM

Persons who meet user qualification and who wish to produce a program at RIALTO NETWORK are required to submit the "RIALTO NETWORK Access Producer Application" form, and meet with RIALTO NETWORK staff. This workshop is designed to familiarize new producers with methods of TV production, planning needs and RIALTO NETWORK procedures.

Upon successful completion of a workshop or upon passing a written examination, new producers may begin the actual program production process by:

- a. The Program Proposal: The first step in translating an idea into a Community Television program is to fill out and submit a Program Proposal on a RIALTO NETWORK Cablecast Request form. This form supplies information such as program format (examples: talk-show, documentary or entertainment) intended audience, language to be spoken, projected length, and similar considerations. The form may be mailed to RIALTO NETWORK, Faxed to (909) 421-7253, emailed or personally delivered to City Hall.

Approval of the "RIALTO NETWORK Cablecast Request" may be withheld for producers who:

1. Do not currently meet user qualifications as stated herein;
 2. Are on record as having unreturned RIALTO NETWORK property;
 3. Are on record as producers of any uncompleted production begun three (3) months earlier;
 4. Are or have been on record as producer of any three (3) uncompleted non-series productions;
 5. Are determined to be in violation of any of the Policies and Guidelines, contained in these guidelines;
 6. Fail to pay all necessary fees in full;
 7. Are found to be in violation of the Public Access facility drug and alcohol policy as outlined later in these guidelines, or
 8. Sanctioned by other jurisdictions for failing to comply with law while in the attempt or airing programming on other channels
- b. Pre-Production: Production may not begin prior to receiving a program production number. This production number must be referred to on all subsequent requests for equipment, facilities and materials. Equipment or facility requests without this number will not be scheduled. A Current Production Report shall be posted on a board monthly listing all active producers alphabetically with their current production number(s).

Production numbers assigned to programs which are not completed within the time-lines specified in these Policies and Guidelines will be voided. A producer who wishes to attempt the project a second time must submit a new "RIALTO NETWORK Cablecast Request form for approval. A new production number will be assigned. A production number originally assigned to an uncompleted show may be reissued to a new production at the discretion of RIALTO NETWORK staff.

Prior to initial scheduling of equipment or facilities, a pre-production meeting between the producer and RIALTO NETWORK staff will be required for a first-time producer. At this meeting, all aspects of the production may be reviewed, including, but not limited to, program format, production scheduling, equipment and facilities required, crew, staffing and rules regarding program content. All first time producers using an original script or portions of original dramatic material are required to submit the material(s) for review by

RIALTO NETWORK prior to approval of the program proposal, which are not reviewed to exercise editorial control but rather for conformity with this Policy and Guidelines

- c. Crew Requirements. Producers seeking crewmembers for their productions may utilize RIALTO NETWORK's "Crew Call Sheet". This method provides information about production requirements to potential volunteers. Qualified producers may refer to RIALTO NETWORK'S User Database, which lists RIALTO NETWORK user volunteers, their availability and cardholder status. RIALTO NETWORK staff will assist producers requiring such information.

7.2 USE OF RIALTO NETWORK EQUIPMENT AND FACILITIES

7.2.1 RIALTO NETWORK "User Cards"

In order to use RIALTO NETWORK's equipment and facilities, individuals must qualify for a "RIALTO NETWORK User Card," which designates the type of equipment or facilities for which the "cardholder" is qualified. To qualify for a User Card, individuals must meet user qualifications (see Section 6.0) and have completed all related RIALTO NETWORK tasks. (See also section 7.1)

RIALTO NETWORK User Cards will be sent by mail to the address indicated on the individual's "Producer Application" form as a means of address verification. A photocopy of the user's valid Government Issued Photo ID will be taken and filed as proof of identification. Upon completion of additional workshops, cards will be updated to indicate additional certifications.

Revocation of User Card: Public Access users who are inactive for a period of one (1) year or more, must re-qualify by taking the appropriate workshop(s) or written test. Users in this category may retake the workshops at no cost. After a total of twenty-four (24) months of inactivity, users will be purged from any RIALTO NETWORK User Database. An inactive public access producer is defined as an individual who has not produced or crewed on any program during any twelve (12) month period. In addition to inactivity, RIALTO NETWORK User Card privileges will be invalidated or revoked if an Access User a) moves from Rialto; or b) their primary place of employment is no longer in the City of Rialto..

User Card privileges may be suspended, restricted or revoked for any of the following reasons:

1. Theft of City or RIALTO NETWORK equipment.
2. Unauthorized cablecasting of material including use of trademarked or copyrighted material for which the access user has not received written authorization
3. Assault and/or other abusive behavior while using RIALTO NETWORK equipment or acting as a representative of the City or RIALTO NETWORK.
4. Notification by any law enforcement agency
5. Consumption of alcoholic beverages on City premises or while operating RIALTO NETWORK equipment.
6. Performance of an unlawful act while on City premises or while operating RIALTO NETWORK equipment.

7. Unauthorized use of equipment.
8. Negligent or intentional endangerment of people or equipment.
9. Operating the equipment under the influence of drugs or intoxicants.
10. Repeated failure to use reserved facilities and/or equipment, or return equipment.
11. Failure to pay for damaged, lost or stolen equipment and materials
12. Violation of any provision of any City written policy, rules including this Policy and Guidelines.

User Card privileges may also be suspended as set forth above, or may be suspended, restricted, or revoked for violation of any of the written policies, rules and guidelines set by RIALTO NETWORK staff. Restriction, terms of suspension, or revocation of user privileges shall be determined by RIALTO NETWORK staff based upon the facts of each case. Any person who believes he or she has been improperly denied privileges must deliver written notice of his or her appeal of the decision within ten (10) days of restriction, suspension or revocation to:

City of Rialto
150 South Palm Avenue
Rialto, California 92376
Attn.: Cable Advisory Commission

Thereafter, a hearing shall be conducted within thirty (30) days by the Commission to determine whether the restriction, suspension or revocation should be sustained. If the Commission determines that the action should be sustained, grounds for such sustainment shall be given in writing and mailed to the appellant within fifteen (15) days of said sustainment. If still aggrieved, the appellant may then proceed within ninety (90) days of the mailing of the written decision with any legal process permitted by California Code of Civil Procedure Section 1094, et seq.

If the staff's action should not be sustained, then the privileges shall immediately be reinstated without any condition placed upon User Card privileges.

Revoked User Card privileges may be reinstated by submitting a new application to RIALTO NETWORK or to the Cable Advisory Commission after a period of one (1) year has elapsed from the date of revocation of privileges.

7.2.2 Workshops and/or Test

RIALTO NETWORK offers video production workshops specifically designed to enable individuals to become proficient in the use of its equipment and/or facilities. Information and schedules for upcoming workshops are available by contacting RIALTO NETWORK at (909) 421-7235. Enrollment in each workshop is limited to a small group, to enable maximum "hands-on" time with equipment. Upon successful completion of required workshops or test, users will receive a "RIALTO NETWORK User Card." This card is used by RIALTO NETWORK staff for identification of qualified users of RIALTO NETWORK equipment and facilities, and must be carried upon the person at all times when using RIALTO NETWORK equipment or facilities, presented when reserving time for equipment, or when checking equipment out for remote use.

7.2.3 Checking out Equipment and Reserving Facility

Individuals who wish to check out equipment must also present a RIALTO NETWORK User Card and valid California Driver's License (or DMV Identification Card) or School Identification Card. In no case will equipment requests be processed without this information being on file.

Public Access users may use equipment and facilities only for the production of programs for RIALTO NETWORK, and only at the times scheduled for their specific use by RIALTO NETWORK staff.

RIALTO NETWORK has the following available for use in production of community television programs:

- Portable Video Equipment. Video cameras, microphones and other related equipment items are available for check-out by qualified users.
- RIALTO NETWORK Production Facilities. The facilities are located at 150 South Palm Avenue, Rialto, California.

RIALTO NETWORK seeks to make its production capabilities available to the greatest number of qualified users. In order to ensure broad-based involvement, certain limitations have been placed on maximum usage for any one production and/or individual producer; these are also specified in the section below.

In cases where RIALTO NETWORK staff has determined that individuals are to be serving as producers on behalf of a specific organization, that organization shall be considered the producing entity in respect to these limitations.

- a. Scheduling Policies on Equipment and Facilities: After approval of the "RIALTO NETWORK Producer/Cablecast Request" and assignment of a production number, program producers may schedule equipment and facilities as authorized.

All scheduling requests must be made on the appropriate forms, as provided by RIALTO NETWORK offices. Request must include the correct production number and program title for reference. All request are stamped with the date received by staff, and processed in the order received.

Reservations for facility use are posted in the RIALTO NETWORK offices after being scheduled by RIALTO NETWORK staff.

Applicants must consult the schedules posted on the bulletin boards before submitting requests to confirm that the times they are requesting have not already been reserved. Applicants are encouraged to provide, alternate dates and times for equipment and facility requests. Requests for equipment and facilities can be taken by phone, but only by RIALTO NETWORK staff with authority to do so. Any reservations not filled within thirty (30) minutes of the reservation time will be forfeited.

Equipment and facility resources at RIALTO NETWORK are limited. Users unable to use the equipment or facilities should cancel their reservation as soon as possible in order to make the facility time and/ or equipment available to someone else.

- b. Use of Equipment: RIALTO NETWORK has video equipment available for check-out for the production of RIALTO NETWORK programming only. Unless special arrangements are made with RIALTO NETWORK staff, equipment shall be loaned on a one-day only basis.

Individuals who have a valid RIALTO NETWORK User Card may request equipment by completing a "RIALTO NETWORK Equipment Checkout" form. Note producers may rely on a member of their crew who has been trained and who has obtained a RIALTO NETWORK User Card, to request and use this equipment.

Note that in the event of a request for equipment that request equipment, if said equipment is new, since issuance of the individual's User Card, the RIALTO NETWORK reserves the right to require the individual to enroll in a workshop to become proficient in the use of the new equipment.

- c. Equipment User Responsibilities: Use of portable video equipment requires the signature of the individual user. The signatory will assume full financial responsibility for loss, damages or theft including all equipment, checked out.

The user will expressly agree that RIALTO NETWORK's equipment is intended for production of RIALTO NETWORK programming only. Use of equipment for other purposes will result in a suspension or cancellation of the user's privileges.

Equipment requests are made by submitting a "RIALTO NETWORK Equipment Check-Out" form. It is strongly recommended that all equipment requests be made as far in advance as possible. All requests for equipment checkout must be received no later than forty-eight (48) hours in advance of pickup time. Request must include the authorized production number; requests without this number will not be processed.

Equipment check-out and check-in is available during normal business hours (7:00 a.m. - 6:00 p.m., Monday - Thursday). Users must return equipment promptly to ensure its availability for others. Equipment will be released only to the trained user specified on the "RIALTO NETWORK Equipment Check-Out" form.

At check-out, a staff member, together with the user, will examine each item to be checked out and record the appropriate information on the form. The "RIALTO NETWORK Equipment Check-Out" form shall be signed by the user and staff member. At check-in, all equipment shall be re-inspected; users should, for their own protection, report any equipment malfunctions or problems. When the equipment is returned and its condition verified, Staff will sign the equipment back in on the "RIALTO NETWORK Equipment Check-Out" form. A copy of the form will be provided to the user.

Upon return of equipment, all Media issued at check-out must be returned to RIALTO NETWORK. Media with recorded program material shall be properly identified (including their production number) and placed in the production tape storage area. When the number of Media returned is less than those issued, the user will be subject to a charge for replacement costs. All Media issued are the property of RIALTO NETWORK.

- d. Use of Editing and Post-Production Facilities: RIALTO NETWORK has editing and post-production facilities available for the production of RIALTO NETWORK programming only.

Individuals who have successfully completed the Editor's Workshop, or who have passed the written test, and/or substitute thereof, may request and use these facilities. Producers who do **not** meet these requirements may **not** use RIALTO NETWORK's editing facilities. All productions must be edited within three (3) months of the approval of the "RIALTO NETWORK Producer/Cablecast Request" and assignment of a production number, unless other arrangements have been made in writing. Exception to this time limit will be granted only upon limited conditions and upon proof that there is sufficient justification for the request. Media checked out, but remain incomplete after (3) months will be destroyed. Extensions will only be granted upon written application and upon proof there is a sufficient justification for the request.

RIALTO NETWORK currently has one "editing room" for post production by access users. The hours available for editing vary. RIALTO NETWORK reserves the right to structure the availability of editing time according to demand, workshop and course needs, equipment maintenance requirements and other considerations.

The following limitations apply to use of RIALTO NETWORK post-production facilities:

- No more than four (4) hours per day may be reserved per production or by any individual.
- No more than eight (8) hours per week may be reserved per production or by any individual.

Editing time reservation may be scheduled during specified hours up to these limits. However, if, at the conclusion of a scheduled editing session, no other users have reserved those facilities, the User may continue to edit at staff discretion for any remaining available time, or until the next scheduled session begins.

No non-series production may have more than two (2) editing sessions scheduled at any one time.

The configuration of equipment, cables and the routing of signal paths may not be changed except by the RIALTO NETWORK staff.

Editing rooms are not to be used by access users for the purposes of duplicating program media. Program owners receive the master of their program, but copies must be purchased from RIALTO NETWORK staff.

- e. RIALTO NETWORK Cablecasting Procedures: Those who meet user qualifications may request channel time to cablecast RIALTO NETWORK produced programs on RIALTO NETWORK by submitting a "RIALTO NETWORK Producer/Cablecast Request" form. This form must be signed by the individual meeting user qualifications, and who assumes all responsibility for program content and adherence to RIALTO NETWORK programming policies. All necessary release forms and rights, royalties or permission agreements must accompany the "RIALTO NETWORK Producer/Cablecast Request". Application for cablecasting of programs will be processed in the order received.

Programs will not be scheduled for cablecast until they are completed. At staff discretion special arrangement may be made in writing for completion and/or delivery of Media scheduled prior to completion. The completed Master of each program will be loaded in to the playback server and Master will be returned to the producer. RIALTO NETWORK reserves the right to re-cablecast the program at the discretion of RIALTO NETWORK staff, for a period of up to five (5) years.

In accordance with the stated programming philosophies of the City of Rialto and the Rialto Cable Advisory Commission, programs will be scheduled for cablecasting on RIALTO NETWORK staff at dates and times consistent with this Policy and time slot availability, program content and intended audience.

- f. More Procedures: In order to assure fair and reasonable access by all members of the community, cablecasting may be limited to one (1) program (of up to 58:30 minutes in length) per week from any single producer. However, those programs may be cablecast more than once, subject to channel time availability, to ensure the broadest possible audience.

In cases where individuals are determined by RIALTO NETWORK staff to be serving as producers on behalf of a specific organization, that organization will be considered the producing entity in respect to channel time limitations. Requestors submitting series programs for a regularly scheduled time slot must have scheduled production of four (4) programs and completed two (2) programs prior to scheduling.

Applicants for the cablecasting of programs on RIALTO NETWORK which are denied channel time have recourse for appeal, as stated in section 7.3F- appeals.

All applications for RIALTO NETWORK channel time, including names and addresses of all individual applicants, will be kept on file and available for inspection for a period of not less than two (2) years.

- g. Programs Produced Elsewhere: Requestors submitting programs produced elsewhere must also submit the "RIALTO NETWORK Producer/Cablecast Request" form and assume all responsibility for program content.

Applications for cablecasting of programming not produced at RIALTO NETWORK facilities must be submitted, along with a copy of the production, at least two (2) weeks prior to the requested cablecast date. Prior to scheduling, these programs will be evaluated by RIALTO NETWORK staff for suitability of technical signal standards required for cablecasting and consistency with this Policy and Guidelines.

Programs must be media format agreeable to the City. Each and every program shall carry the following written disclaimer:

"Views and opinions expressed in the following/preceding show do not necessarily reflect those of RIALTO NETWORK, the Rialto Cable Advisory Commission, or the City of Rialto, their officials, management and staff or local cable operators. The producer(s) of the program is (are) solely responsible for its content."

The length of each program shall be rounded to the nearest quarter-hour (15 minutes). The color bars, the count down and the video black at the beginning and/or end of each program are not included in the running time of the program. The video signal shall, in all cases, meet standards established by RIALTO NETWORK staff and/or the engineering staff of the cable system operator.

- h. Program Duplication: All producers have a right to purchase a duplicate copy of their programs for non-commercial use subject to the following procedure:
 - 1. Producers must submit a completed “Dub Order” form.
 - 2. Programs will not be duplicated until it has been cablecast, unless special arrangements are made, in writing.
 - 3. Producers shall pay, at current replacement value, for all Media required to produce program copies. In addition, duplication charges will be added as per the current schedule of fees approved by the City Council.

- i. Potentially Objectionable Material: For the purposes of these Policies and Guidelines, potentially objectionable material is defined as programming containing any or all of the following:
 - 1. Profane language.
 - 2. Graphic depictions of physical, verbal or other abuse.
 - 3. Extreme physical violence or degradation
 - 4. Graphic depictions of medical procedures
 - 5. Any material prohibited by this Policy and Guidelines including that listed at section 7.3 (B) below.

- j. Using the RIALTO NETWORK Studio.
 - 1. The RIALTO NETWORK studio is available for use to record studio programs that will be cablecast on a public access channel.
 - 2. Post-production equipment is also available for scheduled use at the RIALTO NETWORK.
 - 3. The following rules apply to using the RIALTO NETWORK studio:
 - i. The RIALTO NETWORK 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.
 - ii. Reservations.

- (a) The RIALTO NETWORK studio is reserved on a first-come, first-serve basis upon receipt by RIALTO NETWORK staff of a signed studio reservation form from a producer.
 - (b) Producers requesting assistance in recruiting a certified production crew must make the request in writing at least fourteen (14), but not more than thirty (30), calendar days in advance.
 - (c) 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.
 - (d) A producer may reserve the RIALTO NETWORK 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.
 - (e) RIALTO NETWORK staff are to be informed about cancelled RIALTO NETWORK studio or post-production equipment time at least thirty-six (36) hours in advance. Failure to abide by the rules and procedures herein stated will cause a violator to be placed on suspension for thirty (30) days. Subsequent suspensions are for ninety (90) days and one (1) year respectively. Further suspensions will be submitted to the Rialto Cable Advisory Board to be grounds for forfeiture of the privilege to use the public access channel and PEG facilities and equipment.
 - (f) In case of an emergency, RIALTO NETWORK staff has the right to cancel any reservation in order to make full use of the PEG facilities and equipment, provided the RIALTO NETWORK gives the producer that has reserved the equipment as much advance notice as possible.
- iii. In order to maximize the use of RIALTO NETWORK studio time and post-production equipment, a production outline is required of groups or individuals to demonstrate their readiness for use of the facilities. RIALTO NETWORK staff is available to assist in producing such an outline.
 - iv. Not more than ten (10) people at a time may be in the RIALTO NETWORK studio before, during, or after a particular production. This number includes the producer's crew and performers.

7.3 LIABILITY

a. Program Content.

The producing entity, whether an individual or organization, assumes full legal responsibility and liability for the content of programs produced for and cablecast on RIALTO NETWORK. The producing entity must agree in writing to indemnify, defend and hold-harmless the City of Rialto, as well as their respective officials, agents, representatives, principals, employees, officers and directors, and Cable Advisory Commission members from and against any and all liability, loss, damage, cost and expense, including reasonable

attorney's fees, incurred, suffered by, or threatened against City or RIALTO NETWORK or any of the foregoing in connection with or as result of any claim for personal injury, bodily injury or property damage or otherwise brought by or on behalf of any third party person, firm or corporation as a result of or in connection with production or cablecast, which claim does not result from the active negligence of the City and/or RIALTO NETWORK. By signing the "RIALTO NETWORK Equipment Check-Out" form, "RIALTO NETWORK Producer/Cablecast Request" form, form, and the Statement of Compliance, the producing entity reaffirms its obligation and agreement to this condition. All public access programs produced at RIALTO NETWORK must carry the following content disclaimer at both the beginning and the end of the show:

"Views and opinions expressed in the following/preceding show do not necessarily reflect those of RIALTO NETWORK, the Rialto Cable Advisory Commission, or the City of Rialto, their officials, management and staff or local cable operators. The producer(s) of the program is (are) solely responsible for its content."

- b. Program Restrictions: Public Access RIALTO NETWORK shall not be used for the presentation of:
1. Any advertising on behalf of candidates for elective or appointed office, their political parties, or of election ballot issues. Qualified candidates for public office shall not be permitted to advertise their candidacy for public office except as may be part of an overall programming strategy with equal time provisions for all candidates for that office which may include candidate forums, town hall meetings, or similar venues, from the time of declaration of candidacy until the close of election for that elective or appointive office. Similarly, individuals or political parties, groups, supporters or opponents of election ballot measures or candidates may not advertise their views except as may be part of an overall programming strategy with equal time provisions for all candidates for that measure or office which may include candidate forums, town hall meetings, or similar venues, from the time of declaration of ballot measure's initiation of petition to be included on the ballot until the close of the election for that particular measure or office. Any group who wishes to conduct a candidate forum will fill out the "Candidate Forum Request" form. Access will be denied to any group who has endorsed any candidate who will be involved in the forum. This section shall not preclude incumbents in the performance of their official duties;
 2. Information concerning any lottery, raffle, gift, enterprise, or similar scheme not authorized by the state or local law, or the offering of prizes dependent in whole or in part, upon lot or chance, to persons who have paid or promise to pay any valuable consideration for the chance of winning the prize, or any of the list of the prizes drawn or awarded by means of such lottery, raffle, gift enterprise or scheme, whether said list contains any part of all of such prizes;
 3. Any direct solicitation of funds for any reason;
 4. Material which is intended to defraud the viewer, or is designed to obtain money by false or fraudulent pretenses, representations or promises;

5. Any material which is obscene or indecent (Current federal, state and City of Rialto statutes will apply in all cases);
6. Any program content which is slanderous, libelous or defamatory; or is disparaging of any racial, **gender**, ethnic or religious group;
7. Any material which creates a clear and present danger of imminent lawless action;
8. Any material which would violate any federal, state or municipal statute or law; or
9. Any material which would constitute an invasion of privacy.

Sponsorship and underwriting credits shall be restricted to comply with current Public Broadcasting Service (PBS) national and local underwriting guidelines.

Written assurance of compliance by the producer to the guidelines, rules and prohibitions contained herein is required by their signature on the "RIALTO NETWORK Producer/Cablecast Request" form. The program producer assumes full responsibility to comply with these guidelines.

c. Consent.

1. Producers must secure the written consent of all persons appearing in their programs. Those appearing could complete a RIALTO NETWORK Talent Release form, which specifically allows the program's use for cablecasting on RIALTO NETWORK, other channels or for any other non-commercial use. The forms are available at RIALTO NETWORK offices. Those under the age of eighteen (18) appearing, or otherwise involved, in the production of programs for RIALTO NETWORK shall provide written parental consent; a special release form is available for this purpose. It is the producer's responsibility to ensure that all necessary release forms are submitted along with the "RIALTO NETWORK Producer/Cablecast Request" or are otherwise on file with RIALTO NETWORK before a program will be scheduled for cablecast.
2. Copyright Compliance: Producers should be aware that copyrighted materials such as recorded or printed music, photographs, video clips, film footage, theatrical scripts or other published works may be used only as elements of the program with the permission of the copyright holder. It is the producer's responsibility to ensure that a copy of all rights, royalties or permission agreements that are related to the program are submitted along with the "RIALTO NETWORK Producer/Cablecast Request," or are otherwise on file with RIALTO NETWORK **before** the program is scheduled for cablecast. Program producers assume any and all liabilities resulting from the use of such copyrighted materials and agree to defend and hold harmless RIALTO NETWORK, the City of Rialto, and the Rialto Cable Advisory Commission its employees, officers, agents, contractors or assigns from any such liabilities.

d. Non-Representation

Producers and their crews using RIALTO NETWORK equipment are acting as individuals, and **do not** in any way represent RIALTO NETWORK, the Cable System Operator, the City of Rialto or the Rialto Cable Advisory Commission. No statement or pretense of such

representation may be made. The logo, name, address, and/or telephone number of RIALTO NETWORK may not be used by any public access user on any signs, letterhead, envelopes or business cards in any way or for any purpose.

e. Program Rejection

RIALTO NETWORK staff reserves the right to determine whether a PEG access program complies with the restrictions, limitations and technical standards as stated in these guidelines. If a discrepancy is detected, RIALTO NETWORK staff may withhold the cablecast of the program until said discrepancy has been corrected. If a PEG program material is withheld, the program producer/provider will be notified in order to have the discrepancies corrected prior to any scheduled cablecast time.

f. Appeals

Upon notification of staff's decision of rejection denying access programming, any aggrieved party who has been denied access to the resources of RIALTO NETWORK must within ten (10) days of such rejection, file with the Cable Advisory Commission, a written appeal which must set forth the grounds for the appeal, and a brief statement of the facts in support of the appealing party. Included in such statement of facts shall be the date of said rejection and the name and title of the person issuing the rejection and basis for the appeal.

The Cable Advisory Commission will hear the matter at its next regularly scheduled Commission meeting. A hearing will be conducted upon the matter wherein the appealing party and RIALTO NETWORK may present all evidence, including witnesses, which support permitting or denying access to the resources of RIALTO NETWORK. At the conclusion of the hearing, and within twenty (20) days thereof, a written decision shall be mailed to the appealing party setting forth the Commission's determination. If the appealing party is unsatisfied with the Commission's determination, an appeal may be made in writing within ten (10) days of the mailing of the Commission's written decision, to:

Mayor and City Council
City of Rialto
150 South Palm Ave.
Rialto, CA 92376

7.4 PROGRAM OWNERSHIP

Producers of RIALTO NETWORK programs retain all rights to the content of their programs, including copyright privileges. Signature on the "RIALTO NETWORK Producer/Cablecast Request" forms relinquishes no rights of ownership by the producer; except it gives RIALTO NETWORK and the cable system operator the right to cablecast, and at their discretion repeat, the program on the cable system's non-commercial access channel(s). Copies will be made for legitimate, non-commercial purposes according to the established policies for duplication.

Use of RIALTO NETWORK production facilities and equipment by Public Access Users is authorized with the express understanding that the programming produced is intended for cablecast on RIALTO

NETWORK. However, programming produced at RIALTO NETWORK may also be telecast on other cable or broadcast television stations with the consent of both the program producer and the RIALTO NETWORK Supervisor. Copies of the programs produced may also be subsequently used for other non-commercial applications.

Programming material and copies thereof which are produced using RIALTO NETWORK Public Access facilities may not be commercially distributed in any manner, or used for purposes of profit.

7.5 CONDUCT OF PEG ACCESS USERS

Public Access producers and associated crew members are expected to conduct themselves in a professional manner when dealing with the public or City of Rialto personnel. Any producer or associated crew member who has falsely represented themselves as a City of Rialto employee or RIALTO NETWORK staff member or uses abusive language will have, at the discretion of RIALTO NETWORK staff, their privileges to access equipment suspended or revoked. In addition to the above, based on the severity of the situation or repetitiveness of the misrepresentation, playback access time may be suspended with the length of suspension at the discretion of RIALTO NETWORK staff. Any producer who refuses to sign any of the agreements, by the very nature of the refusal, will be denied access equipment and playback access time.

7.6 DEFINITION OF FORMS

- a. RIALTO NETWORK Producer/Cablecast Request/Statement of Compliance To be completed by the program producer. The Production Number will be assigned by RIALTO NETWORK staff. This form must be completed prior to the scheduling of any shooting, editing or checkout of RIALTO NETWORK equipment. After submittal of this form, the Producer and RIALTO NETWORK staff will meet to discuss the proposed program. Scheduling of a shooting, equipment requirements, technical issues and all other aspects of the production and post-production of the program.
- b. Crew Call Sheet To be completed by the Access Producer for each production date or individual shoot. Information from this sheet is used to update volunteer time sheets.
- c. Dub Order Form To be completed by requestor. This form is a request for a copy of a completed program or, in special cases, raw footage. Raw footage will only be provided with the approval of the program producer. NO copies will be made unless this form is completed and dubbing fees are paid.
- d. Equipment Check Out Form To be completed by the individual "checking-out" the equipment. A Production Number and proper identification is required for release of equipment.
- e. RIALTO NETWORK Candidate Forum Information To be completed by the organization sponsoring the forum. All forums must be approved by the Cable Advisory Commission. A proposed format of the forum including, but not limited to:
 1. Offices covered by the forum.

2. Structure of the forum, including speaker time limits, rebuttal time, method of obtaining questions for candidates and other physical considerations of the forum. Note: If a live broadcast and phone in questions are allowed, arrangement must be made for phone usage.
 3. Host or moderator of the forum.
- f. Informer Request Form To be completed by the organization or individual requesting the message display. The message must conform to message block limitation of the Informer.
 - g. RIALTO NETWORK Talent Release Forms To be completed by individuals prior to productions of any programs. This form will be filed with the production information. The Production Number should be noted on the form.

8.0 CONTRIBUTIONS

Users may seek contributions of funds, materials or services for the production of their programs from private or public sources. Persons soliciting such contributions are acting as individuals, and do not in any manner represent RIALTO NETWORK, the cable system operator, the City of Rialto or the Rialto Cable Advisory Commission. No statement or pretense of such representation may be made.

Direct Contribution to RIALTO NETWORK. Contributions of funding, equipment or materials donated directly to RIALTO NETWORK are tax deductible. Such donations are, however, may be subject to acceptance by the Rialto Cable Advisory Commission and/or Rialto City Council. RIALTO NETWORK staff will assist with the acceptance process.

9.0 POLICIES AND GUIDELINES FOR WAIVERS AND AMENDMENTS

The Commission may, upon adequate proof of need and upon determination that the action is in the best interest of the City of Rialto and/or RIALTO NETWORK, may provide a variance to the written guidelines, provided that such variance is not in violation of local, state or federal law or regulation. A variance should be granted only for special circumstances applicable to the nature of the programming, the manner in which it is produced, or for an important public policy that would be served by permitting the variance.

10.0 ADDENDUM

10.1 ACRONYM LIST

<u>Acronym</u>	<u>Definition</u>
dB	decibels
DMV	Department of Motor Vehicles
DVD	Digital Versatile Disc
ENG	Electronic News Gathering
FCC	Federal Communications Commission
Hz	Hertz
ID (Number)	Identification Number
IRS	Internal Revenue Service Non-Profit status
RIALTO NETWORK	Rialto PEG Access Channel (TW) 3/ (AT&T) 99

NTSC	National Television System Committee
PEG	Public, Education and Government
PSA	Public Service Announcement
TRT	Total Running Time

10.2 FORMS

1. Producer Access Application
2. Cablecast Request
3. RIALTO NETWORK Candidate Forum Application Form
4. Equipment/Facility Check-out
5. Crew Call Sign-up
6. Editing Request Form
7. Dub Order Form
8. Community Informer Request Form
9. City Council Media Request
10. Personal Appearance Agreement
11. Community Access Channel General Release/Waiver
12. Minor's Personal Appearance Release
13. Equipment Checkout for City Departments
14. Edit Traffic Log (ETL)