CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA
CABLE TELEVISION COMMISSION
REGULAR MEETING

Tuesday, May 5, 2015 – 7:00 p.m.

NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the Cable Commission after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the City Clerk at the meeting for individuals with hearing impairments.

Persons wishing to address the Cable Commission on any item on the Commission Agenda will be called upon at the time the agenda item is called or during the Commission's consideration of the item and may address the Cable Commission for up to three minutes.

1. **CALL TO ORDER**

2. **ROLL CALL**
   Commissioner Clayton
   Commissioner Singer
   Vice Chair Hammond
   Chair Underwood
   Student Volunteer Ellison

3. **ORAL COMMUNICATIONS**
   At this time any individual in the audience may address the Cable Television Commission and speak on any item within the subject matter jurisdiction of the Commission. Please state if you wish to speak on an item on the Agenda. *Remarks are to be limited to not more than five minutes.*

4. **MINUTES**
   Approval of the minutes for the Cable Television Commission meeting of April 7, 2015.

5. **DISCUSSION ITEMS**

   A. This is a continued discussion of "Cable Operations Study" assigned to Skyline Media Productions of Irvine.

Recommendation: Skyline Media will lead the discussion to receive feedback from the Cable Commission and provide the Commission with the latest update of what they have learned so far.

Recommendation: Discuss and provide direction to Staff as appropriate.

B. Review and discuss LATV Fund 28 Year-to-Date Activity Report. (Attachment 1)

Recommendation: Discuss and provide direction to Staff as appropriate.

C. Discussion of the Goals, Responsibilities and Mission of LATV and the Role of the LATV Commission. (Attachment 2)

This is a continued discussion of this item from the last Cable Commission meeting. At the request of Chair Underwood, we are including the Los Alamitos Television Policies and Procedures that were adopted by the City Council on November 16, 2009. This item will provide the Cable Commission with an opportunity to review and discuss the previously adopted policies and procures and give the Cable Consultants from Skyline Media the chance to review them and make any recommendations for changes based on the feedback they receive and analysis they do over the 90 day period they are engaged as consultants with the City of Los Alamitos. Skyline Media will lead the discussion to receive feedback from the Cable Commission and provide the Commission with the latest update of what they have learned so far.

Recommendation: Discuss and provide direction to Staff as appropriate.

D. Discussion of the Loss of "Playback Fees" from Rossmoor.

Recommendation: Discuss and provide direction to Staff as appropriate.

E. This is a continued discussion from the last Cable Commission meeting. Discussion and clarification of the main goals and objectives of community television in Los Alamitos with the intent to fashion a cohesive mission statement as a starting point that would inform and enlighten our consultant group now attempting to prepare a "vision study" for LATV. This renewed discussion would serve also to bring our new member up to speed on the most basic aspects of LATV policy and guidelines. Skyline Media will lead the discussion to receive feedback from the Cable Commission and provide the Commission with the latest update of what they have learned so far. (Attachment 2)

Recommendation: Discuss and provide direction to Staff as appropriate.

6. COMMISSIONER REPORTS

At this time, Commissioners may also report on items not specifically described on the Agenda that are of interest to the community, provided no action or discussion

is taken except to provide Staff direction to report back or to place the item on a future Agenda.

7. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the City Hall, Community Center, and Museum not less than 72 hours prior to the meeting. **Dated this 30th of April 2015.**

Bret M. Plumlee
City Manager

Sample

MINUTES OF CABLE TELEVISION COMMISSION OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – April 7, 2015

1. CALL TO ORDER

The Cable Television Commission met in regular session at 7:19 p.m. on April 7, 2015, in the Council Chamber, 3191 Katella Avenue, Los Alamitos, Chair Underwood presiding.

2. ROLL CALL

Present:	Commissioners	Clayton, Hammond, Singer, Underwood
	Student Commissioner	Ellison
Absent:	Commissioners	None
Present:	Staff	Bret Plumlee, City Manager Jason Al-Imam, Administrative Services Director Catherine Howard, Police Department Secretary

3. ORAL COMMUNICATIONS

Chair Underwood opened Oral Communications. There being no one present wishing to speak, Chair Underwood closed Oral Communications.

4. MINUTES

Motion/Second: Clayton/Singer
Unanimously Carried: The Cable Television Commission approved the March 3, 2015 Cable Television Commission meeting minutes.

5. PRESENTATIONS

None.

6. Discussion Items

A. Rosenberg's Rules of Order

City Clerk Windmera Quintanar provided a brief summary of the information contained within this report and answered questions from the commission. Rosenberg's Rules or Order have simplified the procedures outlined in Robert's Rules of Order, providing plain guidelines for smaller bodies, while retaining the basic tenets of order to which legislative bodies must adhere.

City Clerk Quintanar stated that a 50-minute video on Rosenberg's Rules of Order would be screened at the next Cable meeting in May. A link to the online video was provided. http://www.ca-ilg.org/document/parlimentary-procedure-simplified

B. Discussion of "Cable Operations Study" assigned to Skyline Media Production of Irvine

City Manager Bret Plumlee provided a brief summary of the information contained within the report and answered questions from the commission. City Manager Plumlee introduced the City's Administrative Services Director, Jason Al-Imam, and Skyline Media Production principles, Ernie Castelo and David Ihrig, who have over 35 years of combined experience in government cable television programming.

Mr. Ihrig stated that they were impressed with the level of enthusiasm and real interest that Los Alamitos has for its cable television and LATV. Their goal is to develop a vision within 90 days to identify within the community, those with a message, those who will do the work, level of support from students, community producers, and a basic workshop outline. He encouraged the commission's input and highlighted their value as the outreach liaison into the community.

Mr. Castelo stated that they would like to obtain data on viewer metrics and create a campaign to gather supporters.

Specifics concerning how to obtain viewership information were discussed.

The basic guidelines concerning PEG perimeters, sponsorships, underwriting were discussed. The issue of LATV growth, internet streaming, and reaching outside the boundaries of Los Alamitos were discussed.

City Manager Plumlee underscored the importance of self-sustaining workshops and programs to minimize the financial impact on the City and the General Fund. Quality programming, that is locally pertinent, promotes community support.

The value of local programming, which gives a voice to local issues, residents, their families, and their interests, is important to Los Alamitos and speaks to the heart of our community.

Mr. Ihrig expressed confidence regarding upgrading studio equipment. While they intend to present various options for LATV, plans for the studio will be included in their report. Skyline's report to the Council will address and provide a future direction and vision for LATV.

Commissioner Singer inquired as to the specific City Council goals for LATV.

Administrative Services Director Al-Imam suggested that about mid-point in the assessment and evaluation process, Skyline could present a workshop for the City Council, to provide information, offer feedback, and solicit direction.
Chair Underwood inquired how Skyline viewed the role of the Cable Commission with LATV.

Mr. Castelo replied the commission serves as advisors to Skyline, holding them accountable as station managers.

Mr. Ihrig added that the commission is really the community liaison and should not be involved in station programming; they should keep an eye on the budget.

C. Review and Discuss LATV Fund 28 Year-to-Date Activity Report

Administrative Services Director Al-Imam provided a brief summary of the information provided within this report, answering questions from the commission.

Chair Underwood asked if Mr. Al-Imam could provide an estimated projection of the fund balance at the end of 2016.

Mr. Al-Imam said the fund receives approximately $27,000 to 30,000 per year.

City Manager Plumlee stated that the funds that the City receives from the $1 per household diminish slightly annually.

D. Discussion of the Goals, Responsibilities and Mission of LATV and the Role of the LATV Commission

City Manager Plumlee provided a brief summary of this item and advised City Clerk Quintanar had identified several versions of *Los Alamitos Access Television Policies and Procedures.* Attachment 4 was adopted by the City Council on November 16, 2009. All policies for LATV are required to also be approved by the City Council and this was the latest version that was approved.

Commissioner Clayton said he supports review and revision of these policies, but suggested that would be better after Skyline has had an opportunity to review this and other LATV studio documents.

7. COMMISSIONER REPORTS

Student Commissioner Ellison provided a follow-up on last month's request to research the possibility of obtaining music from the 2015 Los Alamitos High

School bands, presenting two CDs, one concert band, one jazz, for consideration to air during LATV's Community Calendar, Public Service Announcements, etc.

Commissioner Clayton suggested caution when using copyrighted music. Liability issues were briefly discussed.

8. ADJOURNMENT

The Cable Television Commission adjourned at 9:02 p.m.

Attest:

John Underwood, Chair

Bret M. Plumlee, City Manager

DRAFT

ATTACHMENT 1

CITY OF LOS ALAMITOS
FUND 28 - Los Alamitos TV
Year-to-Date Activity (as of 3/31/15)

Revenues:		
Time Warner PEG Fees	$	7,928.00
Verizon PEG Fees		15,365.00
Event Filming Reimbursement		6,500.00
Investment Earnings		240.07
Total Revenues		**30,033.07**
Expenditures:		
Contractual Services		100.00
Event Filming		4,333.32
Garage Vehicle Charges		1,600.50
Total Expenditures		**6,033.82**
Revenues Over Expenditures		23,999.25
Beginning Fund Balance - 7/1/14		115,409.36
Ending Fund Balance - 3/31/15	**$**	**139,408.61**

Bank of America

LOS ALAMITOS ACCESS TELEVISION

POLICIES AND PROCEDURES

(Adopted: November 16, 2009)

1.0 Goals of LATV

1.1 Los Alamitos Access Television ("LATV") exists to provide public, educational, and governmental (hereafter "PEG") programming to the communities of Los Alamitos and Rossmoor, and the community served by the Los Alamitos Unified School District. LATV's mission is to broadcast programming of local interest and/or benefit which may not exist but for the support of PEG operations. Our goal is also to provide and support individuals, schools and non-profit organizations in the community with the opportunity to produce and broadcast their own quality programming to the community.

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2.0 Distribution

Los Alamitos Access Television programming will be distributed primarily on Channel 3 (hereafter "cablecast") as carried by the local cable television franchisees, currently Time-Warner and Verizon Communications. It will also be distributed via internet technologies (hereafter "webcast").

3.0 Program Content

3.1 LATV will not broadcast Public Access, Educational or Governmental (PEG) programming that it has determined to violate federal or state requirements.

3.2 No Commercial or Offensive Programming. LATV shall be used only for noncommercial purposes. However, advertising, underwriting, or sponsorship recognition expressly authorized in advance by the City may be carried for the purpose of funding PEG-related activities. An agreement between the City and a consultant to air programming may include such authorization. Members of the public shall not include any advertising in their public access programming. Members of the public may, however, include reference(s) to underwriting or sponsorship in any public access programming if the reference(s) to underwriting or sponsorships appear in the opening or closing credits of a program that is at least 30 minutes in length. The opening or closing credits must occur within the first 2 or last 2 minutes of any public access program.

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LATV will not be obligated to air programming which contains any of the following:

a. Programming which constitutes or promotes any lottery or gambling enterprise in a manner which is in violation of any applicable local, state, or federal law.

b. Programming which solicits funds in a manner prohibited by applicable law.

c. Material which is obscene as defined by applicable law.

d. Material which constitutes libel, slander, invasion of privacy or publicity rights, unfair competition, violation of trademark or copyright, or which might violate any local, state or federal law.

e. Programming which advocates incitement to unlawful action (as addressed under Brandenburg v. Ohio, 395 U.S. 444 (1969) or other applicable federal or state law.

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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.

f. Material which has a reasonable probability of creating an immediate danger of damage to property or injury to persons.

g. Advertisements or sponsorship programming, which in the determination of the station General Manager, does not have a primary purpose of supporting the station's PEG-related activities.

4.0 Non Discrimination Policy

LATV shall not discriminate against potential users of its channel space on the basis of race, color, creed, national origin, sex, sexual preference, age, religious belief, social philosophy, economic status, or physical ability.

5.0 Programming & Scheduling

5.1 City to Foster Educational Programming and Create Governmental Programming. In addition to encouraging public access programming, the City should take steps to ensure, via its own actions, that the following programming will be produced for use by LATV:

Educational Programming. The station manager shall work with the Los Alamitos Unified School District and the local colleges (CSU Long Beach, Long Beach Community College, Cypress College, Golden West College) and local schools to provide quality education access programming.

Governmental Meetings. LATV shall broadcast live coverage of all meetings of the Los Alamitos City Council. The station manager shall work with the City of Los Alamitos, the Rossmoor Community Services District, and the Los Alamitos Unified School District to provide coverage for government access programming.

Additional City Controlled Programming. LATV shall provide guaranteed time slots for additional programming produced under the direction of the City. LATV shall be solely responsible for the creation and scheduling of programming in these time slots. The duration and exact time of said time slots shall be established in agreements with the contracted operator of LATV. Such programming may include, but is not required to include, coverage of local community or sporting events, and local news. When determining which types of additional such programming to produce, the following shall be considered beneficial:

- The ability of the program to build regular viewership
- High production quality
- Programming which can raise funds for the operation of PEG-related activities
- Programs of direct interest and benefit to the serviced community

5.2 Scheduling of Programming. All guaranteed time slots shall be allocated according to the following systematic, non-discriminatory basis, to programming that meets all requirements of this policy:

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a. Live meetings of the Los Alamitos City Council.

b. Live meetings of the Rossmoor Community Services District, and the Los Alamitos Unified School District

c. Programs produced by the City and/or its designee(s) (which may include bulletin board messages).

d. Programs produced by another public agency

e. Live series programs produced by a Los Alamitos Producer.[1]

f. Live single programs produced by Los Alamitos Producers

g. Taped series programs produced by Los Alamitos Producers

h. Taped single programs produced by Los Alamitos Producers

i. Rebroadcasts of City Council meetings.

j. Rebroadcasts of meetings of the Rossmoor Community Services District and the Los Alamitos Unified School District.

k. Live series programs produced by Non-Los Alamitos Producers using LATV facilities

l. Live single programs produced by Non-Los Alamitos Producers using LATV facilities

m. Taped series programs produced by Non-Los Alamitos Producers using LATV facilities

n. Taped single programs produced by Non-Los Alamitos Producers using LATV facilities

o. Bicycled series programs[2]

p. Bicycled single programs

First run programs will be favored over repeat programs. If time slots remain available, then they shall also be allocated according in the following order of priority (from highest priority to lowest). Playback times and dates requested or suggested by program producers will be considered to the extent they are consistent with these requirements.

If a programming slot was awarded to any particular producer pursuant to priorities g through p, then the same producer shall not be provided an additional time slot unless no other submitting would otherwise qualify for a programming slot.

[1] 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.
[2] A "bicycled" program is a program produced by a non-LATV certified producer without the use of LATV facilities.

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e. Rebroadcasts of meetings of the Rossmoor Community Services District and the Los Alamitos Unified School District.¶

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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 (i.e. Public Access Programming) may occupy more than five hours of total available airtime per week, unless no other programming is available.

If City has determined that a producer has knowingly violated the provisions of this policy, the City shall not broadcast any programming from that producer for a period of six months.

5.3 Los Alamitos Access Television will make every reasonable, good-faith effort to notify all access producers of the broadcast date or dates of their respective programs. However, LATV reserves the right to preempt scheduled programs to present special or time sensitive programming.

6.0 Delivery Technical Requirements

All video programs submitted for cablecast must comply with the technical requirements specified below:

6.1 Only the following formats will be accepted for playback on the community use portion of channels managed by LATV, in current order of preference:

6.1.1 Digital files (AVI, MOV, MP4, etc.) on a portable hard drive storage device. Because of the dynamic and rapidly changing advancements in digital formats, producer shall confirm the preferred format with LATV before submitting.

6.1.2. DVD (DVD-R preferred).

6.1.3 Videotape (DV, Mini-DV formats preferred, followed by S-VHS and VHS), but only if they will deliver a clear and unbroken picture to cable subscribers.

6.2 Audio must be clearly understandable and at audible levels without distortion.

6.3 The following technical information must be recorded on the submitted DVD or tape:

a. 30 seconds of color bars and "zero level" tone as a separate chapter on the DVD, or at the head of a tape.

b. Color bars should be followed by five (5) seconds of black.

c. The black section should be followed by a 10 second slate with program title, exact length, name of producer, and production date.

d. The slate should be followed by a 10 second countdown which includes two (2) seconds of black before the program begins.

e. The program title should be shown near the beginning and at the end of the program.

f. Program credits must appear at the end of the program.

g. Any disclaimers required must be included at the beginning and end of the program material to be cable cast.

h. At least 60 seconds of black must be recorded after the end of the program.

6.4 The following minimum information must be included on labels affixed to the videocassette and the videocassette box:

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a. Producer's/provider's name and phone number
b. Program title
c. Exact length of program
d. Production date
e. Episode number and program description (series programs only)

6.5 Length of Programs. Programs submitted for cable casting are encouraged to conform to the time frames of 12 minutes, 26 minutes, or 52 minutes, as applicable, to allow for end of program announcements, sponsorship recognition, etc.

6.5.1 Programs over 60 minutes in length will be allowed only for special events or for coverage of lengthy meetings, or similar events.

6.5.2 Programs shorter than 15 minutes in length may be grouped together in a video "shorts" format.

7.0 City Responsibilities

The City intends to do the following:

a. Provide and maintain a studio facility that can be used to conduct workshops to train qualified public access producers and to create, produce and edit public access programming.

b. Schedule day-to-day operation of the studio facility.

c. Schedule all programming to appear on LATV.

d. Ensure that all public access producers are made aware of and comply with all procedures and policies regarding user eligibility, producer privileges and responsibilities, program content, funding procedures, equipment and studio use, the responsibilities of a producer, appropriate commercial and non-commercial information, required copyright information and clearances for music or appearances on camera, scheduling of qualified crew, technical delivery requirements, and required acknowledgements and disclaimers, all content submission and appeals procedures, and any and all other procedures as may be legally required for public access programming submitted to the City of Los Alamitos.

8.0 Mobile Production Truck Access

The production van is only used by station staff, and not public access producers, unless prior written approval is provided by the Los Alamitos City Manager.

9.0 Complaints Regarding Program Content

A. Prior to airing a program, LATV shall not review a show for the purposes of reviewing the subject matter, unless it has received a tip that the programming may one 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

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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. The City Manager or his designee shall 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")[3]. 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

[3] 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.

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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 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.

10.0 Further Revisions to Policy

It is requested that, within 120 days of the effective date of this policy, any Consultant or other party operating LATV provide the City Manager a list of recommended revisions to this policy. The City intends to consider all recommended revisions to the policy received within that time frame.

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