

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA CABLE TELEVISION COMMISSION REGULAR MEETING Tuesday, June 2, 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 May 5, 2015.

5. DISCUSSION ITEMS

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

Recommendation: Discuss and provide direction to Staff as appropriate.

B. Review of Policies & Procedures for LATV and Commission Duties & Responsibilities

Recommendation: The Commission shall decide one of the following:

- A. Decide to continue the discussion on LATV Policies & Procedures and Commission Duties and Responsibilities until after the Cable Consultants have finished their "Vision Study"; or,
 - B. Continue with the discussion of Policies & Procedures for LATV and Commission Duties & Responsibilities at this meeting.
- C. Consideration of Issues Impacting the Cable Television Commission Meeting for July 7, 2015.

Recommendation: Postpone the July 7, 2015 Cable Television Commission meeting to the next regularly scheduled meeting on August 4, 2015.

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 29th of May 2015.



Bret M. Plumlee
City Manager

MINUTES OF CABLE TELEVISION COMMISSION OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – May 5, 2015

1. CALL TO ORDER

The Cable Television Commission met in regular session at 7:04 p.m. on May 5, 2015, in the Council Chamber, 3191 Katella Avenue, Los Alamitos, Chair Underwood presiding.

2. ROLL CALL

Present: Commissioners Clayton, Hammond, Poe, Singer, Underwood

Absent: Commissioners Student Commissioner Ellison

Present: Staff Bret Plumlee, City Manager
Jason Al-Imam, Administrative Services Director
David Ihrig, Skyline Media Productions
Ernie Castelo, Skyline Media Productions
Catherine Howard, Police Department Secretary

3. MINUTES

Motion/Second/Abstain: Singer/Clayton/Poe

Unanimously Carried: The Cable Television Commission approved the April 7, 2015 Cable Television Commission meeting minutes.

5. Discussion Items

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

Mr. David Ihrig provided a status update and progress report on Skyline's meetings within the community, specifically LAUSD and Parks & Recreation. They've received enthusiastic response from the community and the high school, which is excited about their students participating in LATV studio productions; approximately 120 students are currently enrolled in the school's video production program. Skyline was welcomed by local businesses when they attended the most recent Los Alamitos Area Chamber of Commerce Friday Breakfast Meeting, where they've pitched various sponsorship packages for LATV. They've developed several promotional sponsorship opportunities, with varying costs, airtimes, and video productions highlighting locals businesses. Community feedback was

supportive of increased public affairs programming and extremely supportive of increased school sports coverage. They believe there is a deep volunteer base ready to enroll in training workshops. Of the 60 Chamber Breakfast attendees, 20 said they were ready to write a check for a promotional sponsorship package; there appears to be real potential for sponsored programming, city events, sports, business highlights, etc.

They spoke briefly with a representative of the LAUSD Baseball Boosters, the high school principal, assistant-principal, and Superintendent Kropp. There was discussion between airing sports highlights versus entire games. Volunteers would be trained on City equipment, certified, so they would work as "contractors" in/for the studio and be paid for half of their time. These funds would come primarily from the boosters, leaving the City and LATV cost neutral. Discussion continued to include students doing play-by-play coverage, streaming live via the internet, and minimizing the mandated payments to CIF and Fox Sports West, play-off games excluded.

Skyline is trying to gauge the levels of community interest and support for which type of programming. Chair Underwood provided a brief summary of the 2012 City survey which received minimal response.

A discussion ensued about the perimeters of sponsorship, which was likened to being a commercial, but without a call to action, and Skyline provided an overview of their developing business packages. An example would be for a business to pay \$1,000 for a 30 minute program, during which time that business would be highlighted for 7 minutes; from that they could take a 2 minute video for their website. Following City review, Skyline intends to email a survey, via the Los Alamitos Area Chamber of Commerce distribution list, to ascertain which businesses are interested in which level of sponsorship packages, ranging from \$500 for a 2 minute video, \$3,000, \$5,000 packages, and a Title Sponsorship for \$10,000. If City event costs are covered, then additional funds remain, those funds would be returned to the City's General Fund. The goal is to produce quality community programming and pay a certified contractor a fair rate.

Parents supporting their children's sporting events, in place of, or in addition to businesses as boosters was discussed. Are sporting events considered educational programs? Parents already pay for bussing kids to school and extra-curricular events, so asking them to assume the role of "boosters" seems unfair. It would be a big plus in the community if businesses could help underwrite sporting events.

Chair Underwood asked if Skyline's vision or intent was to include themselves in the day-to-day management and operations of the studio. Mr. Ihrig replied that their final report will provide management guidelines to

that the Rossmoor Homeowners Association (RHA) was supportive of revenue being directed to Los Alamitos. He requested Staff review a Rossmoor Time Warner phone bill to analyze where overages and/or taxable charges were being directed.

Commissioner Singer stated that the City would be better served to learn the preferences and opinions of Los Alamitos, rather than being concerned about Rossmoor.

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

City Manager Plumlee stated that this a continued discussion from last meeting and Skyline Productions is only 30 days into their assessment of LATV Studio, and still gathering data and information. Part of the long term goal is to review the Policies and Procedures, which was last revised in 2009.

Chair Underwood suggested a discussion with each commissioner explaining 1) What they think LATV is all about; and, 2) What is the role of the commission, addressing the general goals and responsibilities of LATV and the commission.

Commissioner Clayton suggested this discussion was premature and might be more productive after Skyline had concluded its 90 day assessment and presented their proposal.

Skyline Media's Mr. Ihrig asked the commission to explain their current role and activities.

Vice Chair Hammond stated that the 2009 Policies and Procedures contained foundationally sound guidelines, from which to build a revised version.

City Manager Plumlee suggested that inasmuch as today was Commissioner Poe's first meeting, and the consultants were in mid-way into their evaluation, this item be table to the next meeting to allow those aforementioned entities proper time to become familiar with the issue.

Commissioner Poe confirmed that she would like an opportunity to review and refresh her acquaintance with the information. She suggested holding a workshop to specifically review and discuss this document before the next regular meeting in June.

Commissioner Clayton agreed with Commissioner Poe's workshop suggestion; however, first, he felt that the commission needed to hear how

whomever the City determines will run the studio; the sponsorship particulars obtained by the responding businesses will be included in the report.

Commissioner Singer expressed his concern that the Los Alamitos residents should be included in the determination of the programming and future of the studio. Whether residents pay the \$1 per month Time Warner fee or tax dollars, their opinion should be heard.

Commissioner Clayton stated that attempts to elicit residents' opinions via surveys yielded minimal information.

City Manager Plumlee stated that Community Services might be able to distribute something to help gauge residents' opinions.

B. Review and discuss LATV Fund 28 Year-to-Date Activity Report.

Administrative Services Director Al-Imam provided a brief summary of the information contained within the attachment; not much activity has occurred. The end-of-the-year projected balance is approximately \$143,000. The Event Filming Reimbursement of \$6,500 will sunset sometime within the next year, if not renewed. Fund 28 is to be used only for LATV capital improvements. It is anticipated that Skyline's report will include recommendations for capital improvements.

(These items were intentionally taken out of order.)

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

Administrative Services Director Al-Imam provided a brief history of the 6-Year Franchise Agreement between the County of Orange and Time Warner, which provided for the monthly payment of \$1,094 beginning July 1, 2006, which expired March 12, 2012. The City received \$15,948, \$16,740 and \$12,009 in the fiscal years ending June 30, 2010, 2011 and 2012 (8 full months and 1 partial month).

Los Alamitos no longer receives any compensation from Rossmoor for franchise fees or for broadcasting their monthly RCSD meetings.

Discussion ensued on why Rossmoor fees are going to the county, when they still receive LATV programming. Commissioners Clayton and Singer did not think that recovering these fees was especially valuable, while Chair Underwood and Vice Chair Hammond disagreed.

City Manager Plumlee stated that a letter had recently been sent to the Board of Supervisors requesting consideration of reimbursement for fees associated with LATV broadcasting in Rossmoor. Chair Underwood stated

Skyline assessed LATV, the studio and its equipment needs, van operations, etc., prior to the commission spending additional time revising the Policies and Procedures. How are they supposed to make determinations about the studio, the van, etc., when Skyline may suggest other directions?

Commissioner Poe stated that a workshop addressing a point-by-point review and assessment of the Policies and Procedures would be beneficial to the commission.

Mr. Ihrig suggested that it would be helpful in developing Skyline Media's plan to have each commissioner email them with two or three sentences explaining their personal assessment of: 1) What do you think the roll of the commission should be? and, 2) What is the purpose of LATV?

Chair Underwood said that the workshop should address overarching goals and responsibilities of LATV to the community.

Skyline's final plan and recommendations are due to the Council on June 30th.

Motion/Second: Poe/Underwood

Unanimously Carried: The Cable Television Commission agenzized their next meeting to a future workshop meeting to address the Policies and Procedures.

- 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.

The commission felt this issue had been covered by the discussion of item C.

7. COMMISSIONER REPORTS

Commissioner Singer stated that Los Alamitos was too small to have its own television station and it would be better for the City to partner with another city to produce local PEG programming. LATV does not a benefit the majority of the residents and suggested disbanding the commission.

Commissioner Poe believes that Los Alamitos is a unique community and deserves to have its own local television station to inform and serve the community's interest. She believes it could be great again.

Commissioner Clayton understands Commissioner Singer's opinion and believes that the influence of politics is not necessarily a positive with regard to LATV.

Chair Underwood provided an update on the American Community Media and the progress of the CAP Act.

8. ADJOURNMENT

The Cable Television Commission adjourned at 9:38 p.m.

Attest:

John Underwood, Chair

Bret M. Plumlee, City Manager

DRAFT

Discussion Item 5A

CITY OF LOS ALAMITOS
FUND 28 - Los Alamitos TV
Year-to-Date Activity (as of 4/30/15)

Revenues:

Time Warner PEG Fees	\$ 7,928.00
Verizon PEG Fees	15,365.00
Event Filming Reimbursement	6,500.00
Investment Earnings	431.68
Total Revenues	30,224.68

Expenditures:

Contractual Services	100.00
Event Filming	6,499.98
Garage Vehicle Charges	1,600.50
Total Expenditures	8,200.48

Revenues Over Expenditures	22,024.20
Beginning Fund Balance - 7/1/14	115,409.36
Ending Fund Balance - 4/30/15	\$ 137,433.56

City of Los Alamitos

Cable Television Commission

Agenda Report Discussion Item

June 2, 2015
Item No: 5B

To: Chair John Underwood and the Members of the Cable Commission

From: Bret M. Plumlee, City Manager

Subject: Review of Policies & Procedures for LATV and Commission Duties & Responsibilities

Summary: The Cable Commission should determine whether or not it would be more productive to hold the discussion regarding Policies & Procedures for LATV and Commission Duties & Responsibilities until after the Cable Consultants have finished their "Vision Study".

Recommendation:

1. The Commission shall decide one of the following:
 - A. Decide to continue the discussion on LATV Policies & Procedures and Commission Duties & Responsibilities until after the Cable Consultants have finished their "Vision Study" ; or,
 - B. Continue with the discussion of Policies & Procedures for LATV and Commission Duties & Responsibilities at this meeting.

Background/Discussion

Pursuant to Ordinance No. 07-02, the City Council has the power to set the Commission duties and responsibilities for LATV. The Cable Commission Duties and Responsibilities were established by the City Council on March 6, 2007 pursuant to Resolution No. 2007-07 (**Attachment 1**).

The LATV Policies and Procedures (**Attachment 2**) were amended and adopted by the City Council on November 16, 2009 and include the language that was ordered by the judge upon settlement of the Katz litigation several years ago. These policies and procedures have not been modified since 2009.

On May 5, 2015, the Cable Commission discussed the policies and procedures of LATV and agreed to have a special workshop to continue the discussion.

At the May 18, 2015 City Council meeting, the Cable Consultants (Skyline Media Productions) provided the Council with an update on the status of the cable operations study. The City Council has expressed some concern regarding the re-examination of LATV Policies and Procedures prior to the completion of Skyline's study. Skyline's goal is to develop a plan towards long-term, fiscally sustainable model for LATV, and several proposals for LATV will be presented to the City Council in July 2015. Based on the results of the study and the direction provided by City Council, a framework for LATV will be developed that will guide the future of LATV.

On May 21, 2015, the Cable Commission held a Special Workshop meeting to continue the discussion from the May 5th Cable Commission meeting. At this meeting, the Cable Commission was divided and could not agree on recommended policies and procedures for LATV.

Since a set of policies and procedures are principles, rules and guidelines formulated to reach long-term goals, it would be more productive for the Cable Commission to discuss the Policies and Procedures and Cable Commission duties and responsibilities once Skyline's study has been completed and after the City Council has provided direction regarding the future of LATV.

Fiscal Impact

None

Submitted By:



Bret M. Plumlee
City Manager

*Attachments 1. Resolution No. 2007-07 Establishing the Duties and Responsibilities for the Cable Commission
2. Los Alamitos Access Television Policies and Procedures*

RESOLUTION NO. 2007-07

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF
LOS ALAMITOS ESTABLISHING THE DUTIES AND
RESPONSIBILITIES FOR THE LOS ALAMITOS CABLE
TELEVISION COMMISSION**

WHEREAS, City Council of the City of Los Alamitos has introduced Ordinance No. 07-02 establishing a Cable Television Commission in the City of Los Alamitos; and,

WHEREAS, pursuant to Ordinance No. 07-02, the City Council has the power to set the Commission duties and responsibilities by City Council Resolution; and,

WHEREAS, the City Council of the City of Los Alamitos wishes to set forth the duties and responsibilities of the Los Alamitos Cable Television Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:

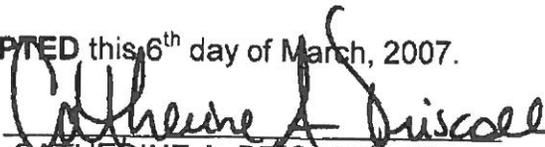
SECTION 1. The City Council of the City of Los Alamitos, California, finds that the above recitals are true and correct.

SECTION 2. The Los Alamitos Cable Television Commission shall meet bimonthly at the appointed dates and times as set forth in Exhibit A to this resolution.

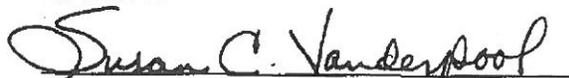
SECTION 3. The City Council of the City of Los Alamitos empowers the Los Alamitos Cable Television Commission with the duties and responsibilities as set forth in Exhibit B to this resolution.

SECTION 4. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 6th day of March, 2007.


CATHERINE A. DRISCOLL, Mayor

ATTEST:


Susan C. Vanderpool, City Clerk

APPROVED AS TO FORM:


Dean Derlet, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

I, Susan C. Vanderpool, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 6th day of March, 2007, by the following vote, to wit:

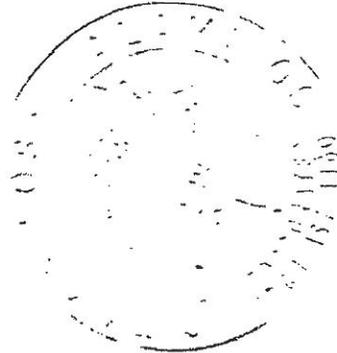
AYES: COUNCILMEMBERS: Parker, Mejia, Edgar, Grose & Driscoll

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Susan C. Vanderpool, City Clerk



**EXHIBIT A
MEETING DAYS AND TIMES**

Los Alamitos Cable Television Commission Meeting Times

The Los Alamitos Cable Television Commission shall meet bimonthly on the third Wednesday of the following months: January, March, May, July, September, and November at 7 p.m. in the Los Alamitos City Council Chambers.

EXHIBIT B
COMMISSION DUTIES AND RESPONSIBILITIES

The City Council of the City of Los Alamitos empowers the Los Alamitos Cable Television Commission to:

1. Make recommendations regarding Los Alamitos community cable television programming and broadcast standards.
2. Establish guidelines for the equitable scheduling of programs, use of equipment, and production facilities.
3. Establish a complaint resolution process for PEG programming.
4. Set criteria for a Community Access Producer Grant Program and, subject to the availability of annual funding, recommend grants for community access productions.
5. Develop plans to enhance channel usage and viewership.
6. Review the effectiveness of outreach efforts regarding channel usage.
7. Create maximum interest in local events, people, places, and issues via community access television.
8. Provide Los Alamitos residents, businesses, and organizations an opportunity to produce and participate in community television.
9. Encourage the education of Los Alamitos students in community television programming and production.
10. Assess, review, and make recommendations regarding the adequacy of community access equipment and facilities.
11. Investigate and make recommendations to City Council on the feasibility of City membership in the Public Cable Television Authority.

LOS ALAMITOS ACCESS TELEVISION**POLICIES AND PROCEDURES****(Adopted: November 16, 2009)****1.0 Goals of LATV**

1.1 Los Alamos Access Television ("LATV") exists to provide public, educational, and governmental (hereafter "PEG") programming to the communities of Los Alamos and Rossmore, and the community served by the Los Alamos Unified School District. LATV's mission is to broadcast programming of local interest and/or benefit, and which will most likely not air anywhere else. Our goal is also to provide individuals, schools and non-profit organizations in the community the opportunity to produce and broadcast their own quality programming to the community.

2.0 Distribution

Los Alamos 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. Members of the public shall not include any advertising, underwriting or sponsorship in any programming.

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. 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

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:

- 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. Rebroadcasts of City Council meetings.

- d. Rebroadcasts of meetings of the Rossmoor Community Services District and the Los Alamitos Unified School District.
- e. Programs produced by LATV (which may include bulletin board messages).
- f. Programs produced by another public agency
- g. Live series programs produced by a Los Alamitos Producer.¹
- h. Live single programs produced by Los Alamitos Producers
- i. Taped series programs produced by Los Alamitos Producers
- j. Taped single programs produced by Los Alamitos Producers
- 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 programs²
- 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.

In order to ensure that access to LATV is available to the entire community, no group of shows produced by the same non-public agency producer may occupy more than five hours of total available airtime per week.

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.

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.

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:

- 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 not shall 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 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 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

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.

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.



City of Los Alamitos

Agenda Report Discussion Items

June 2, 2015
Item No: 5C

To: Chair John Underwood and the Members of the Cable Commission
From: Bret M. Plumlee, City Manager
Subject: Consideration of Cable Commission July 7, 2015 Meeting Issues

Summary: Due to the anticipated addition of two members of the Cable Television Commission, ongoing study by Skyline Media that has not yet been completed, and possible calendar conflicts related to the July 4th holiday, it is prudent to consider the Cable Television Commission meeting scheduled for July 7, 2015.

Recommendation:

1. Cancel the July 7, 2015 Cable Television Commission Meeting.

Background and Disussion

At their May 4, 2015 meeting, the City Council approved directing staff to move forward with the addition of two members to the Cable Television Commission, which would bring the commission up to a full seven members. There is an item planned at the June 15, 2015 City Council meeting to introduce an ordinance which would increase the number of Cable Commissioners to seven. If approved, then the City Clerk's office would begin advertising for two new commissioners. It is anticipated that the two new appointments will not be in place until the August 4, 2015 meeting, at the earliest. Secondly, due to the July 4th holiday, possible calendar conflicts may occur, impacting preparation and/or attendance of the scheduled July 7, 2015 meeting. Thirdly, postponement to the August 4th meeting will provide City Council sufficient time to assess and evaluate the comprehensive presentation from Skyline Media Productions, which may assist the Council in determining direction and duties of the Cable Commission and focus efforts towards revising the Policies and Procedures and future goals.

Therefore, Staff recommends consideration of cancelling the Cable Television Commission meeting of July 7, 2015, to the following regularly scheduled meeting of August 4, 2015. There are no time sensitive agenda items anticipated for the July 7th meeting at this time.

Fiscal Impact

Cancellation of a regularly scheduled Cable Television Commission meeting will save minimal funds in staff time and operating expenses.

Submitted By:



Bret M. Plumlee
City Manager