



# Village of Downers Grove

## Official Village Policy Approved by Village Council

Description:	<b>Community Programming Guidelines</b>	
Res. or Ord. #:	<b>Res. 96-13a</b>	Effective Date: <b>3/25/96</b>
Category:	<b>Community Services</b>	
	<input type="checkbox"/> New Council Policy	
	<input checked="" type="checkbox"/> Amends Previous Policy Dated: <b>4/5/82 and 9/13/82</b>	
	Description of Previous Policy (if different from above):  _____	

### RESOLUTION 96-13

#### **A RESOLUTION AMENDING THE DOWNERS GROVE COMMUNITY PROGRAMMING GUIDELINES**

WHEREAS, having determined that it is desirable and in the best interests of the Village to take such action, the Council of the Village of Downers Grove has, by Ordinance No. 2427, granted a franchise to Cablevision of Chicago, now known as Continental Cable, (hereafter referred to as the Franchisee) to establish, construct, operate and maintain a cable television system within the corporate limits of Downers Grove; and

WHEREAS, pursuant to Ordinance No. 2427, the Franchisee will provide access channels for use by the Village; special purpose local districts, such as elementary and high school districts, park district and others; colleges and other local entities; and by members of the public; and

WHEREAS, the Village Council has adopted Resolutions 82-19 and 82-32 providing for Community Programming Guidelines for the Village of Downers Grove; and

WHEREAS, further amendment to these guidelines have been recommended to the Village Council for adoption.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Downers Grove, Illinois, as follows:

1. The Downers Grove Televisions Programming Guidelines dated November 28, 1995, attached hereto and made a part hereof, are hereby adopted.

2. The previous Guidelines as adopted by adopted Resolutions 82-19 and 82-32 are hereby repealed.

3. This resolution shall be in full force and effect from and after its passage and approval as provided by law.

Betty M. Cheever, Mayor

Passed: March 25, 1996

Attest: Barbara Waldner, Village Clerk

***DOWNERS GROVE TELEVISION PROGRAMMING GUIDELINES***

The purpose of public access, or community cable television, in Downers Grove, is to enhance the exchange of information among residents through the medium of cable television.

Since its inception, Downers Grove Television (DGTV) has provided Downers Grove-area residents, organizations, agencies and institutions with free, non-commercial television production and related services on a first-come, first-served, non-discriminatory, non-monopolistic basis. These services include video production equipment and facilities usage and training; professional assistance; and cablecasting of non-commercial public, government, and educational access television programs.

The purpose of these rules is to protect the public access system for the benefit of all residents, increase freedom of expression and assure that all residents have equal access to this important medium of communication.

The provisions of these guidelines shall be administered by the Downers Grove Cable Television Coordinator (the Cable Television Coordinator). Interpretation and enforcement of these guidelines shall be the responsibility of Cable Television Coordinator. The Cable Television Coordinator may adopt additional rules not inconsistent with these guidelines or applicable laws and may delegate such functions as he/she determines appropriate. Decisions of the Cable Television Coordinator may be appealed to the Village Manger as provided in Section VIII of these guidelines.

**I. ELIGIBILITY FOR EQUIPMENT AND FACILITY USAGE**

1. DGTV production equipment and facilities are available at no charge to DGTV certified producers provided the producer:

- (a) Is making a program for DGTV cablecast;
- (b) Is making a program for non-profit, non-commercial purposes;
- (c) Has completed the appropriate training classes or waiver of training for operating of said equipment; and
- (d) Obeys all rules and regulation adopted by the Village, including these guidelines and rules adopted by the Cable Television Coordinator.

2. Persons eligible to become certified include:

- (a) Individuals residing in the corporate limits of the Village of Downers Grove; and
- (b) Members and employees of commonly recognized local not-for-profit organizations which serve the Downers Grove community.

3. Each person who qualifies as an access producer will be issued an identification card. Access producers may be required to show the card for identification at any time they are using or proposing to use DGTV equipment and facilities.

4. Any certified producer under the age of 18 must have on file a PARENTAL CONSENT AND RESPONSIBILITY STATEMENT prior to making any equipment reservations or using access equipment and facilities. Parents or legal guardians signing the form must initially do so in person and accept full financial responsibility for equipment used by the minor, as specified in the user responsibility section of this document.

## **II. TRAINING AND CERTIFICATION**

1. Regular Training DGTV offers regular orientation, training and certification for persons wishing to use public access equipment.

(a) Orientation and the basic class is a prerequisite to all video production workshops and certification.

(b) A producer becomes certified by completing the appropriate training session for the desired equipment or facilities and passing the evaluation given at the conclusion of the course.

(c) Certified producers must complete a PUBLIC ACCESS PRODUCER'S APPLICATION, furnishing a street address and phone number and must present proper identification to receive a producer's card.

(d) After completing the necessary forms, persons holding access producer's cards may use equipment at no charge, provided they have been certified on that type of equipment.

(e) The Cable Television Coordinator will use the CERTIFICATION CHECKLIST when determining if a person passes certification.

2. Special Cases

(a) Person who have been trained elsewhere may stand for certification after attending a free orientation session. Persons who fail the certification test may be required to attend a workshop before certification is given.

(b) Access producers who have not worked on a program for more than one year must be recertified under regular certification procedures.

(c) When new equipment arrives, additional workshops will be provided to train access producers.

(d) Workshops for groups may be arranged by the access manager.

## **III. USER RESPONSIBILITY**

1. The access producer assumes full responsibility for DGTV equipment and facilities used in production, and is liable for damage, misuse or theft which occurs while the equipment or facilities are in the user's possession or control. Persons checking out equipment will be required to sign a check list attesting to the condition of equipment at the time of checkout and return.

2. Users of DGTV equipment and facilities bear full responsibility for their program content and shall be responsible and liable for any disputes arising from unauthorized use of copyrighted materials.

3. The users of DGTV equipment and facilities shall indemnify and hold harmless DGTV, Continental Cablevision, the Village of Downers Grove, and the officers, agents and employees of the foregoing, from and

against any damages, liabilities, and costs of any nature, including attorney's fees and disbursements, arising out or resulting from any action or use by the user of the equipment or facilities.

4. It is the access producer's responsibility to identify himself/herself to any person being taped, especially if the subject is not aware of the taping. **At NO time may an access user identify himself/herself as an employee of the Village of Downers Grove, DGTV or Continental Cablevision.**
5. No smoking, eating or drinking is allowed at any time in the studio, control room or editing areas. No illegal substance or alcohol is allowed on the premises, which includes the parking lot.
6. The Cable Television Coordinator reserves the right to refuse the use of the facilities to any person who appears to be under the influence of alcohol or drugs, not in full control of his or her behavior, or who engages in inappropriate conduct.
7. Access producers are responsible for making sure that all crew, talent and guests obey all DGTV rules. Access producers shall be responsible for violations by crew, talent and guests.

#### **IV. EQUIPMENT AND FACILITY USE**

1. Equipment and facility use policies are determined by the Village of Downers Grove.
2. Use of DGTV equipment and facilities must result in programming for Downers Grove access channels.
3. Only persons properly trained and certified will have use of DGTV equipment and facilities.
4. The DGTV facility can be used only when a staff member is on duty.
5. DGTV equipment and facility use is free to certified producers.
6. DGTV equipment and facilities are for non-commercial use. The use of DGTV equipment or facilities for economic profit or revenue generation is prohibited.
7. If the person requesting DGTV equipment or facility use is not of legal age, a parent or guardian must sign a consent and responsibility form for equipment use or check out for each use.
  - (a) Parents or guardians of users of DGTV equipment or facilities who are 16 or 17 years of age must sign all appropriate forms allowing the minor to check out equipment or use facilities without being accompanied by an adult.
  - (b) Minors aged 15 and under must be accompanied by a certified adult producer in all cases.

#### **V. OPERATIONS**

1. Facilities Scheduling
  - (a) Limits have been placed on the total number of hours each DGTV facility area may be reserved per session, as well as the number of sessions per calendar month, to encourage use by as many individuals and organizations as possible.

	Hours/ Session	Sessions/ Month
Studio Productions	5 hours	4/month
Control Room Editing	4 hours	4/month
Post Production Editing	4 hours	4/month
Portable Equipment	24 hours**	4/month

(b) Facilities may not be reserved for consecutive time periods.

(c) At the discretion of the Cable Television Coordinator, exceptions may be granted for unusual circumstances.

(d) Weekend checkout must be returned by NOON Monday.

(e) As it would be easy for individuals within a group to separately reserve time for the group, access producers are expected to respect the spirit, as well as the letter, of facility scheduling rules.

## 2. Reserving Equipment and Facilities

(a) Facility request forms and program proposals should accompany all reservations which can be made up to one month in advance. Reservations will be taken on a first-come, first-served basis. User will be notified only if there is a time conflict.

(b) Should and access user fail to use the facilities and/or equipment previously reserved, or fail to notify the Cable Television Coordinator of the CANCELLATION 24 HOURS IN ADVANCE, that user may be prohibited from using the same facilities and/or equipment for 30 days.

(c) The Cable Television Coordinator shall have the right to RE-ASSIGN the use of portable equipment if a producer is more than 30 minutes late for the reserved checkout time. Failure to return the equipment on time may result in restriction of further use.

(d) All producers reserving time on any equipment must be certified on that specific equipment.

3. Portable Equipment Persons holding equipment reservations are encouraged to arrive at least 30 minutes before the reserve time to complete the checkout procedure. Otherwise the checkout procedure has to be accomplished within the equipment reservation time. Checkout procedure includes:

(a) Surrendering a valid equipment use card to staff which will be returned after equipment is checked in.

(b) Signing all required forms (i.e. statement of compliance, Facility Request form, etc.)

(c) Assembling and testing requested equipment.

(d) Loading equipment and completing checklist.

4. Studio and Editing Equipment Persons with reservations should arrive in time to submit their use cards to DGTV staff, complete required paperwork, organize crew, test equipment, and coordinate any final pre-production.

## VI. PROGRAMMING/PLAYBACK

1. Cablecast time is available provided that the submitted program is produced by a certified DGTV producer, Village of Downers Grove educational or government access producer, or sponsored by a Downers Grove resident.
2. Priority will be given to locally produced programs. For purposes of this section, locally produced programs is defined as programs produced by certified DGTV producers in which a majority of the program is videotaped (or cablecast live) by DGTV producers using DGTV services, facilities and equipment.
3. Program Content In accordance with the free speech protection of the First Amendment to the U.S. Constitution, DGTV does not censor programs. Programming guidelines are not intended for editorial control, but to keep DGTV a fair, legal and open forum for all local residents and certified users. Access producers are fully responsible for the content of the programs they produce and submit for cablecast. Programs submitted should not contain:
  - (a) Any solicitation for funds;
  - (b) Advertising;
  - (c) Any material that is considered illegal by federal, state, or local laws, including but not limited to obscenity, libel, slander, invasion of privacy, or material concerning gambling, lotteries, gift enterprises, or similar schemes.
  - (d) Any material that is copyrighted or subject to ownership of royalty rights unless necessary releases, licenses, or other permission has been properly obtained.
4. Commercial Content Restriction DGTV shall not cablecast nor permit to be cablecast, programs which have commercial content. Commercial content includes, but is not limited to, product placement, advertisement and service descriptions provided in exchange for value of any kind or nature. Commercial content also includes promotion of any individual business, partnership or corporation, or testimonial for the purpose of commercial exploitation. Provided, it is recognized that business and commercial groups do occasionally underwrite community oriented programs. Although this underwriting is permitted, no underwriter will be allowed to air commercials or other advertising material. However, each underwriter will be allowed 5 seconds at the beginning and end of each program for acknowledgment of its participation in the program.
5. Obscenity and Other Unprotected Speech The Cable Act of 1992 enables cable operators to prohibit use or access channels to carry "obscene material, sexually explicit conduct, or material soliciting or promoting unlawful conduct". Obscenity is not considered protected speech under the First Amendment to the Constitution. The public access producer/submitter should be aware that under the Federal Cable Communications Act of 1984 as amended, whoever transmits over any cable system any matter which is obscene or otherwise unprotected by the Constitution of the United States is liable for substantial criminal penalties. Any program which contains excessively violent material, excessive adult language, nudity or sexually explicit material must carry a disclaimer at the beginning and near the middle of the program to read: "This program contains material which may not be suitable for all viewers. Parental discretion is advised."
6. Time of Cablecast DGTV reserves the right to schedule programs which contain excessively violent material, excessive adult language, nudity or sexually explicit material after 10:00 p.m. DGTV also reserves the right to, when appropriate, expand the cablecasting hours in order to cablecast a program after the normal cablecasting day.

7. Production of Live Programs Live production may be authorized at the discretion of the Cable Television Coordinator based upon available resources, personnel, expertise, local content and scheduling limitations. At a minimum, such live shows shall be subject to the following:

(a) Live productions must be presented during scheduled staff hours.

(b) Producers wishing to do live programs must request cablecast time at least one month prior to cablecasting.

(c) Producers who have never produced a live show at DGTv must arrange a pre-production meeting with the access manager before their first show.

8. Submission and Scheduling of Programs

(a) Playback Application and Indemnification forms must be filled out completely and submitted for each program or series. (Any person under the age of 18 shall have his/her parent or legal guardian sign as responsible party on the Playback Application and Indemnification Form.)

(b) The Cable Television Coordinator, or his/her designee, will discuss all available time slots for submitted programs with applicants.

(c) All requests for channel time shall be processed on a first-come, first-served, non-discriminatory basis, depending upon the availability of cablecasting equipment and channel time.

(d) Written confirmation of the cablecast times scheduled will be distributed to the producer/submitter.

(e) Each prerecorded program must be submitted to the Cable Television Coordinator for preview ten (10) working days before cablecast in order to permit the Cable Television Coordinator to determine whether the program meets the standards set forth in this section.

(f) Locally produced programs may be cablecast on DGTv for a total on not more than two (2) times a week, and not more that once per week between the hours of 5 p.m. and 10 p.m. Non-locally produced programs may be cablecast on DGTv for a total of not more than two (2) times a week, and not more than once per week between the hours of 5 p.m. and 10 p.m.

(g) In a rare instance when it seems desirable to cablecast a program more than policy indicates, an exception may be made by the Program Director. The local contact person for programs non-locally produced must attend an orientation meeting before requesting that his/her program be scheduled. Programs may not be scheduled consecutively on DGTv. Open slots on the schedule will be filled by the Cable Television Coordinator with library tapes not on the current week's schedule.

(h) A producer/submitter may request available cablecast time up to one (1) month in advance. If a producer fails to submit a scheduled program or a new, original program, the producer is subject to forfeiture of cablecast time scheduled for that program.

(i) In the event a producer (including organizations) is scheduled for more than five (5) hours of programming in a given calendar month, the Cable Television Coordinator may preempt any time scheduled in excess of five (5) hours to favor other users not meeting this test.

9. Scheduling of Series Scheduling of regular time slots in a series of up to thirteen (13) weeks duration shall be permitted, if time is available, provided that:

- (a) The user demonstrates a commitment to the series by supplying the initial two (2) scripts for a live series, prior to the scheduling of series time;
- (b) The user shall relinquish the right to the scheduled time slot if the programs are not provided as scheduled, and;
- (c) An individual user may schedule no more than one series at a time. At the end of a series, the user may re-apply for the thirteen (13) week commitment subject to availability.

10. Technical Standards DGTV reserves the right to reject a program if it does not meet minimum technical standards. Locally produced videotapes are not expected to meet broadcast standards; however, those tapes which do not carry a stable signal over the cable system or which may damage equipment will not be cablecast.

- (a) All programs submitted for cablecast must be recorded on 3/4", VHS or SVHS videotape format.
- (b) All tapes delivered for cablecasting must include:
  - i. Labels on the box and on the cassette.
  - ii. The name of the program as stated on the "Playback Application," the program length, and the name of the producer.
  - iii. Only one program per tape, except for Public Service Announcements (PSAs).
  - iv. Color bars and tone (30 seconds) and a 10-second countdown at the beginning of the tape and at least 60 seconds of black with no audio at the end of the program.
  - v. Video and audio quality and stability that permit viewing without undue distractions.
- (c) The tape should be of good quality, maximum 3rd generation with an uninterrupted control track.

## **VII. VIDEOTAPE PROVISIONS**

- 1. DGTV provides videotape for use in equipment training workshops, for the edit master and for field tapes of programs produced for cablecast on public access channels. Playback masters are normally recycled after the last scheduled air date; however, DGTV may retain these tapes in its library at the discretion of the Cable Television Coordinator.
- 2. If a duplicate of the program is desired, it should be dubbed before submitting the playback tape for cablecast.
- 3. A resident access producer may request a SINGLE copy of a program he or she has created. To obtain the copy, the access producer must provide the blank videotape. The copy will be made at no cost. Additional copies may be provided at rates and terms established by the Cable Television Coordinator.
- 4. Requests for editing time will always take priority over requests for duplicating tapes.
- 5. Work tapes for a production will be recycled after the edited master is completed.

## **VIII. APPEALS**

1. Appeals from a decision of the Cable Television Coordinator may be made by filing an application in writing to the Village Manager. The appeal must be made within (30) days of the Cable Television Coordinator's decision.
2. The Village Manager, or the Manager's designee, shall schedule an informal public hearing not later than thirty days following receipt of such appeal. All parties concerned will be informed that a hearing will be held. The applicant may appear at the hearing and/or be represented by an agent or attorney.
3. Within ten (10) days of the date of such hearing, the Manager shall serve his/her decision to the appellant in writing through certified mail. The Manager may reverse, affirm wholly or in part, or modify any decision of the Cable Television Coordinator.