

ARTICLE XVIII. - CABLE COMMUNICATIONS SERVICES^[10]

Footnotes:

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Editor's note— Ord. No. 029704, §§ 1 and 2, adopted Dec. 18, 2012, amended art. XVIII in its entirety to read as herein set out. Former art. XVIII, §§ 55-246—55-449, pertained to similar subject matter and derived from: Ord. No. 24929, Arts. 1—16, adopted June 25, 2002; Ord. No. 028445, § 1, adopted Dec. 15, 2009; and Ord. No. 029102, § 1, adopted June 21, 2011.

DIVISION 1. - MISCELLANEOUS PROVISIONS REGARDING PUBLIC ACCESS CHANNEL RULES AND PROCEDURES

Sec. 55-443. - Rules and procedures for public access cablecasting.

Channel space on public access channels is available to any adult resident of the City of Corpus Christi in accordance with the following rules and procedures, as adopted by the City Council of the City of Corpus Christi. Submitted programs on accepted media, as defined in section 55-447, will be cablecast by all state-franchised cable operators as provided by state law. Requests for live feeds may be made in accordance with guidelines adopted by the the city director of communications department. To assist with diversity of programming, the number of public access programs originating from programming conducted by one organization is limited to six (6) unless scheduling allows.

These rules may be amended by city council.

(Ord. No. 029704, §§ 1 and 2, 12-18-2012; Ord. No. 030486, § 2, 4-21-2015)

Sec. 55-444. - Rules for participation.

Producers must complete and sign an application for public access cablecasting. By signing the application, the producer states and agrees that the following rules will be observed:

- (1) All programs must be produced by a producer as defined in section 55-447.
- (2) No program shall be of a commercial nature as defined in section 55-447.
- (3) No program shall be transmitted that requests contributions unless the solicitation is on behalf of an organization that has received tax exempt status under 501(c)(3) of the Internal Revenue Code or nonprofit status in the State of Texas. Maximum time to request contributions in a program is five (5) minutes.
- (4) No program shall be transmitted that contains copyrighted material for which proper written clearance or authorization has not been obtained prior to being submitted for broadcast.
- (5) No program shall be transmitted that portrays any criminal act as being acceptable or condoned behavior.
- (6) No program shall be transmitted which contains obscene or indecent material.
- (7) All programs must include proper program identification as defined in section 55-447.
- (8) All programs must be locally produced. In order to be classified as a locally produced program, the program must contain at least twenty-five (25) per cent locally produced original content.
- (9) Producer must maintain current home and mailing address with PAUG and notify PAUG of change within ten (10) working days of move.

Except as otherwise permitted by applicable law, neither the PAUG, cable operators, nor the city will restrict the content of any program.

(Ord. No. 029704, §§ 1 and 2, 12-18-2012; Ord. No. 030486, § 2, 4-21-2015)

Sec. 55-445. - Technical standards and production requirements.

- (a) *Conformance.* Programs submitted for cablecast must conform to the technical standards and production requirements established for cablecast by the FCC and City of Corpus Christi Public Access Rules. The programs shall not be out of compliance with any applicable FCC Technical Standards.
- (b) *Quality.* Programs must deliver, in good quality, clear audio and video throughout the entire length of the program.
- (c) *Format.*
 - (1) Producers must transfer all programming to accepted media as defined by subsection 55-447(a).
 - (2) As technology changes and formats become more common in the consumer markets, formats may be changed to reflect current market use. The decision to add or delete formats will be made by the city director of communication department.
- (d) *Labeling.* All producers must clearly label their media as follows:
 - (1) On face of the accepted media:
 - a. Title of the program as it appears on the application.
 - b. Production date.
 - (2) On case or sleeve of accepted media:
 - a. Name of individual producer as it appears on the application.
 - b. Producer's telephone number and/or e-mail address.
 - c. Length of program.
 - d. Title of the program as it appears on the producer's application.
- (e) *Identification.*
 - (1) Programs must include the program identification as defined in section 55-447.
- (f) *Length.*
 - (1) All one-hour programs must be sixty (60) minutes in length, including the program identification.
 - (2) All half-hour programs must be thirty (30) minutes in length, including the program identification.
 - (3) Occasional programming beyond sixty (60) minutes (such as high school sporting events) may be included pursuant to rules established by the city director of the communication department.
 - (4) Only one (1) program may be recorded on each media submitted.
- (g) *Deadline.* Programs on accepted media must be delivered to and picked up from the city director of communication department before 11:30 a.m. on the Wednesday prior to the cablecast schedule that begins the following Sunday. Holidays may require deadline adjustments.
- (h) *Weekly log required.* A weekly log of the schedule list that indicates delivery of media by the producers will be provided to the city director of communication department each week when the media is delivered to the city communication department.

(Ord. No. 029704, §§ 1 and 2, 12-18-2012; Ord. No. 030077, § 1, 2-11-2014; Ord. No. 030486, § 2, 4-21-2015)

Sec. 55-446. - How programs are scheduled and cablecast.

- (a) The city communication department shall arrange for playback of public access programming according to the schedule provided by the PAUG. A PAUG schedule change may be requested on the first and third week of the month resulting in a maximum of two (2) schedule changes per month. In addition, one-hour programming cannot be scheduled to begin during 11:30 p.m. through 12:30 a.m.

During equipment upgrades or planned outages, with notice to the PAUG presidents, the city communication department may exercise option to replay previous week of programming instead of new programming for that week.

- (b) The PAUG receives and schedules programming submitted by series and occasional producers. The PAUG must provide schedules to city communication department.
- (c) *Public access for series producers.* The PAUG for each channel conducts a biannual public access time slot lottery according to the rules and procedures, and uses those results to develop a public access schedule for that channel.
- (d) *Time slots.* Series programs are given a regular weekly or monthly time slot. Time slots are awarded during the semi-annual time slot lottery.
- (e) Each producer may have only one (1) series.
- (f) Only programs created by producers, as defined in section 55-447, are eligible to participate in the semi-annual lotteries and to be transmitted as a public access program.
- (g) *Application.* No later than the time of the bi-annual time slot lottery each producer must submit a completed public access cablecasting application form approved by the city director of the communication department to their respective PAUG board of directors. If either home or mailing address should change for any reason, producer shall update within ten (10) working days of change in address, with the correct home and mailing address. Failure to comply can be grounds for removal from the public access channels for the remainder of the lottery period or sixty (60) days, whichever is longer.
- (h) The PAUG board of directors will provide copies of applications to the city communication department no later than two (2) weeks after the time slot lottery is conducted.
- (i) *Access channels (10 or 18).* An individual producer must select one (1) channel for cablecasting of both first-run and repeat showings. The same programs cannot be run on both channels during the same lottery period.
- (j) *Lotteries and schedules.* There are two (2) lottery periods. The spring lottery period begins the first Sunday in June through the day preceding the first Sunday in December. The fall lottery period begins the first Sunday in December through the day preceding the first Sunday in June.
- (k) Producers or the producer's authorized representative will attend the time slot lottery as noted in subsections (k)(1) and (2) below. "Producer's authorized representative" means the person that has been authorized in writing signed by the producer to represent the producer at the lottery for purposes of drawing timeslots. Lotteries are open to the public and will be conducted as follows:
- (1) The spring lottery is conducted in the last fourteen (14) days of April with the new time slots actually beginning on the first Sunday in June. The PAUG board of directors shall determine the day, time and place of the lottery.
 - (2) The fall lottery is conducted in the last fourteen (14) days of October with the new time slots actually beginning on the first Sunday in December. The PAUG board of directors shall determine the day, time and place of the lottery.

- (3) The public access time schedule will be broken into thirty-minute intervals.
- (4) Each producer (or the producer's authorized representative) will randomly draw a lottery number.
- (5) The lowest number will have the first choice of time slots and continuing until all numbers drawn have picked their first time slot.
- (6)
 - a. After all producers (or their authorized representative) have selected time slots for their first run shows, producers of weekly programs requesting a repeat showing will then select their time slots for one (1) repeat cablecast in same or reverse order as the initial time slots were selected. If there are any available time slots after the repeat schedule is established, then the PAUG board of directors shall select programming from a rotation list that is based on the primary lottery results, starting with the lowest number, for a third time slot, but only to the extent time slots are available. However, new programming submitted after the lottery shall have precedence over third time slots.
 - b. A program may be cablecast as an original and repeated once in the same lottery period in the producer's allotted time slot, but not in consecutive weeks or months (back to back). A program may be cablecast as an original and repeated once in subsequent lottery periods.
- (7) Producers of monthly programs will have one (1) original cablecast to be repeated each week in the same allotted time slot for the remainder of the month.
- (8) One (1) spring and one (1) fall lottery will be executed for Channel 10 by the Channel 10 PAUG and one (1) lottery executed for Channel 18 by the Channel 18 PAUG.
- (9) A person may serve as an authorized representative for up to four (4) producers.
- (l) Public access for occasional producers. Single time slots of lengths as noted above in section 55-445, length, will be available for occasional producers on a first-come, first-served basis. Occasional producers must complete a public access cablecasting application prior to the desired cablecasting date and comply with all rules set forth herein.
- (m) First-come, first-served is determined upon receipt of completed application by member of PAUG board of directors.
- (n) No programs will be scheduled during holidays, unless automated programming allows as determined by city director of communication department or designee.

(Ord. No. 029704, §§ 1 and 2, 12-18-2012; Ord. No. 030077, § 1, 2-11-2014; Ord. No. 030486, § 2, 4-21-2015)

Sec. 55-447. - Defined terms.

Accepted media. A recorded program on accepted media produced by a public access producer and submitted for cablecasting on public access channels. The term "accepted media" refers to: (1) Audio video CD MPEG-2 (with playback standard screen size 720 × 480 and 60 fields per second, audio level 3). (2) DVD + R MPEG-2 (with playback standard screen size 720 × 480 and 60 fields per second, audio level 3).

Commercial programming.

- (1) Any programming which is cablecast for remuneration of any kind, whether directly or indirectly, or programming which includes, in whole or in part, content whether audio, video or text intended, directly or indirectly to promote any commercial business, service or product is prohibited; or
- (2) Any programming which includes commercial advertising of any kind or that contains lottery or sweepstakes information. The city director of communication department may develop guidelines concerning advertisement on public access programs.

Complaints. Communication to the city director of communication department regarding violation of rules and procedures for public access cablecasting.

Holidays. Official city holidays including Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas, and New Year's Day.

Locally produced programming. Programming created in the Corpus Christi region, or pertaining to locally specific issues, or pertaining to local residents.

Producer. Any resident of Corpus Christi, eighteen (18) years of age or older, who has proof of residency which must include a local street residence address, a local contact telephone number and valid identification (such as a driver's license). A producer must pay any fees required by the PAUG and must execute an approved application form. A producer, by way of definition, is an individual who meets the above stated requirements and participates in or is responsible for the creation of a local, noncommercial program for the public access channels. If the local, noncommercial program is created by a local organization, such as a church, one (1) person who meets the above requirements must be designated as the producer and will represent the organization with the PAUG. For identification purposes, this person's name will appear on program identification, in video, and printed on labels.

Program identification. The tag at the beginning of the program must bear the producer name, and title of program as it appears on the producer application and the production date. The tag must appear for at least ten (10) seconds, in the video at the beginning of each program, or within the first thirty (30) seconds. A tag at the end of the program is optional.

Public access channel (sometimes herein "channel"). This is the cable television channel or channels on which public access programs are cablecast.

Public access time allocated schedule. The block of time slots allocated to each public access channel that are available and allocated by lottery during the semi-annual time slot renewal period. The block of time will be determined by each PAUG by calculating the number of producers and programming hours for all shows including repeats. The intent is to develop a block of time slots that provide for consecutive programming, without gaps in the programming schedule.

Public access user group (PAUG). Membership of the PAUG may be composed of any individual who is a resident of the city as well as representatives of community, public interest, or neighborhood groups. PAUGs are organized separately and independently from the city and are not boards, commissions, committees or any other subdivision of the city. Each public access channel must establish a PAUG. All PAUGs, by application to the the city secretary, must be certified by the city director of communication department. Producers organize themselves according to bylaws, electing among themselves officers and a board of directors. Each producer present is entitled to vote on all matters pertaining to establishment of PAUG bylaws and election of officers. All membership meetings of the public access user group shall be publicly posted on the public notices bulletin board of City Hall and filed with the city secretary at least seventy-two (72) hours in advance of any meeting. Upon certification, a public access user group shall have the following duties and responsibilities:

- (1) To follow guidelines, rules and regulations for the use of applicable access channels. Public access producers must establish an access user group for each public access channel and follow the rules and procedures for public access cablecasting as established in the master cable services regulatory ordinance approved by city council in 2002, as amended.
- (2) To coordinate allocation of channel time and channel space for programming produced by users.
- (3) To coordinate training of individual access users in television production methods and techniques.
- (4) To report monthly to the city director of communication department on the utilization of access channel space and access channel programming.
- (5) To promote public awareness, use, and viewership of access television programming and actively seek additional membership from among individuals or groups in the access user group's area of interest.

- (6) To administer guidelines, rules and regulations for use of the appropriate access channels.
- (7) To review program content to ensure compliance with established laws, rules and regulations.
- (8) To establish its own bylaws concerning organization and decision making within the access user group. A copy of such bylaws shall be submitted with the access user group's application for certification. Changes to such bylaws shall be filed with the city director of communication department within thirty (30) days after any change occurs.

Repeat program. A program which was previously aired on any public access channel during the same lottery period.

Series. A locally produced public access show from a single producer. A series can be either weekly or monthly.

(Ord. No. 029704, §§ 1 and 2, 12-18-2012; Ord. No. 030077, § 1, 2-11-2014; Ord. No. 030486, § 2, 4-21-2015)

Sec. 55-448. - Amendments to rules and procedures for public access cablecasting.

These rules may be amended by city council at any time following recommendation from the city director of communication department.

(Ord. No. 029704, §§ 1 and 2, 12-18-2012; Ord. No. 030486, § 2, 4-21-2015)

Sec. 55-449. - Violation of rules.

- (a) *[Generally.]* Producers must follow all rules and procedures for public access cablecasting.
 - (1) If a producer and series has been removed for violations that producer and series may not air as an occasional user during the removal period.
 - (2) A producer may appeal decisions of the city director of communication department to the assistant city manager by submitting a sworn written notice of appeal to the city secretary within thirty (30) days of the rendition of the decision. The decision of the assistant city manager shall be final.
- (b) *Violations of section 55-444.*
 - (1) No program will be permitted to air over the public access channels if a producer or program has violated one (1) or more of the rules identified in section 55-444.
 - (2) It shall be the responsibility of the PAUG board of directors to periodically monitor the programs that are aired on public access television and to report any and all section 55-444 violations that are observed, to the city director of communication department, using the appropriate form and procedures set forth herein.
 - (3) Complaints about violations of section 55-444 rules must be submitted in writing to the city secretary's office or through an online form at www.cctexas.com/cc/complaint . The complaint will be forwarded to the city director of communication department for resolution.
 - (4) Producers will receive written notice of the complaint, and a statement that failure to provide a written statement of explanation within fourteen (14) calendar days will result in forfeiture of their time slots and the use of the public access channels for sixty (60) days.
 - (5) The city director of communication department will review the complaint and the response and determine whether a violation has occurred. The producer will receive written response of the determination.

Producers will be informed in writing that three (3) section 55-444 violations within a six-month period will result in forfeiture of their time slots and the use of the public access channels for sixty (60) days.

- (6) If a section 55-444 violation is evident, that program media will be removed from airing and from repeat showing, and the media will be turned over to the city director of communication department by the PAUG board of directors for review and discussion with the producer. Producers must take corrective action on any programs with rule violations before they can be submitted as a second original or repeat.
- (c) *Forfeit of use of public access channels.*
- (1) At the lottery, PAUGs will establish a designated location for producers to deliver weekly and monthly media.
 - a. Media for the first program in a lottery period must be delivered to the designated location before 10:00 a.m. on the Wednesday before the first Sunday in the new lottery period.
 - b. Following the first media delivery of the lottery period, cut-off time for delivery of media for weekly programs is 10:00 a.m. on Wednesdays each week.
 - c. Cut-off time for delivery of media for monthly programs is 10:00 a.m. on the Wednesday before the first Sunday of each month.
 - (2) PAUGs will maintain a schedule list that indicates delivery of media by producers. A monthly log of this schedule will be submitted to the city director of communication department within the first seven (7) days of each month.
 - (3) If a series producer fails to supply media on time for a weekly or monthly program, that program will not be aired that week or month. No late media will be accepted. Individual producers shall not deliver media to the city director of communication department.
 - (4) If a weekly series producer fails to supply media by the established time for four (4) consecutive weeks, that producer and series will forfeit his/her time slots and the use of the public access channels for sixty (60) days or until the end of lottery period whichever is longer. If a monthly series producer fails to supply media on time for two (2) consecutive months, that producer and series will forfeit his/her time slots and the use of the public access channels for six (6) months. Turning in blank media that will not play correctly is the same as not turning in media.
- (d) *Violations of section 55-446.* Complaints for violations of section 55-446 may be submitted to the city director of communication department. The director will notify the appropriate PAUG of any complaints and schedule a discussion with the PAUG president and the complaining party. The determination of the city director of communication department shall be subject to review by the assistant city manager. The determination of the assistant city manager shall be final.

(Ord. No. 029704, §§ 1 and 2, 12-18-2012; Ord. No. 030486, § 2, 4-21-2015)