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# **PART I: INTRODUCTION**

## **1.0 Preface**

- 1.1 This document, the "Operating Rules and Procedures," governs the activities of the Sacramento Community Cable Foundation, which operates under the name "Access Sacramento."
- 1.2 The purpose of this document is to clearly set forth the rules and procedures that govern the operation of Access Sacramento facilities. These rules and procedures are intended to encourage maximum participation by Sacramento individuals and groups in a fair and equitable manner. This document also identifies the many services and opportunities available to Sacramento residents to develop locally produced cable programming.
- 1.3 All potential users of the Access Sacramento facilities and services must first agree to comply with the rules and procedures specified herein.
- 1.4 These "Operating Rules and Procedures" are not, and will never be, complete. They will evolve with the growth and development of Access Sacramento and the concrete experiences of those who use its facilities and services. Amendments to this document may be considered and implemented by the Access Sacramento Board of Directors at any time.

## **2.0 Access Sacramento**

### **2.1 Purpose.**

The Sacramento Community Cable Foundation (dba as Access Sacramento) is a non-profit corporation whose purpose is to empower individuals, organizations, causes and groups within Sacramento to produce and/or present their own non-commercial cable TV and radio programs, responsive to the full and diverse range of Sacramento County's residents, perspectives, concerns, issues and interests. Access Sacramento coordinates outreach, training, production, playback, and promotional activities to achieve these goals.

### **2.2 Access Sacramento Non-Discrimination Policy Statement.**

Access Sacramento shall not discriminate in the delivery of services on the basis of race, color, creed, national origin, sex, sexual preference, age, religious belief, social philosophy, economic status, or physical ability.

### **2.3 Status**

Access Sacramento operates under the terms and conditions of its agreement with the Sacramento Metropolitan Cable Television Commission. The Commission has allocated two video channels and two cable FM channels of Sacramento Cable's subscriber network to Access Sacramento, which promotes and manages the development of locally produced, non-commercial programming by Sacramento County's community organizations and individuals for presentation on these channels. Access Sacramento

also receives operating funds each year from the Commission, which allocates such funds from the franchise or license fees it receives from cable television companies within Sacramento County.

A fifteen member Board of Directors governs access Sacramento. The members of Access Sacramento elect the Board. (See Section 2.8, "Access Sacramento Membership,")

## 2.4 **Location of Facilities**

Coloma Community Center, 4623 "T" Street, Sacramento

The Access Sacramento administrative offices and production facilities are located here. Production equipment at this location includes:

- (a) TV Studio
- (b) Master control for Access Sacramento's TV and radio channels
- (c) Portable video production equipment
- (d) Video editing systems
- (e) Field production truck/van
- (f) Radio production facilities

## 2.5 **Access Sacramento Staff**

Administrative staff located at the Coloma Community Center location includes the Executive Director, Community Relations/Development Director, Programming Coordinator, Programming Assistant and the Office Coordinator.

Production/programming staff at the Coloma Community Center location includes Production Directors, the Chief Technician, Playback Operator, and video and audio Production Assistants, volunteers and mentors.

In addition, student interns may be involved in Access Sacramento operations through a program offering "hands-on" experience and credit to students attending Sacramento area colleges.

## 2.6 **Hours of Operation**

### 2.61 **Access Sacramento: Administrative Offices**

9:00 am - 6:00 pm, Monday, Wednesday, and Friday.

9:00 am – 7:00 pm, Tuesday and Thursday

Closed weekends and holidays

### 2.62 **Access Sacramento: Production Facilities**

12:00 pm - 9:00 pm, Monday thru Thursday

12:00 pm - 6:00 pm, Saturdays

Closed Fridays, Sundays and Holidays

Special arrangements may be made for use of production facilities at other times. (See Section 2.7, "User Fees", below.)

Hours of operation may be modified in the future as additional staff becomes available and as community participation requires.

## 2.7 User Fees

- 2.71 During the hours of operation listed above in Section 2.6, all of the services available through Access Sacramento are provided to eligible users who are members in good standing.
- 2.72 Outside of the regular hours of operation, special arrangements may be made to use the Access Sacramento production facilities at specified rates by non-profit groups, government agencies, and individuals who have been appropriately trained and certified. (All material produced must comply with Access Sacramento's programming content restrictions, as described in Part III, Section 6.0.)
- 2.73 The Field Production Truck/Van, located at the Coloma Community Center, is available for **free** use for a total of twenty (20) hours per week. The maximum amount of **free** time for any one-truck/van shoot (including site survey, travel, set-up, production, and wrap-up) is ten (10) hours. Therefore, a maximum of two **free** truck/van shoots may be scheduled per week. Normally, an individual truck/van producer is limited to a maximum of two (2) free truck/van shoots per month and one (1) free truck/van shoot per week.

If the total time for a truck/van shoot exceeds ten hours, the producer will be charged for the additional time at the rate of **\$50 per hour**.

If a producer wants to schedule a truck/van shoot during a week in which two other truck/van shoots have already been scheduled, the additional shoot (or shoots) may only occur if the producer agrees to pay for the use of the Field Production Truck/Van at the rate of **\$50 per hour**.

An Access Sacramento technician must accompany the crew of the Field Production Truck/Van when it is in use.

- 2.74 Customized group training, with specified fees, is available to groups whose special needs cannot be met by Access Sacramento's training program (as described in Part II of these Operating Rules and Procedures).
- ## 2.8 Access Sacramento Membership.

Residents of Sacramento County are encouraged to join Access Sacramento as members. Members will receive: timely information about training, programming and grants; newsletters; announcements of special events; eligibility to serve as a voting member of an Access Sacramento Committee; potential eligibility to serve on the Board of Directors; and annual meeting voting privileges. Only members in good standing are permitted to submit programming and Public Service Announcements, use the production equipment, and take the workshops or vote in annual elections for the Access Sacramento Board of Directors.

## **PART II: TRAINING AND CERTIFICATION**

### **1.0 Production Training Courses.**

1.1 Teaching radio and television production skills to interested community volunteers is a primary role for Access Sacramento. Specific information provided includes: defining what community programming is; the production team and individual responsibilities; the differences and similarities between studio based and remote/portable productions; program formats; trainee. Classes are designed to teach basic techniques enabling beginners to master the following subject areas:

#### 1.11 Introduction to Digital Production

The recommended introductory course to television production, this course serves as an overview of the entire program production effort. This course teaches the basic operations and set-up procedures for a video camera. It includes information on basic scriptwriting techniques; and the completion of a sample script by each class, and on location shooting, basic lighting for video, basic location audio, shooting styles, planning for later editing of the program and other knowledge important to the single camera operator.

#### 1.12 Multiple Camera Studio Production

Studio television production offers community volunteers the basic skills required for set-up and production of studio based, multiple camera, switched programming. Skills taught include: the members of the production team and each one's responsibilities; pre-production planning for studio programming; operating procedures for cameras, lights, audio, video switcher, video tape recorder, character generator, and other equipment as needed; issues of studio safety and care of equipment; and other information enabling the community producer to plan and produce studio based programs.

#### 1.13 Intermediate Digital Editing

Most television programs require further post-production editing prior to cable casting. This course is designed to teach videotape editing skills including: basic technical understanding of the videotape editing process; the mechanics of operating editing systems; planning your shooting for later editing; use of audio sources to enhance the edited videotape and use laying graphic titles and credits with the character generator.

#### 1.14 Multiple Camera Remote Television Production (Truck/ Studio-in-a-suitcase)

Combining the portability of modern television equipment with the multiple camera/switch capabilities of studio T.V. production, this class requires previous experience in both single camera and studio television production techniques. Class instruction will feature the set-up and use of Access Sacramento's multiple camera field production truck/van. The workshop also explains when or why one may be more useful or necessary in certain shoots.

#### 1.16 Community Radio Production

Trainees interested in radio production will learn skills required to produce and cablecast their own radio programs. The skills include: audio recording techniques; microphone usage; audio tape editing; use of an audio board; live cable casting; and radio program formats.

#### 1.17 Advanced Level Classes

Classes which require successful completion of basic courses and program productions will be offered periodically in a variety of subject areas related to television and radio production. Keep an eye on our workshop classes to see what is available and when.

- 1.2 Training courses identified above shall be offered by Access Sacramento. The facilities of Access Sacramento at the Coloma Community Center are the primary training facilities for all classes. Special arrangements may also be made to conduct courses at other locations for group training. Access Sacramento shall design and oversee the curriculum to be used, thus encouraging smooth trainee transition from classroom to use of Access Sacramento facilities and equipment.
- 1.3 Each course shall include a minimum of 12 hours of instruction. Registration is handled through the administration office.
- 1.4 The faculty is carefully selected based upon their understanding of television and radio production combined with a positive, supportive teaching style.
- 1.5 Every effort shall be made to constantly evaluate the curriculum. Trainee input shall be encouraged. The basic goal of each course shall be to teach the trainee those skills required for the production of quality television and radio programs.

## **2.0 Participant Eligibility.**

- 2.1 Students must be residents of Sacramento County or an agent of a non-profit community group or organization with offices within Sacramento County (See Section 4.0, Certification Procedures below).

## **3.0 Course Enrollment Procedures.**

- 3.1 Registration is handled through the administrative office, which oversees the signing-up for the appropriate classes, and payment of a fee per class.
- 3.2 Special arrangements can be made to offer courses at sites, dates, and times not previously scheduled. In this way, groups with special interests or special needs (such as the visually or hearing impaired) may be better addressed. The courses may be scheduled by contacting the Access Sacramento Executive Director. A minimum number of students may be required.

## **4.0 Certification Eligibility and Procedures.**

- 4.1 To insure that only trained and qualified residents of Sacramento County are granted use of Access Sacramento equipment and facilities, all potential users must first be certified for said use by designated Access Sacramento personnel.
- 4.2 Eligibility  
To be certified, potential users must satisfy each of the following criteria regarding residency and age to be considered as eligible for use of Access Sacramento equipment and facilities.
- 4.21 Residency.

Any resident of Sacramento County or an employee or agent of a non-profit community group or organization with offices located within Sacramento County will satisfy the residency requirement.

- (a) Residency shall be defined as having a verifiable Sacramento County residential mailing address.
- (b) Sacramento County nonresidents may be eligible to use Access Sacramento facilities and equipment only during their production activities on behalf of a non-profit community group or organization with offices located within Sacramento County, by which they have been acknowledged as staff members or representatives. Such individuals will be issued a User I.D. card, *which indicates this restricted status*.
- (c) Full-time student status at an accredited educational institution located in Sacramento County will satisfy the residency requirement.

#### 4.22 Age.

A potential user must be 18 years of age or older to request use of Access Sacramento equipment and facilities with the following exceptions:

- (a) A minor may request such use if an adult parent or legal guardian who resides in Sacramento County assumes legal responsibility.
- (b) An adult taking responsibility for minors in Access Sacramento activities must be knowledgeable of the required certification procedures described below in Subsection 5.3.
- (c) A minor must complete the required certification procedures described below in Subsection 5.3. A minor shall be issued a User I.D. card that indicates his or her restricted status based on age.

#### 4.3 Certification Procedures

A potential user of Access Sacramento equipment and facilities must first verify that he or she fully understands the responsibilities and skills required for such use. The procedures for certification require the potential user to do the following:

##### 4.31 Obtain a copy of Operating Rules and Procedures in the administrative office or online at our website at [www.accesssacramento.org](http://www.accesssacramento.org), and read it before you attend your first certification session.

- (a) Sessions will be arranged on day, night, and weekend hours to allow for user convenience.
- (b) No more than 6-8 potential users will be allowed per time period.

##### 4.32 Certification will be required in each of these areas:

- (a) Single DV Camera television production
- (b) Single 3 Chip Camera television production
- (c) I Movie

- (d) Studio television production
- (e) Remote truck/van television production
- (f) Radio Production
- (g) Video tape editing (linear editing)
- (h) Video tape editing (non-linear editing)
- (i) Studio – in – a Suitcase
- (j) Computer Graphics
- (k) Program producer/Series provider

4.33 Access Sacramento Production Directors will be primarily responsible for the scheduling and supervision of certification sessions, which involve use of Access Sacramento production equipment. The Programming Coordinator will only certify potential program providers.

4.34 Each session will include:

- (a) A brief demonstration of the equipment in question by the Production Directors.
- (b) The successful set-up and use of the equipment by each of the potential users.
- (c) A short quiz (when appropriate) administered by the Production Directors.
- (d) A discussion regarding the Access Sacramento Operating Rules and Procedures.

#### 4.4 User I.D. Card

When the potential user has signed a "Statement of Compliance" with the Access Sacramento Operating Rules and Procedures, is found to be an individual member in good standing, provided verification of age and residency, presented a current valid California I.D. card, and has completed the steps outlined above in subsections 4.31 to 4.34, the Office staff will issue an Access Sacramento User I.D. Workshop instructor will do certification when requirements completed and designate the type of equipment the person has been approved to use. (Signed Statement of Compliance forms will be kept on permanent file at the Access Sacramento office.)

4.41 The User I.D. shall be retained by the user and shown whenever he/she wishes to check out, use or reserve Access Sacramento equipment. (I.D. card will be kept on file in production office when equipment checked in and returned when equipment returned.)

4.42 The user's name, I.D. number and thumbprint shall be affixed to the card and recorded in the user's file by the Office staff.

4.43 Any user found to have altered the above I.D. card, loaned it to another individual, or in any other way used the I.D. card in an attempt to deceive Access Sacramento *and* thus gain access to equipment or facilities in an unapproved manner, shall be subject to possible suspension of privileges or other actions deemed appropriate by Access Sacramento.

4.5 Training classes offered by Access Sacramento will be designed to teach those skills required in the certification process. Access Sacramento does not guarantee that successfully completing the coursework will ensure success in certification.

- 4.6 Individuals who do not pass the certification process will be encouraged to re-take the appropriate course and try to be certified again.
- 4.7 Individuals may attempt certification in a particular area as many times as they wish but will not be allowed to sign-up for the same certification until 30 days has passed since their last unsuccessful attempt.
- 4.8 Candidates for certification are not required to take the Access Sacramento courses. If a candidate can, at a scheduled certification session, demonstrate the required skills and documentation of previous experience (letters of reference, college grades, employment record, resume tape or other documentation), the candidate may be certified, at the discretion of the Production Directors.

## **PART III: PROGRAMMING**

### **1.0 Community Use Channels.**

- 1.1 Community use programming is produced as a result of the combined efforts of Access Sacramento and Sacramento area community groups, organizations and individuals. Access Sacramento provides training and certification services, a limited amount of technical help, consulting assistance, promotional services and grants programs for the development, production, and cablecast of community use programming by eligible users, free of charge. Access Sacramento staff will schedule programming on the community use channels using overall guidelines established by the Access Sacramento Board of Directors. (See Subsection 13.1)
- 1.2 Access Sacramento is responsible for the management of one (1) community use video channel and one (1) community use cable FM radio channel on Comcast Cable's subscriber network.
- 1.21 The following programming formats are available to community producers on the community use video channel # 17:
  - (a) Live Programming.  
Community Producers may qualify to present "live" programs (see Section 15.0, Live Programming, below) on channel # 17.
  - (b) Locally-Produced Videotapes.  
Trained and certified community producers may record new programs with Access Sacramento facilities for potential cablecast on channel # 17.
  - (c) Pre-Produced Videotapes.  
Eligible users may submit program material not produced with Access Sacramento facilities for consideration for cablecast on channel # 17. (See Section 3.0, User Eligibility)

- (d) "Community Bulletin Board" (Alphanumeric Messages)  
Messages for alphanumeric display during non-video programming hours will be accepted on a first-come, first-served basis. Messages must comply with the established "Community Bulletin Board Guidelines" which are available in the Access Sacramento administrative office.

1.22 The following programming formats are available to community producers on the community use cable FM radio channel 88.7 ("KCBL"):

- (a) Pre-Produced Audio Tapes.  
Eligible users may submit program material not produced with Access Sacramento facilities for consideration for cablecast on KCBL channel. (See Section 3.0, User Eligibility)
- (b) Locally-Produced Audio Tapes.  
Trained and certified community producers may record new programs with Access Sacramento facilities for potential cablecast on KCBL.
- (c) Live Programming.  
Community producers may qualify to present "live" programs (see Section 15.0, Live Programming) on KCBL.

## **2.0 Public Access Channels**

2.1 Public access programming is produced by trained and certified members of the Sacramento area general public with Access Sacramento facilities. Minimal assistance from Access Sacramento staff will be available for the development and production of public access programming by eligible users, free of charge. Community users may schedule their public access programs on a first-come, first-served basis for presentation on public access channels. (See Subsection 13.2)

2.2 Access Sacramento is responsible for the management of one (1) public access video channel and one (1) public access cable FM radio channel on Comcast Cable's subscriber network.

2.21 The following programming formats are available to community producers on the public access video channel # 18:

- (a) Live Programming.  
Community producers may qualify to present "live" programs (see Section 15.0, Live Programming) on channel # 18.
- (b) Locally-Produced Videotapes.  
Trained and certified community producers may record new programs with Access Sacramento facilities for subsequent cablecast on channel # 18.
- (c) Pre-Produced Videotapes.  
Eligible users may submit videotaped programming not produced with Access Sacramento facilities for cablecast on channel # 18. (See Section 3.0, User Eligibility)

- (d) "Community Bulletin Board" (Alphanumeric Messages).  
Same description as above in Subsection 1.21 (d).

2.22 The following programming formats are available to community producers on the public access cable FM radio channel 89.9:

- (a) Pre-Produced Audio Tapes.  
Eligible users may submit pre-recorded audio programming not produced with Access Sacramento facilities for cablecast on FM radio channel 89.9. (See Section 3.0, User Eligibility)
- (b) Locally-Produced Audio Tapes.  
Trained and certified community producers may record new programs with Access Sacramento facilities for subsequent cablecast on FM radio channel 89.9.
- (c) Live Programming.  
Community producers may qualify to present "live" programs (see Section 15.0, Live Programming) on FM radio channel 89.9.

### **3.0 User Eligibility.**

3.1 Potential users must satisfy each of the following criteria regarding residency, age, membership and compliance with orientation procedures to be considered as eligible for use of Access Sacramento community use or public access channel space, free of charge.

#### 3.2 Residency.

Any resident of Sacramento County or an employee or agent of a non-profit community group or organization with offices located within Sacramento County will satisfy the residency requirement.

3.21 Residency shall be defined as having a verifiable Sacramento County residential mailing address.

3.22 Sacramento County nonresidents may be eligible to use Access Sacramento channel space only if their programming is submitted on behalf of a non-profit community group or organization with offices located within Sacramento County, by which they have been designated as staff members or representatives. Such individuals will be issued a User I.D. card, which indicates this *restricted status*.

3.23 Full-time student status at an accredited educational institution located in Sacramento County will satisfy the residency requirement.

#### 3.3 Age.

A potential user must be 18 years of age or older to request use of Access Sacramento channel space with the following exceptions:

- 3.31 A minor may request such use if an adult parent or legal guardian who resides in Sacramento County assumes legal responsibility.
- 3.32 An adult taking responsibility for a minor in Access Sacramento activities must have knowledge of the required orientation procedures described below in Subsection
- 3.33 A minor must also complete the required orientation procedures described below in Subsection 3.4. A minor shall be issued a User I.D. card, which indicates his, or her *restricted status based on age*.
- 3.4 Program Content Responsibility  
A potential user of Access Sacramento channel space acknowledges that he or she takes full responsibility for the content of the programming submitted to be cablecast, and agrees to permit Access Sacramento to provide his or her name and phone number as included on the required "Playback Request Form" to viewers who wish to respond directly to views expressed in his or her program.
- 3.5 Orientation Procedures.  
A potential user of Access Sacramento channel space must first verify that he or she fully understands the responsibilities inherent in such use.
- 3.51 Each potential user must attend an orientation session with the Programming Coordinator regarding Access Sacramento operations. Copies of Access Sacramento's "Operating Rules and Procedures" will be available at this session to each potential user, who should examine this document carefully.
- 3.52 Later, the potential user must sign a "Statement of Compliance" with the Access Sacramento Operating Rules and Procedures, provide verification of age and residency, and present a current valid California I.D. card which includes his or her picture (e.g., driver's license). Signed Statement of Compliance forms will be kept on permanent file at the Access Sacramento office.
- 3.53 Upon receipt of a potential user's signed Statement of Compliance form, verification of age and residency, and presentation of his or her current valid California I.D. card, an Access Sacramento staff member will issue a laminated Access Sacramento "User I.D." card to the applicant. The User file will include the membership application, signed 'Statement of Compliance' and a copy of User's California I.D. card. There is a \$10 re-issue charge for lost or missing cards.
- 3.6 Access Sacramento Individual Membership  
To reserve and use any equipment or to be a program provider, the user must be an individual member in good standing of Access Sacramento.
- 4.0 Access Sacramento Non-Discrimination Policy Statement.**

Access Sacramento shall not discriminate 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 Liability.**

All users presenting a tape recorded or live program for cablecast on a community use or public access channel managed by Access Sacramento shall agree in writing, as a condition of the cablecast, to indemnify, defend and hold harmless Access Sacramento, Sacramento Community Cable Foundation, Sacramento Cable, the Sacramento Metropolitan Cable Television Commission, the County of Sacramento, the Cities of Sacramento County, and their respective directors, officers, agents, and employees from and against any and all claims or other injury (including reasonable cost of defending claims or litigations) arising from or in connection with claims of loss or damage to person or property arising out of the failure to comply with these Operating Rules and Procedures, any applicable laws, rules, regulations, or other requirements of local, state, or federal authorities, for claims of libel, slander, invasion of privacy, or infringement of common law or statutory copyright, for breach of contract or other injury or damage in law or equity which claims result from the cablecast of the user's program.

**6.0 Programming Content Restrictions.**

To assure compliance with the agreement between Access Sacramento and the Sacramento Metropolitan Cable Television Commission and with applicable ordinances, regulations, laws and statutes, presentation of the following material on a community use or public access channel managed by Access Sacramento or the production of the following material using the facilities of Access Sacramento is prohibited:

- 6.1 Material designed to promote the sale of commercial products or services.
- 6.2 Commercial programming which in whole or in part depicts, demonstrates, or discusses products, services, or businesses with the intent or substantial effect of benefiting or enhancing a profit-making enterprise.
- 6.3 Except as provided in Section 9.0, the solicitation or appeal for funds or other things of value for any and all purposes.
- 6.4 Advertising which endorses or opposes candidates for public office, which is also intended to be presented as a paid political advertisement on other media.
- 6.5 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.
- 6.6 Material that is obscene as defined by applicable law.
- 6.7 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.

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

## **7.0 Copyright Clearances.**

7.1 All users presenting a tape recorded or live program for cablecast on a community use or public access channel managed by Access Sacramento shall agree in writing, as a condition of the cablecast, that they have previously made all appropriate arrangements to obtain all rights to all material to be cablecast and clearances from broadcast stations, networks, sponsors, music licensing organizations' representatives (except as provided for in Subsection 7.2), and without limitation from the foregoing, any and all other persons as may be necessary to transmit its or their program material. Users shall maintain for inspection by Access Sacramento or the Sacramento Metropolitan Cable Television Commission, upon reasonable notice, copies of all clearances and releases required by this Section 7.0.

7.2 Access Sacramento understands that the American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music Inc. (BMI) are negotiating nationwide licensing arrangements with the National Cable Television Association (NCTA) for performances of their members' musical compositions on local originations by cable television systems. Due to the fact that Sacramento Cable is a member of the NCTA, and that ASCAP and BMI are not enforcing their members' rights with respect to such performances during the period of these negotiations, the following procedures will be undertaken until Access Sacramento informs users of any changes in the above situation:

7.21 All users may include music licensed by ASCAP or BMI in their programs without previously making special arrangements with ASCAP or BMI.

7.22 Appropriate acknowledgement should be given in the credits to the musical compositions licensed by ASCAP or BMI, which are included in the users' programs.

## **8.0 Underwriting**

After receiving approval in advance from Access Sacramento, users are permitted to give aural and/or visual underwriting credit to a person or organization that has paid for, in whole or in part, the production, distribution or promotion of a program cablecast on a community use or public access channel managed by Access Sacramento, so long as the underwriting credit does not violate FCC rules or regulations, the terms of the Access Sacramento Operating Rules and Procedures (including Section 6.0, Programming Content Restrictions, above), and the following additional guidelines.

Any "commercial" underwriting credits including web sites and phone numbers, are limited to the beginning and/or end of the program whether or not funds, services, or products are provided to the Access Sacramento user. No "call to action" designed to promote the sale of commercial products or services and no commercial programming which in whole or in part depicts, demonstrates, or discusses products, services, or businesses with the intent or substantial effect of benefiting or enhancing a profit-making enterprise are permitted on the channels managed by Access Sacramento (see Part III: Programming...6.0 Programming Content Restrictions).

There are three categories to consider when references are made to commercial and non-commercial enterprises. They are either forbidden entirely, restricted to the opening and/or closing of the program as an underwriting credit, or periodically permitted during the body of the program.

#### 8.1 Phone Numbers That Are Not Permitted

Any reference to “pay-per-call”, 900 numbers, or information services phone numbers where use of the phone line incurs additional charges as defined by the Federal Communications Commission are forbidden.

These Pay-per-call phone numbers may not be identified at any time in a public access program because the phone number is a commercial product designed with the intent or substantial effect directly benefiting or enhancing a profit-making enterprise; for example placing a 900 number phone call is considered an automatic purchase from a profit-making enterprise.

#### 8.2 Commercial Information Restricted to Underwriting Credit Before and/or After Program

When a program refers to a commercial (.com or .net for example) internet web site or a phone number where goods or services may be sold or solicited but no immediate charge is incurred by the web user or caller, underwriting credits are permitted. These references can be displayed at the beginning and/or end of the program following all underwriting guidelines as identified in the steps listed below. Commercial internet web sites and commercial phone numbers are considered the same as any other for-profit underwriting credit and may not be displayed in the body of a program, only as “underwriting” acknowledgments in the credits.

#### 8.3 Non-Commercial But Restricted Use of Web or Phone Information in the Body of a Program

Non-commercial web sites (.org, .edu, .gov, for example) or phone numbers for non-commercial, not for profit organizations may be identified periodically during a program but no more than thirty seconds at a time and no more than once every ten minutes of programming. Continuous display of any web site or phone number is not permitted on any public access program cablecast on channels managed by Access Sacramento.

#### 8.4 Periodic Review of Web Sites and Phone Numbers

Access Sacramento staff shall periodically check web sites and phone numbers to determine their design per the guidelines above. Offenses shall be subject to the same sanctions as any other violation of our Operating Rules and Procedures including Section 6.0, Programming Content Restrictions.

#### 8.5 Underwriter Enhanced Public Service Announcements (UEPSA)

A single credit may be forty (40) seconds in length if the credit is an underwriter enhanced public service announcement (UEPSA). A UEPSA is defined as a ten (10) second credit (see 8.3 above) immediately followed by a 501 (c) 3. non-profit organization public service announcement (PSA) electronically formatted to reveal the underwriters logo acknowledging the underwriting business as a "supporter" of the non-profit organization. The underwriter's on-screen logo may visibly share the screen as the PSA plays in its entirety not to exceed thirty (30) seconds. If the business logo shares the screen with the PSA, the non-profit message shall dominate the majority of the screen space and shall be 100% of the audio heard by the viewer.

#### 8.6 Length of Break Periods and Number of Credits Allowed Per Break

There is a maximum of sixty (60) seconds allowed per break period if only standard ten (10) second credits are used. No more than six (6) ten second credits may be used per one minute break. If UEPSA credits are used, only one may be used per one-minute break period. Therefore, one forty (40) second UEPSA may be accompanied by no more than two additional ten (10) second standard credits per one-minute break period.

There is a maximum of one hundred and twenty (120) seconds allowed per break period if two UEPSA credits are used. Using the formula outlined above, maximum total break period time cannot exceed two minutes (120 seconds), two UEPSA's and four ten (10) second credits.

#### 8.7 Number of Underwriting Credit Breaks Allowed Per Program

(a) Programs less than 75 minutes...  
For programs lasting less than one hour and fifteen minutes (less than 75 minutes), underwriters may be given a credit at the open of every underwritten program and must be given a credit at the end of the program. The total period for all underwriting credits per break may be a minimum of ten (10) seconds but may not exceed thirty (30) one hundred and twenty (120) seconds in length during each single break for credits.

(b) Programs more than 75 minutes...  
For programs lasting more than one hour and fifteen minutes (more than 75 minutes), underwriters may be given credit at the open of every underwritten program, must be given a credit at the end of the program, and additional credit breaks are permitted at each "natural" break in the program or event. The total period for all underwriting credits may be a minimum of ten (10) seconds but may not exceed thirty (30) one hundred and twenty (120) seconds in length during a single break for credits.

A "natural" break in the content of the program is not caused or initiated by the television production team. For example natural breaks occur: at the beginning and end of the program or performance; during the intermission of a musical or theatrical stage event; at "natural" breaks in a sporting event (between quarters, at half-time, between innings, etc.). However, if the sporting event action "pauses" due to time outs, injuries, etc., these breaks are considered part of the game and/or event and should not to be considered an opportunity for underwriting credit breaks.

- 8.8 You may not use terms that call upon the viewer to use the products or services of the underwriter (known as a "call to action").
- 8.9 Final authority determining the appropriateness of underwriting credits is the sole responsibility of the Access Sacramento Programming Committee or their designee. The determination by the Committee is final.

## **9.0 Fundraising.**

After receiving approval in advance from Access Sacramento, users may conduct fundraising activities during a program cablecast on a community use or public access channel managed by Access Sacramento, without charges for such channel use, if the activities meet the following criteria:

- 9.1 All funds generated from such fundraising activities shall be used only in support of the user's cable casting activities on such channels.
- 9.11 The purpose of the fundraising activity must be clearly stated during the cablecast at least once every half-hour.
- 9.12 The purpose and method of the fundraising activity must have been previously approved by the Access Sacramento Board of Directors.
- 9.2 No user may use such channels to raise funds for any other organization or any purpose other than that stated above in Subsection 9.1. This shall not, however, prevent the cablecast of public service announcements, including announcements (which do not include prices) of fundraising events or activities for non-profit organizations.
- 9.3 During an auction or similar fundraising activity within a program:
- 9.31 Credit announcements may identify particular products or services.
- 9.32 Credit announcements shall not include promotion of such products or services beyond that necessary for the specific auction purposes.
- 9.33 Visual exposure may be given to a display in the auction area including the underwriter's name and trademark and product or service, or a representation thereof.
- 9.4 A complete packet of information regarding underwriting and fundraising procedures, available at the Access Sacramento administrative office, must be obtained by interested individuals and an agreement must be signed with Access Sacramento before any underwriting or fundraising activities are permitted to occur.

## **10.0 Acknowledgements and Disclaimers.**

10.1 All tape-recorded and/or live programming cablecast on a community use or public access channel managed by Access Sacramento must clearly identify the producer of the program to be cablecast at the beginning or end of the program.

10.2 **Within the program credits (through an aural or visual credit, or both) of all programs made with the facilities and services of Access Sacramento, the producer must include the following statement:**

"This program was made possible by the use of facilities and services of Access Sacramento.  
The producer is responsible for program material."

10.3 As previously stated in Subsection 7.22, appropriate acknowledgement should be given in the credits to the musical compositions licensed by ASCAP or BMI, which are included in the producer's program.

10.4 When required by Access Sacramento, a disclaimer must be included at the beginning and end of the program to indicate that the views expressed in the program do not necessarily reflect those of Access Sacramento.

10.5 When required by Access Sacramento, an announcement must be included at the beginning of the program to indicate that portions of the upcoming program may be inappropriate for children, or deal with issues of a particularly sensitive nature, etc., and that viewer/listener discretion advised.

#### **11.0 Copyright and Ownership.**

11.1 The community producer and Access Sacramento shall jointly own the copyright of each program and materials made by the producer with the facilities and services of Access Sacramento.

11.2 Beyond the required cablecast of such a program on a community use or public access channel managed by Access Sacramento, all other uses of a program or material produced with the facilities and services of Access Sacramento must be agreed to in writing by the producer and the Executive Director of Access Sacramento (by completion of a Non-Cablecast Usage Request" form), and must comply with the provisions of Section 12.0, Distribution Rights, below.

11.3 Access Sacramento shall require that any user desiring to keep a copy of a program or material produced with the facilities and services of Access Sacramento shall pay Access Sacramento for the replacement cost of the recording tape or other material.

11.4 Access Sacramento will seek producer permission for use of any community use or public access program or material:

11.41 For extended repeat playbacks beyond the initial cablecast and those requested by the producer,

11.42 For "bicycling" to other cable systems;

11.43 For entry in local, regional, or national awards competition.

11.5 Access Sacramento will have the right to include excerpts of any community use or public access program or material without payment in Access Sacramento sampler tapes, training materials or promotional materials.

## **12.0 Distribution Rights.**

12.1 All programs produced with the facilities and equipment of Access Sacramento must be presented first on a community use or public access channel managed by Access Sacramento, unless prior permission is obtained from the Executive Director of Access Sacramento. As stated above in Section 11.2, any other uses of such programs must be specified in an approved Non Cablecast Usage Request form.

12.2 Tape recordings of programs made with the facilities and equipment of Access Sacramento cannot be used for general fundraising or commercial purposes, with the following exceptions only:

12.21 Copies of a program may be rented or sold if, as specified in a previously approved agreement with Access Sacramento, all funds generated shall be used only in support of the user's cable casting activities with Access Sacramento.

12.22 A non-profit organization, which produced a program with Access Sacramento facilities and equipment, may include a copy of the program (or excerpts) as part of its application package to obtain outside grant support, if the program is used only as an example of the organization's activities.

12.23 Certified users may include excerpts of their programs produced with Access Sacramento facilities and equipment within a resume tape to be used in their efforts to gain employment in the telecommunications field. However, Access Sacramento facilities may not be used to produce a resume tape.

12.3 Tape recordings of programs made with the facilities and equipment of Access Sacramento may be distributed to other cable access centers for presentation. The programs may also be shown on commercial channels only if public service announcements or station I.D.'s, not commercials, are shown before, during and after the program.

## **13.0 Program Scheduling Procedures.**

### **13.1 Community Use Channels.**

13.11 Access Sacramento will maintain the following general priorities for scheduling programming on community use channels:

- (a) Locally produced programming will receive the highest priority.
- (b) First-run programs will be favored over repeat programs.
- (c) Building a regular viewer ship with a viable programming lineup will be a high priority. To this end, programming may be arranged according to particular

themes (e.g., public affairs, sports, ethnic, etc.) during a given day or time period.

- (d) The production quality of programs will be an important factor.
  - (e) Channel time usage by a diversity of community users will be encouraged.
  - (f) Playback times and dates requested or suggested by program producers will be actively considered.
- 13.12 Community use channel space for a tape recorded or live program must be requested from the Access Sacramento Programming Coordinator at least six (6) weeks before the actual cablecast date, to enable the program to be included in a variety of published schedules.
- 13.13 Final decision-making and editorial authority for scheduling programming on the Access Sacramento community use channels will be held by the Executive Director of Access Sacramento, who will implement the overall guidelines approved by the Access Sacramento Board of Directors.
- 13.14 Each channel space request shall include a first-choice time and date, a second-choice time and date, and a third-choice time and date. Access Sacramento may request the permission of the program producer/provider for extended repeat playbacks of the program to fill gaps in the community use channel schedule.
- 13.15 Access Sacramento reserves the right to pre-empt scheduled programs on community use channels to present special or time-sensitive programming. Access Sacramento will attempt to notify the producer of an affected program prior to such a pre-emption.
- 13.16 Tape recorded programs, which have been scheduled for cablecast must be delivered to the Programming Coordinator (with a completed "Playback Request Form") no later than two business days prior to its scheduled cablecast date. Rare exceptions may be made for good cause with prior notice. If a program is not delivered on time, the Programming Coordinator may substitute another program in its place.
- 13.17 Tape recorded programs submitted for cablecast must comply with the technical requirements specified in Section 17.0 below.
- 13.18 Community use programs, which include content that may be inappropriate for children, or deal with issues of a particularly sensitive nature, etc., shall only be cablecast during evening hours after 9:00 P.M.
- 13.19 All tape recorded programs submitted for cablecast on community use channels may be pre-screened by Access Sacramento to determine compliance with the provisions of Subsections 13.11, 13.13, and 13.18; as well as Section 6.0, Programming Content Restrictions; Section 10.0, Acknowledgements and Disclaimers; and Section 17.0, Technical Requirements. However, ultimate responsibility for compliance remains with the program producer/provider. If programming is submitted for playback, which violates the content restrictions included in Section 6.0, the program producer/provider may be charged with a Major Offense and given appropriate probationary sanctions. (See Part V, Section 3.2).
- 13.2 Public Access Channels.

- 13.21 In general, community users may schedule their public access programs on a first-come, first-served basis for presentation on public access channels. Consideration will be given to playback requests by first-time users.
- 13.22 Except as provided for above in Section 6.0, Programming Content Restrictions; and Section 10.0, Acknowledgements and Disclaimers; Access Sacramento will not exercise any editorial control over the programming to be presented on public access channels.
- 13.23 The following procedures must be followed by community users to present their program on public access channels:
- (a) Public access channel space for a tape recorded or live program is encouraged to be requested from the Access Sacramento Programming Coordinator at least six (6) weeks before the actual cablecast date, to enable the program to be included in a variety of published schedules. Programs must be scheduled at least forty-eight (48) hours before the actual cablecast date.
  - (b) Each channel space request shall include a first-choice time and date, a second-choice time and date, and a third-choice time and date.
  - (c) In general, Access Sacramento staff will honor channel space requests on a first-come, first-served basis.
  - (d) When a first, second, or third choice of channel space is not available, the program producer/provider will be consulted to seek alternatives.
  - (e) When a program producer/provider does not request specific times or dates, Access Sacramento staff may schedule his or her program in an available time slot.
  - (f) Access Sacramento may request the permission of the program producer/provider for extended repeat playbacks of the program to fill gaps in the public access channel schedule.
  - (g) Tape recorded programs, which have been scheduled for cablecast must be delivered to the Programming Coordinator (with a completed "Playback Request Form") no later than two business days prior to its scheduled cablecast date. Rare exceptions may be made for good cause with prior notice. If a program is not delivered on time, the Programming Coordinator may substitute another program in its place.
  - (h) Each playback request will be dated by Access Sacramento staff at the time of submission to provide reference in cases of reservation disputes.
  - (i) Tape recorded programs submitted for cablecast must comply with the technical requirements specified in Section 17.0, below.

13.2 Repeat Programming

After the initial cablecast of a program on any Access Sacramento channel, further scheduling of the program is at the sole discretion of the Executive Director or his/her designee with the permission of the submitting producer or program provider.

- 13.31 The Executive Director, in exercising his/her discretion, shall base his/her determination upon the following factors:
- (a) The availability of time slots.
  - (b) The need to avoid the monopolization or relative over-utilization of time slots by any particular programmer or program.

#### **14.0 Series Programming.**

To allow for regularly scheduled programming cablecast at a consistent time on a given day of the week, Access Sacramento will enter into contracts with program producers/providers for series programming for presentation on the community use or public access channels managed by Access Sacramento, within the constraints of the following guidelines:

- 14.1 To be eligible to enter into a contract with Access Sacramento for a series, a producer/provider of programming must have demonstrated the ability to produce/provide programming of a consistent quality in a timely manner. A series-programming producer must have previously produced at least four (4) single programs with Access Sacramento facilities. Determinations regarding eligibility will be made by an Access Sacramento staff member.
- 14.2 Access Sacramento will permit a maximum of no more than four month's worth of programming installments of a series per contract. Each installment must be different than every other installment in the series, and must not have been previously presented on a community use or public access channel managed by Access Sacramento.
- 14.3 A proposed series contract must be approved by the following Access Sacramento staff people: the Programming Coordinator (or Radio Coordinator), the Supervising Production Director, and the Executive Director.
- 14.4 A series contract will be examined for potential renewal or extension of the series with regard to:
- (a) The ability of the producer/provider to deliver the programs in a regular, timely, and consistent fashion.
  - (b) The overall program quality and production values of the series (community use channels only).
  - (c) The expressed desire/ability of the producer/provider to continue the series.
  - (d) Requests for channel space by other producers/providers.
  - (e) Overall diversity of the program schedule (community use channels only).

- 14.5 If a series producer/provider fails to produce/provide any installment of a series, the series may be cancelled and the producer/provider will not be granted a series time in the future without the permission of the Access Sacramento Executive Director.
- 14.6 Access Sacramento reserves the right to pre-empt scheduled series programs on community use channels to present special or time-sensitive programming. Access Sacramento will attempt to notify the producer of an affected series program prior to such a pre-emption.
- 14.7 An individual program producer/provider may have only one series contract in effect at a time. Frequency of installments shall be limited to no more than one time slot per week per series contract.
- 14.8.1 Programming staff shall conduct an annual random selection process to determine series time slots on the public access channel.

**15.0 Live Programming.**

15.1 Qualification.

15.11 To be eligible for live program scheduling on community use or public access channels managed by Access Sacramento, the program producer and crew must have been certified for use of the Access Sacramento television studio facilities (or radio facilities, if applicable).

15.12 To be eligible to schedule live programming a producer and crew must have demonstrated the ability to coordinate and produce programs in a consistent and timely fashion, and must have produced a minimum of two (2) "live-on-tape programs with Access Sacramento facilities. An Access Sacramento staff member will make determinations.

15.2 Forfeiture.

Producers of live programming on community use or public access channels managed by Access Sacramento will forfeit their live programming privileges, may have playback reservations cancelled, and/or may be restricted from live programming completely for any of the following reasons:

- (a.) Having inadequate crew to successfully fulfill the obligation to produce the scheduled programming.
- (b.) Lateness.
- (c.) Demonstrating a consistent inability to begin and end programming at scheduled and/or required times.
- (d.) Poor performance and resultant poor quality of programming (community use channel only).
- (e.) Program content violations occurring during live programming.

## **16.0 Length of Programs.**

- 16.1 Programs submitted for cable casting on a community use or public access channel managed by Access Sacramento should conform to the time frames of 15 minutes, 30 minutes, 60 minutes, etc., if possible. The actual program should be 2 - 4 minutes short of the given time frame (e.g., a 30-minute program should actually run 28 minutes and a 60 minute program should run 58 minutes) in order to leave room on the tape for technical and identification information, as well as provide time between programs for station identification, promotional announcements, PSA's, etc. Programs of any length may be submitted.
- 16.2 Programs over 60 minutes in length will be allowed for special events, coverage of lengthy meetings, etc.
- 16.3 Programs shorter than 15 minutes in length may be grouped together in a video or audio "shorts" format.

## **17.0 Technical Requirements.**

### **17.1 Video Channels.**

- 17.11 The following tape formats will be accepted for playback on the community use and public access video channels managed by Access Sacramento (a, b, c =phasing out check before submitting):
  - (a) 3/4"
  - (b) VHS (Standard play only. This is the 1-hour length when using a T-60 videocassette)
  - (c) S-VHS (Standard play only)
  - (d) DVD – video
  - (e) Mini DV
  - (f) DVcam
- 17.12 Tape recorded programs must have technical standards high enough to deliver a clear and unbroken picture to cable subscribers. Audio must be clearly understandable and at audible levels without distortion.
- 17.13 Technical information, which must be recorded on the submitted tape:
  - (a) 30 seconds of color bars and "zero-level" tone at the head of the 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 and include the name of each crewmember (unless any of them requests anonymity), allowable credit to underwriters of the program, and the acknowledgements required by Section 10.0, above.
- (g) Any disclaimers required by Section 10.0 must be included at the beginning and end of the program material to be cablecast.
- (h) At least 60 seconds of black must be recorded after the end of the program.

**17.14 DVD Setup/Compliance (contact or check in office for additional information if needed)**

- **Use DVD-R media for your burn.**
- **Include a menu on your DVD.** Your DVD authoring software should provide you with an option to create a menu of choices when the final DVD burn is first inserted into a player. Inexpensive. Hand oils, thumbprints, spittle, and scratches, just about anything on the burn area can interfere with playback. *Do not put color bars, slate, or countdown on your DVD.*
- **Label your DVD.** *Either write directly onto the DVD using a sharpie, or use a printable DVD.* The text should include the producer's name, the title of the program, the name of the episodes, and the precise total running time of each track on the DVD. Make sure that the time listed for a track is accurate to the second. **Do Not Use Paper Labels, they can warp the DVD.**
- **You can have up to 4 programs on each DVD.** You can list each track on a single Playback Request Form. Whenever possible, use the thicker jewel cases.
- **Test your DVDs thoroughly before submitting them to Access Sacramento for playback.** Try playing back your DVDs in at least two other playback decks, not just your computer. When it is called for play back over the air and sent to 250,000 homes.
- **Clean your DVDs.** Take the time to clean them. Some electronic stores sell disc doctors, which are fairly manually cleaning DVDs. Wipe from the center of the disc, outward.

17.15 The following minimum information must be included on labels affixed to the videocassette and the videocassette box (on DVDs –on case only):

- (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)

17.2 **Audio Channels.**

17.21 The following tape formats will be accepted for playback on the community use and public access audio channels managed by Access Sacramento:

- (a) 1/4" open reel (7 1/2 or 15 i.p.s.)
- (b) Standard cassette (not mini or micro)
- (c) CD's

17.22 Tape-recorded programs must have technical standards high enough to deliver a soundtrack that is clearly understandable and at audible levels without distortion.

17.23 Technical information, which must be recorded on the submitted tape:

- (a) 30- seconds of "zero-level" tone at the head of the tape.
- (b) The tone should be followed by an announcement of the program title, the exact length, the name of the producer, and the production date.
- (c) The above announcement should be followed by five (5) seconds of silence before the program begins.
- (d) The program title should be announced near the beginning and at the end of the program.
- (e) Program credits must be announced at the end of the program and include the names of each crewmember (unless any of them requests anonymity), allowable credit to underwriters of the program, and the acknowledgements required by Section 10.0, above.
- (f) Any disclaimers required by Section 10.0 must be announced at the beginning and end of the program material to be cablecast.
- (g) At least 60 seconds of silence must be recorded at the end of the program.

17.24 The following minimum information must be included on labels affixed to the audiotape and the audiotape box:

- (a) Producer's/provider's name and phone number.
- (b) Program title.
- (c) Exact length of program.
- (d) Production date.
- (e) Tape recording speed (1/4" open reel tape only).

## **18.0 Violations.**

- 18.1 Violations of Access Sacramento's programming policies and rules, or any other breach of the Statement of Compliance may subject the user to immediate forfeiture of the privilege of using the community use or public access channels managed by Access Sacramento, or its facilities and services, as well as other possible sanctions against users pursuant to Part V of the Access Sacramento Operating Rules and Procedures.
- 18.2 If a violation of the programming content restrictions set forth in Section 6.0, above, results in the imposition of a sanction against a user, or if Access Sacramento refuses to cablecast a user's programming solely because such programming is found to be in violation of any Section in Part III: Programming, the user shall have the right to exercise the appeals procedures described in Part V, Section 6.0 of these Access Sacramento Operating Rules and Procedures.

## **PART IV: USE of ACCESS SACRAMENTO PRODUCTION EQUIPMENT**

### **1.0 General Rules**

- 1.1 The following categories of equipment items are available for use by trained and certified community users:
  - 1.11 Single Camera Systems. These are portable Super VHS, and DV, 3 chip format video camcorders, which may be checked in and out of the Access Sacramento facility at the Coloma Community Center. Each package may also include such accessories as a tripod, microphone and cable, AC power adaptor, batteries, and carrying cases. A portable lighting kit may also be checked out.
  - 1.12 Video Editing Systems. Electronic editing systems are available at the Access Sacramento facility to enable users to edit their previously recorded videotape footage into finished programs. Each editing station includes a video player and recorder, an edit controller, an audio mixer, an audio cassette deck, a microphone, and a character generator (used to superimpose titles, names, credits, etc.)
  - 1.13 Television Production Studio. A television production studio is housed in the Access Sacramento facility. The studio equipment package includes four professional studio cameras, a full studio lighting system, and a fully equipped control room (which includes an on-line editing system, a switcher/special effects generator, a time base corrector with freeze-frame capability, full audio and monitoring facilities, a character generator, etc.).
  - 1.14 Field Production Truck/Van. This mobile unit will enable users to record multiple-camera productions away from the studio (e.g., sporting events, plays, concerts, parades, etc.). The cameras and control room facilities are similar to those in the television production studio.
  - 1.15 Audio Production Facilities. Primarily for use by people to produce cable FM radio programs, the Access Sacramento audio production facilities include stereo multi-channel audio boards; open reel, cassette and cartridge recorder/players; microphones, and many other accessories. Also available are portable audiocassette recorders, which may be checked in and out of the facility for field production purposes.
  - 1.16 Recording Tape. Audio and video recording tape in a variety of formats and lengths is available for use by people to record their final "master" program tape. Access Sacramento does not provide recording tape for use prior to the recording of a master program tape. Such recording tape, in VHS, S-VHS, 3/4", mini DV, Dvcam formats, must be purchased elsewhere by the user. However, Access Sacramento periodically receives used recording tape free of charge from a variety of sources (local TV and radio stations, state agencies, hospitals, etc.). These tapes will be given free to users, who should inspect them ahead of time for technical quality.
- 1.2 Access Sacramento video and audio production equipment (as described above in Subsections 1.11 through 1.16) may only be used to record or prepare a program or

program material for subsequent playback on a video or cable FM radio channel managed by Access Sacramento.

1.3 Any private or commercial use of Access Sacramento video and/or audio production equipment is strictly prohibited.

1.4 Community users shall agree in writing, as a condition of the use of Access Sacramento video and/or audio production equipment, to indemnify, defend and hold harmless Access Sacramento, Sacramento Community Cable Foundation, The Cable Company, the Sacramento Metropolitan Cable Television Commission, the County of Sacramento, the Cities of Sacramento, and their respective directors, officers, agents, and employees from and against any and all claims or other injury (including reasonable cost of defending claims or litigations) arising from or in connection with claims of loss or damage to person or property arising out of the failure to comply with these Operating Rules and Procedures, any applicable laws, rules, regulations, or other requirements of local, state, or federal authorities, for claims of libel, slander, invasion of privacy, personal injury, or infringement of common law or statutory copyright, for breach of contract or other injury or damage in law or equity which claims result from the use of Access Sacramento channel space, facilities, equipment or other resources.

1.5 **Community producers are strongly encouraged to obtain a homeowner's or renter's insurance policy, which includes liability coverage to protect them in the event of a claim or litigation against them for reasons, described above in Section 1.4.**

Access Sacramento's Liability Policy will respond on behalf of all certified users while they are using equipment on loan from Access Sacramento. Our policy will respond on your behalf if a 3rd party sues you for an incident that occurs while you are using Access Sacramento's equipment. If this 3rd party sues you personally for an act against their person or property that is deemed to be negligent, our policy will defend you and Access Sacramento and pay any judgments up to the limit of the policy.

As in all insurance policies there are exclusions. Here is some major exclusion that you need to be aware of:

There is no coverage for:

- (a) Libel, slander, invasion of privacy
- (b) Incidents involving boats, planes, autos.
- (c) Pollution
- (d) Alcohol-related activities/substances abuse
- (e) Property in your care, custody and control

1.6 Community users must satisfy each of the criteria regarding residency and age as specified above in Subsections 3.2 and 3.3 of "Part III: Programming" of the Access Sacramento Operating Rules and Procedures to be considered as eligible to use the Access Sacramento video and/or audio equipment.

1.7 Access Sacramento video and/or audio production equipment may only be used by appropriately trained and certified community users. (See Section 5.0, Certification Procedures, in "Part II: Training and Certification", above.)

- 1.8 All certified users of Access Sacramento video and audio equipment must complete a "Crew Finder" form. This form will enable Access Sacramento staff to compile such information as the user's name, address, phone number, areas of programming interest, certification levels and a summary of production experience. Certified users who are willing to help other users in need of crewmembers may choose to authorize the Access Sacramento staff to provide such information to other users for this purpose only. Users who provide such authorization will be included in a computerized file and a loose-leaf binder for access by other community producers.
- 1.9 Please be advised that any child (or children) under ten years old should not be brought to the Access Sacramento facility if you plan to be there longer than thirty minutes. It has been our experience that after thirty minutes young children become very bored and disruptive to other producers even if they are being supervised by a relative or friend. Please make other arrangements or staff has been instructed to ask you to leave the premises. (Part V Section 2.2) "if an individual...interferes with the orderly conduct of Access Sacramento activities, facilities or program...staff may request that individual to leave immediately."
- 2.0 Reservation Rules.**
- 2.1 The "Pre-Production Plan"
- 2.11 Before making any equipment reservations, a certified user must first complete a Pre-Production Plan. This form is designed to help provide focus for the proposed program and to track the progress of its production.
- 2.12 Only the individual designated as the producer responsible for the completion of the proposed program should fill out the Pre-Production Plan. The names of other crewmembers must be included on this form.
- 2.13 The producer and crew have 90 days from the start date on the Pre-Production Plan to complete the program. If the program cannot be completed in time, the producer must contact the Access Sacramento production assistance staff to obtain advice and update the Pre-Production Plan.
- 2.14 No producer may have more than three Pre-Production Plans active at any one time.
- 2.2 All Equipment Categories.
- 2.21 Access Sacramento video and/or audio production equipment may be reserved on a first-come, first-served basis upon request by a trained and certified community user. A major goal of these reservation rules is to ensure that no community user or group is allowed to monopolize the use of Access Sacramento production facilities or equipment, but rather to encourage the broadest possible diversity of community participation in such activities.
- 2.22 Reservations may be made by phone or in person. Phone reservations are taken only during designated time periods. Reservations are from 4:00 PM through 6:00 PM Monday through Thursday at extension 120.

- 2.23 Reservations should be made at least seven (7) but not more than 30 days in advance. Equipment reservations for dates beyond 30 days in advance may be made for equipment needed to produce approved series programming, or for the field production truck/van if the remote production requires confirmation of its availability for a certain date.
- 2.24 Each equipment package has a separate reservation form, which must be completed accurately for each reservation request. A user may obtain a copy of the reservation form to confirm it.
- 2.26 Single program reservations.
- (a) Single program producers are allowed one reservation in any equipment category per 30-day period.
  - (b) When a single program producer has completed a reserved use, he or she may immediately schedule another reservation.
  - (c) When looking ahead from the current day at the 30-day reservation board, the name of a single program producer may appear only once per equipment category.
- 2.27 Series program reservations
- (a) Series program producers, depending upon the frequency of their approved programming (e.g., weekly, monthly, etc.), may be granted more than one reservation in an equipment category during a 30-day period.
  - (b) The maximum number of allowed reservations by a series producer during a specified time period will be determined during consultation with Access Sacramento staff.
  - (c) Because of overall demand on use of Access Sacramento facilities, a series program producer may be required to record or edit more than one program at each studio session, editing session, or single camera reservation time period.
- 2.28 Reservation cancellations must be made at least 24 hours in advance. Failure to give sufficient notice of cancellation may result in probationary sanctions. In cases of circumstances beyond the user's control requiring cancellation of a reservation, notification should be made to Access Sacramento staff as soon as such circumstance is known.
- 2.29 Equipment reservations ARE NOT TRANSFERABLE. Users making a reservation may not send someone else to pick up or return equipment.
- 2.3 Single Camera Systems.
- 2.31 The maximum usage time allowed for a single camera system reservation is 24 hours. Access Sacramento staff may make exceptions if the reservation time period includes a day when the production facilities are closed, or if the requirements of a program present unique considerations.
- 2.4 Video Editing Systems.

- 2.41 The maximum usage time allowed for a video editing system reservation is three (3) hours. Access Sacramento staff may make exceptions if the requirements of a program present unique considerations.
- 2.5 Television Production Studio.
- 2.51 A television production studio reservation may be made when the user making the reservation has recruited and presents the names of a trained and certified studio production crew that is of adequate size for the planned production. Access Sacramento staff assistance is available for users to recruit crewmembers.
- 2.52 The maximum usage time allowed for a television production studio reservation is three (3) hours. This time must include set-up, production, and clean up. Exceptions may be made by Access Sacramento staff if the requirements of a program present unique considerations.
- 2.6 Field Production Truck/Van
- 2.61 A field production truck/van reservation may not be made until the user making the request has recruited and presents the names of a trained and certified field production truck/van crew. Access Sacramento staff assistance is available for users to recruit crewmembers.
- 2.62 Users are required to make reservation requests for the field production truck/van at least 30 days in advance.
- 2.63 Users must complete a "Truck/Van Request Form" and return it to the Director of Operations. If approved, copies are sent to the producer, the assigned Access Sacramento technician, and the production office file. The producer must then complete a "Truck/Van Production Agreement."
- 2.64 The Truck/Van Request Form must be approved at least three weeks before the shoot date. Therefore, the initial submission of this form must be filled out thoroughly.
- 2.65 The producer of an approved van shoot must then work with the Access Sacramento technician to complete a "Site Survey Report" at least one week before the shoot date.
- 2.66 A field production truck/van reservation request will only be honored if an Access Sacramento staff technician is available to assist during the set-up, production, and wrap-up phases of the project.
- 2.67 If a proposed field production truck/van shoot does not appear to be feasible for any significant reason, the technician (in consultation with the Director of Operations) may cancel the reservation.
- 2.68 Normally, the maximum "free of charge" usage time allowed for a field production truck/van reservation is ten (10) hours per event. This time must include travel, site survey, set-up, production, and wrap-up. (For a description of

user fees to be charged for extra time taken in a truck/van production, see Part I, Section 2.73.)

- 2.69 Normally, each series program producer will be limited to no more than two "free of charge" field production truck/van uses per month or one free use per week. Single program producers must receive special permission from the Access Sacramento Director of Operations to reserve more than one "free of charge" use of the field production truck/van in a month.

## 2.7 Audio Production Facilities.

- 2.71 The maximum usage time allowed for an audio production facilities reservation is three (3) hours. This time must include set-up, production or editing, and clean up.  
Access Sacramento staff may make exceptions if the requirements of a program present unique considerations.
- 2.72 (If applicable.) The names of all trained and certified users who will be included in the audio production crew must be presented at the time the reservation is made. Access Sacramento staff assistance is available for users to recruit crewmembers.
- 2.73 The maximum usage time allowed for a portable audiocassette recorder reservation is 24 hours. Access Sacramento staff may make exceptions if the reservation time period includes a day when the Access Sacramento production facilities are closed, or if the requirements of a program present unique considerations.

## 3.0 Usage Rules.

### 3.1 All Equipment Categories.

- 3.11 Operation of Access Sacramento video and/or audio production equipment by a community user while smoking, eating, or drinking is strictly prohibited. Smoke tars, food crumbs and spilled liquids can severely damage the equipment.
- 3.12 Unless prior notification has been made to an Access Sacramento staff member, failure to arrive and claim a production equipment reservation within 30 minutes after the scheduled time will result in the forfeiture of the reservation.
- 3.13 Except as specified in the next Subsection 3.14, Access Sacramento video and/or audio production equipment may only be used by qualified community users under the supervision of an Access Sacramento staff person.
- 3.14 The only items, which are allowed to be checked in and out of, the Access Sacramento facilities by trained and certified community users are as follows:
- (a) Single camera systems,
  - (b) Portable audio cassette recorders and accessories, or

- (c) Recording tape (for restricted uses only - - see Section 3.71).
- 3.15 The community user is responsible for the safety, proper use and care of the equipment while it is checked out to him or her, and only the user may use the equipment, which is checked out to him or her.
- 3.16 The community user is responsible for continued progress to completion for cablecast of a program as a result of using Access Sacramento video and/or audio production equipment and facilities.
- 3.17 Persons with disabilities will receive reasonable accommodations to assist them in their operation of production equipment.

### 3.2 Single Camera Systems.

#### 3.21 Check-Out Procedures.

- (a) The checkout date and time reserved is to be considered by the user as an appointment with an Access Sacramento staff person.
- (b) The single camera system user should allow a minimum of 30 minutes for the scheduled pick-up and checkout of equipment.
- (c) The user checking out a single camera system is required to set up the equipment in the presence of an Access Sacramento staff person and make a test recording prior to removing the equipment from the Access Sacramento facilities. The test allows the user and the Access Sacramento staff person to verify the operability of all components of the system and to agree upon any exceptions.
- (d) All equipment to be removed from the Access Sacramento facilities must be checked out by an Access Sacramento staff person, signed for by a certified user, and properly recorded on a Portable Equipment Reservation/ Check-Out Form.
- (e) The Portable Equipment Reservation/Check-Out Form will include an indication of the dollar value of each item of equipment being checked out, and a statement that the undersigned user understands that he or she agrees to take complete financial responsibility for any damage to or theft of the equipment while it is signed out to him or her, normal wear and tear excepted.
- (f) The user must present a valid Access Sacramento User I.D. card and a California I.D. card, which includes his or her picture (e.g., driver's license) to the Access Sacramento staff person supervising the checkout. The User I.D. card must have been appropriately embossed to indicate the user's certification to use the requested equipment. In addition, the User I.D. card must include an imprint of the user's fingerprint affixed to the reverse side. The User I.D. card will be attached to the Portable Equipment Reservation/ Check-Out Form until the equipment is returned to the Access Sacramento facility and checked in.

- (g) The user must sign the Portable Equipment Reservation/Check-Out Form, assuming responsibility for the items indicated as being checked out, noting any malfunctions, cosmetic damage or missing parts, and reserve the date and time he or she agrees to return the equipment to the Access Sacramento facility.
- (h) The user is responsible for the safety, proper use and care of the equipment while it is signed out to him or her.

### 3.22 Check-In Procedures.

- (a) The check-in date and time reserved is to be considered by the user as an appointment with an Access Sacramento staff person.
- (b) The single camera system user should allow a minimum of 30 minutes for the scheduled check-in of equipment.
- (c) The user checking in a single camera system is required to set up and operate the equipment being returned in order to allow the Access Sacramento staff person to check it over for operability and possible damage.
- (d) At no time is a single camera system to be returned, dropped off or left at the Access Sacramento facilities without examination and testing with an Access Sacramento staff person and sign-off on the Portable Equipment Reservation/Check-Out Form by both the user and the Access Sacramento staff person. Failure to return equipment through proper check-in procedures may subject the user to forfeiture of equipment usage privileges.
- (e) Equipment must be checked in by the user who checked the equipment out. The User I.D. card will be returned when the check-in procedure is completed.

### 3.23 Late returns.

Except under circumstances beyond the User's control, late return of a single camera system is a violation of the Access Sacramento Operating Rules and Procedures, and can subject the user to forfeiture of equipment usage privileges.

### 3.3 Video Editing Systems.

3.31 Use of the Access Sacramento video editing systems must be for the purpose of producing programming for cablecast on an Access Sacramento video channel. The following activities are not allowed:

- (a) Copying or dubbing tapes. Finished programs may be checked out for dubbing purposes at other locations.
- (b) Preparing or editing material for private or commercial purposes.

3.32 Access Sacramento editing facilities may only be operated by individuals who have been trained and certified to use this equipment. A user must present his or her User I.D.

card, which must indicate the proper certification before entering the editing suite. A non-certified person may accompany the user in the editing suite and work with him or her, but may not operate the equipment.

- 3.33 Users of video editing systems must vacate the facilities by the completion of their reserved time unless the following time is unreserved or the next user voluntarily grants an extension.
- 3.34 At the conclusion of an editing session, the editing suite must be left in the same condition that it was when the user started:
  - (a) All tapes must be boxed, properly labeled and properly shelved.
  - (b) All sound sources, equipment and switches must be returned to normal positions or locations.
  - (c) All paper, debris and miscellaneous material must be removed from the editing suite.

#### 3.4 Television Production Studio.

- 3.41 Access Sacramento television production studio facilities may only be used by trained and certified individuals. All crewmembers must present their User I.D. cards, which must indicate the proper certification before they are allowed to operate studio production equipment.
- 3.42 Use of an Access Sacramento television production studio must be for the purpose of producing programming for cablecast on an Access Sacramento video channel. Production of material for private or commercial purposes is prohibited.
- 3.43 Users of an Access Sacramento television production studio must leave by the completion of their reserved time unless the following time is unreserved or the next user voluntarily grants an extension.
- 3.44 At the conclusion of a studio production session, the studio and control room must be left in the same condition as when the user started:
  - (a) All tapes must be boxed, properly labeled and properly shelved.
  - (b) All accessories (e.g., microphones, stands, set materials, props, etc.) must be returned to their proper storage locations.
  - (c) All microphone and camera cables must be properly coiled and stored.
  - (d) All studio cameras must be returned to their proper locations.
  - (e) All lighting instruments must be turned off, unplugged, and returned to their designated location on the grid.
  - (f) All paper, debris and miscellaneous material must be removed from the studio.

- (g) All audio/video patch cords must be removed and replaced in their storage racks.

### 3.5 Field Production Truck/Van

- 3.51 The Access Sacramento field production truck/van may only be used by trained and certified individuals. All crewmembers must present their User I.D. cards, which must indicate the proper certification before they are allowed to operate the truck/van's production equipment.
- 3.52 Use of the Access Sacramento field production truck/van must be for the purpose of producing programming for cablecast on an Access Sacramento video channel. Production of material for private or commercial purposes is prohibited.
- 3.53 Users of the Access Sacramento field production truck/van must complete their production within the reserved time. An extension of production time must be agreed to by the Access Sacramento staff member who is supervising the field production in question. Appropriate fees will be charged if the total usage time exceeds ten (10) hours (see Part I, Section 2.73).
- 3.54 At the conclusion of the field production truck/van usage, the unit must be left in the same condition as when the users started:
  - (a) All tapes must be boxed, properly labeled and properly stored.
  - (b) All accessories (e.g., microphones, stands, tripods, lighting kit equipment, intercom units, etc.) must be returned to their proper storage locations.
  - (c) All microphone, camera and power cables must be properly wound on the cable reels and stored in the rear of the van.
  - (d) All cameras, lens control systems and viewfinders must be properly placed in their cases and returned to their proper storage locations.
  - (e) All paper, debris and miscellaneous material must be removed from the van.

### 3.6 Audio Production Facilities.

- 3.61 Access Sacramento audio production facilities may only be used by trained and certified individuals. All crewmembers must present their User I.D. cards, which must indicate the proper certification before they are allowed to operate audio production equipment.
- 3.62 Use of the Access Sacramento audio production facilities must be for the purpose of producing programming for cablecast on an Access Sacramento cable FM radio channel. Production of material for private or commercial purposes is prohibited.

- 3.63 Users of the Access Sacramento audio production facilities must leave by the completion of their reserved time unless the following time is unreserved or the next user voluntarily grants an extension.
- 3.64 At the conclusion of an audio production facilities session, the production room(s) must be left in the same condition as when the users started:
- (a) All tapes must be boxed, properly labeled and properly shelved.
  - (b) All accessories (e.g., microphones, cables, patch cords, headphones, etc.) must be returned to their proper storage locations.
  - (c) The patch panels must be returned to their normal modes.
  - (d) All paper, debris and miscellaneous material must be removed from the production room(s).
- 3.65 Regarding the use of the portable audio cassette recorders:
- (a) The same check-out and check-in procedures outlined above for portapak equipment (Subsections 3.21-3.23) will be followed, except that
  - (b) A user of a portable audiocassette recorder should allow a minimum of 15 minutes for both the scheduled checkout and check-in of this equipment.
- 3.7 Recording Tape. All Access Sacramento tape must remain at the Access Sacramento facilities, with the following exceptions:
- (a) Tape may be checked out to record a program produced with the field production truck/van.
  - (b) A user may check out tapes in accordance with the provisions of an approved Non-Cablecast Usage Request.
  - (c) Producers may check out master program tapes, which they are editing.
- 3.71 When a completed master *program* is recorded on Access Sacramento tape; the producer must make a decision after the tape has finished its playback cycle on an Access Sacramento channel:
- (a) The producer may check out the tape (with an approved Non-Cablecast Usage Request) to have a personal copy made, or
  - (b) The producer may purchase or replace the tape, or
  - (c) The tape will be erased and recycled.

- 3.72 Access Sacramento will not erase or recycle master program tapes before making all reasonable efforts to inform the producer.
- 3.73 Access Sacramento will archive significant representative programming produced through Access Sacramento facilities and will use segments of such archived material to prepare demonstration, instructional and sample tapes to conduct training and outreach programs.
- 3.74 Access Sacramento will not sell programming produced by community users.

## **PART V: SUSPENSION OF USER PRIVILEGES**

### **1.0 General Statement.**

To ensure that Access Sacramento equipment and facilities remain in good working order, are available to the broadest range of producers, and that equipment and facilities are used in such a manner as to fulfill Access Sacramento's contractual obligations with the Sacramento Metropolitan Cable Television Commission, Access Sacramento reserves the right to refuse services on a temporary or permanent basis or otherwise initiate suspensions of services, disciplinary actions, probationary sanctions, or other legal action against individuals or organizations interfering with or jeopardizing Access Sacramento's operations or otherwise violating the Access Sacramento Operating Rules and Procedures under which Access Sacramento provides training, equipment, facilities, channel space and other services.

### **2.0 Request to Leave Access Sacramento Facilities.**

Access Sacramento staff may request that an individual leave the Access Sacramento facilities immediately as follows:

- 2.1 If an individual consumes, sells or dispenses alcohol or illegal substances in the Access Sacramento facilities; or
- 2.2 If an individual behaves in a threatening manner, interferes with the orderly conduct of Access Sacramento activities, facilities or programs, or demonstrates an inability to properly operate production equipment.

### **3.0 Major Offenses.**

- 3.1 The following Major Offenses against the Access Sacramento Operating Rules and Procedures will result in the immediate permanent suspension of user privileges with Access Sacramento:
  - 3.11 Theft, vandalism, or willful damage of the Access Sacramento facilities or equipment; or willful injury to or theft of the personal property of any Access Sacramento staff person, user or visitor.

- 3.12 False representation by user of himself or herself as an Access Sacramento employee, representative, or agent.
- 3.13 Use of facilities or equipment for private, commercial or any purpose other than for the production of programming for cablecast on a video or cable FM radio channel managed by Access Sacramento.
- 3.14 Chronic and willful disregard for Access Sacramento's Operating Rules and Procedures.
- 3.2 The following Major Offenses against the Access Sacramento Operating Rules and Procedures will result in the immediate suspension of user privileges with Access Sacramento and "Probationary Sanctions" (as indicated below in Subsection 3.3):
  - 3.21 Misuse, abuse or negligent use of Access Sacramento facilities or equipment.
  - 3.22 Failure to return checked-out equipment through intent, negligence, loss or theft, or failure to comply with the check-in procedures specified in Part IV, Subsection 3.22.
  - 3.23 Making false or misleading statements on any Access Sacramento User Form.
  - 3.24 Removal of equipment from an Access Sacramento facility without proper checkout and supervision by an Access Sacramento staff person.
  - 3.25 Use of equipment by non-certified users or use of equipment checked out to a certified user by a certified user on probation.
  - 3.26 Use of equipment by certified users in a manner, which is not in accordance with a restricted eligibility status (e.g., Sacramento County nonresidency, under 18 years old, etc.)
  - 3.27 Submission of programming for playback, which violates the content instructions, included in Part III, Section 6.0 through 6.8 of the Access Sacramento Operating Rules and Procedures.
  - 3.28 Other activities determined to be Major Offenses by the Access Sacramento Executive Director.
- 3.3 Probationary Sanctions
  - 3.31 The first sanction will be a 90-day suspension of user privileges with Access Sacramento.
  - 3.32 The second sanction will be a 1-year suspension of user privileges with Access Sacramento.
  - 3.33 The third sanction will be a permanent suspension of user privileges with Access Sacramento.
  - 3.34 Other sanctions may include the following:
    - (a) Requirement of re-attendance at an orientation session.

(b) Requirement of demonstrated proficiencies or understanding.

(c) Short-term probationary periods.

3.4 The Access Sacramento Executive Director shall notify in writing a user who commits a Major Offense of the nature of the offense and any suspension or Probationary Sanction resulting from the offense within ten (10) days of being informed of the occurrence. Notification shall also indicate any conditions for reinstatement of user privileges.

#### **4.0 Minor Offenses.**

4.1 Potential users of the Access Sacramento facilities and equipment are completely dependent upon the timely and proper operation of these items by previous users. Therefore, Access Sacramento is very concerned that relatively minor violations by users should not occur. Accordingly, the following Minor Offenses against the Access Sacramento Operating Rules and Procedures will result in "Disciplinary Actions" (as indicated below in Subsection 4.2):

4.11 Failure to return equipment on time or to cancel a reservation with sufficient notice.

4.12 Late return of equipment without an authorized extension.

4.13 Return of functional but dirty equipment.

4.14 Unsafe or improper use of Access Sacramento equipment.

4.15 Improper packing of Access Sacramento equipment for transport.

4.16 Attempted disassembly or repair of any Access Sacramento equipment.

4.17 Making reservations on behalf of others.

4.18 Smoking, drinking or eating while in Access Sacramento production facilities or while operating Access Sacramento equipment.

4.19 Any other violation of the Access Sacramento Operating Rules and Procedures.

#### **4.2 Disciplinary Actions**

4.21 For a first violation in the case of a Minor Offense, the user committing the offense will be given a verbal warning by the Access Sacramento staff person.

4.22 For the second violation in the case of a Minor Offense, the user committing the offense will receive a written warning. One copy of this warning will be placed in the user's file, and another will be given to the Access Sacramento Executive Director.

- 4.23 For the third violation in the case of a Minor Offense, the user committing the offense will receive immediate suspension of user privileges with Access Sacramento and "Probationary Sanctions" (as indicated above in Subsection 3.3).

## **5.0 Access Sacramento Disciplinary Discretion**

- 5.1 The sanctions and penalties outlined above may, in individual cases, be adjusted by either the Access Sacramento Board of Directors ("Board") or its designated Committee. The Board or Committee may impose greater or lesser sanctions and penalties than those specified above if the Board or *Committee* determines that there is good cause to do so.
- 5.2 A decision by the Board or the Committee to impose a greater or lesser sanction or penalty than those prescribed in Part V of the Access Sacramento Operating Rules and Procedures shall be made at a public hearing in which the user shall have an opportunity to fully participate ("variance hearing"). A variance hearing of the Committee may be instigated by the Access Sacramento Executive Director or the *Committee*. A variance hearing of the Board may be instigated by the Committee or the Board.
- 5.3 A user against whom the Access Sacramento Executive Director has imposed a suspension or Probationary Sanction may request a variance hearing of the Committee by filing a written request for a variance hearing with the Access Sacramento office within ten (10) days of notification of the suspension or Probationary Sanction. A request for a variance hearing may be filed separately or as part of a notice of appeal under Section 5.0 of Part V of the Access Sacramento Operating Rules and Procedures.

## **6.0 Appeals Procedures.**

- 6.1 Any user against whom the Access Sacramento Executive Director has imposed a suspension or Probationary Sanction may appeal the decision to a designated Committee of the Access Sacramento Board of Directors within ten (10) days of notification of the suspension or Probationary Sanction by filing a written notice of appeal at the Access Sacramento office.
- 6.2 The Committee may choose to hear an appeal of a suspension or Probationary Sanction after investigating the circumstances of the violation. In public hearing with the Committee, the Access Sacramento Executive Director or staff person shall make a presentation on the circumstances of the violation(s) and the suspension or Probationary Sanction imposed, and the user will make a presentation of the appeal. The Committee may decide:
- (a) To sustain the sanctions imposed by the Access Sacramento Executive Director;
  - (b) To make alternative determinations; or
  - (c) To refer the appeal to the full Access Sacramento Board of Directors.
- 6.3 Determinations of the Access Sacramento Board of Directors or its designated Committee in matters of suspensions or Probationary Sanctions or other actions are final.

- 6.4.1 Should the Access Sacramento Executive Director decline to cablecast programming submitted to Access Sacramento for cablecast, the party submitting the material may appeal the decision to a designated Committee of the Access Sacramento Board of Directors within

10 (ten) days of notification of the Access Sacramento Executive Director's declination by filing a written notice of appeal at the Access Sacramento office. The procedure for the Committee's review of the matter shall be identical to the procedure set forth in Section 6.2 relating to appeals of a suspension or Probationary Sanction. Determinations of the Committee or the Access Sacramento Board of Directors in matters of programming shall be final.

## **PART VI: STATEMENT OF COMPLIANCE** **To: Access Sacramento**

- A. I agree to read, be thoroughly familiar with, and agree to comply with the Access Sacramento Operating Rules and Procedures. I acknowledge that the Access Sacramento Operating Rules and Procedures may be amended from time to time by Access Sacramento. All such amendments shall be posted at the Access Sacramento office. I agree that my use of Access Sacramento facilities or resources shall constitute my acceptance and agreement to comply with all of the Operating Rules and Procedures, including any amendments adopted by Access Sacramento as of the date of such use.
- B. Program material that I will record and/or submit for cablecast will not contain:
1. Material designed to promote the sale of commercial products or services.
  2. Advertising which endorses or opposes candidates for public office which is also intended to be presented as a paid political advertisement on other media.
  3. The solicitation or appeal for funds for any purpose (unless specifically authorized by Access Sacramento).
  4. Material, which constitutes or promotes any lottery or gambling enterprise.
  5. Obscene material, as defined by applicable law.
  6. 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.
  7. Material, which may create an immediate danger of damage to property or injury to persons.
- C. I certify that I meet the user eligibility criteria set forth in Part III, Section 3.0 of the Access Sacramento Operating Rules and Procedures.
- D. I assume full responsibility for the content of all program material cablecast and will ensure that such program material will not violate any right of any third party.
- E. I have obtained or, before the program material is cablecast, I will obtain all required approvals, clearances, licenses, etc., for the use of any program material which I submit for cablecast, including but not limited to approvals by broadcast stations, networks, sponsors, music licensing organizations, copyright owners, performers' representatives, all persons appearing in the program material, and any other approvals that may be necessary to

transmit program material over the video and/or audio channels managed by Access Sacramento.

- F. I agree to indemnify, defend and hold harmless Access Sacramento, Sacramento Community Cable Foundation, Sacramento Cable, the Sacramento Metropolitan Cable Television Commission, the County of Sacramento, the Cities of Sacramento County and their respective directors, officers, agents and employees from and against any and all claims or other injury (including reasonable cost of defending claims or litigations) arising from or in connection with claims of loss or damage to person or property arising out of the failure to comply with these Operating Rules and Procedures, any applicable laws, rules, regulations, or other requirements of local, state or federal authorities, for claims of libel, slander, invasion of privacy, personal injury, or infringement of common law or statutory copyright, for breach of contract or other injury or damage in law or equity which claims result from the use of Access Sacramento channel space, video and/or audio facilities and equipment or other Access Sacramento resources.
- G. **I acknowledge that Access Sacramento has strongly encouraged me to obtain a homeowner's or renter's insurance policy which includes liability coverage to protect me in the event of a claim or litigation against me as a result of my use of Access Sacramento channel space, facilities, equipment or other resources.**
- H. I agree that I shall not represent myself or any other person involved in community use or public access programming activities as an employee, representative or agent of Access Sacramento.
- I. In my use of Access Sacramento channels, equipment, facilities or resources, I agree to comply with all applicable rules and regulations of Federal, State and local governments and all other regulatory agencies, including the Federal Communication Commission.
- J. I agree to pay the costs of any repair or replacement of equipment or materials resulting from damage, misuse or theft while such equipment or materials are in my possession or control, normal wear and tear excepted. I understand the penalties that apply if I do not return equipment or materials on time.
- K. I shall not use Access Sacramento channel space, facilities or equipment for any financial gain or other commercial purposes. I understand that programming produced with Access Sacramento equipment or facilities must appear on the video or audio channels managed by Access Sacramento.
- L. I understand that false or misleading statements made in this Statement of Compliance are grounds for forfeiture of the right to use Access Sacramento channel space, facilities, and equipment.
- M. I understand and agree that I am an independent contractor and that no relationship of employer-employee or principal-agent exists between Access Sacramento and myself.
- N. Any waiver of any breach of this Statement of Compliance shall not waive any continuing or other breach of the same provision or any other provision of this Statement of Compliance.

O. Should a dispute arise between parties with respect to their rights and duties under this Statement of Compliance, the prevailing party in such dispute shall be entitled to recover its attorney's fees and costs incurred in connection therewith.

P. This Statement of Compliance is non-transferable.

_____	_____
Applicant's Name	User I.D. Number
_____	_____
Street Address, City, State, Zip Code	Phone Number
_____	_____
Sacramento-based Organization (Must be indicated by Applicant who is not a Sacramento County Resident)	Organization Phone Number
_____	_____
Signature of Applicant	Date
_____	_____
Signature of Access Sacramento Representative	Date

I certify that I am the parent or guardian of the above Applicant, \_\_\_\_\_ a minor under the age of eighteen years. I hereby agree to assume legal responsibility for his/her activities referred to in this Statement of Compliance.

_____	_____	
Date	Signature of Parent or Guardian	
_____	_____	
Phone of Parent of Guardian	Address of Parent or Guardian	
_____	_____	
_____	_____	
City	State	Zip Code

# **COMMUNITY PRODUCERS LEGAL GUIDE**

Laws are developed to help people operate in a complicated society; they are the rules of the game.

Since your programs are transmitted by Access Sacramento over cables rather than broadcasted over radio or other airwaves, these cable television program presentations are referred to as “cablecasts.” The preparation of the programs and their cablecast to the audience involve many laws. In order to not break the law, it is important to become familiar with the laws that affect you as a cable program producer/provider.

Definitions and examples of the most important legal issues are as follows:

1. **Breach of Contract.** Simply stated, a contract is a bargain agreed upon by two or more persons. It can either be a written agreement or a verbal one. You should be aware that a verbal contract is “worth the paper it is written on.” As this old saying indicates, it is almost always better to get a written agreement than a verbal one.

A breach of contract occurs when one of the persons who make the agreement intentionally refuses to do as he agreed to do, or prevents the other person from doing what the other person agreed to do.

For example, if you agree with Access Sacramento to borrow video equipment and return it in its original condition, you would breach the contract if you did not return the equipment or if the equipment was damaged when you returned it.

2. **Copyright** Copyrights protect the exclusive rights of authors and inventors to their writings and inventions. The purpose of a copyright is to encourage authors and inventors to write and invent by allowing them to be the only ones to profit from their writings and inventions for a certain period of time. Anyone who uses copyrighted materials without permission of the copyright owner may have to pay fines or other penalties.

It is possible to use copyrighted material as long as you obtain permission from the person who owns the copyright. This permission may be limited to certain specific circumstances or it may be extremely broad, depending on the agreement between the copyright owner and you.

For example, copyrighted songs may be used in movie soundtracks. In this situation, the credits of the movie generally indicate that the song has been used with the permission of the copyright owner. Other examples include: using photographs printed in magazines, recording musical performances and using a portion of someone else’s video production in your own video production. In each case you need to obtain permission from the copyright owner (i.e. the magazine that published the photograph, the performing musician and the producers of the other video production).

3. **Indemnification Agreement** An “indemnification agreement” is a contract by which you agree to pay for any damages resulting from your actions.

Automobile insurance is a type of indemnification agreement as insurance companies agree to pay for any damages resulting from accidents caused by the insured driver. In the context of cable programming activity, when you are certified to use Access Sacramento's facilities or channel time you will sign an indemnification agreement (the: Statement of Compliance") with Access Sacramento so that if Access Sacramento is sued for something said in your program (for example, a libelous remark), you will have to pay for any damages. As another example, if someone trips and falls on a cable during one of your productions and then sues Access Sacramento, you will be responsible for paying for all damages and attorneys fees incurred by Access Sacramento.

4. **Invasion of Privacy** Invasion of privacy generally deals with the unlawful disturbance of a person's privacy. The following ways in which this may be done:

**Public Disclosure of Private Facts:** Public disclosure of private facts is the presentation of the intimate details of someone's private life to a large number of people without his or her permission. This generally does not apply to facts about people who are already well known in the community. For example, you cannot legally cablecast information regarding an ordinary person's criminal record, though it probably legal to describe the criminal record of a public figure such as a candidate for public office.

**Use of One's Name or Likeness:** The unauthorized use of another's name or likeness may be an invasion of privacy. The unauthorized use of another's name or likeness for monetary gain is one of the most common examples of this. For example, Joan Smith could not name her fitness center "Michael Jordan's Fitness Center" unless Michael Jordan allowed her to do so as the celebrity name "Michael Jordan" is being used to attract people to the fitness center.

**Publicity Placing One in a False Light:** Publicity that creates a false impression of another person may also constitute an invasion of privacy. You cannot lead people to believe that a person has views that he does not really have or has done things that he has not actually done. For example, you may not produce a show that discusses racial violence while showing a picture of John Smith on the screen unless John smith is somehow associated with such violence. The showing of the picture would unlawfully associate an innocent person, John Smith, with something with which he is not associated.

**Intrusion into One's Seclusion or Solitude:** This last method of invading one's privacy involves a person intruding into places that are normally considered to be private. For example, cable casting secret photographs of a person in his or her home is unlawful and transmitting conversations recorded with hidden microphones in a person's home would also be unlawful. To avoid problems in this area, always identify yourself as a community producer and inform people that the videotape you are making may be cablecast. To be safe, you should obtain written permission of the subjects of your programming when there is a chance someone may consider your videotaping an invasion of their privacy.

5. **Libel and Slander**

**Libel** is false material directed at the eye, usually in print or television. The false material must tend to injure or harm a person's reputation in order to be libel.

A false statement in a newspaper such as "John Smith stole money from the orphanage" would be libel, assuming that John Smith did not steal money from the orphanage.

Slander is similar to libel as both involve false material that tends to injure or harm a person's reputation. Slander, however, is directed toward the ear, such as verbal statements or statements over the radio.

If the statement "John Smith stole money from the orphanage" were broadcast over the radio, that statement would be considered slander, assuming that John Smith did not steal money from the orphanage.

6. **Obscenity** In California, obscene material is defined as follows:

"Material that when taken as a whole, the predominant appeal of which to the average person, applying contemporary community standards, is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; as a matter that taken as a whole goes substantially beyond customary limits of candor in description or representation of such matters without redeeming social importance."

Like many legal definitions, this definition is not clear. Rather than providing examples of obscene material it may be best to remember on Justice of the United States Supreme Court remarked:

"I can not define 'obscene material,' but I know it when I see it."

With regard to obscene material, community producers should also be aware to "know it when they see it." If you cablecast obscene material, you could be held criminally liable. It also would be a violation of your agreement with Access Sacramento, potentially leading to permanent suspension of your privileges with Access Sacramento.

It is important for people to protect themselves and those with whom they work by knowing the rules and definitions discussed in this guide. This guide is merely a summary of some of the most typical laws and rules that community producers must face. It is not a complete listing of all laws and rules, which may affect you. For example, you will be subject to the rules included in Access Sacramento's Operating Rules and Procedures.



## What good is a sundial if it sits in the shade?

Self-promotion can be likened to "Survival of the Loudest." A lot of people believe that simply doing good work will get them the attention that their work deserves. But cold reality teaches us that this is seldom, if ever, the case. Promoting your work is vital, if you want it to be seen and appreciated.

## PRESS RELEASE

This is one of the most important things you can ever master, yet so many fail to do so. What many fail to realize is that a lot of press releases are simply thrown away. While there is no guarantee that your release will be used, following some basic rules will help it see print.

### The ideal Press Release:

- **Use double-spaced text, with a 300-500 word length.**  
For every person who uses ten words where 100 will do, there are just as many who will use 1000 where 100 will do. Are you sending an announcement or writing a news story? The old Who, What, Where, When and Whys of Journalism are just as true for press releases as they are for news stories. WHO made the program? WHAT is it about? WHERE will it be shown? WHEN will it be shown? WHY should anyone watch it?
- **Catchy Headline**  
We may change it, but at least it will have gotten our attention.
- **Contact Information**  
This should include someone's name, address, phone number and/or E-mail address.
- **Short paragraphs**  
Most news stories you read will have short paragraphs. Studies have shown that the reader's eye will stay with a story better if the paragraphs are shorter. Newspaper writing is not the same as English class writing. This does NOT mean writing down for an audience.
- **Quotes**  
Perhaps someone prominent might endorse your program.
- **Complete and accurate captions for any and all photographs you may include.**  
Don't expect to get them back, either. Send copies, not originals. Send JPGs.
- **Send by E-mail**  
In the Sacramento market, most media outlets prefer an emailed press release in the text box with no attachments.

Don't take it personally if it doesn't run. Also, don't take it personally if it is cut, rewritten, or even handed over to a staff writer to run with it.

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Richard S. Drake

Richard S. Drake is the author of a novel, "Freedom Run," and "Ozark Mosaic: Adventures in Arkansas Alternative Journalism, 1990-2006." He can be reached at: [rsdrake@nwark.com](mailto:rsdrake@nwark.com)