

RESOLUTION NO. 3955

**A RESOLUTION CREATING AN INSTITUTIONAL ACCESS CHANNEL IN ALBANY AND ADOPTING PROCEDURES AND POLICIES FOR THIS CHANNEL**

WHEREAS, Albany Municipal Code 3.18 provides for the franchise of cable television services to TCI Cable in Albany; and

WHEREAS, the franchise agreement specifies that TCI will provide up to three channels for public, educational, and governmental access for cablecasting programs of interest to the citizens of Albany; and

WHEREAS, the City Council is establishing these policies and procedures to govern the programming of the first of these access channels.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the following Policy and Procedures for Cable Channel 99 in Albany are adopted.

**I. INSTITUTIONAL ACCESS CHANNEL**

**A. DESIGNATION**

The Institutional Access Channel (IAC) is designated as Cable Channel 99 in Albany.

**B. OPERATION**

The Institutional Access Channel for the City of Albany and the surrounding areas is operated jointly by the City of Albany and TCI Cable in accordance with the franchise agreement (AMC 3.18) between TCI Cable and the City of Albany as spelled out in AMC 318.430.

1. The Linn-Benton-Lincoln Educational Service District will be the point for cablecast for IAC programs in Albany until such time when other institutions qualified to cablecast on the IAC have the technological capability of cablecasting from remote locations or this policy is amended.
2. Only qualified public institutions as defined by this policy are authorized to cablecast on the IAC.

**C. MISSION STATEMENT**

The Institutional Access Channel is established to promote an informed public. It is a means through which public institutions can communicate with the general public.

**II. GOALS AND PRIORITIES**

**A. GOALS. The goals of the IAC are:**

1. To increase public awareness and understanding of the structure, functions, services, resources, and activities of public agencies and of public issues.
2. To foster communication between public institutions and citizens.
3. To stimulate citizen participation in the decision-making process of city and county government and local public educational institutions.
4. To offer educational programming to the citizens of Albany and the surrounding area.
5. To enhance the quality of life in Albany through programming that contributes to making the Albany area a better place to live.

## **B. PRIORITIES**

In providing each day the maximum possible number of hours of on-air programming of value and interest to the public, the following priorities for use of personnel and equipment resources of the IAC are established:

1. Live and delayed coverage of local government public meetings.
2. Educational programming that helps fulfill the missions of the Greater Albany Public School District, the Linn-Benton-Lincoln Educational Service District (ESD), and Linn-Benton Community College.
3. Programs and activities sponsored by public institutions as defined in this policy that affect the public.
4. Informational programming on community issues that the public institutions deem important.
5. Acquired programming consistent with the mission statement and goals of the IAC.

## **III. PROGRAMMING POLICIES**

### **A. EXCLUSIONS**

The IAC will not air programming containing:

1. Libelous statements or matter.
2. Copyrighted material without appropriate releases or permissions.
3. Obscene or indecent material as defined by ORS 167.087(2)(b) and (c) and community standards.
4. Commercial speech.
5. Political programming as set forth below.
6. Material submitted for cablecast that does not meet professional cablecast standards in quality of picture, sound, and technical or editorial execution.
7. Any other material inappropriate to the mission, goals, and priorities of the IAC.

### **B. POLITICAL PROGRAMMING**

#### **1. CANDIDATES**

The IAC will be not cablecast political programming or campaigning by, or on behalf of, any candidate for public office. Use of the IAC by elected officials seeking reelection and candidates seeking election is prohibited, except in balanced, nonpartisan open forum programming formats that comply with Oregon election law (ORS 260.432) or regularly scheduled meetings of public institutions.

2. The IAC is permitted to cablecast measure programming, provided it complies with Oregon election law (ORS 260.432).

### **C. NONDISCRIMINATION POLICY**

Programming on the IAC will depict people in a manner that does not discriminate or foster discrimination on the basis of race, color, creed, religion, national origin or ancestry, familial status, age, gender, disability, marital status, status with regard to public assistance, Vietnam Era or disabled veteran status, sexual orientation, or medical condition.

### **D. RESPONSIBILITY FOR CONTENT**

Responsibility for the content of any programming cablecast on the IAC for any qualified public institution lies solely with the initiating institution.

#### **IV. PROGRAMMING PROCEDURE**

##### **A. ALLOCATION OF RESOURCES**

Scheduling of air time will be governed by the priorities set forth in paragraph II B above and at the discretion of the City of Albany. Any disputes over scheduling of air time will be resolved by the City Manager or his/her designee.

##### **B. CONTROL OF SCHEDULE**

The City of Albany will control the schedule of the IAC. The City of Albany may contract with TCI or with a qualified public institution for control of the schedule of the IAC.

##### **C. SCHEDULING**

1. At a minimum, the IAC is available for scheduling between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Programming slots will be allocated in 30- to 60-minute increments.
2. The IAC will be scheduled quarterly, based on academic quarters used by Linn-Benton Community College.
3. Forty-five days in advance of the beginning of the next quarter, the City of Albany or its contracted scheduling agency will hold a scheduling meeting. The City or its contracted scheduling agency will notify all qualified public institutions that have an interest in cablecasting on the IAC ten working days before this meeting.
4. At the scheduling meeting, qualified public institutions will reserve time for scheduling programs for the upcoming quarter. At least ten percent of the schedule for the quarter will be set aside (shall be unscheduled) for one-time-only cablecasts or for programs that are not planned before the quarter begins. Any conflicts over the schedule will be resolved based on the criteria set forth in paragraph II B.
5. Reserved (unscheduled time) may be scheduled by public institutions no more than one week in advance of the proposed cablecast time. Reserved time will be scheduled on a first-come, first-served basis.

##### **D. COMMUNITY CALENDAR**

During time that is not being used for cablecasting programming, the IAC will cablecast a community calendar. All qualified public institutions may include events on the community calendar. Qualified public institutions interested in submitting material for the community calendar should submit their items to the City Manager's office of the City of Albany at 333 Broadalbin Street SW by noon on Friday. The calendar is updated once a week. Whenever possible, qualified public institutions should submit items both on paper and on a 3.5 inch disk. Contact the City Manager's Office for information about acceptable electronic formats.

#### **V. GRIEVANCE PROCEDURE**

##### **A. AUTHORITY**

City Manager or his/her designee will have the discretion to interpret definitions and enforce prohibitions and policy guidelines and procedures.

##### **B. COMPLAINT PROCESS**

1. Complaints about this policy and procedure, scheduling conflicts, or program content will be made in writing to the City Manager. City staff will assist persons with disabilities who are unable to submit a complaint or grievance in writing or refer them to the City's ADA Coordinator if they require further assistance.
2. After receipt of a complaint, a written response outlining any decision on the issue will be provided for the complainant within ten working days of receipt of a complaint.

3. Written appeals of decisions on complaints will be made to the Albany City Council. The City Council is the final appeal body, and the Council will take action on written appeals within 45 days of receiving a complaint.

## VI. AMENDMENTS

These Policies and Procedures may be amended as needed by the Albany City Council.

## VII. DEFINITIONS

### A. CANDIDATE COMMITTEE

The candidate for public office and any entity supporting or soliciting public support for any candidate, including but not limited to any individual, cooperative association, club, corporation, company, firm, partnership, joint venture syndicate, profit or nonprofit organization.

### B. CANDIDATE FOR PUBLIC OFFICE

Any individual, incumbent, or otherwise who:

1. Has publicly announced his or her intention to campaign for nomination or office. A public announcement shall be considered any one or more of the following:
  - a. The retention of a campaign manager or other campaign employees.
  - b. The opening of a campaign bank checking account.
  - c. The receipt by a candidate of any campaign contributions, as defined by ORS 260.005 (3).
  - d. The expenditure of funds for campaign obligations, as defined by ORS 260.005 (6).
  - e. The printing of any campaign promotional material.
  - f. A declaration as communicated by any candidate to any print, broadcast, or cablecast media.
2. Has filed a Declaration of Candidacy with a local government or public agency for any elected office.
3. Has otherwise qualified under city, county, state, or federal law to hold the office for which s/he is a candidate.
4. Has qualified for a place on the ballot or has publicly committed himself or herself to seeking election by the write-in method.
5. Has made a substantial showing that s/he is a bona fide candidate seeking election to any public office, whichever (1, 2, 3, 4, or 5) comes first.

### C. CITY

The City of Albany.

### D. COMMERCIAL SPEECH

A message that advertises a product or service for profit or for business purposes.

### E. COUNCIL

The Albany City Council.

### F. GOVERNMENT PROGRAMS AFFECTING THE PUBLIC

Any project, issue, agenda, or measure developed or under development, modification, debate, vote or other action by a local government, other public agency, or the public for the purpose of providing a service to the public.

**G. LOCAL AGENCY PUBLIC MEETINGS**

All meetings of a quorum of members of any board, commission, task force, administrative, or other policy-making body created by or responsible to a qualified public institution conducted for the purpose of formulating public policy, including the development of rules, regulations, or ordinances discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission, or other policy-making body of these agencies.

**H. MEASURE**

Any proposition or ballot issue submitted to a popular vote at an election, whether by initiative, referendum, recall procedure, or otherwise.

**I. PROGRAMMING**

For the purpose of this policy, programming is television presentations scheduled for cablecasting on the IAC.

**J. PROGRAMS**

For the purpose of this policy, programs shall be projects, issues, agendas, and measures established for the purpose of providing a service to the public.

**K. QUALIFIED PUBLIC INSTITUTION**

A qualified public institution is defined as an organization that possesses both of the following characteristics:

1. Is principally funded by taxpayer dollars.
2. Has a governing board that is publicly elected or is made up of representatives who are appointed by other public institutions whose boards are elected by the public.

DATED this 27th day of May 1998.

  
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Mayor

ATTEST:

  
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City Recorder

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