

**Ordinance amending the Code of Ordinances, City of Corpus Christi, Chapter 55 regarding rules and procedures for public access cablecasting; providing for penalties; providing for severance; and providing for publication.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:**

SECTION 1. That Chapter 55, Article XVIII Cable Communication Services, Division 1, regarding rules and procedures for public access cablecasting are revised to read as follows:

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

Channel space on public access channels is available to any adult resident of the City of Corpus Christi in accordance with the following rules and procedures, as adopted by the City Council of the City of Corpus Christi. Submitted programs on accepted media, as defined in section 55-447, will be cablecast by all state-franchised cable operators as provided by state law. Requests for live feeds may be made in accordance with rules adopted by the Cable Communications Commission, with the consent of the city director of public communications department.

These rules may be amended by city council following recommendation from the Cable Communications Commission.

*(Ord. No. 029704, §§ 1 and 2, 12-18-2012)*

**Sec. 55-444. Rules for participation.**

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

(a) All programs must be produced by a producer as defined in section 55-447.

(b) No program shall be of a commercial nature as defined in section 55-447.

(c) No program shall be transmitted that requests contributions unless the solicitation is on behalf of an organization that has received tax exempt status under 501(c)(3) of the Internal Revenue Code or non-profit status in the State of Texas. Maximum time to request contributions in a program is five (5) minutes.

(d) No program shall be transmitted that contains copyrighted material for which proper written clearance or authorization has not been obtained prior to being submitted for broadcast.

(e) No program shall be transmitted that portrays any criminal act as being acceptable or condoned behavior.

(f) No program shall be transmitted which contains obscene or indecent material.

(g) All programs must include proper program identification as defined in section 55-447.

(h) All programs must be locally produced. In order to be classified as a locally produced program, the program must contain at least twenty-five (25) per cent locally produced original content.

(i) Producer must maintain current home and mailing address with PAUG and notify PAUG of change within ten (10) working days of move.

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

*(Ord. No. 029704, §§ 1 and 2, 12-18-2012)*

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

(a) *Conformance.* Programs submitted for cablecast must conform to the technical standards and production requirements established for cablecast by the FCC and City of Corpus Christi Public Access Rules. The programs shall not be out of compliance with any applicable FCC Technical Standards.

(b) *Quality.* Programs must deliver, in good quality, clear audio and video throughout the entire length of the program.

(c) *Format.*

(1) Producers must transfer all programming to accepted media as defined by subsection 55-447(a).

~~(2) All tapes must be rewound to beginning of tape.~~

~~(3) As technology changes and formats become more common in the consumer markets, formats may be changed to reflect current market use. The decision to add or delete formats will be made by the Cable Communications Commission.~~

(d) *Labeling.* All producers must clearly label their media as follows:

(1) On face of the accepted media:

a. Title of the program as it appears on the application.

b. Production date.

(2) On case or sleeve of accepted media:

a. Name of individual producer as it appears on the application.

b.Producer's telephone number and/or e-mail address.

c.Length of program.

d.Title of the program as it appears on the producer's application.

~~(2)On the spine of the tape (only for grandfathered programs):~~

~~a.Title of the program as it appears on the producer's application.~~

*(e)Identification.*

(1)Programs must include the program identification as defined in section 55-447.

*(f)Length.*

(1)All one-hour programs must be sixty (60) minutes in length, including the program identification.

(2)All half-hour programs must be thirty (30) minutes in length, including the program identification.

(3)Occasional programming beyond sixty (60) minutes (such as high school sporting events) may be included pursuant to rules established by the Cable Communications Commission.

(4)Only one (1) program may be recorded on each media submitted.

*(g)Deadline.* Programs on accepted media must be delivered to and picked up from the city public communications department before 11:30 a.m. on the Wednesday prior to the cablecast schedule that begins the following Sunday. Holidays may require deadline adjustments.

*(h)Weekly log required.* A weekly log of the schedule list that indicates delivery of media by the producers will be provided to the city public communications department each week when the media is delivered to the city public communications department.

*(Ord. No. 029704, §§ 1 and 2, 12-18-2012)*

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

(a)The city public communications department shall arrange for playback of public access programming according to the schedule provided by the PAUG. During initial transition from cable operator to city and any subsequent equipment upgrades, with notice to the PAUG presidents, the public communications department may exercise option to replay previous week of programming instead of new programming for that week.

(b)The PAUG receives and schedules programming submitted by series and occasional producers. The PAUG must provide schedules to city public communications department and to the Cable Communications Commission whenever changes are made.

(c)*Public access for series producers.* The PAUG for each channel conducts a biannual public access time slot lottery according to the rules and procedures, and uses those results to develop a public access schedule for that channel. Schedules may be modified as necessary.

(d)*Time slots.* Series programs are given a regular weekly or monthly time slot. Time slots are awarded during the semi-annual time slot lottery.

(e)Each producer may have only one (1) series.

(f)Only programs created by producers, as defined in section 55-447, are eligible to participate in the semi-annual lotteries and to be transmitted as a public access program.

(g)*Application.* No later than the time of the bi-annual time slot lottery each producer must submit a completed public access cablecasting application form approved by the Cable Communications Commission to their respective PAUG Board of Directors. If either home or mailing address should change for any reason, producer shall update within ten (10) working days of change in address, with the correct home and mailing address. Failure to comply can be grounds for removal from the public access channels by the Cable Communications Commission for the remainder of the lottery period or sixty (60) days, whichever is longer.

(h)The PAUG Board of Directors will provide copies of applications to the city public communications department no later than two (2) weeks after the time slot lottery is conducted.

(i)Access Channel (10 or 18) (Note: An individual producer must select one (1) channel for cablecasting of both first-run and repeat showings. Programs cannot be run on both channels.)

(j)*Lotteries and schedules.* There are two (2) lottery periods. The spring lottery period begins the first Sunday in June through the day preceding the first Sunday in December. The fall lottery period begins the first Sunday in December through the day preceding the first Sunday in June.

(k)Producers will attend the time slot lottery as noted in (1) and (2) below. Two (2) cable communications commissioners who are not producers for the PAUG conducting the lottery will attend each lottery. Lotteries will be conducted as follows:

(1)The spring lottery is conducted in the last ~~seven (7)~~ fourteen (14) days of April with the new time slots actually beginning on the first Sunday in June. The PAUG Board of Directors shall determine the day and time of the lottery.

(2)The fall lottery is conducted in the last ~~seven (7)~~ fourteen (14) days of October with the new time slots actually beginning on the first Sunday in December. The PAUG Board of Directors shall determine the day and time of the lottery.

(3)The public access time schedule will be broken into thirty-minute intervals.

(4)Each producer will randomly draw a lottery number.

(5)The lowest number will have the first choice of time slots and continuing until all numbers drawn have picked their first time slot.

(6)(A)After all producers have selected time slots for their first run shows, producers of weekly programs requesting a repeat showing will then select their time slots for one (1) repeat cablecast in same or reverse order as the initial time slots were selected. If there are any available time slots after the repeat schedule is established, then the PAUG Board of Directors shall select programming from a rotation list that is based on the primary lottery results, starting with the lowest number, for a third time slot, but only to the extent time slots are available. However, programming submitted after the lottery shall have precedence over third time slots.

(B)A program may be cablecast as an original and repeated once in the same lottery period in the producer's allotted time slot, but not in consecutive weeks or months (back to back). A program may be cablecast as an original and repeated once in subsequent lottery periods.

(7)Producers of monthly programs will have one (1) original cablecast to be repeated each week in the same allotted time slot for the remainder of the month.

(8)One (1) lottery will be executed for Channel 10 by the Channel 10 PAUG and one (1) lottery executed for Channel 18 by the Channel 18 PAUG.

(l)*Public access for occasional producers.* Single time slots of lengths as noted above in section 55-445, length, will be available for occasional producers on a first-come, first-served basis. Occasional producers must complete a public access cablecasting application prior to the desired cablecasting date and comply with all rules set forth herein.

(m)First-come, first-served is determined upon receipt of completed application by member of PAUG Board of Directors.

(n)No programs will be scheduled during holidays, unless automated programming allows as determined by city director of public communications department or designee.

*(Ord. No. 029704, §§ 1 and 2, 12-18-2012)*

**Sec. 55-447. Defined terms.**

*Accepted media.* A recorded program on accepted media produced by a public access producer and submitted for cablecasting on public access channels. The term "accepted media" refers to: (1) Audio video CD MPEG-2 (with playback standard screen size 720 x 480 and 60 fields per second, audio level 3). (2) DVD + R MPEG-2 (with playback standard screen size 720 x 480 and 60 fields per second, audio level 3). ~~Producers grandfathered by the Cable Communications Commission via resolution approved July 21, 2008 are exempt from this provision, and may continue to submit programs in same formats they were using as of July 1, 2008. Any grandfathered producer that ceases to submit programming for minimum of ninety (90) days loses grandfather status.~~

*Cable Communications Commission.* The Cable Communications Commission consists of five (5) residents of the city appointed by the city council. The Cable Communications Commission administers the process for complaints regarding the Rules and Procedures for Public Access Cablecasting. The Cable Communications Commission mediates any disputes brought to it by the PAUG.

*Commercial programming.*

(1) Any programming which is cablecast for remuneration of any kind, whether directly or indirectly, or programming which includes, in whole or in part, content whether audio, video or text intended, directly or indirectly to promote any commercial business, service or product is prohibited; or

(2) Any programming which includes commercial advertising of any kind or that contains lottery or sweepstakes information. The Cable Communications Commission has approved a memo that establishes guidelines concerning the advertisement of commercial products or services in a public access program.

*Complaints.* Communication to the Cable Communications Commission regarding violation of Rules and Procedures for Public Access Cablecasting.

*Holidays.* Martin Luther King, Jr. Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas, and New Year's Day.

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

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

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

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

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

*Public Access User Group (PAUG).* As set forth in the City Code of Ordinances, section 2-183, membership of the PAUG may be composed of any individual who is a resident of the city as well as representatives of community, public interest, or neighborhood groups. Notwithstanding any other provision, representatives of the cable operator may be members of the PAUG. PAUGs are organized separately and independently from the city and are not boards, commissions, committees or any other subdivision of the city. Each public access channel must establish a PAUG. All PAUGs, by application to the Cable Communications Commission and the city secretary, must be certified by the Cable Communications Commission. Producers organize themselves according to by-laws, electing among themselves officers and a board of directors. Each producer present is entitled to vote on all matters pertaining to establishment of PAUG by-laws and election of officers. All membership meetings of the Public Access User Group shall be publicly posted on the public notices bulletin board of City Hall and filed with the City Secretary.

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

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

*(Ord. No. 029704, §§ 1 and 2, 12-18-2012)*

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

These rules may be amended by city council following recommendation from the Cable Communications Commission.

*(Ord. No. 029704, §§ 1 and 2, 12-18-2012)*

**Sec. 55-449. Violation of rules.**

(a) [Generally.] Producers must follow all Rules and Procedures for Public Access Cablecasting.

(1) If a producer and series has been removed for violations that producer and series may not air as an occasional user during the removal period.

(2) A producer may appeal decisions of the Cable Communications Commission to the city council by submitting a sworn written notice of appeal to the city secretary within thirty (30) days of the rendition of the commission decision.

(b) *Violations of section 55-444.*

(1) No program will be permitted to air over the public access channels if a producer or program has violated one (1) or more of the rules identified in section 55-444.

(2) It shall be the responsibility of the PAUG Board of Directors to periodically monitor the programs that are aired on public access television and to report any and all section 55-444 violations that are observed, to the Cable Communications Commission, using the appropriate form and procedures set forth herein.

(3) Complaints about violations of section 55-444 rules must be submitted to the Cable Communications Commission. Complaints must be submitted to the commission in writing to the city secretary's office or through an online form at [www.cctexas.com/ccc/complaint](http://www.cctexas.com/ccc/complaint).

(4) Producers will receive written notice of the complaint, dates of the next two (2) commission meetings, and a statement that failure to attend, send a representative, or provide a written statement of explanation will result in forfeiture of their time slots and the use of the public access channels for sixty (60) days.

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

(6) If a section 55-444 violation is evident, that program media will be removed from airing and from repeat showing, and the media will be turned over to the Cable Communications Commission by the PAUG Board of Directors for review and discussion with the producer at one (1) of the next two (2) scheduled commission meetings. Producers must take corrective action on any programs with rule violations before they can be submitted as a second original or repeat.

(c) *Forfeit of use of public access channels.*

(1) At the lottery, PAUGs will establish a designated location for producers to deliver weekly and monthly media.



(A) Media for the first program in a lottery period must be delivered to the designated location before 10:00 a.m. on the Wednesday before the first Sunday in the new lottery period.

(B) Following the first media delivery of the lottery period, cut-off time for delivery of media for weekly programs is 10:00 a.m. on Wednesdays each week.

(C) Cut-off time for delivery of media for monthly programs is 10:00 a.m. on the Wednesday before the first Sunday of each month.

(2) PAUGs will maintain a schedule list that indicates delivery of media by producers. A monthly log of this schedule will be submitted to the Cable Communications Commission within the first seven (7) days of each month. Included with the list will be a cover letter that lists the producers of weekly programs that failed to supply media for airing for four (4) consecutive weeks and producers of monthly programs that failed to supply media for airing for two (2) consecutive months. City staff will then send written notification to the producers who forfeit the use of the public access channels for failure to submit media. This notification will include the date of the next scheduled Cable Communications Commission meeting, at which time the producer may appeal the commission's decision. The producer, or a designated representative, must appear at the next commission meeting or provide a written statement of explanation for their appeal to be reviewed. The Cable Communications Commission will review the monthly delivery logs at each Cable Communications Commission meeting and decide whether or not to remove producers who failed to submit media as required.

(3) If a series producer fails to supply media on time for a weekly or monthly program, that program will not be aired that week or month. No late media will be accepted. Individual producers shall not deliver media to the city director of public communications department.

(4) If a weekly series producer fails to supply media by the established time for four (4) consecutive weeks, that producer and series will forfeit his/her time slots and the use of the public access channels for sixty (60) days or until the end of lottery period whichever is longer. If a monthly series producer fails to supply media on time for two (2) consecutive months, that producer and series will forfeit his/her time slots and the use of the public access channels for six (6) months.

(d) *Violations of section 55-446.* Complaints for violations of section 55-446 may be submitted to the Cable Communications Commission. The commission will notify the appropriate PAUG of any complaints and schedule a discussion with the PAUG president and the complaining party at the next scheduled commission meeting."

*(Ord. No. 029704, 12-18-2012)*

**SECTION 2.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the

definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision of this ordinance be given full force and effect for its purpose.

**SECTION 3.** A violation of this ordinance or requirements implemented hereunder shall be subject to procedures outlined in Section 55-449 of the City Code of Ordinances.

**SECTION 4.** Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi. This ordinance takes effect on date of publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Nelda Martinez  
Mayor