

Petaluma Community Access Incorporated

PCA POLICIES

DRAFT for Public Comment - 12/21/10

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Part 1 – PURPOSE OF ORGANIZATION

GENERAL

1.0 The **By-Laws** mandate that PETALUMA COMMUNITY ACCESS, (PCA) is to make training facilities, equipment and channel space available on an open, non-discriminatory, non-commercial basis to residents of **greater** Petaluma **area served by Comcast or ATT U-Verse**.. The day-to-day operations of PCA require clarification of policies established by the organization to meet this mandate; consistent directions for implementation are provided in the PCA Procedures.

POLICY

2.0 The goal of all of PCA activities shall be: (1) to maximize the use-limited resources, and (2) to encourage the broadest possible diversity of use and programming by the community. PCA, at its discretion, may impose reasonable limitations and direction on training, outreach and operations, in such a way as to assure fair access by all and maximum utilization of PCA resources.

2.1 Staff shall develop Procedures for the operation of PCA, in accordance with these Board approved Policies.

GOVERNING STRUCTURE

3.0 In order to facilitate development of Public Access and to meet community needs, PCA has established a governing structure comprised of five components:

- (a) PCA Board of Directors - sets policies, and approves long term actions and goals, per laws governing non-profit entities;
- (b) PCA Staff, under the direction of the Executive Director – manages the day to day operations of the organization, including procedures, hours of operation, training programs, outreach initiatives and broadcast scheduling;
- (c) PCA Membership, comprised of **Member Supporters** and **Member Producers** – votes to elect Directors to the PCA Board, and to approve changes to the By-Laws;
- (d) Petaluma City Schools – appoints 2 Directors to the PCA Board; assures the most productive use of PCA resources and broadcasting capacity by Petaluma's students and faculty; and
- (e) City of Petaluma – appoints 1 Director to the PCA Board; awards the **Professional Services Agreement** to PCA for management of its channels, on cable and/or on internet; engages PCA for live and repeat broadcasts of government meetings; facilitates the delivery of PEG Fees.

Each constituency has a specific role in how PCA operates, and each undertakes specific responsibilities in assuring the most effective operation of PCA, as defined in:

- (a) the **By-Laws**;
- (b) these Policies;
- (c) the PCA Procedures;
- (d) the **Employee Handbook**
- (e) the **Member Handbook**; and

- (e) the Professional Service Agreement with the City of Petaluma.

BROADCAST CAPACITY

4.0 PCA is a Public/Educational/Government (PEG) Access Center, with broadcast capacity on three channels, each dedicated to a specific aspect of the community PCA serves:

- (a) Public Access – PCA shall operate the Public Access cable channel 26 for public/community access programming with, the primary purpose being to administer, coordinate, and assist those requesting access on a non-discriminatory basis.
- (b) Educational Access - PCA shall operate the Educational Access channel 27, for community access programming purposes with the primary purpose being- to administer, coordinate and assist the educational institutions requesting access on a non-discriminatory basis; and to provide for the broadcast of the School Board meeting, and other public meetings as may be requested by the District.
- (c) Government Access - PCA shall operate the Government Access channel 28 for community access programming purposes with the primary purpose being to administer, coordinate and assist the City of Petaluma access on a non-discriminatory basis; and to provide for the broadcast of the City Council meetings and other public meetings as may be requested by the City.

Part 2 – MEMBERSHIP & TRAINING

GENERAL

1.0 In order to make equipment and facilities available to eligible residents of Petaluma on a first-come, first-served basis, to insure the proper and maximal use of such equipment and to protect PCA resources against misuse, it is necessary to have a PCA policy for serving the PCA Membership, and for certifying that a Member Producer is qualified to use PCA equipment and facilities.

POLICY

2.0 PCA staff shall make every effort reasonable to deliver prompt, friendly and courteous service to its Member Supporters, Member Producers and Program Sponsors, and shall assist them with orderly, timely and manageable supervision.

2.1 Prior to use of PCA equipment or facilities, a PCA Member Producer must:

- (a) be oriented to PCA programs and procedures for equipment and facilities usage;
- (b) be trained and/or certified by PCA in the specific equipment to be used;
- (c) have a specific program goal to accomplish and deliver to PCA for broadcast; and
- (d) agree to abide by PCA Policies and Procedures as outlined in the Member Handbook.

2.2 PCA staff shall make every effort reasonable to provide its Member Producers with opportunities for training classes in the advanced use of PCA equipment; enrollment in these classes may require a reasonable fee.

MEMBERSHIP QUALIFICATIONS

3.0 Annual PCA Memberships shall be made available to residents of Petaluma at a reasonable rate, as defined in the PCA Procedures; PCA Memberships shall also be made available to those living in the **immediate vicinity** of Petaluma at a rate higher than that paid by residents of Petaluma; requests for non-resident membership shall be approved by the Executive Director on an individual basis.

3.1 Any full-time student, employee, agent or representative of a school, institution, business, non-profit organization or government agency that is located or operates services in Petaluma shall be considered eligible for membership by local affiliation; eligibility for membership by local affiliation shall be determined by the Executive Director on an individual basis.

3.2 Verification of residency or local affiliation may be required to be on file in the PCA office prior to use of PCA equipment or facilities.

Part 3 – EQUIPMENT CHECKOUT

3a - Portable Equipment

GENERAL

1.0 Rules for the use of PCA portable field production equipment shall exist to ensure the broadest diversity of responsible and safe use, protection of equipment, with orderly, timely and manageable supervision, as outlined in the PCA Procedures.

POLICY

2.0 Use of PCA portable field production equipment must be for the purpose of recording and preparing programs for broadcast on PCA channels.

2.1 Use of PCA portable field production equipment for private or commercial purposes is prohibited.

2.2 Use of PCA portable field production equipment must be within the Petaluma area or within a reasonable distance from Petaluma and only with prior approval by the Executive Director.

2.3 PCA portable field production equipment may only be used by a certified Member Producer who assumes responsibility for the equipment, its care and safety during usage, and who has a **Producer Agreement** on file in the PCA offices.

RESPONSIBILITY OF MEMBER PRODUCERS

3.0 The Member Producer must designate the specified project or series program for which the use of PCA equipment is intended; this project or series program shall be identified in the **Producer Agreement** submitted to PCA prior to any usage of PCA equipment.

3.1 The Member Producer is responsible for the safety, proper use and care of the equipment while it is signed out to them; this includes financial responsibility for any damage to, loss or theft of the equipment while it is signed out to them.

3.2 The Member Producer is responsible for any claims resulting from the use of PCA equipment, for any claims arising out of the program content submitted for broadcast, or any breach of the signed **Producer Agreement**.

3b - Editing Equipment

GENERAL

1.0 Rules for the use of PCA editing equipment shall exist to ensure the broadest diversity of responsible and safe use of PCA editing equipment, with orderly, timely and manageable supervision, as outlined in the PCA Procedures.

POLICY

2.0 Use of PCA editing equipment or editing stations must be for the purpose of producing programming for broadcast on PCA channels.

2.1 PCA editing equipment may only be used by a certified Member Producer who accepts responsibility for the equipment and its care during usage, and who has a **Producer's Agreement** on file in the PCA offices.

3c - PCA Productions

GENERAL

1.0 In its day-to-day operations, PCA staff and Member Producers may undertake various other media productions and projects and a Policy shall exist to ensure the broadest diversity of responsible and safe use of PCA resources in such productions and projects, as outlined in the PCA Procedures.

POLICY

2.0 As initiative and innovation are necessary components of professional television productions, PCA shall make every effort reasonable to make available the broadest range of modern media resources for use by PCA staff and Member Producers.

2.1 In its capacity to deliver high school graduation programs to the School District, special public meetings for local organizations, and cover the main parades in Petaluma, PCA requires multi-camera field equipment; this equipment shall be made available to certified Member Producers for multi-camera field productions.

2.2 PCA shall make every effort reasonable incorporate developing media technology into its equipment assets, and assist Member Producers in developing programs that expand the production options PCA may offer; for instance:

- (a) A television production studio;
- (b) Connectivity for live broadcasts;
- (c) Streaming video on PCA Website;
- (d) Mobile Wi-Fi productions;
- (e) Social networking; and
- (f) Other types of production and distribution not yet available.

2.3 PCA staff is authorized to modify the PCA Procedures as deemed necessary, to respond to developing media technology, and to augment PCA operations accordingly.

Part 4 – PROGRAMMING

4a - Program Content

GENERAL

1.0 PCA's mandate is to encourage open and non-discriminatory access to cable and internet systems of media distribution, and to distribute programming, a **community bulletin board** and internet content responsive to the diverse needs and interests of viewers in Petaluma.

POLICY

2.0 PCA Procedures for **program content** and **broadcast schedule** shall be set up to ensure the maximization of channel use, with orderly, timely and manageable supervision.

2.1 All use of PCA channels must conform to local, state and federal laws with respect to program content, as defined in FCC regulations.

2.2 PCA affirms its broadcasting policy to be "content neutral;" PCA staff does not monitor or censor programming submitted for broadcast on PCA channels; staff shall relay any complaints from viewers to the program Producer or Sponsor, move adult content to late night hours, and immediately remove content deemed by the Executive Director to be in violation of FCC regulations.

2.3 Underwriting of public access programming by local **Business Sponsors** may be acknowledged on PCA channels, as agreed to in the **Business Sponsorship Agreement**; a Business Sponsor shall not have any authority, responsibility or power of influence upon the program content to be broadcast during the period of PCA programming time they have underwritten.

LIABILITY

3.0 Liability for program content rests fully with the **Program Producer**.

3.1 It is the Program Producer's responsibility to produce and retain their **edit master** and/or data files, having assumed all rights and responsibilities for the program's content in a Producer Agreement on file in the PCA office.

RESTRICTIONS

- 4.0 Programming broadcast on the PCA community access channels is prohibited from containing:
- (a) Any material that is libelous, slanderous, or constitutes an unlawful invasion of privacy, as defined in FCC regulations;
 - (b) Any material that violates state or federal law relating to obscenity, as defined in FCC regulations;
 - (c) Any unlawful use of copyrighted material;
 - (d) Any material contrary to local law, state, or federal laws, regulations, procedures, and policy;
 - (e) Any advertising or materials that constitute a "call to action" in regard to a commercial product or service for private gain;
 - (f) The on-air solicitation or appeal for funds, except: by PCA to support its ability to serve the public; by other non-profit organizations as approved by the PCA Board.

DISTRIBUTION

- 5.0 Distribution of programming produced through the use of PCA's resources is restricted as follows:
- (a) PCA has the right of first and subsequent showings on its channels;
 - (b) PCA has the right to keep a copy for archives purposes;
 - (c) PCA has the right to use the program and excerpts for promotional purposes.

4b - Program Scheduling

GENERAL

1.0 In order to facilitate development of Public Access and to meet community needs, PCA shall accept programming of interest and service to residents of Petaluma, and may dedicate segments of Access channel time to particular or related subject matters or uses.

POLICY

2.0 Use of PCA channel space will be available on a first-come, first-served basis, with orderly, timely and manageable supervision, to offer residents of Petaluma the broadest diversity of programming on PCA channels.

2.1 PCA staff, at its discretion, may impose reasonable limitations to assure fair access by all to PCA facilities and to provide for the broadest diversity of programming on PCA channels.

2.2 All programming broadcast on PCA channels shall clearly identify, at the beginning or end of the program, the Member Producer or **Program Sponsor** responsible for the program broadcast.

2.3 PCA shall seek to maximize representative programming produced through PCA resources, and make every effort reasonable develop the broadest diversity of programming on PCA channels.

RESTRICTIONS

3.0 Programming not produced through PCA facilities must be accompanied by a signed **Program Sponsor Agreement**, and meet format and playback standards for PCA broadcast.

3.1 The Program Sponsor must acknowledge compliance with all program content policies, rules and PCA Procedures, including responsibility for the content of the program under consideration for broadcast.

3.2 In all instances of competing requests for channel or playback time, priority shall be given to locally produced programming; the number of program repeats and scheduled broadcasts may be limited to give priority to first-run programming and is at the discretion of PCA.

4c - Political Programming

GENERAL

1.0 The Board of Directors has defined PCA's content and scheduling policies as "content neutral," and holds that **Political Programming** should be treated like any other program broadcast on PCA channels.

POLICY

2.0 In an effort to preserve fairness and order in the programming of political content, PCA has established specific restrictions for candidates to abide by, as outlined in the PCA Procedures.

2.1 PCA shall offer equal opportunity, but not necessarily guarantee equal air time; it shall be incumbent on the candidates to take advantage of the opportunity.

2.2 Political Programming does not include an on-going series of programs produced by individuals or groups using PCA resources; series producers may choose to have candidates for public office as guests on their program; if a candidate has an ongoing monthly program, a substitute host should be found for the **campaign period**, or the program pulled from the broadcast schedule for the campaign period.

4d - Website & Internet

GENERAL

1.0 The purpose of this policy is to set rules for the access and use of PCA internet equipment and resources; this covers staff and PCA Member use of computers that are the property of PCA.

POLICY

2.0 PCA reserves the right to monitor the internet activities of any access covered by this policy; PCA computer users shall have no reasonable expectation of privacy.

2.1 PCA shall not be held responsible for loss or other irreparable damage of data and files due to unforeseeable technical problems; this applies to the data and files all officers, employees, Board members, volunteers and other affiliates who make use of PCA Internet and/or Email capacities, regardless of their location when accessing the internet.

2.2 Electronic systems, computers and internet access that are the property of PCA shall be used strictly for the purpose of conducting PCA business.

2.3 Internet equipment and resources, which are the property of PCA, shall be used only by PCA staff, Board members and Member Producers, and only in the course of conducting PCA business.

RESTRICTIONS

3.0 The following are specifically prohibited:

- (a) Illegal, fraudulent, or malicious activities;
- (b) Partisan political, personal or religious lobbying at the expense of PCA interests;
- (c) Activities for the purpose of personal or commercial financial gain. This includes chain letters, solicitation of business or services, sales of personal property etc;

- (d) Storing, processing or displaying offensive or obscene material, such as pornography, hate speech, etc;
- (e) Annoying or harassing another person, sending uninvited email, or posting such messages on public bulleting boards;
- (f) Obtaining, installing, storing or using software obtained in violation of the appropriate vendor's license agreement or not supportable by PCA;
- (g) Use of electronic communications to send copies of documents in violation of copyright laws;
- (h) Use of electronic communications to send messages, access to which is restricted by laws or regulations;
- (i) The "capture" and "opening" of undeliverable electronic communication except as required in order for authorized employees to diagnose and correct delivery problems;
- (j) Use of electronic communication to intimidate others or to interfere with the ability of other to conduct PCA business;
- (k) Constructing electronic communications so that they appear to be from someone else;
- (l) Obtaining access to the files or communications of others for the purpose of satisfying idle curiosity, with no substantial City business purpose;
- (m) Providing confidential attorney-client information intended to be confidential in nature.

INTERNET OPERATIONS

- 4.0 Electronic mail (Email) is an authorized and recommended method of communication within PCA and with the larger Internet community; rules pertaining to access to and usage of PCA Email are defined in the PCA Procedures.
- 4.1 Email messages containing information relative to a current project or a policy-making decision qualify as official records; users must retain these records in accordance with PCA Procedures.

CONTENT AND MAINTENANCE

- 5.0 PCA's website, currently pca.tv, but others used by the organization, shall contain:
 - (a) General information: hours, contacts, location, and a general introduction to the organization;
 - (b) Organizational Documents: these Policies, the PCA Procedures, and the operational forms and organizational documents listed below in Part 8a - Related Documents;
 - (c) Programming: the program title, the names of the producer or sponsor and the scheduled broadcast(s) shall be published one (1) week in advance on the PCA Website;
 - (d) Board Documents: approved Board minutes, agendas, financial statements, annual reports, budgets and activities plans.
- 5.1 The website shall be designed and maintained in accordance with industry standards and practices for business web sites; the information contained on it shall be updated regularly.
- 5.2 Any social networking or other internet presence identified as PCA shall:
 - (a) operate in compliance with PCA's stated policies and mission statement;
 - (b) contain PCA's phone number, mailing address, email address, street address and logo;
 - (c) refer to PCA's website, with specific links to PCA's website policies, including the disclaimer, privacy policy and use of social networking.

Part 5 – MEMBERSHIP RIGHTS & OBLIGATIONS

GENERAL

- 1.0 PCA is committed to ensuring that PCA equipment remains in good working order, its facilities remain open and available to the broadest possible range of the public, and that the mandate under which PCA was created is fulfilled in a non-hostile, cooperative and mutually respectful environment.

POLICY

2.0 A PCA membership grants to each member in good standing a vote in the election of Directors to the Board, and to approve any proposed changes to the By-Laws; a single vote is granted per group membership (family, non-profit organization or business).

2.1 PCA members are expected to have read and understood PCA Procedures, and the responsibilities they have undertaken with their membership.

2.2 PCA reserves the right to refuse access to its facilities, equipment and channel space on a temporary or permanent basis, and to initiate suspensions of membership, disciplinary actions, sanctions or other legal action against individuals or organizations, which in the judgment of the Executive Director, interfere and/or jeopardize PCA's operations, or otherwise violate PCA Procedures.

2.3 The protocols for a Member Sanction and/or Disciplinary Action for a Major or Minor Offense are defined in the PCA Procedures; in the event of a Major Offense, suspension of privileges or refusal of services based on disciplinary action may be initiated by PCA staff immediately, in addition to legal and other remedies as determined by the PCA Board of Directors.

Part 6 – BOARD OF DIRECTORS

GENERAL

1.0 The PCA Board of Directors shall be required to adhere to business-like principles of behavior in their telephone, email, and verbal communications.

POLICY

2.0 The conduct of the Board of Directors in performance of their PCA duties shall be courteous, cooperative and mutually respectful; in regards to PCA business, the Board members shall promote the interests of the organization they represent first and their personal interests second, should these ever be in conflict.

BOARD CONDUCT

3.0 Board members shall refrain from engaging individually with PCA staff on personnel matters, unless requested by, or in the presence of, the Executive Director or the Board Chair.

3.1 Board members shall refrain from requesting individual assistance from PCA staff; they shall direct requests for staff assistance to the Executive Director, and act reasonably with regard to schedule expectations and staff workloads.

3.2 Board members shall be required to sign non-disclosure agreements, indicating that they will not disclose PCA Board business, communications or closed-session items to any unauthorized person(s).

3.3 Continued failing compliance in PCA policy for the Board of Directors by a Board member shall be cause for dismissal from the Board as provided in the By-Laws.

BOARD COMMUNICATIONS

4.0 PCA is a technology-driven organization; the Board shall embrace the use of technology to set the example; the Board shall conduct business in the most efficient, technology-driven manner.

4.1 All Board correspondence shall be in person, via telephone or via email; email is the designated mode for the official distribution of agendas, minutes and financials.

4.2 All email communications shall be in accordance with common internet etiquette; the Board shall follow the requirements of the Ralph M. Brown Act, as much as practical in all email communications pertaining to PCA.

4.3 All agenda collateral or item handouts shall be emailed and reviewed by Board members prior to Board meetings; time shall not be allocated to distribute and read item handouts during meetings.

BOARD MEETINGS

- 5.0 Board meetings shall be conducted in accordance with Robert's Rules of Order.
- 5.1 Board meetings shall comply with the agenda, noticing and public comment requirements of the Ralph M. Brown Act; PCA shall follow the requirements of the Brown Act, as much as practical and at the option of the Board, for open meetings; PCA follows the requirements of the Brown Act out of choice and intent to be open, not out of legal necessity.
- 5.2 Board members shall act in a dignified manner, deferring to the Chair during meetings; Board meetings can be stopped, suspended or canceled by the Chair if decorum is not maintained.
- 5.3 The Board shall address actions and solutions, not engage in personal affronts or unproductive argument; Board members shall be courteous and concise in their comments or discussion during Board meetings.
- 5.4 Public comments shall not exceed time allotted on the agenda; individual comments from public shall be allocated to 3 minutes; public comment speakers shall stand at a designated place and state their name before speaking; they may provide handouts, which PCA staff may post on the web site only after the fact, if appropriate and so directed by the Board Chair.
- 5.5 Public comment is possible only when called for by the Board Chair in accordance with Robert's Rules of Order; the public shall not speak out, converse among themselves or converse with Board members during a Board meeting.
- 5.6 In the event of a public disruption, members of the audience may be asked to leave the premises, or the meeting may be stopped, suspended or canceled at the discretion of the Chair.

Part 7 – MODIFYING POLICIES

GENERAL

1.0 PCA has established these Policies to provide for non-discriminatory access to PCA's facilities, equipment, training opportunities and channel space, based on the nature of the operation at the time that these Policies were approved.

POLICY

- 2.0 Proposals for policy change must be submitted in writing and may come from anyone who possesses PCA membership, including the Executive Director, PCA staff and Board members.
- 2.1 A review of the written proposal will be made by the Board of Directors Executive Committee no later than sixty (60) days after the request has been received; the Executive Committee shall forward their recommendation to the full Board for discussion and possible action. -
- 2.2 The PCA Board of Directors may, from time to time, at its sole discretion, modify or change these Policies.

Part 8 – ANNEXES

8a - List of Related Documents

- cited in the above Policies and available from PCA upon request, or from the PCA website: pca.tv

PCA Procedures

Producers Agreement

Program Sponsor Agreement

Business Sponsorship Agreement

PCA By-Laws

Professional Services Agreement

Employee Handbook

Member Handbook

8b - Definitions

Member Supporters

-

Member Producers

-

immediate vicinity

-

community bulletin board

-

program content

-

broadcast schedule

-

Business Sponsors

-

edit master

-

Program Producers

-

Program Sponsors

-

Political Programming

- a program or programs produced specifically for a candidate or candidates during a local Government election

campaign period

- the eight (8) week period prior to the day of the election