

GUIDELINES FOR USE OF CITY'S GOVERNMENT CHANNEL 21

A. The following guidelines shall apply for use of the character generator:

1. All announcements shall have some relationship to those living and/or working in the City.
2. Announcements of events shall indicate whether they are free or if there is an admission charge. An information number should be provided.
3. Emergency information shall be given priority transmission rights at the direction of the City Manager, or appointed designee, and may displace all other information.
4. Daily use of the character generator shall be allocated so that two-thirds of the daily cablecast capacity shall be reserved for local government. The remaining time shall be allocated for community information. Non-textual video transmission capabilities are specifically reserved only for local government or public agency broadcast purposes.
5. Any cablecast capacity not used may be re-allocated between local government and community information in the discretion of the City.
6. The City intends to maximize the use of the character generator by all parties. First-time users shall have priority over regular users. If there is not adequate room in the character generator for placement of all messages requested, the City reserves the right to determine what messages will be placed on the character generator, to edit messages as necessary to conserve cablecast capacity and to determine what messages will be moved to a different start or finish date, or eliminated entirely.
7. The following categories of information **SHALL NOT BE** transmitted:
 - a. Advertising material designed to promote the sale of commercial products or services; provided, that this shall not prohibit fund raising promotions by nonprofit organizations and community service groups.
 - b. Advertising that promotes either a candidate for political office or a political issue.
 - c. Advertising of events which will produce profits benefiting a private enterprise or individual.
 - d. Notices setting forth any regular or specially called meetings, or schedule of regular activities, of any non-public profit or non-profit organization. This provision is not intended to prohibit transmission of a notice of special event of community interest, being held within the City limits and open to the general public, by any non-profit organization.
 - e. Lottery information.
 - f. Any message which is defamatory, misleading, fraudulent, obscene, or indecent.

B. The City reserves the right to refuse to transmit all or any portion of a message which promotes any activity which is unlawful under City, State, or Federal law or constitutes a violation of these procedures and guidelines.

ADMINISTRATIVE DECISIONS - APPEALS - FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.

Disputes regarding the use of the character generator shall be referred by the City Clerk to the City Manager for resolution. The decision of the City Manager shall be deemed final unless appealed. Any person or persons aggrieved by the decision of the City Manager may file a written appeal with the Hearing Examiner, provided that such appeal is filed with the City Clerk within ten (10) days of receipt of the City Manager's final decision. The appeal to the Hearing Examiner shall proceed in accordance with Chapter 18.94 DMMC, provided, that any appeal from a decision of the Hearing Examiner shall be by direct review in Superior Court. Failure to follow the administrative appeal process shall act to bar judicial review of the decision being appealed.