

VILLAGE OF RYE BROOK
PUBLIC ACCESS CHANNEL GUIDELINES

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POLITICAL PROGRAMMING POLICY

PUBLIC ACCESS CHANNEL

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Section 1. Preamble

Who We Are

- The Village of Rye Brook currently operates four channels allocated to it via the 2009 franchise agreement with Cablevision of Southern Westchester and the 2007 franchise agreements with Verizon New York, Inc. Since the designation/assignment of the channels is at the discretion of Cablevision and Verizon and therefore cannot be referred to by number, the Government Access Channel will be known for the purposes of this document as the **GAC**. Through the latest franchise agreements, the Village of Rye Brook has obtained a distinct Public Access Channel. The additional two channels have been assigned for educational use by the government of Rye Brook to each of the two school districts within Rye Brook. These are District 4 and District 5. Operation and regulation of these channels is outside the scope of this document.
- The Public Access policies and procedures contained herein have been implemented to insure a fair and equitable use of Rye Brook Public Access (**RBPA**).

What is Public Access Cable?

- Public Access Cable television is the means through which all residents of the Village of Rye Brook may use and take advantage of the powerful medium of television. Examples of public access, non-government related uses are activities in the Community such as arts, religion, public affairs, and recreation (excluding the Rye Brook Recreation Department).

Section 2. Definitions

Access Cablecasting – Programs provided by Access Users on the Public Access Channel provided by the Village of Rye Brook as defined by these rules.

Access Programming - Content provided by Access Users on the Public Access Channel, where programming concerns matters of interest to and/or is about RBPA Service Area.

Access User - Any Applicant who makes proper application for, or presents Access Programming over the Public Access Channel.

Adult programming – Programming that is sexually explicit; a subset of “indecent programming” as defined by the Telecommunications Act of 1994.

Applicant - Any person who is eligible for RBPA and is at least 18 years of age residing in the RBPA Service Area, or is a group or organization which operates within RBPA Service Area, or is an inter-municipal entity that serves the Village of Rye Brook or is a non-resident who is sponsored by a resident of the RBPA service area. Applicant shall be responsible for executing and abiding by all of the terms of the Access User Application and additionally shall abide by Rye Brook's Public Access Rules. Any application by a group or organization must be signed

by an officer thereof.

Cablecasting - The distribution of programming (exclusive of broadcast signals) over Cablevision's cable television system or Verizon's cable television via RBPA.

Community – Residents of the Village of Rye Brook, organizations or any other entity located within the boundaries of the Village of Rye Brook, and inter-municipal entities that serve the Village of Rye Brook.

Government Access – Government Access is focused on providing information to the community related to government affairs, including, but not limited to, videotaped meetings of the Village of Rye Brook Board of Trustees and other boards, councils, commissions, committees or any other elected or appointed bodies of the Village of Rye Brook and the display of government-related Community messages.

Governmental Access Channel – The cable channels which are designated by Cablevision and Verizon for the presentation of Access Programming by municipal, county, state, or federal government or agencies thereof.

Indecent Material – Any material in a program that “is lewd, lascivious or filthy... or describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards” in accordance with The Telecommunications Act of 1994.

Lottery – Any device, scheme, plan, promotion, contest or other program which involves directly or indirectly the elements of prize, chance and consideration, or any such device. Any scheme, plan, promotion, contest or other program which is, has been or may be declared a lottery under applicable local, state or Federal law.

Lottery Information – Any advertising or information concerning any Lottery as defined or any list drawn or awarded by means of any Lottery, whether said list contains any part or all of such prizes.

Obscene Material – Any material in a program which would subject the producer, supplier thereof and/or the Village of Rye Brook to prosecution or penalty under local, state or Federal law for the production or presentation of obscene material. Programming is "obscene" if the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by state law; and the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Public Access – The ability of the public to place announcements and programs on the cable channel designated for this purpose, upon satisfaction of the requirements herein and at the discretionary approval of the Public Access Coordinator.

Public Access Channel –A Channel which is designated by the Village of Rye Brook for the presentation of Public Access Programming by qualified applicants as designated herein.

Public Access Coordinator (PAC) – Person under the direction of the Village Administrator responsible for the maintenance, operation, and supervision of Public Access channel time and facilities. The Rye Brook Public Access Coordinator will be known for purposes of this document

as the **PAC**.

Service Area – Village of Rye Brook as defined by the Village’s franchise agreements with Cablevision of Southern Westchester and Verizon of New York, Inc.

Technology and Communications Commission - The Rye Brook Technology and Communications Commission duly appointed by the Board of Trustees

Village – the Village of Rye Brook

Village Administrator - Chief Administrative Officer of the Village of Rye Brook, who is appointed by the Village of Rye Brook Board of Trustees. The Administrator supervises all Village operations through the department heads and, in other cases, as prescribed by law.

Village of Rye Brook Board of Trustees –The Village of Rye Brook Mayor, and Board of Trustees.

Section 3. Rye Brook Public Access Policy

Purpose and Goal

- The purpose of RBPA is to advance democratic ideals by providing a conduit of information for Rye Brook residents and to increase opportunities for Community expression on issues and topics that affect the quality of life within the Village.
- RBPA shall encourage the broadest possible diversity of use and programming by the Community.

RBPA Program Policy and Administration

- These rules are intended to provide uniform and fair guidelines that encourage the use of Public Access in compliance with the Telecommunications act of 1994.
- Access to the channel by the public is provided on a first-come, first served, nondiscriminatory basis to be administered by the Public Access Coordinator.

Access Principles

As an aid in developing these Public Access Guidelines (hereinafter referred to as “Rules”), RBPA has established the following set of “access principles” to serve as a guide insofar as they will help to underline RBPA’s goals for and commitment to public access programming:

- to provide for the flow of creative subject matter and information throughout the Community and to be responsive to the needs and interests of the local Community.
- to encourage use of the access channels by the greatest number of users so as to promote the widest possible diversity of information sources to the public.
- to insure good technical quality in access programming.
- to protect against violation of federal laws regarding copyright and performing rights.
- to protect against violation of federal and state laws and regulations regarding public access and public access programming.

These Rules are intended for use by Public Access Users of the Village of Rye Brook's Public Access Channel. The Village of Rye Brook reserves the right to review the Rules at any time for any reason; however, no revision or amendment to these Rules shall be deemed effective without prior review and recommendation by the Rye Brook Technology and Communications Commission and subsequent approval by the Rye Brook Board of Trustees.

The headings and captions in these Rules are for the purpose of convenience of reference only, and in no way define, limit or describe the scope or intent of these Rules or in any way affect these Rules.

Section 4. Rules Governing the Public Access Channel

- 4.1 A person residing in or a group or organization which operates within or an inter-municipal entity that serves the Service Area is eligible to use the Public Access Channel for Access Programming (see definition of "Applicant") on a first-come, first-served, non-discriminatory basis at no charge. A request for use shall be made by filing an Application (a sample of which is attached) and is subject to the scheduling discretion of the PAC.
- 4.2 In determining whether a person is a resident of the Service Area, the PAC shall reasonably review such person's address and permanent place of domicile (as evidenced by a utility bill, driver's license, tax bill, etc.). In determining whether an organization or group operates within the Service Area, the PAC will look to factors such as the organization's business address as well as where it promotes its services and/or products.
- 4.3 RBPA reserves the right to refuse Public Access privileges to any person who:
- has not provided to the PAC a completed, signed Access User Agreement (Appendix 1) and other applicable documentation referred to in these Rules;
 - does not comply with these Rules as outlined in Section 18 – Policy Enforcement.
- 4.4 If the PAC determines that a problem or concern exists under Section 18 of these Rules, it will first attempt to resolve the matter with the Public Access participant. If the matter is not resolved through this process, PAC may deny such individual Public Access privileges, and will provide that individual with a written statement of the reason(s) for such denial.

Section 5. Allocation of Public Access Channel Time

Program time slots are assigned by the PAC, on a "first-come, first-served" basis in a non-discriminatory manner that will maximize fairness and diversity of expression.

- 5.1 Cablecasting frequency is at the sole discretion of the PAC, depending on the availability of cablecast time. Cablecasting programs one or more times in a certain time slot does not guarantee continued availability of that time slot.
- 5.2 The PAC reserves the right to assign the times and shall be responsible for resolving

conflicts concerning access program scheduling and shall make reasonable efforts to accommodate the needs of Access Users. The PAC reserves the right to schedule any programming containing adult-oriented or indecent material at alternate schedule times.

5.3 As with all program scheduling, RBPA at its discretion may impose reasonable limitations consistent with:

- overall program composition and flow
- considerations of audience-building
- constraints of schedule building with regard to series or other special programming;
- representative diversity of programming

5.5 RBPA reserves the right to publish an Access Programming schedule. RBPA, upon request, will make available to program providers submitting programming to the PAC for cablecast, a schedule of the playback dates and times of the program to be cablecast as soon as it is scheduled.

5.6 There will be no charge for the use of the Public Access Channel.

Section 6. The Community Billboard

6.1 A Community Billboard similar to the Government Access Channel billboard will be available for RBPA. All information submitted must be reviewed by the billboard user for content and accuracy.

6.2 Billboard users must complete a Community Billboard Application Form at least 3 business days prior to the desired cablecast date. A substitute application form is acceptable, provided that it is in written form and contains the name, address, phone number, and signature of the Applicant. Any application by a group or organization must be signed by an authorized representative thereof.

6.3 Community Billboard messages are limited to the lesser of 30 words or 200 characters, including spaces. The format should consist of a brief headline and no more than 6-8 lines of text. Pictures or artwork may be submitted. The inclusion of these items in the message will be subject to the discretion of the PAC.

6.4 Messages submitted shall be cablecast at the discretion of the PAC, and are subject to all Rules herein.

Section 7. Rules Governing Public Access Programming

7.1 As a public service, the Village of Rye Brook Public Access Channel will cablecast videotaped programs of Community interest produced by eligible Access Users as

defined herein. These programs should serve the viewing audience and not merely the producing person or organization.

- 7.2** Live programming will not be permitted on RBPA at this time.
- 7.3** Program content should be consistent with community standards and applicable state and federal laws. The PAC will determine appropriateness of questionable or mature content. In order to avoid potential misuse of this public access medium, RBPA requires that all programs submitted for cablecast adhere to governmental access programming criteria established by the New York State Cable Television Commission and applicable Federal Laws. The New York State Cable Television Commission may be reached at 1-800-342-3330.
- 7.4** Access Users are required to complete and submit an Access User Application Form no later than 3 weeks before the anticipated date of cablecast. The Cablecast date is at the discretion of the PAC.
- 7.5** Community billboard users are required to comply with Section 6.2.
- 7.6** In order to submit programming for distribution on the Access Channel in Rye Brook's Service Area, Applicant understands that its eligibility hereunder is subject to reasonable review by the PAC. RBPA shall be under no obligation to cablecast any Access Programming which it reasonably believes to be in violation of Section 8 of these guidelines, or for which the PAC reasonably determines the Applicant is ineligible hereunder.

Section 8. Program Content Policy

RBPA operates within the guidelines for programming established by the Federal Communications Commission currently available at www.access.gpo.gov/nara/cfr/cfr-table-search.html. Programming submitted for cablecasting must meet the same requirements.

RBPA program content guidelines are set up to ensure maximum use and orderly, timely and manageable supervision of the Public Access Channel. All use of the Public Access Channel must conform to local, state, and federal laws with respect to program content.

- 8.1** Programming cablecast on the Public Access Channel is prohibited from containing any of the following:
 - (a) Material that constitutes copyright, trademark, tradename or service mark infringement. For programs containing copyrighted material, the Access User must obtain all rights for the use of that material and must furnish proof of that permission. The Access User is responsible for determining whether a talent release form is required. If required, the Access User is responsible for providing the talent release form that must be signed by all people appearing on access programs.
 - (b) Material which involves directly or indirectly any Lottery information or which involves a Lottery, gift, contest, enterprise or similar scheme.
 - (c) Material which is intended to defraud the viewer or designed to obtain money by

false or fraudulent means.

- (d) Any audio or visual material that presents an advertising or commercial transaction, a promotion of a product or service with compensation directly given and linked to the promotional service provided, or any solicitation of funding or names and addresses that might later be used for non-political or commercial fundraising, except by RBPA to support its ability to serve the public. This includes advertising by or on behalf of any candidate for public office, any audio or visual reference to any business, enterprise, product, service, event or individual for which any consideration was received by anyone in exchange for the display, announcement and/or reference to such business, enterprise, product, service, event or individual. Further, any use of commercials or any use of an on-camera product, service or event for a commercial purpose, or an individual commercial endorsement is strictly prohibited.
- (e) Any material that violates state or federal law relating to obscenity or any other unprotected speech. Prior to the cablecast of any Public Access program, the program's producer must certify that the content of the intended program is not "obscene" or "indecent".
- (f) Any material that constitutes an invasion of privacy, defamation, or libel or slander of any person, entity or organization.

8.2 The factors that the PAC will review and consider, as a whole, in determining whether a program presents a commercial transaction prohibited by 8.1(d), include whether the program:

- proposes the sale of goods or services;
- promotes a commercial enterprise or product;
- contains business addresses or logos;
- gives an address, phone number, or web site to "call for more information" during the body of the program
- suggests that a guest's company is better than others in the field;
- contains a "call to action" with regard to a commercial item or service; or
- contains a "900" or similar "pay" telephone number.

Notwithstanding the above, "credit" type notices announcing the source of funding (if any) for the production of the program shall not be interpreted so as to make a program a prohibited "commercial use" and thus are permitted to be shown at the end of the program. The company or affiliation of a program guest may be identified no more than two times per program (beginning and middle) to provide the guest with a credential or

identify him/her as an authority on the subject being discussed.

8.3 RBPA will comply with all federal laws regarding the content of Public Access programming. RBPA will not exercise any editorial control over Public Access programs except that RBPA may refuse to transmit any Public Access program if that program or any portion of that program:

- is obscene or indecent or otherwise unprotected by the Constitution of the United States of America.
- fails to comply with the minimum technical quality standards set forth in Section 15.
- contains material requiring a talent release and the producer of such program has failed to comply with the requirements set forth in Section 8.1(a).
- contains material constituting an invasion of privacy, defamation, or libel or slander in violation of Section 8.1(f).
- is used for illegal purposes, constitutes a violation of law, or is prohibited by Section 8.3.
- constitutes or contains commercial advertising in violation of 8.1(d).

8.4 Public Access programming may not be used for any criminal activity or other illegal purpose, nor may it be used in any manner which violates any local, state or federal law, regulation, procedure, or policy.

8.5 Upon determination by the PAC that the program subject material offered by an Applicant and Access User may offend some viewers due to mature content, the applicant may be required to add a disclaimer prior to the start of programming. The language of such a disclaimer is at the sole discretion of the PAC.

8.6 Liability for such unauthorized use shall rest solely with the Access User. The Applicant and Access User further agrees to hold harmless and indemnify the cable operator, RBPA, the PAC, the Village of Rye Brook and its officers, directors or employees, and the Rye Brook Technology and Communications Commission for any damages arising from such use of the Public Access Channel, including but not limited to use that violates 8.1(a).

In the event that PAC refuses to cablecast any program under this section, the PAC shall give the affected Access User whose program has been refused for cablecasting the opportunity to cure the identified problem(s) with the program. RBPA does not exercise editorial control over the content of any program produced by an Access User. The PAC shall not edit any program.

Section 9. Program Content Ratings

RBPA recommends that the Applicant and Access User assign a rating to its Access Programming in accordance with the television industry's parental guidelines based upon strong language, violence, or mature subject matter that may be contained in the Applicant and Access User's Programming. If the Applicant and Access User fails to rate the program, the PAC

reserves the right to assign an appropriate rating in its reasonable discretion.

Program ratings are categorized as TV-Y, TV-Y7, TV-Y7 FV, TV-G, TV-PG, TV-14 and TV-MA. Such rating shall appear either before the start of the Access Programming or as part of its title. A brief description of each such rating is set forth below:

- TV-Y: This program is designed to be appropriate for all children ages 2-6.
- TV –Y7: This program is designed for children ages 7 and above. Themes and elements in the program may include mild fantasy or comedic violence and may frighten children under 7.
- TV-Y7 FV: For those programs where fantasy violence may be more intense or more combative than other programs in this category.
- TV-G: This program is suitable for all ages, general audience. It contains little or no violence, no strong language and little or no sexual dialogue or situations.
- TV-PG: A Parental Guidance Suggested program contains material that parents may find unsuitable for younger children. The program may contain one or more of the following: mild violence, some sexual situations, infrequent coarse language or some suggestive dialogue.
- TV-14: A Parents Strongly Cautioned program contains some material that many parents would find unsuitable for children under 14 years of age. This program contains one or more of the following: intense violence, intense sexual situations, strong coarse language, or intensely suggestive dialogue.
- TV-MA: A Mature Audiences Only program is specifically designed for adults. It contains one or more of the following: graphic violence, explicit sexual activity or crude indecent language.

In order to minimize the likelihood of exposing minors to Indecent Material, as that term is defined in Section 2, the PAC reserves the right to schedule programming which contains Indecent Material at the discretion of the PAC. The PAC will not edit prohibited material from Access Programming and reserves the right to not air such program, production or presentation.

Section 10. Program Credits

10.1 Public Access Programming may identify, only at the end of the program, the source of the support or funding for the production. Credits on access programs for funding or services may be identified as follows:

- On Screen – Corporate or organization names may be printed to resemble the

following examples:

“Funding provided by “ _____.”

“Set facilities provided by ” _____.”

- Voice over – An audio credit may state the following:

“This program was made possible by an underwriting grant from _____.”

No further description of the company or organization or its products or location will be allowed.

- 10.2** Funding must be used for equipment, goods, or services needed for the production of an access program and cannot be distributed as salaries to producer, director, crew, talent, or others.

Section 11. Access User Liability

- 11.1** Each Applicant and Access User assumes all responsibility as producer and/or originator of any of his/her/its Access Programming cablecast on RBPA. Each Applicant and Access Users who produces and/or cablecast Access Programming which violates federal, state or local laws, rules or regulations, or which infringes upon the rights of any person, corporation, partnership or entity, or which constitutes libel or slander, may be subject to criminal or civil penalties and shall be required to indemnify and hold RBPA harmless from any such third party claims as set forth in 12.1.

Section 12. Indemnification

- 12.1** Applicant and Access Users agree to accept full responsibility for program content submitted for cablecasting on RBPA. All Access Users shall indemnify and hold harmless the cable operator, RBPA, the PAC, the Village of Rye Brook and its officers, directors or employees, the Village of Rye Brook Board of Trustees, and the Rye Brook Technology and Communications Commission from all liability, including damages, costs and attorney’s fees, directly or indirectly, arising from or relating to the submission for Cablecasting of the Applicant and Access User’s programming, including, but not limited to, any defamation, copyright, trademark, tradename, or service mark infringement.

Section 13. Copyright

- 13.1** Copyright of program content rests with the Access User, regardless of who owns the physical videotape on which it is recorded.
- 13.2** The Access User assumes full legal responsibility for obtaining any releases necessary for copyrighted materials (including, but not limited to, music, text, photography, art, etc.) and for obtaining clearances for personal appearances for each program submitted.
- 13.3** Access Users are responsible for payment of any cablecast fees in connection with use of any material constituting copyright, trademark, tradename or service mark, subject to the “fair use” exception as recognized in statutes and applicable case law. Payment amounts and information about use are available from the holder of the

copyright, trademark, tradename or service mark. RBPA has no information concerning copyright, trademark, tradename or service mark possibilities or payment schedules and assumes no responsibility for any production containing any of the aforementioned items. An official license or waiver (with record of payment, if necessary) from the holder of a copyright, trademark, tradename or service mark must be on file with the PAC before the program(s) will be scheduled for cablecasting, subject to the "fair use" exception set forth above, or any other applicable legal exceptions.

Section 14. Releases

- 14.1** Access Users are responsible for obtaining talent releases for all program participants involved in any aspect of Public Access programming. Releases must be on file with the PAC before the program(s) will be scheduled for Cablecasting.
- 14.2** If any individual less than eighteen (18) years of age ("minor") participates in any material aspect of the production of a Public Access program, the Access User is responsible for providing to RBPA a Parental/Legal Guardian Consent signed by a parent or legal guardian pursuant to which the parent or legal guardian consents to such minor's participation in such production, and accepts financial responsibility for the actions of the minor during the production of the Public Access program. The Parental/Legal Guardian Consent must be on file with the PAC in advance of any minor's material participation in the production of any Public Access program.

Section 15. Technical Delivery Requirements for Public Access Programs

Programs cablecast on RBPA will be subject to certain minimal technical and format standards as set forth by the PAC.

- 15.1** Programs must be submitted in one of the following formats:
- 1/2" VHS videotape
 - DVD
 - Video file on a CD or DVD
- 15.2** For programs submitted on VHS videotape, the following requirements will apply:
- The required tape format is 1/2" VHS and must be recorded at Standard Play (SP) speed.
 - A new, "blacked," or otherwise completely erased tape must be used at all times.
 - The head of the tape must contain 1 minute of control track, which may consist of bars, tone, slate, or at minimum, studio black. The 2 seconds of pre-roll just before the first video/ audio must be studio black.
- 15.3** For scheduling purposes and in accordance with industry practice, show length may not exceed 29 minutes. Special arrangements for program lengths in excess of 29 minutes

can be mutually arranged.

- 15.4** Programs must be of acceptable audio and video quality, as determined by the PAC
- 15.6** Do not leave “holes” in the middle of the program. RBPA does not insert commercials or PSAs.
- 15.7** Only one program per tape, disk or file is permitted. Multiple programs on a single tape, disk or file are not acceptable for cablecast.
- 15.8** All cassettes, DVDs, CDs and jewel boxes should be clearly labeled and/or include a separate sheet of paper with:
- Program Title
 - File Name
 - Producer Name, Address, Telephone Number and E-mail address
 - Running Time. Running time is the total length of the program material aired, beginning with the first audio/video and ending with the last audio/video. It does not include bars, black, slate or countdown preceding the show, but should include credits added to the end of the show.
 - Date

RBPA will not be responsible for any tapes/disks that are mislabeled. RBPA is not responsible for tapes/disks damaged during playback or lost or damaged during storage. For your safety and the safety of our equipment, please do not submit tape masters, tapes worn from multiple uses, or tapes damaged by moisture, dirt or food.

Section 16. Authorship and Origination

- 16.1** Public Access producers retain ownership rights to their individual program’s content.
- 16.2** All programming must clearly identify the producer/originator of the program and/or the name of the eligible Access User submitting the program for cablecast at the beginning or end of the program.

Section 17. General Requirements for Access Users

- 17.1** RBPA shall obtain and maintain a complete record of the names, addresses and telephone numbers of all persons, groups, organizations or entities requesting cablecast time. These records shall be made available on request to the public during regular business hours. RBPA shall retain these records for a two (2) year period.

- 17.2** RBPA may require any person, group, organization or entity submitting Public Access programming to verify their name, address and telephone number by producing some form of appropriate identification.

Section 18. Policy Enforcement

- 18.1** Suspension or revocation of privileges or refusal of service based on disciplinary action may be initiated by RBPA staff immediately, in addition to legal and other remedies as determined by the Village of Rye Brook Board of Trustees and Village Attorney, based upon, but not limited to the following:
- making false or misleading statements on applications or other RBPA documents
 - chronic or willful disregard for RBPA Policies and Procedures, including failure to comply with the material terms and conditions of these rules in a timely fashion, as determined by the PAC, or failure to keep appointments or deadlines without prior notice or approval of the PAC.
 - behaving in a manner adjudicated to be contrary to federal, state, or local law, including but not limited to theft, assault, sexual harassment, damage to property and/or fraud.
- 18.2** Applications, interpretation and enforcement of the rules are solely the responsibility of and within the discretion of the Village of Rye Brook Board of Trustees and its designated staff. Appeals of decisions made under these rules may be made according to the appeal procedure set forth in Section 21 of these Rules.

Section 19. Cancellation

- 19.1** Cancellation of any programming requires that the Access User notify the PAC at least one business day in advance of the scheduled cablecast time, or the program may proceed as scheduled.
- 19.2** The PAC is not responsible for the airing of any cancelled programming that fails to meet the cancellation deadline.

Section 20. Applying for Access

- 20.1** Application for use of the Public Access Channel shall be in writing signed by the Applicant and proposed Access User and shall be in the form of the Access User Application (or any other form acceptable to the PAC), which shall be submitted at least 3 weeks in advance of the date and time of the proposed initial cablecast. The Access User Application must specify or contain the following:
- the Applicant and proposed Access User's name, address, phone number and E-mail address.

- the times and dates desired and alternatives for channel time.
- the exact length of the program material.
- a summary statement or synopsis of the content/subject matter and title.
- a statement that no advertising, lottery, lottery information, obscene, slanderous, or libelous material is contained in the program.
- a statement that all appropriate arrangements and clearances have been obtained from broadcast stations, networks, music licensing organizations, performers' representatives, and other persons necessary, without limitation to the above, for authorization to transmit program material over the Access Channel.
- a statement that the Applicant and Access User each accept full responsibility for the content of the programming and the consequences of its presentation.
- a statement that the Applicant and Access User are is familiar with the Village of Rye Brook Access rules and regulations, and a statement that the Applicant and Access User have read and understands the requirements contained within the rules and will comply with them.
- such other additional information as is necessary to enable the PAC to properly perform his/her duties in accordance with the rules that govern the Public Access Channel.

20.2 Application for access channel time on behalf of a minor (as defined by applicable state laws) must be made in the name of an adult who agrees to assume responsibility for the minor's use. The adult responsible for the minor must also execute the necessary assurances that authorization has been obtained from the minor's legal guardian concerning appearance of any minor on a cablecast program. The adult will be responsible for any liability resulting from the appearance by a minor(s).

20.3 Tapes or disks are requested to be delivered three (3) business days before the requested cablecast date and time. If a tape/disk is not delivered within three (3) business days of a requested cablecast date and time, RBPA may refuse to cablecast such tape/disk. Upon request, a receipt will be issued for each tape/ disk.

20.4 Although RBPA shall take all reasonable care of a tape/ disk, RBPA is not responsible for loss or damage to any such tape or return of any tape/ disk left in RBPA's custody. Applicant and/ or Access User is required to maintain a backup copy of any tape/ disk submitted.

Section 21. Appeals

- 21.1** In the event a question or dispute arises regarding the applicability or interpretation of these Rules, such question or dispute shall be submitted in writing to the PAC within fifteen (15) days of the date the dispute first arises.
- 21.2** An aggrieved party who disagrees with the decision of the PAC may request a review of the decision by the Village Administrator. Such a request must be made in writing and submitted to the Village Administrator within 15 days of the decision by the PAC.
- 21.3** The Village Administrator will make a decision and notify all interested parties within 15 business days of receipt of the request for review. The determination of the Village Administrator shall be final and binding upon all parties.

POLITICAL PROGRAMMING POLICY

Public Access Channel

Section 1. Definitions

Political Programming - a program or programs produced specifically for the purpose of promoting the views of one or more candidates during a Village of Rye Brook Mayoral, Trustee, or School Board campaign period, or a program or programs produced specifically for the purpose of promoting a view on a Community issue (during and not during campaign periods).

Campaign Period - the period immediately following the filing deadline for nominating petitions and the Monday prior to Election Day (if applicable), or the 6 week period prior to Election Day.

Candidate - any person who has met the eligibility requirements for placement on the Village or School Board ballot.

Party - any Rye Brook civic association or party on the ballot for public office.

Section 2. Public Access Policy

- 2.1 Political Programming by individuals and organizations may be cablecast on the Public Access Channel. It is the intent of RBPA to remain "content neutral" - not favoring individual political candidates or their views. RBPA will endeavor to provide equitable, even treatment of candidates and their views. However, it is not the responsibility of RBPA to ensure that programming is submitted representing all opposing viewpoints.
- 2.2 Each Candidate will be permitted to submit one program for cablecast. Each program shall be no longer than 10 minutes in length.
- 2.3 For Village issues resulting in a vote, each Access User shall be entitled to submit one program no longer than 10 minutes in length.
- 2.4 All scheduling is to be determined by the PAC.

Section 3. Candidate Videos

- 3.1 The submission deadline for all Candidate Videos will be the second Monday following the filing deadline for nominating petitions. Candidate Videos shall be submitted to the Village Administrator.
- 3.2 Only one videotape/ disk per candidate will be permitted which shall be a maximum 10 minutes in length.
- 3.3 A composite tape of all candidates' videos will be run in accordance with the schedule as designated by the PAC.

- 3.4 The sequence of the candidates on the composite tape shall be organized in the order of political office. For Village Elections, the Mayoral candidates first, followed by Trustee candidates. Within each political office, the candidates will be selected in a random method as individuals, regardless of the independent nominating entity of any of the candidates. The random method shall be determined by the Village Administrator.
- 3.5 The Village Administrator will publicize the cablecast schedule.
- 3.6 The first date on which the candidates' videotapes may be aired is the Friday following the video submission deadline.
- 3.7 The last date on which candidates' and/or Village issue oriented videotapes may be aired is the Sunday preceding the election.
- 3.8 For candidate videos in Village elections only, the Public Access schedule shall be expanded to 4 unique blocks per day. The PAC shall determine the starting time of each block. The length of each block shall be the total running time of the candidates' composite tape.

Debates and forums with respect to election for Mayoral or Trustee candidates for the Village of Rye Brook, Town of Rye or School Board elections within the Village of Rye Brook are eligible for airing on the Public Access Channel.

Section 4. Forums and Debates

- 4.1 In the spirit of keeping voters informed, election debates or candidate forums sponsored or conducted by The League of Women Voters of Rye, Rye Brook and Port Chester, the Arbors Homeowners Association, BelleFair Homeowners Association, Brookridge Court Homeowners Association, Doral Greens Homeowners Association, Hidden Falls Homeowners Association and Talcott Homeowners Association are eligible for airing on the Public Access Channel.
- 4.2 Election debates or candidate forums conducted by a non-partisan 501 (c) (3) organization based in the Village of Rye Brook or the Town of Rye or other actively operating Homeowners Association (HOA) based in the Village of Rye Brook or the Town of Rye and not named in section 4.1 will also be eligible for airing.
- 4.3 Any organization other than The League of Women Voters of Rye, Rye Brook and Port Chester or the Homeowners Associations listed in section 1.1 shall provide documentation that it has been designated a 501 (c) (3) organization or Homeowners Association by the Internal Revenue Service. Any election debate or Candidate Forum sponsored or conducted by an organization which fails to provide evidence of 501 (c) (3) or Homeowners Association status shall not qualify for Public Access cablecast.
- 4.4 The sponsoring organization shall complete and submit an Access User Application Form along with the videotape of the debate or forum. The Access User Application Form may be obtained at Village Hall or from the Forms section of the Village web site (www.ryebrook.org). Debates will be placed on air within three (3) business days of submission.
- 4.5 It is the candidates' and/or parties' responsibility to coordinate production staff. Village staff and portable equipment may be used to record debates on videotape upon

approval of the Village Administrator.

- 4.6 All candidates for the positions being contested must participate in the debate/forum. By agreeing to participate, the candidates agree that the debates may be cablecast on the Public Access Channel.
- 4.7 No content editing of the videotapes/disks of the debates is allowed. Editing to add graphic overlays such as those identifying the candidates will be permitted.
- 4.8 All videotaped debates will be cablecast in their entirety.
- 4.9 Debates will not be broadcast after 9 a.m. on the Monday preceding Election Day.
- 4.10 Village Staff will administer this policy and determine scheduling.
- 14.11 All other non-501 (c) (3) or HOA sponsored debates are subject to the Public Access Rules herein.

Section 5. Appeals

5.1 In the event a question or dispute arises regarding the applicability or interpretation of this policy, such question or dispute shall be submitted in writing to the Village Administrator within fifteen (15) days of the date the dispute arises.

5.2 The Village Administrator will make a decision and notify all interested parties within 2 business days of receipt of the request for review. The determination of the Village Administrator shall be final and binding upon all parties.