

RESOLUTION NO. 5
SERIES OF 2003

INTRODUCED BY: Doug Tisdale
SECONDED BY: Viola Lahana

A
RESOLUTION
OF THE CITY COUNCIL
APPROVING THE
CITY OF CHERRY HILLS VILLAGE COMMUNICATION POLICY

WHEREAS, the City of Cherry Hills Village, Colorado, strives to ensure its residents are adequately informed regarding current events affecting the City, and are provided an appropriate and limited outlet for creative expression; and

WHEREAS, as a home rule municipal corporation, the City is authorized to maintain and operate electronic and print media related to the City's governmental purposes; and

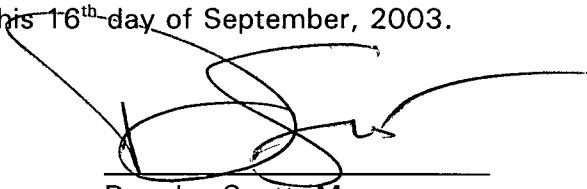
WHEREAS, the City owns, maintains, and operates non-public forums intended for the dissemination of the City's viewpoint on public matters through the City's website, governmental access television channel, and local newsletter; and

WHEREAS, the City Council desires to establish general policies to assist in the administrative operations of the City's various communication resources.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

Section 1. The attached "City of Cherry Hills Village Communication Policy" is hereby adopted by the City Council.

DONE AND RESOLVED this 16th day of September, 2003.




Douglas Scott, Mayor

ATTEST:



Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:



Robert C. Widner, City Attorney



CITY OF CHERRY HILLS VILLAGE, COLORADO
COMMUNICATION POLICY

Adopted September 16, 2003



CITY OF CHERRY HILLS VILLAGE, COLORADO

COMMUNICATION POLICY

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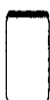
General Purpose.

The City of Cherry Hills Village owns, operates, or controls three basic forms of mass communication as non-public forums for the dissemination of the City's public information:

- City Web Site, *www.cherryhillsvillage.com*;
- KCHV Government Access Television Channel; and
- The Crier Newspaper.

This Communication Policy establishes the goals and purposes of each of these forms of mass communication. This Policy also provides criteria and guidelines for the operation of each form of communication in order to protect both the City's and public's interest in reserving the City-owned communication systems for their intended purpose and to protect these communication systems for use in disseminating the City's viewpoint regarding issues relevant to the residents of Cherry Hills Village.

Each chapter of this Communication Policy is subject to periodic review and modification by the City. Readers are therefore advised to view the current policy at the City's website or to contact the City Clerk at the Village Center, 2450 East Quincy Avenue, Cherry Hills Village 80113, Telephone (303) 789-2451 to determine the current policy in effect.



Definitions

As used in this Communication Policy, the following words and phrases shall have the following definitions. The City Manager is authorized to render a final decision on the interpretation or application of any provision of this Communication Policy.

"City" means the City of Cherry Hills Village, Colorado.

"City Manager" means the City Manager of the City of Cherry Hills Village or his or her designee.

"Crier" or "The Crier" means the City-owned or controlled newspaper.

"KCHV" means the government access television channel(s) owned and operated by the City regardless of whether the City has licensed or otherwise secured any necessary approvals for the call letters "KCHV." The terms "KCHV" and "City Manager" shall be synonymous when the context requires.

"Programming" means any video-formatted announcement, program, feature, electronic bulletin board or other display capable of being transmitted through the City's government access cable television channel.

"Publisher" means the individual, partnership, corporation, agency or other entity designated by the City as responsible for the operation of The Crier.



WEB SITE POLICY

Website Purpose

The purpose of this web site is to provide you with information about the benefits, services and opportunities available within the City of Cherry Hills Village (the "City"). In establishing and maintaining this official web site, the City does not intend to create a public forum or other means by which public discourse, exchange of opinions, or discussion on issues of any nature may occur. Rather, the sole and limited purpose of this web site and permitted external links is to provide information of a factual nature relating to the City of Cherry Hills Village and the operations of its local government.

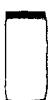
The City of Cherry Hills Village has made every effort to insure the accuracy of the information provided on its web site. However, due to the possibility of unauthorized modification of the data, transmission errors, HTML browser incompatibilities, changes made since the last update to the web site or other aspects of electronic communication that are beyond the City's control, the City does not guarantee the accuracy of the information provided on its web site and is not liable for reliance on this information. Please contact the City Clerk at (303) 789-2541 to verify the accuracy of any information.

Privacy Statement

Although the City's computer systems are monitored to assure proper functioning of the systems, in order to provide security for the computer system's operation and the information contained therein and to prevent unauthorized use, there is no reasonable expectation of privacy in the use of this public web site. If you send the City e-mail that contains personally identifiable information, we may use the information to respond to you. Please do not send information that you would not want a third party to read. For example, please do not send your Social Security number or credit card information, as it is unlikely that this data is needed to respond to your e-mail. You should be aware that most e-mail will constitute a public record and be subject to disclosure to the public upon request in accordance with the Colorado Open Records Act (Colorado Revised Statutes § 24-72-101, *et seq.*). Please also be aware that when you link to another web site, you are subject to the privacy policy of the new web site.

Hyperlink Policy

The City's web site contains links to other sites. These links allow you to leave the City's web site to access other information. Please be aware that the sites available through these links, and the materials that you may find at the linked web site, are not under the control of the City. The fact that the City makes these links available to you is not a recommendation, sponsorship, or endorsement by the City of these sites, the sites' content, the sites' host, or any political, commercial, or religious organization, viewpoint, or information expressed at these sites. The City of Cherry Hills Village is providing these links only as a convenience. The City specifically disavows legal responsibility for what you may find on another site, or for the personal opinions of individuals posted on any site via the City site and whether or not operated by the City. The views and opinions of the authors of documents published on or linked to the City's web site do not necessarily state or reflect the opinion, policy, or position of the City.



A. Criteria for External Links:

To avoid any perception that the City endorses or promotes any private person, business enterprise, or religious practice, the City does not provide direct links to web sites that are strictly commercial, political, or religious in nature. Further, it is the City's policy to prohibit the posting of corporate or commercial logos, except logos of the City and the City-sponsored or controlled boards, commissions, committees, and agencies.

Consistent with the foregoing, it is the City's policy to limit external links to sites sponsored by the following types or forms of entities or organizations:

- Non-profit (501(c)(3)) organizations such as museums, libraries, cultural and historical societies, recreational and social groups, schools, and similar organizations whose primary purpose is the provision of community services, activities, events, and opportunities to residents and visitors of the City.
- Governmental and quasi-governmental entities whose services are offered or made available to residents of the City such as but not limited to fire protection districts, water and sanitation districts, and regional transportation districts.
- Current elected officials of the City of Cherry Hills Village where such official's website is intended to disseminate information related to public business.
- Chambers of Commerce and/or Visitors' Bureaus representing consortiums of business, commercial, religious, or other similar public and private organizations doing business within the City or within the Denver metropolitan service area.
- Public utility providers of services currently used by residents of the City, including electric, gas, telephone, telecommunication, and television services.

The City's selection of an external link does not grant a right to any person, entity, or organization to the continued display of the link on the City's web site. The City may terminate the external link at the City's discretion and in accordance with this policy without notice to the party whose link is displayed.

B. Application and Review:

Entities and organizations that wish to establish an external link on this web site must submit an application on a form provided by the City Manager's Office. The application shall contain all the information necessary to establish that the proposed link is in compliance with the City's Hyperlink Policy. The City Manager, or the Manager's designee, shall review any such application and render the City's final decision thereon. In furtherance of this policy, the City reserves the right to:

- Deny an application as to any person, business or organization when it is determined, following review of a complete application, that the entity or organization for which it is made does not meet the criteria set forth in this policy;
- Deny an application as to any person, business or organization that fails to provide all required information or fails to provide truthful information on its application;
- Deny an application or remove any external link for any organization that discriminates based upon race, gender, disability, religious preference, or any other lawfully protected classification;



- Remove any external link if the nature of the organization or business to which the link relates no longer complies with this policy;
- Discontinue an external link at any time if the link provides or promotes false, slanderous, or illegal information;
- Revise this policy at any time by resolution of the City Council of the City.

C. Links Disclaimer:

The City is not responsible for the content, quality, accuracy or completeness of any off-site materials referenced or linked through this web site. By accessing the City's web site, you acknowledge and accept that the City is not responsible for any materials stored on other web sites, nor is it liable for any inaccurate, defamatory, offensive or illegal materials found on other web sites, and that you assume the risk of injury or damage from viewing, hearing, downloading or storing any such external materials.

Inbound Linking:

The City permits third party web sites to provide links to the City's official web site only on the following terms:

- The link to the home page of the City is the plain text name "The City of Cherry Hills Village" or other text approved by the City Manager or his or her designee.
- No site is authorized to incorporate any content of any form from the City's web site by any means, including by in-lining or framing, without the express written consent of the City Manager or his or her designee.
- Links to the City's web site shall not in any way suggest that the City of Cherry Hills Village has any relationship or affiliation with that party, or that the municipal government endorses, sponsors or recommends the information, products or services of that site with the express written consent of the City Manager or his or her designee.
- The City reserves the right to request removal of any inbound link to the City's web site if such link is perceived as confusing, misleading or damaging to the City in any way.
- Persons and entities wishing to provide an inbound link to the City's web site must first obtain permission from the City Manager's office.

Notice to the City

Communication made through e-mail or any other computer messaging system shall in no way be deemed to constitute legal notice to the City or any of its agencies, officers, employees, agents or representatives with respect to any existing or potential claim or cause of action.



Jurisdiction

By accessing this web site or seeking information or materials on this system, you are agreeing to be subject to Colorado jurisdiction and venue. Any dispute arising out of or relating to your use of this site shall be decided under the laws and in the courts of the state of Colorado.

ADA Access

The City of Cherry Hills Village is committed to compliance with the Americans with Disabilities Act (ADA). It does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its services, programs or activities. Upon request, reasonable accommodation will be made to allow individuals with disabilities access to communications regarding City services, programs or activities set forth on the City's web site.

Contacting Us

Any questions or concerns about this Web Site Policy may be directed to the City Clerk for Cherry Hills Village at (303) 789-2541, send an e-mail to cherryhills@frii.com, or write to us at: City of Cherry Hills Village, 2450 East Quincy Avenue, Cherry Hills Village, Colorado, 80113, Attn: City Web Policy.



GOVERNMENT ACCESS TELEVISION POLICY

Purpose

KCHV Channel 22 is the City of Cherry Hills Village government access cable channel. The purpose of this government-controlled channel is to provide objective, accurate, impartial, and factual information to the public concerning events and issues affecting the City and topics, questions, or issues to be voted on by City electors and, where feasible and appropriate, creative programming of interest to or created by person who live, learn, work and recreate in the City. KCHV is not provided as a forum for the open exchange of opinions and ideas. The City's provision of information on KCHV does not create or constitute a public forum. KCHV programming is under the supervision and direction of the City Manager. The purpose of this Government Access Television Policy ("Television Policy") is to provide programming guidance and criteria to the City Manager in furtherance of the informational purpose of KCHV.

Authority

The rules and procedures set forth in this Television Policy are authorized by 47 U.S.C. § 531(b) which allows the City, as a franchising authority, to adopt rules and procedures for the use of cable channel capacity designated for governmental use. The provisions of the Campaign Reform Act (C.R.S. § 1-45-101 et seq., as amended) shall also apply to this Television Policy.

Rules And Procedures

A. Programming:

1. All informational programming shown on KCHV shall relate to services, programs, events or activities conducted or sponsored by the City or issues or information concerning or affecting the City, Arapahoe County, the State of Colorado, or any other unit or agency of government whose jurisdictional boundaries include all or a portion of the City. All creative programming shown on KCHV shall relate to academic, athletic, cultural, educational or public interest contests, events, performances or production created by or for persons who live, learn, work or recreate in the City and shall comply with the content restrictions set forth in Subsection (A)(4) below.
2. All programming shown on KCHV is subject to the availability of funds and KCHV staff, equipment, facilities, and time. KCHV shall, in its sole discretion, have the right to refuse to air any programming.
3. Programming that is approved to be aired on KCHV shall be aired according to the following order of priority:
 - a) Emergencies affecting the health or safety of persons in the City;
 - b) Information concerning regularly scheduled or special public meetings of the City Council or any of its boards or commissions;
 - c) Community bulletin board service;



- d) Public service announcements;
 - e) Programming provided by a person, agency or group within or outside the City that has been submitted to and approved for use by KCHV and that meets the programming criteria set forth in Subsection (A)(1) above.
4. Notwithstanding any other provision of this Television Policy, the following types of material are not permitted as part of KCHV programming:
- a) Commercial material;
 - b) Religious information, including any material contained in a predominantly non-religious program that advocates a particular religious belief;
 - c) Material that is defamatory, slanderous, lewd or obscene, as determined in the sole discretion of KCHV;
 - d) Material that endorses, either directly or indirectly, the election or re-election of a person running for public office;
 - e) Material that endorses a federal, state, or local ballot question or ballot issue, except for the publication of ordinances, resolutions, or other forms City Council approved materials that are necessary for the calling of an election, necessary for the setting of a ballot question or issue, or authorized by law (such as but not limited to resolutions supporting or opposing a ballot matter as authorized by the Colorado Fair Campaign Practices Act);
 - f) Material that promotes discrimination against any person on the basis of race, color, religion, sex, national origin, age, marital status or disability; and
 - g) Material, whose is subject to copyright, unless compliance with all applicable laws is established to KCHV's satisfaction.
5. Any person who wishes to have programming shown on KCHV shall submit the proposed program in writing or suitable electronic or video format to KCHV at least five (5) working days in advance of the proposed first date of airing. KCHV shall have the right to refuse to run any program that, in KCHV's sole discretion, does not meet the criteria contained in this Television Policy.
- a) Any person who has been denied a request to air information on KCHV may request a review of such denial by the procedure provided in subsection (B)(4) below; any reference therein to "the disposition" shall, for purposes of this paragraph, mean KCHV's determination that the material does not meet the criteria contained in this Television Policy.
6. KCHV maintains the right to re-evaluate and/or change its programming in its sole discretion.



7. Before programming produced or prepared by someone other than KCHV is scheduled to air, it shall be reviewed by KCHV to determine whether it meets the minimum technical and broadcast aesthetic standards established by KCHV. Whether the programming meets those standards shall be determined exclusively by KCHV. KCHV shall have the right to edit the programming and shall use its best efforts to not alter the factual content or overall intent of the material.
8. When, in its sole discretion, KCHV determines that programming requires a disclaimer, the disclaimer shall read as follows:

The information provided in the following program is neither provided nor endorsed by the City of Cherry Hills Village; any views explicit or implicit in the following program are not necessarily those of KCHV, its staff or the City of Cherry Hills Village, its City Council, or employees.

B. Viewer Complaints Concerning Programming

1. Any viewer may register a verbal complaint about KCHV programming by calling the following phone number: 303-789-2541. If the complaint is not resolved to the satisfaction of the viewer, the viewer may submit a written complaint as described in Subsection (B)(2) below.
2. A viewer may submit a written complaint to KCHV, City of Cherry Hills Village, 2450 E. Quincy Ave., Cherry Hills Village, Colorado 80113 or cherryhills@frii.com (please include "Attention: KCHV") concerning any KCHV programming. In order to be considered, such written complaint must be submitted no later than seven (7) days after the programming is aired or KCHV responds to the viewer's verbal complaint, whichever occurs later. The written complaint shall state the date and time the viewer saw the programming and the nature or basis of the complaint. KCHV shall, as soon as practicable, advise the viewer in writing of the disposition of the complaint. If the viewer is not satisfied with the disposition of the complaint, the viewer may request a review of the matter by the City Manager as described in Subsection (B)(4) below.
3. When relevant to the viewer's complaint, KCHV shall apply the following criteria in reaching a determination concerning a disposition of the complaint:
 - a) Conformance with this Television Policy;
 - b) Technical quality;
 - c) Production quality;
 - d) Topic presentation;
 - e) Expertise of the producer, talent, and guests; and
 - f) Targeted audience.



4. A viewer who is dissatisfied with the disposition of the viewer's written complaint may appeal the matter by the City Manager. In order to do so, the viewer shall, no later than seven (7) days after the date of KCHV's written notice of disposition, submit to the City Manager, City of Cherry Hills Village, 2450 E. Quincy Ave., Cherry Hills Village, CO 80113, a written notice of appeal. The notice shall state why the viewer is dissatisfied with the disposition of the complaint and the action(s) the viewer wants the City Manager to take.
5. The City Manager shall perform an independent investigation of the matter and is authorized to conduct a hearing if desired or if requested by the complaining or appealing party or the City. Such a hearing shall be informal and the formal rules of evidence shall not apply.
6. On appeal, the City Manager shall determine whether the disposition of the complaint or request was in conformance with this Television Policy and viewpoint-neutral. If these criteria are met, the City Manager shall affirm the disposition. If either criteria is not established to the satisfaction of the City Manager, the City Manager shall reverse the disposition and order an appropriate remedy.
7. The City Manager shall issue a written decision to the appealing party within fifteen (15) days of the date of the written appeal or of the date of a hearing thereon, whichever is later.
8. The right to seek review as set forth in Subsections (B)(2) and (B)(4) through (7) above shall be the viewer's exclusive administrative remedy.
9. While the complaint and/or review process is pending, KCHV shall have the right to continue or discontinue the cablecasting of the subject programming.
10. Neither KCHV nor the City shall consider a similar complaint made by the same viewer on the same program or material within one year after the date the viewer made the original complaint. No viewer shall have any right to seek review of a decision made by KCHV or the City concerning the applicability of this provision.

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GOVERNMENT NEWSPAPER POLICY

Nature Of The Forum

The Crier is a newspaper of general circulation in the City of Cherry Hills Village, Colorado. The Crier is funded, in part, by the City of Cherry Hills Village and operated by an independent person or agency at the City's direction. The City also accepts financial donations from persons seeking to enable the production and distribution of The Crier. The City of Cherry Hills Village owns and controls the Crier as a designated nonpublic forum, reserved for its intended purposes as set forth in this Policy; it is not intended as a forum for the expressive activities of the public. The Crier is therefore not a public forum or limited public form. Regulation of the contents of The Crier are intended to further the purposes of the newspaper and not to suppress any particular viewpoint or expression.

Purposes

The purposes of The Crier are to provide information concerning events and issues affecting the City of Cherry Hills Village and its inhabitants and to disseminate information originated or endorsed by the City as information concerning the public health, safety and welfare.

The purpose of this Policy is to provide guidelines and criteria to the Publisher for the operation of this government newspaper.

Rules and Procedures

A. Publishing Guidelines:

All articles and information published in The Crier shall relate to services, programs, events or activities conducted or sponsored by the City or available to City residents, or issues or information concerning or affecting the City, Arapahoe County, the state of Colorado, or any other unit or agency of government whose jurisdictional boundaries include all or a portion of the City.

The following types of material shall not be published in the Crier:

- ◆ Material advocating a particular religious belief or disseminating religious information, excluding purely informational material concerning the time or place of religious meetings or services;
- ◆ Material that is defamatory, slanderous, lewd or obscene as determined by the City;
- ◆ Material that endorses, either directly or indirectly, the election or re-election of a person running for public office;
- ◆ Material that promotes discrimination against any person on the basis of race, color, religion, sex, national origin, age, marital status or disability.

Any person who wishes to submit any material for consideration for publication in the Crier should submit such material to the Publisher. The Publisher shall have the right to refuse any submitted material if, in its sole discretion, the material does not fit the purposes of the Crier, as established by this Policy. The Crier has no obligation to publish any unsolicited material.



When the Publisher determines that an article or item requires a disclaimer, the disclaimer shall read as follows:

The information contained in this article is neither provided nor endorsed by the City of Cherry Hills Village; any views explicit or implicit in this article are not those of The Crier, its staff or the City of Cherry Hills Village, its City Council or employees.

B. Appeals

Any person who has been denied a request to publish may appeal such decision to the City Manager. In order to do so, a person must, no later than seven (7) days after the date a written notice of denial is issued by the City, submit written notice of appeal to the City Manager, City of Cherry Hills Village, 2450 E. Quincy Ave., Cherry Hills Village, CO 80113. The appeal shall state why the party believes the denial of his or her request to publish was inconsistent with the stated purpose of The Crier or was motivated by a desire to suppress a particular viewpoint. There shall be a rebuttable presumption that the City acted in a viewpoint-neutral manner in conformance with this Policy.

The City Manager shall perform an independent investigation of the matter and is authorized to conduct a hearing if desired or if requested by the appealing party or the City. Such a hearing shall be informal and the formal rules of evidence shall not apply.

On appeal, the City Manager shall determine whether the denial of the request to publish was consistent with the stated purpose of The Crier and viewpoint-neutral. If these criteria are met, the City Manager shall affirm the denial of the request to publish. If either criteria is not established to the satisfaction of the City Manager, the City Manager shall reverse the Publisher's decision not to publish the proposed material and direct the Publisher to include such material in the next issue of The Crier in which space is available.

The City manager shall issue a written decision to the appealing party within fifteen (15) days of the date of the written appeal or of the date of a hearing thereon, whichever is later.

The right to appeal set forth in this Section (B) is a party's exclusive administrative remedy. Failure to timely pursue this remedy shall be considered a complete and final waiver of such right and the subsequent right to appeal therefrom.

