

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, July 20, 2011

SUBJECT: Broadcasting Policies and Procedures

PRESENTER: Christina DeStefano, Public Information Officer

ATTACHMENTS: Yes

1. Internet Broadcasting Policy

SUMMARY OF REQUEST:

Per your request we have recently purchased and installed equipment that gives us the ability to stream meetings live. The program, 323Link, will stream meetings in real time, as well as archive all meetings recorded on a host server for citizens to access at a later time. This allows individuals who are unable to attend meetings, as well as those who don't have cable television and thus can't view Channel 11, to watch meetings on the internet.

The current cablecast policy does not cover internet broadcasting. This new policy sets the policies and procedures for this new capability.

BOARD ACTION REQUESTED:

Staff recommends that the Board approve the Internet Broadcasting Policies and Procedures as presented.

Suggested Motion:

I move that the Board of Commissioners approve the Internet Broadcasting Policies and Procedures.

Article 1 *GENERAL*

1.1 **PURPOSE OF INTERNET BROADCASTING:** Henderson County's purpose in offering internet broadcasting of Henderson County Government meetings and other programming is to provide the public with alternative means of viewing information about county and state government and their services, policies, and programs, in order to enhance understanding of such government and local issues affecting them. It is not Henderson County's intention to create public forum by means of internet broadcasting, and no part of these policies and procedures shall be interpreted to create a public forum.

1.2 **COMPLIANCE WITH LAWS AND REGULATIONS:** Internet broadcasting will be operated in a manner to comply with all applicable federal, state and local laws, rules and regulations.

1.3 **DEFINITIONS:** The following definitions will apply throughout these policies and may, as appropriate, be deemed to refer collectively or to any part thereof:

1.3.1 **"Approved Agency":** Those units of local government or specific public-affiliated institutions allowed to sponsor programming through internet broadcasting, including: Blue Ridge Community College; Henderson County Board of Public Education; Henderson County Hospital Corporation, and such other entities approved by County Government.

1.3.2 **"County Government":** The Henderson County Board of Commissioners, and all other Henderson County departments and offices. Also included specifically are the NC Cooperative Extension – Henderson County Center, Soil & Water Conservation District, and Henderson County Travel & Tourism.

1.3.3 **"Emergency Programming":** Programming submitted only by the Henderson County Emergency Management Office which addresses any actual or threatened enemy attacks, sabotage or extraordinary fire, flood, storm, epidemic, chemical spill or other impending or actual calamity endangering or threatening to endanger health, life or property.

1.3.4 **"Governmental Entities":** The governing boards of the municipalities within Henderson County, and the Henderson County Board of Public Education.

1.3.5 **"Internet Broadcasting":** The broadcast of a live or previously recorded meeting or program over the internet.

1.4 The provisions of Articles Two, Three and Four hereof are intended to be guidelines followed by Henderson County in its operation of internet broadcasting venues. Notwithstanding, Henderson County in its sole discretion may waive any or all of the requirements of Articles Two, Three and Four if it finds that to do so would be in the public interest.

Article 2 AUDIO-VIDEO PROGRAMMING

2.1 AUDIO-VIDEO PROGRAMMING: Only audio-video programming which is consistent with these policies and which is submitted by County Government, Government Entities or Approved Agencies, as those terms are defined herein, will be broadcast on the internet by Henderson County. Henderson County will not air any program submitted by an individual or agency not considered to be County Government, a Governmental Entity or an Approved Agency, as those terms are defined herein. Henderson County will determine if programming is consistent with the policies, as they may be amended.

2.2 TYPES OF AUDIO-VIDEO PROGRAMMING: Audio-video programming may include both live streams and pre-recorded broadcasts of meetings and pre-produced programming. Specifically programming may only include the following:

2.2.1 Meetings of the Henderson County Board of Commissioners: Recorded or live broadcasts of the regularly scheduled meetings, and, in the discretion of the Board, some special called meetings of the Henderson County Board of Commissioners. These meetings may or may not be recorded or streamed live in their entirety, are not the official record of the meeting, and will not be retained.

2.2.2 Meetings of Other Governmental Entities: Recorded or live broadcasts of official meetings of government bodies of the municipalities within Henderson County and the Henderson County Board of Public Education.

2.2.3 County Video Programming: Pre-produced programming submitted by County Government, which illustrates the mandates, programs, and services of County Government. This may also include program that discuss, outline and/or summarize County governmental functions or techniques. Programming may include participation from outside organizations, agencies, government or individuals as long as such participation is central to the program topic.

2.3 GENERAL CATEGORIES OF PROGRAMMING: The programming enumerated and described in section 2.2.3 above must fall short within one or more of the following general categories of programming.

2.3.1 Announcements or programs concerning emergencies or other timely issues that affect public safety and health in the community;

2.3.2 Public proceedings and meetings involving the elected and appointed officials within Henderson County;

2.3.3 Programs and meetings that help explain County policies and programs;

2.3.4 Programs and meetings which inform the public of the facilities, services and programs offered to the citizens of Henderson County;

2.3.5 Public meetings or programs of any other governments including federal, state, regional and local government, that affect County Government or the residents of Henderson County if submitted by County Government only;

2.3.6 Programs that highlight the cultural and historic resources of Henderson County;

2.3.7 Henderson County public service announcements (one minute or less in length).

2.4 PROGRAMMING RESTRICTIONS: The following programming restrictions apply to audio-video programming broadcast on the internet:

2.4.1 Except as specifically provided in this subparagraph, the County will not broadcast any audio-video programming on the internet which has as its purpose or substantial effect the assistance of a campaign for election of any person to any office of the promotion or opposition to a ballot position. From the time of their announced candidacy until after the election, announced candidates to any elected office shall not be permitted to make personal statements on any broadcast programs, except as participants of formal public meetings in the discharge of their regular and routine duties. Information concerning any ballot issue affecting County Government services, but not concerning individual candidates for or occupants of political office, may be allowed.

2.4.2 Programs containing slanderous, lewd, obscene, or violent material will not be aired. The County recognizes that programs with artistic or social merit may contain content or language considered objectionable by some viewers. However, community standards of good taste will be adhered to at all times. Henderson County staff shall make the initial determination which is appealable in accordance with these policies.

2.4.3 Programs containing copyrighted materials will not be broadcast without proper copyright authorization. Approved agencies submitting programming will be responsible for obtaining all necessary copyright clearance and shall indemnify and hold Henderson County and its officers, employees and agents harmless in any case of copyright infringement.

2.4.4 Except as otherwise provided herein, programs which promote, endorse, or advertise any nonprofit agency, private business, commercial service or product, profit-making activity, political candidate or electoral issue will not be aired.

2.4.5 Programs pertaining, directly or indirectly, to illegal lotteries or any other illegal device, scheme, plan, promotion, contest, or other program involving prize or chance will not be aired.

2.4.6 Programs which contain outdated or misleading information will not be broadcast. Most programs will be considered up-to-date for six (6) months from video production.

2.4.7 Requests for access to Henderson County internet broadcasting sites for the purpose of advocating a personal viewpoint shall generally be denied, unless part of a County Government programming strategy to solicit personal viewpoints on topics of public interest. Equal time will be provided to all, but limited to that topic.

2.4.8 Programs which do not meet acceptable broadcast standards for video and audio quality will not be aired. Henderson County shall determine which programs meet acceptable broadcast standards.

Article 3 SPONSORSHIP OF AUDIO-VIDEO PROGRAMMING

3.1 INDICATION OF SPONSORSHIP: Sponsorship must be indicated, either verbally or in writing, at the beginning and end of each video program by providing a statement substantially similar to the following:

“The following program is sponsored by the Henderson County _____ Department.

[VIDEO PROGRAM]

The preceding program was sponsored by the Henderson County _____ Department.”

3.2 RESPONSIBILITY OF SPONSOR: It shall be the sponsor’s responsibility for reviewing the program to ensure that it is appropriate for broadcast and in conformity with these policies. Only the head of the particular department or office of County Government is authorized to sponsor programming or sign any document indicating such sponsorship.

Article 4 MISCELLANY

4.1 DISCRETION TO ALLOW OR DISALLOW PROGRAMMING: Notwithstanding anything in these policies to the contrary, Henderson County, acting by and through the County Manager, reserve the absolute right to prohibit the broadcast of any particular video program

or message on the internet by Henderson County, whether submitted by County Government, any other Governmental Entity, an Approved Agency, or anyone else. Henderson County will not air any program submitted by an individual or agency not considered to be County Government, a Governmental Entity or an Approved Agency, as those terms are defined herein. Furthermore, Henderson County, acting by and through the County Manager, also reserves the right to authorize and approve programming that is not in strict compliance with the types of programming listed herein as long as such programming is of significant interest to the citizens of Henderson County and is consistent with the guidelines and restrictions shown in these policies.

4.2 TECHNICAL STANDARDS: A copy of all programming must be submitted to Henderson County in an appropriate format for a full review for conformity with these policies. The broadcast copy of approved programming must be submitted in a format consistent with the current technical requirements. Video and audio quality of all programs must meet acceptable broadcast standards as determined by Henderson County.

4.3 TECHNICAL DIFFICULTIES: Henderson County shall attempt to keep any audio-video programs that are delivered to it in the same condition as they were in when delivered; however, Henderson County shall not be responsible for inadvertent erasure or damage to such. The submitter should keep an archive copy of the media so that a duplicate can be made and broadcast in the event that the original is unable to be aired due to technical difficulties related to the recording media.

4.4 REQUEST FOR PROGRAMMING: County Government, other Governmental Entities, and Approved Agencies, by and through their respective heads, may submit a formal request for programming when they feel it appropriate for broadcast on the internet. Request should be made to Henderson County in writing. Henderson County may waive such requirement for Emergency Programming submitted by the Henderson County Emergency Management Office.

4.5 CONFORMITY WITH POLICIES: The programming must be in conformity with these policies and approved by Henderson County prior to broadcast. Any programming that does not meet the policies as submitted may be subject to editing as discussed herein in order to receive approval for broadcast.

4.6 PROGRAM EDITING: With the exception of internet broadcast meetings of Commissioners and other Governmental Entities, all programming is subject to editing. Such editing is not intended to alter the factual content or overall intent of the material being broadcast. It shall be the general policy that Henderson County will not edit any programming that is copyrighted to someone other than Henderson County. In that instance the submitter will be given an opportunity to secure copyright approval to edit the video at

Henderson County's discretion but at the submitter's expense, and resubmit the edited recording for review and possible broadcast. Each Governmental Entity, including the Henderson County Board of Commissioners, has the right to record its meetings in whole or in part and to air any portion or portions of such meetings as it deems advisable.

4.7 PROGRAM AVAILABILITY: The internet broadcasting venues will be accessible 24 hours a day. Both live and pre-recorded programming will be accessible from links on the Henderson County website. When possible, live streaming of the Board of Commissioners' meetings will be shown. Live streaming is not guaranteed due to the possibility of technical difficulties, emergency programming, acts of God or other events beyond the control of Henderson County. The County shall not be responsible or liable for such failures.

4.8 VIDEO OWNERSHIP AND COPYRIGHT: All programming produced by County Government shall be considered the property of Henderson County and shall be copyrighted as such. Henderson County makes no representation as to the ownership or copyright or any other programming broadcast on the internet. It is the responsibility of the submitter to ensure that the proper copyright authorization is obtained to allow the broadcast as requested and Henderson County shall be held harmless for any failure to obtain such authorizations.

4.9 RETENTION OF VIDEO PROGRAMMING: Except to the extent required by law, it shall not be the responsibility of Henderson County to retain any video programming that is broadcast, or submitted for broadcast. The submitter and/or sponsor are responsible for retaining a copy of the video programming and for complying with applicable laws regarding retention. The submitter and/or sponsor are also responsible for retrieving any video left in Henderson County's possession within 15 days of the end of the broadcast, after which time Henderson County is authorized to destroy or erase the video(s) without notice to the submitter or sponsor. Notwithstanding the foregoing, it is recognized that certain videos may be kept on file by Henderson County and reused in future broadcasts if proper permission is secured.

4.10 DUPLICATION OF VIDEO PROGRAMMING: Videotape duplication services of Henderson County video programming are offered by the County. Citizens wishing to obtain a copy of any video programming or recorded meeting should contact the Henderson County Public Information Officer at (828) 694-5003. A duplication charge is required to be paid at the time of pickup. Citizens wishing to obtain a copy of any video programming not kept by Henderson County must contact the submitter of the program. That contact information can be obtained through Henderson County. It shall be the responsibility of the submitter to determine if duplication of a video recording will result in copyright infringement. The County shall not be responsible for ensuring that such duplication is not a violation of copyright laws.

4.11 ASSIGNED STAFF: All staff assigned to work with internet broadcasting shall be designated by and shall report to the County Manager. Henderson County has the responsibility of the general management of its internet broadcasting sites and shall perform all duties so assigned. Henderson County shall endeavor to ensure that the approved programming is in conformity with these policies as they may from time to time be amended. Additional County staff may be assigned duties related to the operations of internet broadcasting or the County may contract for such services.

4.12 USE OF COUNTY-OWNED EQUIPMENT: County-owned equipment shall be restricted to authorized activities and its use shall be restricted to authorized staff of the County or trained personnel under the direction of Henderson County. The loaning or use of equipment for personal or outside use shall not be permitted. Authorized activities are limited to the production of County Government video programming, the recording of official meetings of the Henderson County Board of Commissioners and other Governmental Entities, and such other uses deemed appropriate by the County Manager.

4.13 COMPLAINT PROCEDURE AND APPEAL: Complaints regarding internet broadcast programming decisions shall be submitted in writing to Henderson County on a timely basis not to exceed 30 days from the related incident of. If any person disagrees with Henderson County's decision regarding a complaint, he or she may appeal in writing to the County Manager within 30 days of Henderson County's decision for a final determination. The County Manager has sole discretion in making such final determinations. The following addresses must be used in following the complaint and appeal procedure set out above:

Henderson County Manager
1 Historic Courthouse Square, Suite 2
Hendersonville, NC 28792

Henderson County Public Information Officer
1 Historic Courthouse Square, Suite 3
Hendersonville, NC 28792

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