

Hartland Township  
OFFICIAL POLICY & PROCEDURE

TITLE: <b>GOVERNMENT ACCESS CABLE PROGRAMMING</b>	EFFECTIVE DATE: <b>May 8, 2008</b>
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**Purpose**

The purpose of this Policy is to provide guidelines for the use of the Hartland Township (the "Township") government access channel, provided by Comcast, the Township's cable provider, and to describe its use by the Township. The access channel is a government channel as provided for in the Uniform Video Services Local Franchise Agreement with Comcast approved by the Township on September 18, 2007. Because the Township only operates a government access channel, it is not a public forum, commercial broadcasts are not permitted and the Township shall not broadcast any type of programming that is not government-sponsored or approved pursuant to this Policy. The Township is committed to governmental programming that helps Township residents learn more about the Township's programs, services, events, activities, neighboring communities, and about important issues facing the area in general.

**Policy**

**A. Administration.** The Township's government access channel is an operating branch of the Township Manager's Office. The Township Manager or his/her designee is responsible for programming activities and program schedules, which are established by this policy and based on direction from the Township Board.

**B. Programming.** The Township will provide information to the citizens of the Township concerning the functions, activities, programs, and issues of the Township and the area in general. The Township's government access channel shall not be used as a political forum by an individual or group, or as a mechanism for building exclusive support for a particular person, program, or issue. Use of the government access channel shall be governed by the operating procedures as set forth herein, and by the rules of the Federal Communications Commission (FCC) as they may apply to the operations of the Township's government access channel.

The Township retains full and exclusive editorial control and reserves the right to review all programs, proposed and/or completed, to determine compliance with FCC programming regulations, channel purpose, objectives, priorities, restrictions, and access policy. Any program under consideration may be accepted as presented, may be turned down completely, or may be given conditional approval. In the case of conditional approval, a program may be deemed acceptable, except for stated objectionable or offensive program portions, which will be listed as needing revision or deletion from the program. The presenter of the program will then have the option of making all specified changes or withdrawing the program from consideration. All submitted material must be provided in cablecast quality and be accompanied by any completed form(s) as may be required by the Township Manager.

**C. Program Type and Scheduling Priority.** Programming on the Township's government access channel will fall into one of the following programming categories, listed by scheduling priority:

1. *Emergency*  
May be live, taped or alphanumeric programming, shown at any time, as emergency dictates. The purpose of this programming will be to inform Township residents of emergency situations and to instruct viewers. In the case of an emergency, regularly scheduled programming may be interrupted or canceled. The Township Manager or his/her designee must approve the content and scheduling of any emergency programming.
2. *Broadcast of Hartland Township Board Meetings*  
Live coverage of Township Board Meetings typically takes place on a semi-monthly basis, without editing or editorial comment.
3. *Broadcast of Hartland Township Planning Commission Meetings*  
Live coverage of Planning Commission Meetings is aired based on staff and equipment availability, without editing or editorial comment.
4. *Message Board*  
Nonprofit organizations, community groups, and other governmental entities can submit notices for cablecast on the message board and should relate to programs, events, or services that serve the Township's residents.
5. *Hartland Township Programming*  
Includes programs produced or bought by the Township. Programs will be directly related to Township issues or government sponsored programs and services. Programs will be informative in nature.
6. *Eligible Governmental and Community Entity Programming*  
Includes programs and series produced or bought by eligible governmental or community entities serving Township residents. Programs will be directly related to community issues or local taxing bodies' programs and services. Programs will be informative in nature. Eligible governmental and community entities include:
  - a. Hartland Deerfield Fire Authority;
  - b. Hartland Consolidated Schools;
  - c. Cromaine District Library;
  - d. Southeast Michigan Council of Governments (SEMCOG);
  - e. Elected officers and administrative personnel of Livingston County; and
  - f. Other entities as may be allowed by the Township Board of Trustees.
7. *Regional, State, and National Governmental Programming*  
Includes programs and series produced or bought by regional, state, or national governments. Programs will be informative in nature.

**D. Programming Restriction.** The Township reserves the right to control all programming, which is broadcast over the channel. The right of control is a broad right, including, but not limited to, control over any and all content (video, audio, graphics, text), length of programming, broadcast schedule times, methods of production and broadcasting, copyright of materials generated by the Township and any related fees, production costs, broadcasting costs and/or equipment costs.

The Township recognizes the programming content restrictions imposed on the government access channel by the Federal Communications Commission (FCC) Regulations, by prevailing community standards, and by applicable Federal, state and local laws. In particular, the Hartland government access channel will not transmit any programming containing the following:

1. Commercial speech or material in which commercial appeals for funds are made.
2. Copyrighted material, unless written permission for use has been obtained and presented.
3. Programming prohibited by applicable federal, state or local laws, including:
  - a. Obscene material, sexually explicit conduct or material soliciting or promoting unlawful conduct under Section 10(c) of the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act") as implemented by regulations of the FCC.
4. Advertising of a "lottery" as defined in 18 U.S.C. § 1304 and FCC regulation 47 C.F.R. § 213.
5. Unlawful invasion of privacy.
6. Material which is libelous, slanderous or defamatory.

Programs which may not be suitable for viewing by children, or contain material which may be offensive to sensitive viewers, will carry the standard disclaimer at the head of the program:

"The following program contains material which may be offensive to some viewers and may be inappropriate for viewing by children. Viewer discretion is advised."

**E. Political Programming.** Declared candidates for any elective public office, political incumbents, and persons advocating any cause, viewpoint or policy, proposed or otherwise, will not be eligible to appear on the Township's government access channel. Candidate forums, candidate debate/discussions, and "town hall" meetings that allow all viewpoints to be expressed may be aired. Candidates for public office or incumbents may appear on the Township's government access channel if the appearance is incidental to presentation of the subject matter, or in coverage of official Township meetings.

The Township will not air programming which, if inserted on the government access channel, would constitute a use by a legally qualified candidate or his or her supporters (authorized or unauthorized) that would give rise to requirements by a cable operator, if such programming were to have been inserted on a cable channel subject to the cable operator's control, to provide equal opportunities and quasi-equal opportunities to other such candidates for the same office or their supporters (authorized or unauthorized) under FCC cable television regulations, e.g., 47

C.F.R. §76.3(q) and §76.205 et seq., and related FCC policies, rules and doctrines, including the "personal attack rule."

**F. Message Board Submissions.** All message board submissions must be approved by the Township Manager or his/her designee. The message board is a continuously running PowerPoint presentation. Therefore, the following guidelines should be followed to allow for space constraints. Announcements should be limited to one slide, if possible. Electronic formats are preferred and can be e-mailed.

1. Township departments may submit public service messages to be displayed on the government access channel. All messages must be submitted at least five working days prior to the requested start date.
2. Messages should be concise and should contain basic information concerning what, when, where, how, and how much. The Township reserves the right of editorial control and, if necessary, will edit the message to improve readability, to make it fit on one page, or to insure the message is grammatically correct.
3. The name and phone number of a contact person must accompany all submitted messages, and whether or not that information is to appear in the message. Submissions should include desired start and end dates.
4. Submission of a request does not guarantee its appearance on the government access channel. The Township will determine suitability for this channel and compliance with Township policies. The date of input and the length of run of any message will be determined by staff availability and channel capacity.
5. If channel capacity is at a peak, messages will be carried a maximum of seven (7) days each, and on a first come, first serve basis, with priorities as determined by the Township Manager in accordance with this policy.
6. *Guidelines*
  - a. One slide can accommodate 60-65 words, not including the title. The minimum font size is 28.
  - b. The body of the slide should be in Arial font. This font appears most clearly on the television screen.
  - c. The title or heading should be a font size of 44 and no more than five words. There is no specific font style required.
  - d. Graphics can be included, but will affect spacing and may reduce the amount of allowable words.
  - e. Graphics must be submitted electronically via disk or as an email attachment.

## **G. Handling of Program Materials.**

### *1. Return of Refused Programming*

Any programming submitted by an eligible entity for government access that is not accepted for programming will be returned.

### *2. Program Retainage*

Programming accepted for government access will be retained, including tapes of live programming, for the duration of the scheduled run of the programming, including repeat exhibitions, and for any such period of time as may be applicable under the Township's policies for programming return, receipt and record retention.

### *3. Program Copying*

Subject to copyright and licensing considerations, programming shall be available to the public in accordance with the Freedom of Information Act (FOIA) and Township policies.

## **H. Support for Access Programming – Underwriting**

### *1. Underwriting Contributions*

Individuals or organizations that provide contributions to the Township or to a municipal instrumentality of the Township that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code to support governmental and community access or specific programming of a public interest may be identified by name and, if a business or organization, the display of their business or organization logo and tagline, consistent with Section 399B of the Communications Act of 1934, as amended, and FCC regulations (47 C.F.R. § 73.503(d)) and policies and guidelines governing the noncommercial, educational broadcast services with respect to so-called "underwriting announcements."

### *2. Underwriting Disclosures*

The names, addresses and phone numbers of individuals and/or organizations providing funding for production of programming must be disclosed to the Township Manager and the same noted on the production proposal.

### *3. Underwriting Credits*

- a. Credit may appear at the beginning and/or end of the program identifying the underwriter. The display should be no longer than 10 seconds and the word "sponsor" cannot be used.
- b. The credit may include the words "This program made possible in part by \_\_\_\_\_" followed by the underwriter's name or logo. Such underwriting announcements or acknowledgments shall be for identification purposes only and shall not promote the contributor's products, services or company. Such announcements may not contain comparative or qualitative descriptions, price information, calls to action or inducements to buy, sell, rent or lease.

4. *Underwriting Payments*

All underwriting contribution funds shall be submitted to and paid to the Township Treasurer with receipts provided for same.

**I. Legal**

1. *Copyright and Trademark/Service Mark*

a. Copyright Clearance

All programming accepted for governmental access cable broadcasting shall be cleared for copyright.

b. Copyright Use Authorization

The eligible entity submitting the programming must have obtained and provided to the Township Manager a specific authorization from the copyright holder of the programming authorizing "Hartland Township" to perform, edit and make ephemeral recordings of the work consistent with these guidelines.

c. Personal Release

Live programming or taped programming produced for the Township's governmental access channel that is not a public proceeding, permission or releases must be obtained from persons depicted therein to use their likenesses, including printed, recorded and photographed material. Written evidence of permission shall be submitted to the Township Manager at the time of submission of the programming request by the entity on the production proposal.

d. Trademark Clearance

Any trademark or service mark, depicted or audible, in any programming accepted for governmental access shall be cleared in the same manner as for copyright.

2. *Errors and Omissions*

a. Warrant to Township

Eligible entities shall represent and warrant to the Township that they have all necessary copyright, trademark, service mark and likeness (i.e., invasion of privacy) permissions and authorizations for the Township to cablecast the submitted programming consistent with these guidelines and that such information or programming is not libelous, slanderous or defamatory and is otherwise consistent with these guidelines.

- b. Indemnification of Township  
Eligible entities submitting programming shall indemnify, defend and hold the Township harmless against any claims, suits, or other actions arising out of or related to such representations and warranties regarding copyright, trademark, service mark and likeness (i.e., invasion of privacy), including but not limited to damages and loss, including reasonable attorney's fees. The duty and obligation to indemnify, defend and hold harmless shall also extend to the cable operator to the extent it is not exempt from liability under the Cable Act or other applicable law. A copy of the certificate of copyright authorization is to be attached as part of the production proposal.
- c. Broadcasters' Liability Insurance  
The Township may obtain appropriate "broadcasters' liability" insurance, in which case it may name such eligible entities as additional insureds and assess such entities, pro-rata, the premium amount of any such insurance.
- d. Township as Named Insured  
Alternatively, any such eligible entity that has or obtains such insurance shall name the Township as an additional insured with respect to governmental access programming cablecast, pursuant to these guidelines.

**Authority & Revisions**

This policy is enacted immediately upon approval of the Township Board, as reflected in the regular meeting minutes dated May 7, 2008. Revisions to this policy shall only be enacted when approved by the Township Board and reflected in the applicable meeting minutes. This policy shall be reviewed as necessary by the Township Manager and updated as appropriate.

*Revision History*

<u>Date</u>	<u>Revision #</u>	<u>Nature of Revision</u>
05/07/08	00	Original document.