

CITY OF BOYNTON BEACH TELEVISION BROADCAST POLICIES AND PROCEDURES

1. **NAME AND CHANNEL DESIGNATION** – The City of Boynton Beach’s Government Channel, “The Government Channel,” is currently operating as BBTV on Comcast’s Channel 18.
2. **PURPOSE OF CHANNEL** – The City of Boynton Beach intends to become a model for quality government programming by creating interesting, relevant and timely programming on BBTV. The City’s purpose in offering programming on BBTV is to provide information about Boynton Beach City Government and its services, policies and programs in order to enhance public understanding of City Government and local issues affecting City Government. The City will strive to provide programming that is fair, accurate, balanced and without regard to partisanship or ideology. It is not the City’s intention to create any sort of public forum on BBTV but to provide information concerning City Government issues.
3. **COMPLIANCE WITH LAWS AND REGULATIONS** – BBTV will be operated in a manner to comply with all applicable federal, state and local laws, rules and regulations, including but not limited to Comcast Cable’s “Public, Educational and Governmental Access Rules,” which limit the type of programming the City can air on its government channel.
4. **DEFINITIONS** – The following definitions will apply throughout these policies and may, as appropriate, be deemed to refer collectively or to any part thereof:

“Approved Agency” – The City of Boynton Beach Community Redevelopment Agency (CRA).

“Review Team” – Consisting of representatives from the City Manager’s office, Public Affairs, Recreation & Parks and Information Technology Services.

“City Government” – The City of Boynton Beach City Commission and Administration and all City departments, offices and advisory boards.

“Emergency Programming” – Programming submitted only by the Florida Division of Emergency Management and/or the Palm Beach County Division of Emergency Management, which addresses any actual or threatened enemy attack, sabotage or extraordinary fire, flood, storm, epidemic, chemical spill or other impending or actual calamity endangering or threatening to endanger health, life or property.

5. **TYPES OF PROGRAMMING** – Only programming which is consistent with these policies and which is submitted by City Government or Approved Agencies, as those terms are defined herein, will be broadcast on BBTV. The City of Boynton Beach will not air any program submitted by an individual or agency not considered to be City Government or an Approved Agency as those terms are defined herein.

The Review Board is responsible for determining if programming is consistent with the policies, as they may be amended.

The City will be airing both character-generated programming as well as videotaped programming. The character-generated programming will be information messages displayed in typewritten form, which will run continuously when no other video programming is scheduled. Videotaped programming may include both taped broadcast of meetings and pre-produced video programming. Specifically, programming may only include the following:

- a. Meetings of the City of Boynton Beach City Commission – Taped broadcast of the regularly scheduled meetings and, in the discretion of the Commission, some special meetings of the City of Boynton Beach City Commission; these meetings may nor may not be taped in their entirety and are not the official record of the meeting and will not be retained.
- b. City Video Programming – Pre-produced programming submitted by City Government that illustrates the mandates, programs and services of City Government; may also include programs that discuss, outline and/or summarize City Government functions or techniques; programming may include participation from outside organizations, agencies, governments or individuals as long as such participation is central to the program topic.
- c. Approved Agency Video Programming – Pre-produced programming submitted by an Approved Agency that is designed to inform the public of the services and facilities that Approved Agencies offer in the City of Boynton Beach and that is of general interest; such programming must be approved and sponsored by the Review Team.
- d. City Message Programming – Character-generated information submitted by City Government; may include, but is not limited to, information concerning City Government such as job openings, meeting schedules, recreation and park activities, special events, library hours, board vacancies and other departmental information.

- e. Approved Agency Message Programming – Character-generated information submitted by an Approved Agency; is limited to general and brief information about meetings, facilities, services and programs offered in the City of Boynton Beach by the submitting Approved Agency.

6. **GENERAL CATEGORIES OF PROGRAMMING** – The programming detailed in Paragraph 5 above must fall within one or more of the following general categories of programming:

- a. Announcements or programs concerning emergencies and other timely issues that affect public safety and health in the community.
- b. Public proceedings and meetings involving the elected and appointed officials within the City of Boynton Beach.
- c. Programs and meetings that help explain City policies and programs.
- d. Programs and meetings that inform the public of the facilities, services and programs offered to the citizens of Boynton Beach.
- e. Public meetings or programs of other governments, including federal, state and county governments that affect City Government or the residents of the City of Boynton Beach if submitted by City Government only.
- f. Programs that highlight the cultural and historic resources of the City of Boynton Beach.
- g. Public service announcements (one minute or less in length) if submitted by City Government only.

7. **PROGRAMMING RESTRICTIONS** – In light of the purpose of BBTv, the following programming restrictions apply:

- a. Except as specifically provided in this subparagraph, the City will not air any programming on BBTv that has as its purpose the assistance of a campaign for election of any person to any office or the promotion or opposition to any ballot questions. 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 BBTv, except as participants of formal public meetings in the discharge of their regular and routine duties. Factual information concerning information on any ballot issue affecting City Government services may be allowed. Character-generated election results may also be aired.

- b. Programs containing slanderous, lewd, obscene or violent material will not be aired. The City recognizes that programs with artistic or social merit may contain content or language considered objectionable to some viewers. However, community standards of good taste will be adhered to at all times. The Review Team shall make the initial determination, which is appealable in accordance with Section 20 herein.
 - c. 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 BBTV, the City of Boynton Beach and its officers, employees and agents harmless in any case of copyright infringement.
 - d. Programs that promote, endorse, or advertise any nonprofit agency, private business, commercial service or product, profit-making activity, political candidate or partisan cause will not be aired.
 - e. Programs pertaining, directly or indirectly, to lotteries or any other device, scheme, plan, promotion, contest, or other program involving prize or chance will not be aired.
 - f. Programs that solicit donations of any kind will not be broadcast.
 - g. Programs that contain outdated or misleading information will not be broadcast. Most programs will be considered up-to-date for six (6) months from video production.
 - h. Requests for access to BBTV for the purpose of advocating a personal viewpoint shall generally be denied, unless part of a City Government programming strategy to solicit personal viewpoints with equal time provided to all.
 - i. Programs that do not meet acceptable broadcast standards for video and audio quality will not be aired. The Review Team shall determine which programs meet acceptable broadcast standards.
8. **SPONSORSHIP OF VIDEO PROGRAMMING** – All video programming, except taped broadcast of official meetings of the Boynton Beach City Commission, will be proposed and/or developed by a programming team consisting of a representative or public information officer from each City department that will meet regularly with the Review Team. Programming plans brought forward by other than team members must be sponsored by a particular department and such sponsorship must be indicated, either verbally

or in writing, at the beginning and at the end of each video program by providing a statement substantially similar to the following:

“The following program is sponsored by the City of Boynton Beach
_____ Department.

... [VIDEO PROGRAM]

The preceding program was sponsored by the City of Boynton
Beach _____ Department.”

It shall be the sponsor’s responsibility for reviewing the program to ensure it is appropriate for broadcast on BBTv and in conformity with these policies. Only the head of the particular department is authorized to sponsor programming or sign any document indicating such sponsorship.

9. DISCRETION TO ALLOW OR DISALLOW PROGRAMMING –

Notwithstanding anything in these policies to the contrary, the City of Boynton Beach, acting by and through the City Manager, reserves the absolute right to prohibit the broadcast of any particular video program or message on BBTv, whether submitted by City Government, any other Governmental Entity, an Approved Agency or anyone else. The City of Boynton Beach will not air any program submitted by an individual or agency not considered to be City Government, a Governmental Entity or an Approved Agency, as those terms are defined herein. Furthermore, the City of Boynton Beach, acting by and through the City Manager, also reserves the right to authorize and approve programming that is not in strict compliance with the types of programming listed in Section 5 as long as such programming is of significant interest to the citizens of the City of Boynton Beach and is consistent with the guidelines and restrictions shown in Sections 6 and 7 and the purpose of the channel as expressed in Section 2.

10. TECHNICAL STANDARDS – A copy of all programming must be submitted to the Review Board in DVD 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 the Review Team. Contact the Review Team for specific technical requirements.

11. TECHNICAL DIFFICULTIES – The Review Team shall use best efforts to keep any DVD disks that are delivered to the team in the same condition as they were in when delivered; however, the City of Boynton Beach shall not be responsible for inadvertent erasure or damage to such disks. The submitter should keep an archive copy of the disk so that a duplicate disk can be made

and broadcast in the event that the original disk is unable to be aired due to technical difficulties related to the disk. The programming on BBTv is originating from Comcast Cable and its cable head end located in West Palm Beach, Fla. Questions concerning technical difficulties should first be directed to Comcast.

12. REQUESTS FOR PROGRAMMING – City departments, through their programming team member, 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 City Government Channel. Requests should be made to the Review Team in writing. The Review Team may waive such requirement for Emergency Programming submitted by the Fire Rescue and Police departments. In order to allow for proper program scheduling and publicity, requests must be submitted prior to the requested broadcast date in accordance with the following deadlines:

- Emergency Programming – as soon as possible
- Meetings – Two (2) weeks in advance (other arrangements may be made for regularly scheduled and broadcast meetings)
- Message Programming – Two (2) weeks in advance
- Video programming – Four (4) weeks in advance

13. PROGRAM EDITING – With the exception of taped meetings of the City Commission 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 the City of Boynton Beach will not edit any programming that is copyrighted to someone other than the City of Boynton Beach. In that instance the submitter will be given an opportunity to secure copyright approval to edit and edit the video at the Review Team's direction but at the submitter's expense, and resubmit the edited video for review and possible broadcast. The Boynton Beach City Commission has the right to tape its meetings in whole or in part and to air any portion or portions of such meetings as it deems advisable and the Review Board has no authority to edit such meeting tapes. Character-generated information may be edited to provide for clarity and maximum utilization of pages available. The Review Team has the operation responsibility for the message editing. Such message editing duties may be delegated at the Review Team's discretion.

14. PROGRAM SCHEDULING – The City of Boynton Beach will endeavor to provide some form of programming broadcast 24 hours a day. When video programming is not broadcast, message programming will run. Schedules of programs to be aired on BBTv will be developed and kept by the Review Team. Every effort will be made to schedule video programming in an equitable and non-discriminatory manner; allowing, when appropriate, the

City to broadcast a single program for multiple airings at various times. When possible, recordings of regularly scheduled meetings will be scheduled as promptly as possible in order to ensure timely airing of the meetings. Scheduling, however, will be at the discretion of the Review Team, taking into consideration any limitations imposed by Comcast. Such schedule does not guarantee the actual airing of such programs since emergency programming, technical difficulties, acts of God or other events beyond the control of the Review Team, Comcast or the City of Boynton Beach, may prohibit the airing of programs as scheduled. The City shall not be responsible or liable for such failures.

15. **DVD/VIDEOTAPE OWNERSHIP AND COPYRIGHT** – All programming produced by City Government shall be considered the property of the City of Boynton Beach and shall be copyrighted as such. The City of Boynton Beach makes no representation as to the ownership or copyright of any other programming broadcast on BBTv. It is the responsibility of the submitter to ensure that the proper copyright authorization is obtained to allow the broadcast as requested and the City of Boynton Beach and BBTv shall be held harmless for any failure to obtain such authorizations.

16. **RETENTION OF VIDEO PROGRAMMING** – Except to the extent required by law, it shall not be the responsibility of the City of Boynton Beach to retain any video programming that is broadcast, or submitted for broadcast, on BBTv. The submitter and/or sponsor are responsible for retaining a copy of the video programming and for complying with applicable laws regarding records retention. The submitter and/or sponsor are also responsible for retrieving any DVD or videotapes left in the Channel Administrator's possession within 15 days of the end of the broadcast, after which time the Channel Administrator is authorized to destroy or erase the disk(s)/tape(s) without notice to the submitter or sponsor. Notwithstanding the foregoing, it is recognized that the Channel Administrator may keep certain DVD/videotapes on file and reuse them in future broadcasts if proper permission is secured.

17. **DUPLICATION OF VIDEO PROGRAMMING** – Videotape duplication services are not offered by the City; however, the City will endeavor to locate a vendor for that service. Citizens wishing to obtain a copy of any video programming should contact the Review Team for information concerning the vendor and the duplication services available, if any. A duplication charge may be required to be paid in advance to the vendor performing the duplication service. Citizens wishing to obtain a copy of any programming not kept by the Channel Administrator must contact the submitter of the program. The contact information can be obtained through the Channel Administrator. It shall be the responsibility of the submitter to determine if duplication of a DVD/videotape will result in copyright infringement. The City shall not be responsible for ensuring that such duplication is not a violation of copyright laws.

18. **REVIEW TEAM** – The Review Team shall be designated by and shall report to the Assistant City Manager. The Review Team has the responsibility of the general management of BBTV and shall perform all duties so assigned. Review Team members shall perform their duties in a fair and impartial manner and shall endeavor to ensure that the approved programming is in conformity with these policies as they may from time to time be amended. Additional City staff may be assigned duties related to the operation of BBTV or the City may contract for such services.

19. **USE OF CITY-OWNED EQUIPMENT** – City-owned equipment shall be restricted to authorized activities and its use shall be restricted to authorized staff of the City or trained personnel under the direction of the Review Team. The loaning or use of the equipment for personal or outside use shall not be permitted. Authorized activities are limited to the production of City Government video programming, the taping of official meetings of the Boynton Beach City Commission and other Governmental Entities, and such other uses deemed appropriate by the City Manager and Assistant City Manager.

20. **COMPLAINT PROCEDURE AND APPEAL** – Complaints regarding BBTV programming decisions shall be submitted in writing to the Review Team on a timely basis not to exceed 30 days from the incident complained of and shall be acted upon in writing by the Review Team in a timely fashion not to exceed 30 days. If any person disagrees with the Review Team’s decision regarding a complaint, he or she may appeal in writing to the City Manager within 30 days of the Review Team’s decision for a final determination. The City Manager has sole discretion in make such final determinations. The following addresses must be used in following the complaint and appeal procedure set out above:

Boynton Beach City Manager
100 E. Boynton Beach Blvd.
P.O. Box 310
Boynton Beach, FL 33425

BBTV Review Team
100 E. Boynton Beach Blvd.
P.O. Box 310
Boynton Beach, FL 33425

21. **FUNDING** – It is acknowledged that establishing a reliable funding mechanism will enable BBTV to become the model for quality government programming by creating interesting, relevant and timely programming. The budget for BBTV shall be submitted on an annual basis by the City Manager and shall be subject to the normal City budget review process. Funding is at the discretion of the Boynton Beach City Commission.

22. **INDEMNIFICATION** – The City of Boynton Beach, its officers, employees and agents, are not responsible for any loss, injury, damage, penalty, claims, costs (including attorneys’ fees and expenses), actions, suits or proceedings

of any kind, related to the operation of BBTV and shall specifically (but not by way of limitation) be indemnified and held harmless from any negligent or intentional act or omission of Comcast, its officers, employees or agents, the Approved Agencies, their officers, employees and agents, or any other third party, arising out of the operation of BBTV, including but not limited to the following:

- a. Accuracy/inaccuracy of any information broadcast over BBTV that was submitted by outside sources;
- b. Broadcast of incorrect information or programming over BBTV;
- c. Failure to broadcast programming as scheduled;
- d. Inadvertent erasures or damage to DVD/videotapes;
- e. Destruction of DVD/videotapes not time retrieved;
- f. Failure to obtain proper copyright authorization.

Revised: July 2008