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8/22/07 revised

6/25/08 Northbridge Cable Advisory Committee vote to send to Board of Selectmen for approval

7/28/08 Amended and Adopted by the Northbridge Board of Selectmen

NORTHBRIDGE LOCAL CABLE ACCESS TV CHANNELS 11, 12, 13 POLICY MANUAL

I. POLICY STATEMENT:

Management of public, educational, and government local access cable channel programming shall be the sole responsibility of the Town of Northbridge under the administration of the Town Manager and by recommendation of the Cable Advisory Committee as outlined in Town Bylaws and/or the Home Rule Charter. The Board of Selectmen shall review and approve the policies for local access cable channel programming. Northbridge Public Access TV is not regulated by FCC policy.

The programming policy with respect to the government and educational channels shall be to provide town residents with direct, non-editorial information concerning government deliberations, services, programs and activities, and also to provide educational and public information materials sponsored by the Town of Northbridge. The public access channel is programmed by the residents of Northbridge who choose to place programming on the channel. This public access channel is an electronic forum for free expression by the residents of Northbridge.

II. OBJECTIVES:

To inform and educate the residents of Northbridge by:

- The recording and broadcast of local government meetings
- Fostering the production of local events of special interest
- Developing and enforcing cable licenses in the best interest of the community
- Making available video production technology and training to the public

III. CHANNEL DESIGNATIONS:

The Public Access Channel shall operate on cable channel 11 of the Northbridge System. It shall be known as “Northbridge Public Access TV 11.”

The Government Access Channel shall operate on cable channel 12 of Northbridge system. It shall be known as “Northbridge Government Access TV 12.”

The Educational Access Channel shall operate on cable channel 13 of the Northbridge System. It shall be known as “Northbridge Educational Access TV 13.”

Use of these channels shall be strictly non-commercial in nature.

IV. MANAGEMENT OF THE TOWN OF NORTHBRIDGE LOCAL CABLE ACCESS CHANNELS:

- A. Town Manager:** Administration of local cable access channels 11, 12, and 13 for the Town of Northbridge shall be as provided in the Home Rule Charter and in concert with the Board of Selectmen and Cable Advisory Committee.
- B. Cable Advisory Committee:** Consists of seven members appointed by the Board of Selectmen. The Committee advises the Board of Selectmen and Town Manager on matters relating to the licensing and supervision of a contract for cable television services, acts as a sounding board for citizen complaints and suggestions relating to the cable television services, and advises the Board of Selectmen on matters relating to issues and policies concerning cable television matters. The Committee meets not less than once each quarter.
- C. Studio Staff:** Studio Staff shall refer to the paid Studio Director and any paid Studio Intern/Assistant. The function of the Studio Staff shall be to
 - a) Train producers in the use of production equipment and production techniques and provide technical assistance to producers.
 - b) Manage the use and oversee the maintenance of public access equipment.
 - c) Maintain the public access studio for public access users.
 - d) Assist the Town in the selection of new or replacement video, production equipment for public, educational, and government use.
- D. Community Standards Review Board:** Consists of three (3) members whose task will be to review any program which contains adult content to determine whether it contains programming that is either obscene, or that violates law or Access Corporation rules or that is indecent. The Board will assist with the scheduling restrictions, if necessary, for any such programming, and will assist with the employment of the adult content disclaimer for any such programming."

V. TYPES OF PROGRAMS:

- A. Live cablecast** – Live coverage of selected meetings and events will be provided. This will consist of but not be limited to Board of Selectmen meetings, live call-in shows and other special programmed events.
- B. Taped cablecast** – Taped meetings, shows and events recorded in advance for cablecast at a later time. Some events will be cable cast live and will also be taped for later playback.

- C. **Outside-originated programming** - Material that is produced by an outside source that can be purchased, rented or borrowed for cablecast.

VI. POLICY -- Public Access TV Channel 11 Programming and Submission

- A. **Bulletin-board information** – Character generated messages of programs, activities, services, or events affecting Northbridge citizens and events sponsored in whole or in part by the Town of Northbridge. This service will operate 24 hours per day when other programming is not scheduled. Organizations and individuals submitting bulletin-board information must have governmental or non-profit status and shall complete a Bulletin Board Service Form (attached as Exhibit A). Notices shall be non-commercial in nature and shall not include mention of auctions, raffles, lotteries, or prices of items or services.
- B. **Right to Submit Programs:** Any resident of the Town of Northbridge, employee of the Town, or any organization based in or serving the town (per 1998 contract between Town and Charter), shall be provided the right to submit programming for broadcast on the Public Access TV Channel 11. Proof of residency is required. Non-residents are encouraged to seek a Sponsor within the town to submit their programming.
- C. **Program Submission Form:** Any person wishing to submit a program shall complete and agree to comply with all the conditions set forth in the Program Submission Form (attached as Exhibit B). This form shall indemnify the Town of Northbridge regarding the content of programming. By signing the submission form, the program Producer and Sponsor assume any and all legal liability relating to the program. No program shall be aired without a properly completed submission form.
- D. **Format:** Northbridge Public Access TV Channel 11 accepts VHS, SVHS and DVD formats.
- E. **Producer:** If a person created a program, they are considered the Producer. A Producer is a trained individual who has completed the training course as established by, and to the satisfaction of the Studio Director.
- F. **Sponsor:** If a person did not create a program, but are requesting that program to be aired, they are considered the Sponsor. A Sponsor must be a resident of Northbridge.

No program shall air unless requested to be aired by either a Producer or a Sponsor. The Cable Advisory Committee shall not be the Producer or Sponsor of any program, although individual members of the Committee can be either.

- G. Review of Submission:** No program shall be aired prior to a member of the Cable Advisory Committee reviewing the tape in its entirety. Adult content programming shall be submitted to the Community Standards Review Board, identified in Section IV. D., and pursuant to the procedure set forth in subparagraph N of this section.
- H. Refusal of Submission:** The Cable Advisory Committee by majority vote may refuse submissions of non-approved formats, poor image or sound quality, or programs with prohibited content.
- I. Prohibited Content:** The following types of content in programs are prohibited:
1. Commercials or advertising for products and/or services
 2. Solicitation – the program may not solicit funds or other property of value from viewers.
 3. Libel, slander, or defamation
 4. Obscenity and pornography
 5. Any violation of copyrights, publicity rights, or invasion of privacy
 6. Any violation of FCC regulations
 7. Any violation of any local, state, or federal law.
 8. Any illegal content
 9. Misrepresentation – the program may not contain any material intended to defraud the viewer or designed to obtain money by fraudulent pretenses, representation, or promises.
- J.** Producers and Sponsors, jointly and separately, who have submitted programs with prohibited material on two occasions shall be denied production and submission privileges for one year.
- K. Indecent Material:** Indecency is defined within the context of protecting children, as anything patently offensive within community broadcast standards that describes sexual or excretory activities and organs, broadcast at times of the day when there is a reasonable risk children may be in the audience. Because of the uniqueness of the broadcast medium, its pervasiveness in Northbridge homes, and its accessibility to children, regulation of indecency is constitutionally permissible.
- L. Airing of Indecent Material:** Programs containing indecent material shall be aired only between the hours of 12:00 midnight and 4:00am and shall contain the warning prior to airing “Adult Content - Viewer Discretion is Advised.”
- M. Obscene Material:** Obscene material is not protected by the First Amendment. The Cable Advisory Committee shall employ the Miller Test as established in the US Supreme Court decision Miller v. California

for determining what constitutes obscene material. Specifically, the program may not contain material which is obscene as defined by:

1. Material is considered obscene if, the average person, applying contemporary community standards would find that the work taken as a whole appeals to the prurient interests.
2. The work depicts or describes sexual biological processes in a way that is patently offensive;
3. The work taken as a whole lacks any serious scientific, educational, political or artistic merit.

N. Adult Content Programming:

(1) Any live programming which contemplates or anticipates adult content must submit a program summary, specifying the anticipated adult content, to the Community Standards Review Board at such time prior to airing as may be required by the Board. The Board will review content for obscenity or indecency as set forth below.

(2) Any recorded programming containing potential or suspected indecency or obscenity shall be submitted to the Community Standards Review Board at such time prior to airing as shall be required by the Board.

(3) Any producer or sponsor who has caused the airing of at least two live shows containing obscene material shall be denied any further use of access facilities for live productions.

(4) Community Standards Review Board:

(a) Composition; The Community Standards Review Board ("Board") shall be composed of three (3) members as follows: one member appointed by the Board of Selectmen; one member appointed by the Cable Committee and/or the Access Corporation Board of Directors; and one member who is a local access producer, and who shall be selected by the other two members.

(b) Community Standards Review Board Meetings; The Board shall meet as it may deem necessary. Its meetings must comply with the Commonwealth's open meeting laws. Posting must comply with local municipal posting requirements. The Board may propose such further rules or regulations as it may require, and submit same to Selectmen for approval.

(c) Procedures: The Board shall review all programs containing actual or suspected adult content prior to cablecast, to make a

preliminary determination whether such programming contains obscene or indecent material. The producer or the sponsor of programming under review shall have the right to be present for all deliberations involving his or her programming, and to present relevant evidence, including his or her own testimony, in support of the programming.

If the Board finds that proposed programming is indecent, it shall require the programming to be scheduled only between the hours of 12 a.m. midnight and 4 a.m. It shall also require that the programming contain a warning prior to the airing, stating "adult content - viewer discretion is advised."

If the Board determines that material is obscene by applying the standards set forth in subparagraph M in this section, as may be from time to time amended, the Board may prohibit the cablecasting of such programming.

The Board shall serve written notice of all its decisions upon the producer or sponsor within forty-eight (48) hours of such decision.

Any producer or sponsor aggrieved by a finding of the Board may appeal such finding to the Board of Selectmen within seventy-two (72) hours of the notification of the Board's decision. The Selectmen shall then schedule a public hearing for the next regularly scheduled Selectmen's meeting.

Programming submitted to the Board may not be cablecast unless and until the Board makes a preliminary determination of its adult content status. If a decision is appealed to the Selectmen, the proposed programming shall not be cablecast pending such appeal.

All appeals to the Board of Selectmen shall be a record review only, and shall not be handled on a de novo basis. Decisions of the Board of Selectmen shall be considered final agency action. Any aggrieved programmer or sponsor, who violates a final decision either of the Board or of the Board of Selectmen, or who cablecasts programming under review prior to a final determination of its adult-content status, may have all future programming and/or cablecasting rights permanently revoked by the Selectmen, or may face any other sanction deemed by the Selectmen as appropriate under the circumstances.

VII. PROGRAM SCHEDULING PRIORITIES - public access TV channel 11

A. Priorities: This list identifies the priorities assigned to scheduling programs for broadcast:

1. Live programming.
2. Programming created by Northbridge Producers.
3. Programming submitted by a Sponsor.

B. Number of Airings:

1. **Minimum Airing:** Any material accepted for broadcast must be aired at least once.
2. **Maximum Airing:** There is no maximum number of times a show may be aired; however, material which has not yet been aired will take precedence over repeated material.

C. Time of Airing: Requests for time of airing will be honored on a first come, first served basis consistent with the priorities listed in this section. The final determination of time of airing will be made by the Studio Manager.

1. **Series:** A series consists of a minimum of four shows with a consistent theme or format. A series may be weekly, biweekly, or monthly. A series will be guaranteed a time slot for 26 weeks only, but may request that same time slot for additional showings.
2. **Single or Intermittent Shows:** Shows not meeting the criteria for a Series may be aired at any time slot determined by the Studio Manager, regardless of when previous material by the same Producer or Sponsor were aired.

VIII. PRODUCERS AND THE USE OF PUBLIC ACCESS STUDIO

1. A Producer is a trained individual who has completed the training course as established by, and to the satisfaction of the Studio Director. Any Producer, whether a resident of Northbridge or not, shall have access to the TV-11 Studio. Non-residents shall have a Sponsor who is a Northbridge resident.
2. Use of the Studio will be at a first come first serve basis.
3. Producers own their program and hold the copyright.
4. Use of Town-owned equipment within the Studio is restricted to individuals 18 years old or older, or to individuals under 18 years old who are accompanied and supervised by an individual 18 years old or older. Said individual shall not be defined to include the Studio Staff.
5. The Producer must be present for production to take place at the studio
6. One Studio Staff person must be present for production to take place at the studio.
7. The Producer is responsible for assembling a production crew. The crew must be 18 years old or older, or under 18 years old if accompanied and supervised by an individual 18 years old or older. Said individual shall not be defined to include the Studio Staff.

8. The Producer is responsible for set-up and break down of equipment, setting of lights, set-up of set, set-up of graphics, and dubbing.
9. Producer and Sponsor assume any and all legal liability relating to the program and its content.
10. Producer is responsible for the actions of the crew, show talent, guests, hosts, and any all others involved with their production.
11. When possible, all requests for Live Programming should be made 14 days in advance. After request is received, the Studio Director will consider booking the Studio. Access to the Studio shall not be unreasonably delayed.

IX. POLICY – government access TV channel 12

All programming cablecast over Northbridge Government Access TV Channel 12 must be local government related. Programs may include board and committee meetings, activities, programs, services and events of Town departments and services, or other government entities.

Bulletin Board submissions for Government Access TV Channel 12 can be made to the Town Clerk. Final approval of all requests will be made by the Town Manager’s Office Staff who administers the Bulletin Board program for the Town of Northbridge.

The Government Access TV Channel 12 is not to be utilized for announcements from the general public. Access to the channel shall be limited to Town, government, or quasi-government functions and operations. Utilization of the channel for personal gain will not be permitted.

X. PROGRAM SCHEDULING PRIORITIES – Government Access TV channel 12

Following is a list of general priorities that will apply to the Government Access TV Channel 12. The priorities may be altered on a case-by-case basis by the Town Manager’s Office.

1. Programming of an emergency nature involving public safety or health matters.
2. Programming of Town boards, committees, commissions, and authorities.
3. Programming of various Town departments and their services.
4. Programming of state and federal government agencies and/or agencies that use public dollars.

XI. POLICY – Educational Access TV channel 13

Responsibility for production and programming of Educational Access TV Channel 13 shall reside with the School Committee. Policy for Channel 13 shall be developed by the School Committee, submitted to and reviewed by the Cable Advisory Committee, and approved by the Board of Selectmen.

Educational Access TV channel 13 provides technical assistance and facilities to students and school staff, and maintains the channel 13 Educational Bulletin Board.

Submissions for the Educational Bulletin Board should be made to the High School Technical Director.

XII. POLITICAL PROGRAMMING:

- A.** No political programming will be permitted on the Government Access TV Channel 12 with the exception of providing factual information on any ballot issue directly affecting Northbridge voters and with the exception as set forth in paragraph C below.

- B.** Individual Candidates: Direct access to the Public Access TV Channel 11 for political programming by individual candidates, or supporters of any candidate or issue will be provided.

All candidates and/or supporters of candidates will be afforded equal time, equal number of re-airings, and equal time slots on alternating days as reasonable.

Channel 11 programs of any nature featuring candidates and/or supporters of candidates will run up to and including the 7th day prior to the election.

- C.** Candidate Forums, Candidate Debates, and Local Forums: Political programming related to local candidate forums, candidate debates, or local public forums on ballot issues may be cablecast on the Government Access TV Channel 12 only as follows:

1. The forum must address ballot issue directly affecting Northbridge voters; and,
2. All candidates for a particular office or sides of a particular issue must have an equal opportunity to participate in the forum; and,
3. The forum must be conducted in a dignified, respectful, and business-like manner; and,
4. No forum sponsor - including but not limited to political action committees - may publicly endorse or have a stated position on any candidate during the election season. For purposes of this section, the election season is deemed to run from the opening of candidate filing for an election to the closing of the polls on election day.

XIII. EDITING POLICY:

- A.** **Meetings – Live or recorded** cablecast of any Town Meeting, Board of Selectmen Meetings, School Committee Meetings and any other Town Board, Commission, or Committee Meeting shall not be edited nor subjected to editorial comment. Meeting coverage shall be from gavel to gavel. Meetings may be recorded in their entirety for later re-cablecast.

- B. Bulletin Board** – Messages programmed into the bulletin board portion of channels 11, 12, or 13 may be submitted by appropriate user departments, agencies, etc. Editing by staff to provide clarity and maximum utilization of pages available may be required.

The Town of Northbridge shall not be held responsible for the accuracy of any information cablecast over the channels that was submitted by outside sources.

XIV. COMPLAINTS

The Cable Advisory Committee acts as a sounding board for citizen complaints and suggestions relating to the cable television services and shall, under the direction of the Town Manager, refer subscriber complaints not related to Public Access Channel 11 to the Cable Provider for appropriate resolution.

Complaints related to Public Access Channel 11 shall be addressed, under the direction of the Town Manager, by the Cable Advisory Committee.

Complaints related to Government Access Channel 12 shall be addressed to the Town Manager's Office.

Complaints related to Educational Access Channel 13 shall be addressed to the School Committee.

XV. ENDORSEMENTS:

At no time will local cable access channels 11, 12, or 13 be utilized to endorse, market, or advertise an issue, candidate, specific person, company or brand name of a product for consumer use.

XVI. PROMOTIONAL ANNOUNCEMENTS – government access channel 12:

Promotional announcements for Town-sponsored events, programs, and activities will be permitted over channel 12. Promotional announcements for events, charities or outside organizations in which the Town has no official interest or sponsorship shall not be permitted on channel 12.

XVII. PURCHASE OF EQUIPMENT:

With the assistance of the Studio Director, the Cable Advisory Committee shall, by majority vote, determine the need for new or replacement video production equipment for local cable access use.

Because public funds are being spent and because the public has a right to know how the government's business is being conducted, controls are needed.

- A. Sound Business Practices:** For purchases of supplies or equipment in the amount of less than \$5,000, the Cable Advisory Committee shall exercise sound

business practices. All purchases shall be authorized by majority vote of the Cable Advisory Committee.

1) \$1 - \$500: The Chairman of the Cable Advisory Committee, or individual authorized by the Chairman, may make purchases in the amount of \$500 or less, provided that said purchases shall be used only for expenditures of an immediate or emergency nature. A Bill Schedule Form (attached as Exhibit C) detailing the amount, date, and item purchased along with all receipts shall be submitted to the Cable Advisory Committee and also submitted to the Town Manager.

2) \$501-\$4,999: For purchases of supplies or equipment in the amount greater than \$500 but less than \$5,000, the Cable Advisory Committee upon majority vote to approve said purchases, shall complete and sign a Bill Schedule Form and submit said Form to the Town Manager.

B. Three Quotations: For purchases of supplies or equipment in the amount greater than \$5,000 but less than \$25,000, the Cable Advisory Committee, after a majority vote to affirm the need for said supplies or equipment, shall seek written quotations from no fewer than three persons customarily providing such supplies or equipment. The Cable Advisory Committee shall record the names and addresses of all persons from whom quotations were sought, the names of the persons submitting quotations and the date and amount of each quotation on a Vendor Quote Summary Form (attached as Exhibit D). Said Form shall then be forwarded to the Town Manager.

C. Advertising: For purchases of supplies or equipment in the amount greater than \$25,000, the Cable Advisory Committee shall submit such request along with a statement of need for such supplies or equipment to the Town Manager for proper advertising.

D. All purchased durable equipment shall have an inventory number and date of purchase affixed to it.

XVIII. INVENTORY OF EQUIPMENT:

The Studio Director shall perform an annual inventory in the month of July of all Town owned video equipment, furniture, and accessories used for cable related matters, regardless of its physical location. Said inventory log shall include an inventory number for all items, a date of purchase of all items, vendor and manufacturing name and address, description of quality of each item, and date of physical inventory.

XIX. SURPLUS INVENTORY:

A. No Resale Value: Obsolete, broken, or unwanted items and equipment with no resale value or salvage value may be disposed of by the Town.

B. Value Under \$5,000: Disposal of obsolete or unwanted items with a resale or salvage value under \$5,000 shall be per the Town's written policy.

C. Value Above \$5,000: Disposal of obsolete or unwanted items with a value greater than \$5,000 shall be via process as outlined in Massachusetts General Law Chapter 30B.

XX. USE OF TOWN-OWNED EQUIPMENT:

The intended use of Town-owned media equipment is to produce a program for Northbridge local cable access channels.

1. Any person wishing to utilize Town-owned equipment shall complete and agree to comply with all the conditions set for the in the Equipment Sign-Out Form. Said Form shall reference by inventory number which equipment will be used, date(s) in which equipment will be used, and for what purpose. Equipment shall be signed out no more than 24 hours prior to event/filming and shall be returned no more than 24 hours after event/filming.
2. Utilization of Town-owned video equipment shall be restricted to: a) Programming that will be submitted for airing on local cable access. b) trained individuals, 18 years old or older c) use within the Commonwealth of Massachusetts, except as otherwise permitted in writing by the Town Manager.
3. Persons not yet 18 years of age wishing to be trained may do so if accompanied and supervised by a person 18 years or older. No person not yet 18 years of age may sign out equipment for use outside of the local cable TV-11 studio.
4. The use of Town-owned video equipment for Town related activities taking place out of town (such as school sporting events) may be permitted by majority vote of the Cable Advisory Committee.
5. Utilization of Town-owned equipment for personal use shall not be permitted.
6. Utilization of Town-owned equipment for profit shall not be permitted.
7. Town-owned equipment shall not be used in hazardous situations.
8. Individuals utilizing Town-owned equipment shall pay the costs of repair or replacement of any equipment and materials resulting from damage beyond normal wear and tear, inoperability due to misuse or theft while said equipment or materials are in their control.

For purposes of this section, a trained individual shall mean an individual who has completed the training course as established by, and to the satisfaction of the Studio Director.

XXI. RETENTION AND OWNERSHIP OF TAPES:

1. One copy of all staff or Producer produced programs, meetings and events will be kept by the Town per the MGL Retention Schedule.
2. Recordings shall not be considered an official record of any meeting and there shall be no liability for inadvertent erasure or omissions.
3. The Town of Northbridge and Studio Staff are not responsible for recorded material that is not claimed within 60 days of their initial airing.

XXII. COPIES

Upon request to the Town Manager's Office, residents may obtain copies of recordings of governmental meetings.

Copies of recordings of governmental meetings shall result in a charge of \$25 per event (meeting). In addition, there will be a \$5.00 charge per tape.

The purpose of this fee is to provide for the cost of duplication as well as the cost of the tape.

Employees and/or Town Officials of the Town of Northbridge are exempt from these fees.

Upon request to the Producer of a program, residents may, upon discretion of the Producer, obtain copies of recordings of such programs.