

# Chapter 43. County Television Policies Overview<sup>1</sup>

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## ***Subchapter A. Overview***

### **43.001 Introduction**

The County Executive of Administrative Operations (hereinafter referred to as the County Executive) is authorized by the Travis County Commissioners Court to coordinate the administration of cable television production media services for Travis County. The County Executive has the responsibility for creation of local programming

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<sup>1</sup> Chapter 43 was adopted by Commissioners Court on 3/28/1995 (Item 3), amended 3/5/1996 (Item 11). "Executive Manager" was updated to "County Executive" throughout May 29, 2018, Item 8.

for Travis County Television, Austin Cable Vision Channel 17 (TCTV 17). These policies are revised and approved by a full vote of the Travis County Commissioners Court on February 27, 1996.

#### **43.002 Background**

- (a) Governmental access to cable television is granted by the Austin City Council and ratified by the Austin Cable Commission in accordance with the cable franchise agreement between Austin Cable Vision and the City of Austin.
- (b) TCTV 17 (TCTV 38 at the time) went on the air on October 1, 1986, providing taped programming. In January 1987, regular live cablecasting was initiated for Commissioners Court meetings.
- (c) In the future TCTV 17 may be able to connect to other Travis County cable systems. It is part of the mission of TCTV to pursue these connections, in order to provide programming to the largest audience possible. Connection to other systems may require change in channel assignment so far as that system is concerned.

#### **43.003 Departmental Organization**

The County Executive will coordinate with County departments to assist in the development of programming beneficial to the program needs of the various departments.

### ***Subchapter B. Programming - Travis County Television 17***

#### **43.004 Purpose and Scope of TCTV 17 Programming**

- (a) Travis County TV 17 produces television programming that focuses on the educational, cultural, civic and recreation needs and interests of Travis County. TCTV 17 has a mandate to create programming which reflects and promotes the unique characteristics of Travis County Government and its agencies. In keeping with this mandate and TCTV 17's status as a County agency, the following types of programming are not included in TCTV 17's programming jurisdiction: Public Access programming, religious programming, and fund solicitation programming.
- (b) TCTV 17 endeavors to produce quality local programming for the Travis County community within this stated programming scope. Policies for TCTV 17 programming have been developed to provide rules and guidelines for cable television production that reflect the mandated purposes.

#### **43.005 Programming Goals for TCTV 17**

- (a) To create a cable channel for the purpose of disseminating community, educational, and governmental information and events to all the citizens of

Travis County. To coordinate productions of programming in cooperation with the County's community, governmental and educational agencies.

- (b) To produce quality programming that will inform, educate, entertain and enlighten Travis County citizens and keep them abreast of events and issues in the County.
- (c) To foster community spirit and identity by utilizing cable communications as a vehicle for sharing the skills, talents, purposes and knowledge of Travis County's departments and agencies.
- (d) To keep abreast of innovative applications of cable technology in order to consistently improve service to the people of Travis County.

### ***Subchapter C. Procedures***

#### **43.006 Definitions**

- (a) County Program Originator: Any educational, government, or civic organization or institution which coordinates programming with TCTV 17.
- (b) County Programming: Any programming produced by or through Travis County focusing on a subject matter of interest and relevance to the Travis County community.
- (c) General Audiences: The collective viewership of Travis County residents, composed of the general public.
- (d) Creator/Owner/Producer: A person or organization providing programming and/or resources.
- (e) Equipment and Facilities: All Travis County television production equipment and facilities.
- (f) Media: All members of the print and electronic press.
- (g) Candidate: Unless otherwise specified, a candidate is any individual who has designated a campaign treasurer for an elected position.

#### **43.007 General Policies**

- (a) Cooperation with other cable agencies, county departments, media. The County Executive or designee of the County Executive shall cooperate with other media, municipalities, and cable agencies to promote the development of a local information/programming exchange. Reciprocal service agreements (such as exchange of videotapes) with local educational, broadcast, cable and other production entities will be encouraged and developed in order to maximize the use of local resources. This effort shall include cooperation with cities in the surrounding area to promote and establish interconnection of area cable systems as this becomes economically feasible.

- (b) Programming/Services Ascertainment - The County Executive will coordinate with other County departments to make determinations in planning programming and services to reflect the changing needs of the community.
- (c) Hours of Operation/Access to facilities - Access to facilities is open to the public during normal business hours. The County Executive may refuse use of facilities and equipment to individuals who interfere with the orderly conduct of county television production as outlined in these policies or as set forth in the *Personnel Policies and Procedures Manual for Travis County Employees*. Access to facilities shall be refused to the following individuals:
  - (1) any person reasonably suspected to be under the influence of alcohol or drugs;
  - (2) any person who fails to abide by rules set forth in the policies;
  - (3) any person who makes false or misleading statements on the user application forms or other required forms;
  - (4) any person who abuses equipment check out privileges (see 43.024 Forfeiture of Equipment Use Privileges).
  - (5) any person who attempts to use or uses the facilities and equipment for a criminal purpose.
- (d) Broadcast hours - 24 hours a day, seven days a week.
- (e) Channel allotment is as determined by the Austin City Council.
- (f) Applicable Regulatory Authority. Travis County Television shall adhere to all applicable regulatory authority including the Federal Communications Commission and all current applicable Federal and State Cable Television Acts. (See Appendix B for notices of regulation.)

**43.008 Programming Policies**

- (a) Program Development and Scheduling. The County Executive is authorized to coordinate program development and scheduling for TCTV 17. County programming is a cooperative endeavor of local educational, government, civic and county agencies. Staff may assist in the development of program proposals which fall within the stated purposes of TCTV 17 and within the limitations of facilities and personnel. The County Executive, or the designee of the County Executive, shall coordinate all publicity and advertisement for TCTV 17 programming.
- (b) Travis County and TCTV-17 provides the following opportunities for any person(s) or organization(s) to address the Commissioners Court or the public:
  - (1) Citizens Communication is the time immediately following the call to order of the Commissioners Court meetings. During this time any person may address the court and public about an issue not on the

agenda. If the item is on the agenda, the issue may be addressed when the item is called.

- (2) The Community Forum is a live program originating from the studios of TCTV-17. *The Community Forum* is a two (2) hour program divided into twelve 10 minute time slots. Any individual or organization may use one 10 minute time period per week, but no more than 10 times per year. *The Community Forum* may air live, beginning at 10 am each Wednesday; a replay of the program will occur at 8 pm that same day. Topics addressed on *The Community Forum* are to be county related. All on-air participants will be required to sign a television release form.
  - (A) Usage Exception: Candidates who have legally filed a campaign treasurer designation for a public office. Citizens, including Travis County incumbents, who have filed with County Clerk's Office and/or the Secretary of State to run for public office move immediately to candidate status. Registered candidates are offered equal access to specialized election information program options.
  - (B) Sign-up for appearance on *The Community Forum* must be done during the four (4) working days preceding the day of the program. Slots will be booked on a first-come, first served-basis. Calls for reservations can be made between 8:00 a.m. and 5:00 p.m., Monday through Friday, by calling the Travis County Department of General Services at 473-9500.
- (3) Candidate Press Conference: this program is for all who have filed for election to a County office, including incumbents. After the filing deadline, each candidate shall have three opportunities to address the public. This period shall end, for production purposes, ten days prior to election day. Available dates for productions shall be announced and TCTV will make every effort to have these productions equidistant in time from initial filing to ten days prior to the election. These productions will take place either in the Commissioners Courtroom or in the TCTV studio only. Presentation shall be "stand-alone" and require no TCTV facilities other than the equipment required to record or air. The initial production may air live on TCTV-17, beginning at 1 p.m. Wednesday on the designated week. A replay of the productions will be put together and aired in a block containing all participants. Each candidate will be allowed up to fifteen minutes for their presentation. TCTV will air the block at least three times during the week of the production at three different time slots. TCTV reserves the right to establish program scheduling. Official notification of available production times for candidates will be announced on TCTV message board. It will be the obligation of all candidates to schedule with TCTV for production time. All on-air participants will be required to sign a television release form.

- (4) Candidates Forum is a live program, with moderator, in which the candidates may appear and present their views after the filing deadline. The first portion of the program shall allow for a timed uninterrupted statement by the candidates. This shall be followed by an open discussion of the issues by the candidates with questions from the audience or by phone. Times and dates for these programs shall be announced in program listings and on TCTV-17.
  - (5) Election Night Coverage: is a live program, with moderator, in which the candidates of a specific race or races may appear and present their views.
- (c) Program Content - The primary focus of TCTV 17 is the creation of quality programming to benefit Travis County citizens. Consistent with the stated purpose and scope of TCTV 17 programming, local programming shall reflect the needs and interests of Travis County and its constituents.

#### **43.009 [Programming]**

Representative TCTV 17 programming includes live and taped County commissioners meetings, live and taped County departments requested programming, and press conferences by County elected officials (for purposes other than candidacy).

#### **43.010 [Disclaimer]<sup>2</sup>**

Programming such as regularly-scheduled Community Forum and Candidates Press Conferences that provide partisan issue discussion without the benefit of equal time access within the same program will be flagged with a disclaimer stating: 1) "The views and opinions expressed are not necessarily those of the Travis County Commissioners Court or Travis County staff" and 2) "Those persons wishing equal time will be afforded such benefits by contacting the County Executive For Administrative Operations by phone, 473-9342 or in writing at P.O. Box 1748, Austin, TX 78767."

#### **43.011 [FCC Guidelines]**

TCTV 17 recognizes the jurisdiction of the Federal Communications Commission guidelines pertaining to television programming. All such guidelines shall be adhered to in the approval of programs for cable casting. Accordingly, the following programming restrictions apply:

- (1) Programs containing obscene, offensive or defamatory material shall not be cablecast on TCTV 17. Community standards of good taste shall be adhered to at all times, 43.021, Program Selection Criteria);

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<sup>2</sup> 43.010 amended March 5, 1996, Item 11, to update contact information from General Services to County Executive for Administrative Operations.

- (2) Programs which have as the primary purpose to promote commercial/profit-making services, products, trade or business shall not be cablecast on TCTV 17;
- (3) Discussion of partisan issues not adhering to equal time guidelines for taped-delayed programming shall not be cablecast on TCTV 17;
- (4) Programs containing copyrighted materials shall not be cablecast without proper copyright authorization. Community producers submitting programs for cablecast are responsible for obtaining all necessary copyright clearance and shall indemnify and hold Travis County harmless in any case of copyright infringement.

#### **43.012 Approval of Programming**

The County Executive or designee of the County Executive shall approve all programs according to the guidelines set forth in these Policies (See 43.008 to 43.011). The County Executive has editorial discretion with regard to TCTV 17 programming, according to TCTV 17 operating policies. (Exception: public meetings will not be edited or subject to editorial comment. See 43.015, Editing Policy.)

#### **43.013 Program Rights/Copyright Accrual**

Master videotapes of all programming produced using TCTV 17 equipment and/or personnel shall be the property of TCTV 17 for such non-profit, non-commercial use as the County Executive shall deem appropriate (e.g., submission in award competitions). The County Executive shall require a commitment from each creator/owner/producer containing the following assurances:

- (1) Owner/creator/producer shall grant TCTV 17 copyright clearance for the use of the property;
- (2) Each party agrees to notify the other of any distribution of the program;
- (3) Programs shall not be sold or commercially distributed, unless by mutual agreement.

#### **43.014 TCTV 17 Programming Services**

TCTV 17 may cablecast programming generated by County and other production entities as well as programming produced internally by TCTV 17. Only that programming which is consistent with this policy will be cablecast or produced in cooperation with TCTV 17. Programming services provided by TCTV 17 are as follows:

- (1) Public meetings. All public meetings of County policy-making boards and commissions may be cablecast on TCTV 17. Program originators desiring taping or live cable casting shall be coordinated in advance. Videotapes are not official minutes of meetings (See 43.016 Retention of Videotapes).

- (2) Programming from County Agencies/Producers. Any County agency may submit program proposals or requests for cablecast of programs which they feel appropriate for TCTV 17. These may be locally produced, coordinated with TCTV 17 or may be obtained from other sources. Only those tapes which are consistent with the operating policies of TCTV 17 shall be cablecast (See Program Development and Scheduling).
- (3) Travis County Message Board and Job Listings. Information for character generated announcements on the message board should be in keeping with the intent of TCTV 17 policies. Announcements must be submitted in a "cablecast-ready" format, i.e., on the required form with complete information regarding date, place, time, etc.
- (4) Public Service Announcements (PSAs). TCTV 17 may produce or accept and cablecast prepared PSAs according to the program selection criteria. All PSAs shall conform with program selection criteria. All PSAs shall be submitted on 3/4" videotape. Production of PSAs using TCTV 17 facilities shall be coordinated with TCTV 17 Media Operations Manager at least one month in advance of cablecast date.

#### **43.015 Editing Policy**

The following policy shall apply to editing of TCTV 17 programs.

- (1) Public Meetings. Public meeting cablecasts shall not be edited or subjected to editorial comment. Meeting coverage shall be from gavel to gavel, except that Commissioners Court deliberations of employee grievance panel decisions shall not be cablecast. Those portions of Commissioners Court meetings dealing with appeals of grievance committee decisions shall be videotaped for the record, but will not be cablecast live or delayed. Editing of technical difficulties is permitted.
- (2) Programming from County Agencies/Producers. Any programming prepared for or provided by a County agency or producer may be modified or edited as appropriate and as dictated by scheduling and availability of TCTV 17 personnel.
- (3) Travis County Message Board and Job Listings. Announcements programmed on the message board may be edited to provide clarity and to provide compatibility with the established format.
- (4) Public Service Announcements (PSAs). PSAs may be edited to provide clarity or to adhere to accepted time standards.
- (5) Liability for Error. Should human error result in the cablecast of incorrect information over TCTV 17, Travis County shall not be liable for the inaccuracy of the information.

#### **43.016 Retention of Videotapes**

The following policy shall apply with respect to retention of videotapes:

- (1) **Public Meetings.** Videotapes of public meetings are retained. Videotapes are not records of public meetings. Video tapes are available through the Department of General Services for public inspection or duplication. Masters are not to leave the TCTV Offices. Duplication costs are \$25.00 per hour or as determined by the state of Texas General Services Commission. The requester shall furnish their own blank tape. (See 43.021, Program Selection Criteria, and Appendix A, Verification of approved charges)
- (2) **TCTV 17-Produced Programming.** TCTV 17 programming may be retained for repeat cable casting at the discretion of the TCTV 17 staff.
- (3) **Programming from Other Sources.** Programming accepted for cablecast from other sources may be retained for repeat cable casting at the discretion of the TCTV program coordinator. Upon request, videotapes shall be returned to the owner/producer after final cablecast. Tapes which are not returned may be re-used by TCTV 17 for the production of other programming.
- (4) **Public Service Announcements (PSAs).** PSAs will be retained and cablecast on TCTV 17 for as long as the subject matter is timely. Upon request, videotapes will be returned to owner or producer after final cablecast. Tapes not returned may be re-used by TCTV 17 for production of other programming.
- (5) **Master Recording Video Tape.** All master recordings shall remain in the General Services offices.

#### **43.017 Program Logs**

A daily log shall be kept of all programming cablecast during each day. Log information shall include program title, air time, length of program, etc.

#### **43.018 Political Programming**

Legal candidates or their representatives shall not be permitted to make partisan political statements on TCTV 17, except as allowed pursuant to 43.008. TCTV 17 coverage of governmental affairs shall be of the public affairs or documentary-style format.

#### **43.019 Complaint Procedure/Process of Appeal**

Complaints regarding programming will be submitted to the Director of Communications and Records Management. Complaints that are unresolved shall be filed in writing and signed by complainant if complaint involves guidelines as set forth by the Federal

Communications Commission. If appeal is necessary, the following procedure shall apply:

- (1) Complaint is submitted to the County Executive.
- (2) County Executive shall act upon the complaint within ten working days.
- (3) Any subsequent or final appeal shall be directed to the Travis County Commissioners Court. Decision at this level of appeal shall be determined as soon as possible.

#### ***Subchapter D. Equipment Use, Program Selection Criteria, Fees, and Volunteers***

##### **43.020 Use of Equipment**

Staff use of production equipment and editing facilities to produce County programming has top priority. Only Travis County employees may use any County equipment.

- (1) Only portable or check-out pool equipment may be checked out for use by County departments. Equipment shall be reserved a minimum of 24 hours in advance. Other usage shall be approved by the County Executive. Usage is on a first-come, first-served basis.
- (2) TCTV 17 staff shall supervise all editing sessions.
- (3) Use of the mobile production van is restricted to authorized TCTV 17 staff.

##### **43.021 Program Selection Criteria**

Any videotapes submitted for cablecast by a County agency shall be previewed by the programming staff and forwarded to the administrative staff for final approval. The following criteria shall apply to any material submitted for cablecast:

- (1) Technical Quality. Video and audio quality shall be of acceptable levels as determined by TCTV staff.
- (2) Relevance of Subject Matter or Content. Subject matter shall be of interest to the Travis County community.
- (3) Relevance and Appeal to Travis County Community. Program shall be relevant to the needs and interest of the Travis County community.
- (4) Absence of Defamatory Material. Subject matter which slanders or libels individuals or organizations is prohibited.
- (5) Absence of obscene or Offensive Material. Programs that have potentially offensive material are subject to the following regulations:
  - (A) A program disclaimer shall be given at the beginning of the program, such as, "This program contains material or subject matter that may not be suitable for children."

- (B) A warning and explanation of the program content may be published in the program schedule.
- (C) The program shall be cablecast when children are least likely to be viewing.
- (D) TCTV 17 reserves the right to edit out portions of tape which are particularly offensive as TCTV staff believes would violate accepted community standards.

#### **43.022 Fees for Services**

Charges for use of portable equipment and editing facilities may assess of non-general fund county contract agencies on an hourly basis. Copies of programs produced by TCTV 17 may be obtained with the provision of a blank tape and payment of a \$25.00 per hour or as determined by the State of Texas General Services Commission, tape duplication charge. Blank tapes shall be 1/2 " (VHS), 3/4" U-Matic or 8mm format. Funds collected from copying videotapes shall be deposited into the Travis County General Fund.

#### **43.023 Volunteers**

Volunteers or interns may assist in the production of County programming. TCTV 17 volunteer producers may obtain additional training and experience by participating with TCTV 17 staff. Interns may undertake special video projects as a part of the organization's activities. The Department of General Services recognizes the valuable contribution of volunteers in the programming effort and will endeavor to coordinate programs which will provide acknowledgment of these efforts.

#### **43.024 Forfeiture of Equipment Use Privileges (County Employees Only)**

The following abuse of privileges may result in the suspension or forfeiture of equipment use:

- (1) damage or mishandling of equipment;
- (2) abuse of equipment check-out procedures (i.e. repeated failure to return equipment on time);
- (3) use of equipment for private or commercial purposes;
- (4) falsifying information in user files or any required forms;
- (5) failure to meet competency requirements; and,
- (6) per section 43.007 of the Policies, any person reasonably suspected of being under the influence of alcohol or drugs during check-out of equipment shall be prohibited from using facilities and equipment.

## ***Subchapter E. Grants and Special Projects Policies***

### **43.025 Grant-funded and Sponsor-supported Programming**

The TCTV 17 Staff is authorized to research and develop funding support for programming. All grant proposals must be forwarded by the County Executive for Commissioners Court approval.

### **43.026 Special Projects**

County agencies or TCTV 17 producers may coordinate the production of special projects which require limited financial support with TCTV 17. Special projects must be approved by the County Executive to fit within specific guidelines. Special projects must be consistent with TCTV 17 policies and will be subject to the limitations of TCTV 17 facilities and personnel.