

Added at

Agenda Session 8/27/13

AGENDA REQUEST

FOR: COUNCIL MEETING OF September 3, 2013

FROM:
CITY COUNCIL MEMBER ADELLA GRAY
MAYOR JORDAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:


A Resolution amending the Fayetteville Government Channel's mission statement, goals statement and operating policies, as approved by Resolution No. 180-10, to prohibit the recording or televising of meetings of the Nominating Committee of the City Council by the Fayetteville Government Channel

APPROVED FOR AGENDA:



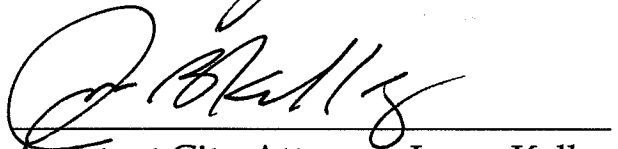
City Council Member Adella Gray

8/27/13
Date



Mayor Jordan

8/27/13
Date



Assistant City Attorney Jason Kelley
(as to form)

8/27/13
Date

RESOLUTION NO. _____

A RESOLUTION AMENDING THE FAYETTEVILLE GOVERNMENT CHANNEL'S MISSION STATEMENT, GOALS STATEMENT AND OPERATING POLICIES, AS APPROVED BY RESOLUTION NO. 180-10, TO PROHIBIT THE RECORDING OR TELEVISIONING OF MEETINGS OF THE NOMINATING COMMITTEE OF THE CITY COUNCIL BY THE FAYETTEVILLE GOVERNMENT CHANNEL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the Fayetteville Government Channel's Mission Statement, Goals Statement and Operating Policies, as approved by Resolution No. 180-10, by inserting at the end of page 11 thereof, the following:

"Notwithstanding any provision herein to the contrary, no meeting of the Nominating Committee of the City Council shall be recorded or televised by the Fayetteville Government Channel."

PASSED and **APPROVED** this _____ day of _____, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

RESOLUTION NO. 180-10

A RESOLUTION TO ADOPT A NEW MISSION STATEMENT, GOALS STATEMENT AND OPERATING POLICIES FOR THE FAYETTEVILLE GOVERNMENT CHANNEL

WHEREAS, Government Channel Manager Fritz Gisler was requested by the Fayetteville Government Channel Policy Subcommittee to research best practices of government channel policies; and

WHEREAS, Fritz Gisler conducted such research and drafted a proposed new policy which was approved by the Fayetteville Communications Director and the Fayetteville Telecommunication Board.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:


Section 1: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Fayetteville Government Channel's **Mission Statement, Goals Statement and Operating Policies** as attached as Exhibit A to replace the existing policy which shall no longer be in effect upon the approval of this replacement policy.

PASSED and APPROVED this 19th day of October, 2010.

APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

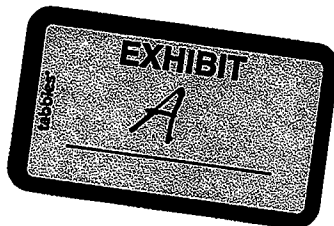
By:


SONDRA E. SMITH, City Clerk/Treasurer



The Fayetteville Government Channel

MISSION STATEMENT, GOALS STATEMENT & OPERATING POLICIES



OPERATING POLICIES

The Fayetteville Government Channel Manager is responsible for generating program ideas, and for implementing and overseeing their production, either directly, or by delegation. The Channel Manager reports directly to the Director of Communication. All operational, production and programming decisions are to be made by the Channel Manager according to these policies and guidelines.

Mission Statement

The mission of The Fayetteville Government Channel is to make Fayetteville government more accessible and understandable to the citizens of Fayetteville; to inform residents on City government, government services, and community life; and to facilitate the exchange of public information.

Goals

The Fayetteville Government Channel will accomplish its mission through the following goals:

1. To increase citizen access to City government meetings through live and recorded gavel-to-gavel televised coverage.
2. To inform citizens on the operations and activities of Fayetteville City government and its agencies.
3. To provide informative television programs of interest and value to residents which are not otherwise available or provided by other sources.
4. To provide programming that is fair, accurate, balanced and without regard to partisanship or ideology.
5. To cover public issues of concern to residents.
6. To develop professional quality programming for telecast on The Fayetteville Government Channel.
7. To provide programming through which the quality of community life may be improved and viewership of The Fayetteville Government Channel may be increased.
8. To provide services within reasonable accommodation to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of The Fayetteville Government Channel.
9. To provide residents a source of direct unfiltered information in emergency situations.
10. To create and maintain a library of programming for historical preservation.
11. To work with the local media to promote accurate, complete coverage of Fayetteville City Government.

Program Requests & Eligibility

1. All department heads, or their designee, and City government officials are eligible to request programs or air time within the scope of services provided by the Fayetteville Government Channel.
2. The Fayetteville Government Channel is not a public access channel provided for residents, organizations or civic groups. These requests will be referred to the public access entity.
3. The Fayetteville Government Channel shall not be used to produce video programming for private or commercial organizations.
4. The Fayetteville Government Channel may collaborate with other public agencies and similar organizations to develop programming that further serves the public interest, as determined by the Channel Manager. These organizations may include, but are not limited to, non-profit organizations, other government agencies and community organizations.
5. Requests for programming must be made in writing. Requests may be made via email. Requests for programming will be responded to within thirty (30) days of the request. Requests for regular meeting coverage only need be renewed once per year. City government departments and agencies requesting a video program must be willing to assist in producing the program if asked to do so. This may include providing financial assistance, furnishing necessary information, gathering together persons and props to be used in the program, and making on-air presentations as deemed necessary by the Channel Manager.

Programming

Production of quality, effective video programming requires experienced technical support. A goal of the Fayetteville Government Channel staff is to serve City of Fayetteville citizens and assist City government employees by producing high-quality, informative video programs about their local government.

- 1) New programming must meet at least one of the following criteria to be eligible for production:
 - a) The programming is about Fayetteville; the City, its residents, its employees, its elected officials, and/or its appointed officials.
 - b) The programming is a non-commercial public service to residents.
 - c) The programming serves to promote Fayetteville as a community.
 - d) The programming serves as communication from Fayetteville City employees to residents.
 - e) The programming helps to further a mission of a Fayetteville City government department or agency.
- 2) Programming will be denied if it does not meet all of the following criteria:
 - a) The programming shall not include slanderous, lewd, obscene, indecent or violent material or language. When questions arise as to the admissibility of material or language in this regard, the material will be reviewed subject to state and/or local law, and the FCC definition of "indecent" as "programming that describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards for a cable medium."
 - b) The programming shall not include any material that the Channel Manager determines to be potentially defamatory or slanderous.
 - c) The programming shall not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which "establishes a [state] religion or religious faith, or tends to do so."

- d) The programming shall not include paid advertising. The Fayetteville Government Channel is a noncommercial channel. Advertising is prohibited. Program underwriters shall only receive credit during the opening and/or closing credits of the program.
- e) The programming shall not include direct appeals to purchase commercial goods or services or promote activities of for-profit, commercial groups or organizations.
- f) The programming shall meet technical quality standards including, but not limited to:
 - i) Master Copies of programs and PSAs must be on one of the following media formats or an equivalent format: DVD, DVCam, or professional DV.
 - ii) Copies of programs or PSAs submitted for telecast on The Fayetteville Government Channel must be on DVD or a professional DV tape format.
 - iii) At the conclusion of each program or PSA there should be at least one (1) second of black.
 - iv) The video and audio levels on the program must meet professional technical standards.
- g) The programming shall be direct, non-editorial information regarding the operation of the City government, the deliberations of City government or events sponsored by City government, either directly or indirectly. The Fayetteville Government Channel shall not serve as a mechanism for building support for a particular policy, program or issue. This exclusion does not apply to the Mayor. As Chief Executive for the City government, the Mayor is exempt from requirements to address all sides of a particular issue.
- h) The programming shall not include declared candidates for elected office within the time frame of ninety (90) days preceding an election, and the period of time between a primary and general election. Candidates for elected office may not use the channel as a part of a campaign effort. This exclusion does not apply to persons who receive air time as part of official City government meeting coverage, special election coverage and coverage of the Mayor performing official duties, which warrant telecasting. The Channel Manager shall decide if equal time for opposing candidates is necessary to balance the coverage of an incumbent candidate's performance of official duties.
 - i) This exclusion shall not apply to candidates appearing within a program as interview sound bites to help explain a topic, as one of several people interviewed. This is considered to be "news coverage".
 - ii) This exclusion shall apply to candidates addressing the television audience directly in a produced segment or program.
 - iii) This exclusion does not apply to candidates speaking as part of a non-campaign press conference. This is considered coverage of a candidate's official duties as an elected official.
- i) The programming shall not include copyrighted materials unless written permission has been obtained from the copyright holder. Copyright permission must be obtained for all programs produced by outside sources that are telecast by The Fayetteville Government Channel.

Programs and Program-Series Content

- 1) Programming may include:
 - a) Public Meeting Coverage:
 - i) The Fayetteville Government Channel is responsible for providing television coverage of official regularly scheduled City Council meetings held in Council Chambers.
 - ii) Live coverage of regularly scheduled and special City Council meetings shall be the production and programming priority of The Fayetteville Government Channel. Program schedule adjustments will be made to accommodate irregular starting times and irregular run times of these meetings.
 - iii) Coverage of regularly scheduled and special City Council Committee meetings shall be provided by and telecast by The Fayetteville Government Channel. Program schedule adjustments will be made to accommodate irregular starting times and irregular run times of these meetings.
 - iv) Coverage of official meetings of other City of Fayetteville government boards, commissions and agencies will be at the discretion of the Channel Manager based upon staff and facility limitations and programming objectives. Regular coverage of these meetings will be established by written request to the Channel Manager by the City staff member who is liaison with each particular government board, commission or agency. Priority of coverage shall be established by the Director of Communication.
 - v) Each year the Director of Communication and the Channel Manager shall review the list of coverage of regularly scheduled meetings. Continued coverage of each meeting shall be confirmed with the City staff member who is liaison with each particular government board, commission or agency.
 - vi) Coverage of special call meetings shall be based upon staff and facility limitations. Requests for coverage of a special call meeting must be presented in writing to the Channel Manager as early as possible, but no less than 4 hours, before the scheduled meeting.
 - vii) To cancel coverage of a regularly scheduled meeting, the cancellation notice must be presented in writing to the Channel Manager as early as possible before the scheduled meeting. The Channel Manager may provide notification on the Channel of the canceled meeting.
 - viii) Coverage of public meetings will be gavel-to-gavel. The meetings will be replayed in their entirety. Any editing will only occur for the addition of title and credit graphics for telecasting of taped replay; graphics that are presented as part of the meeting; coverage lost due to technical considerations; and to reduce the length of extended breaks in official proceedings. This provision does not exclude the use of clips from meetings for an informational purpose separate from the meeting coverage. This provision does not exclude the use of clips or graphics presented at meetings for an informational purpose separate from the meeting coverage.
 - ix) When a televised meeting goes into "closed session", the Fayetteville Government Channel meeting producer may display a message describing the current status of the meeting, remain on a wide shot of the room with no meeting room audio, or play taped segments during the break. When a televised meeting goes into "recess", the Fayetteville Government Channel meeting producer will follow the above procedure or continue live coverage of the meeting room during the break.
 - x) The Fayetteville Government Channel is not required to cover meetings in which no official business may be conducted due to lack of quorum, agenda or any other factor.
 - xi) Recordings of meetings are intended for telecasting purposes only and shall not be

considered the official record of the meetings.

(1) Provision of a copy of the meeting recording does not imply reliance on a complete or error-free duplication of the meeting.

(2) Staff shall not be held responsible of accidental erasure or loss of the meeting recordings.

b) Emergency Message Programming

- i) The channel may be used to facilitate communications with residents during a declared emergency.
- ii) Emergency programming will be subject to staff and facility limitations.

c) News Magazine Programs

- i) A magazine-format series shall be produced by Fayetteville Government Channel on a regular basis as a news and information program.
- ii) Programs will focus on local issues, special activities, events and City government services.

d) Documentaries

- i) Documentary-style programs may be produced by Fayetteville Government Channel.
- ii) These programs are to be more in-depth than the magazine-style programming.

e) Special Event Coverage

- i) Coverage of special events may be provided based upon staff and facility capabilities.
- ii) Special event coverage may include press conferences, special call meetings and other City government sponsored events.

f) News Conferences/Media Briefings

- i) Coverage of news conferences and media briefings may be provided by Fayetteville Government Channel, based upon staff and facility capabilities.
- ii) The Channel Manager shall work with the Mayor's Director of Communication to determine which mayoral news conferences and media briefings should be covered.
- iii) Press conferences/media briefings may be edited for content and replay.

g) Public Service Announcements (PSAs)

- i) PSAs for government activities and events may be produced for City government departments and agencies.
- ii) PSAs from other agencies or sources, including but not limited to nonprofit agencies and local municipalities, will be considered based upon The Fayetteville Government Channel operating policies and goals.
- iii) Requests for announcements should be received in writing at least 2 weeks in advance of the desired start date of airing. Requests may be submitted via electronic mail. Exceptions apply to messages of an emergency nature that affect residents' health and safety.
- iv) Efforts will be made to provide voice-over for all public service announcements.

h) Election Coverage

- i) The Fayetteville Government Channel may provide television programming pertaining to elections held in the Fayetteville – Washington County area. The scope and format of such coverage shall be determined by the Channel Manager. Any coverage shall place an emphasis on elections held to fill positions on the Fayetteville City Council and for City-wide elected officials.
- ii) The Channel Manager may work with the County Clerk and Board of Elections to produce material announcing pre-election administration information.
- iii) Election programming may include the following components:
 - (1) An interview program for candidates, including standardized questions and follow-up questions.
 - (2) An opportunity for candidates to make short statements on their candidacy.
 - (3) A debate-style program for candidates, organized by party affiliation and/or desired office.
 - (4) A program to allow residents to ask questions of the candidates.
- iv) For programming featuring registered candidates, all registered candidates for that given office shall be invited to participate in the election coverage.
- v) The Channel Manager shall ensure that any program featuring registered candidates is fairly balanced with programming featuring their opponents. In cases where one or more candidates in a given race choose not to be included, the participating candidates will receive balanced coverage in comparison to a similar race.
- vi) For any programming pertaining to a ballot issue, all sides of the issue must be represented in a fair and equitable manner.

i) Other

- i) Programs may be produced which do not fit into any existing program series. These programs will be considered "specials" and may be of any format. These programs must comply with the requirements for new programming on The Fayetteville Government Channel.

j) Outside programming

- i) Programming may be acquired from organizations or entities other than Fayetteville City government. This programming must meet the following criteria:
 - (1) Meet the appropriate technical standards, as determined by Fayetteville Government Channel staff.
 - (2) Fit within the mission, goals and policies of The Fayetteville Government Channel.
 - (3) Be sponsored by a Fayetteville City official or agency (which may include Fayetteville Government Channel staff).
- ii) Programming available at a cost less than \$500 may be paid for by Fayetteville Government Channel at the discretion of the Channel Manager. The following criteria will be evaluated in making a decision:
 - (1) The relevance of the program content to the overall goals of the City Council and Mayor.

- (2) The relevance of the program content to the mission and goals of The Fayetteville Government Channel.
 - (3) The impact of the program acquisition on the overall Fayetteville Government Channel budget.
- iii) If The Fayetteville Government Channel decides to not fund a program series, the request for the program will be held for consideration during the next budget cycle.
 - iv) Programming available at a cost of \$500 or more will be considered under a yearly review process established by the Channel Manager and the Director of Communication. Departments may submit requests for programming acquisition at any time. These requests will be held for consideration during the next review period.
 - v) Departments, agencies and elected officials of Fayetteville City government may elect to purchase programming and broadcast rights from their agency budgets to submit for consideration under these policies.
 - vi) The Channel Manager will determine the playback schedule of all acquired programming on The Fayetteville Government Channel in accordance with the playback schedule section of these policies. The replay and scheduling of acquired programming will be a lower priority than programming produced directly by The Fayetteville Government Channel. Programming produced by The Fayetteville Government Channel may preempt these replays at the discretion of the Channel Manager.
- 2) It is the goal of The Fayetteville Government Channel to produce series-type programming.
 - a) A program series is a group of television programs produced with the same primary communication objective.
 - b) The programs in a series should be produced on a regular basis.
 - c) The Channel Manager shall decide which programs to produce as a series, and shall supervise their production and regulate their format and frequency.
 - 3) Programming is not intended to be used as a mechanism for building exclusive support for a particular person, program or issue. Any topic of debate or controversy will be presented in a fair, balanced and accurate manner without regard to partisanship or ideology.
 - a) Coverage of all government meetings shall be telecast in their entirety without a requirement for balancing of an issue presented at that public meeting. Any person requesting for presentation of an opposing viewpoint will be directed to the appropriate meeting chair.
 - b) Coverage of mayoral press conferences and media briefings shall be telecast without a requirement for balancing of an issue presented. As Chief Executive for the City government, the Mayor is exempt from requirements to address all sides of a particular issue.
 - c) Programs covering a local issue or policy may be controversial both to the general public and among elected officials. The Channel Manager shall make every effort to ensure balance within a program.
 - d) Any requests for balancing of a particular program may be made in writing to the Channel Manager within ten (10) business days of its initial telecast. The Channel Manager will determine if balancing is required. An appeal to this decision may be made following the procedure for appeals outlined in these policies.
 - e) The Channel Manager may find it necessary to allow balancing of a particular program by allowing both proponents and opponents an opportunity to present both sides of the issue. Methods to balance an existing program may include, but not be limited to, the following:
 - i) Accepting unsolicited requests for telecast time from Fayetteville citizens or organizations

with opposing viewpoints. The request for presenting an opposing viewpoint must be made in writing to the Channel Manager. Upon affirmative action of the Channel Manager, an appointment time of fifteen (15) minutes or less will be scheduled with the requesting party to record a statement of no greater than two (2) minutes for telecast on The Fayetteville Government Channel.

Written copies of the commentaries must be submitted no later than 24 hours in advance of the recording time. Commentaries are subject to the programming requirements included in these policies. No supporting materials including, but not limited to, full-screen graphics and pre-recorded video will be added to the statement. The statement will be taped in a "head-and-shoulders" format.

- ii) Alternate methods may include, but are not limited to, a documentary program covering the opposing viewpoints, and solicitation of opposing viewpoints at the beginning and end of the program.
- f) The Channel Manager shall determine playtimes for commentaries or other programs designed to provide balance.
- 4) Opinions expressed on the channel may not necessarily reflect those of the City Council, the Mayor or City Government staff. A disclaimer stating such will air at random times on the channel.
- 5) Airtime may be provided to non-profit organizations serving the Fayetteville City area under the following guidelines. The level of service will be at the discretion of the Channel Manager based upon staff and facility limitations.
 - a) The non-profit agency must have current 501(c)3 non-profit status with the Internal Revenue Service.
 - b) The non-profit agency must receive funding from Fayetteville City government.
 - c) If Fayetteville City government funding is directed to a particular project, programming on Fayetteville Government Channel may be limited to that project.
 - d) The programming must meet all other criteria of the Fayetteville Government Channel Operating Policies.
- 6) Any department or agency using Fayetteville Government Channel resources bears sole responsibility for the content and material used in all programs produced by and for them, including but not limited to, obtaining necessary releases, obtaining copyright clearances and complying with Fayetteville Government Channel policies and procedures.
- 7) Programming produced for telecast on The Fayetteville Government Channel shall take precedence over the production of internal communication and training materials. The Fayetteville Government Channel may charge for the production of programming for internal use.

Programming/Telecast Schedule

- 1) The Channel Manager is responsible for determining the Fayetteville Government Channel Program Schedule in accordance with the following guidelines:
 - a) Programming is to be telecast 24-hours per day.
 - b) To maximize viewership of programs, they will be telecast in the following order of priority:
 - i) Announcements or programs concerning emergencies that affect the health or safety of residents of the City of Fayetteville
 - ii) Live coverage of public meetings
 - iii) Pre-recorded coverage of public meetings

- iv) Replayed coverage of public meetings
- v) Reoccurring program series
- vi) Press briefings
- vii) One-time special or non-regular informational programs.
- viii) Public service announcements
- ix) Programs of interest to area residents that are produced by persons, agencies, or groups outside of City government and are submitted by Fayetteville City departments

Program Underwriting

- 1) Underwriting may be obtained to help fund production and operating costs of The Fayetteville Government Channel and to increase the variety of programming provided.
- 2) Coverage of official meetings of Fayetteville City government may not receive corporate underwriting, except for the purpose of funding costs for closed captioning services.
- 3) Acknowledgements for underwriting are not commercial advertising. The acknowledgements shall not include qualitative or comparative language, price information, indications of value or savings, a call to action, or an endorsement or inducement to buy, sell, rent or lease a product or service.
- 4) The acknowledgement may include the name of the business and logo.
- 5) A total of fifteen (15) seconds of audio/video may be tagged at the beginning and end of the program. The voice-over announcement on the tags will contain the following: *"This program was made possible in part through the generous support the following: [company names]."* or equivalent language. The company(s) must have expressed permission for all material used in the acknowledgement.
- 6) Underwriting will not be accepted from any business, organization, or individual whose primary concern is, or is related to, businesses or activities including, but not limited to:
 - a) Promotion of political positions or candidates
 - b) Gambling, lotteries or gaming
 - c) Alcohol and/or tobacco related products
 - d) Adult entertainment or pornography
- 7) Fayetteville City government reserves the right to approve or deny all underwriters.

Program Copyright

- 1) The Fayetteville Government Channel and The Fayetteville City government shall hold the copyright on all programs produced primarily for programming on The Fayetteville Government Channel.
- 2) No programming produced by The Fayetteville Government Channel shall be used for commercial purposes of any kind.
- 3) All media used for production of television programs by the staff of The Fayetteville Government Channel shall remain the property of The Fayetteville Government Channel and The Fayetteville City government.

Duplication/Copy Orders

- 1) The Fayetteville Government Channel will provide copies of meetings aired on the channel pursuant to the Freedom of Information Act.
- 2) The Fayetteville Government Channel may provide copies of other programming aired on the channel upon request.
- 3) The Fayetteville Government Channel will determine legally collectible reproduction charges as allowed by the Arkansas Freedom of Information Act and may require such payment from persons or businesses requesting copies of meetings.
- 4) Copies will be provided on a first-come, first-served basis. Copies will be provided as soon as staff and facility time allows.
- 5) Upon request from local media, The Fayetteville Government Channel will strive to provide copies of meetings and other government events in exchange for a courtesy graphic identifying The Fayetteville Government Channel as the source of the video. The Channel Manager may waive the copy fee for media outlets.

Appeals/Complaints

- 1) The Channel Manager is responsible for all programming and operational decisions in accordance with these policies and mission statement. In the event an applicant or program requestor wishes to appeal the decision of the Channel Manager to deny a program request, a written appeal for review of the request may be made within ten (10) business days after the initial request has been denied to the Director of Communication with a copy to the Channel Manager.

A committee comprised of the Director of Communication, another City Department Director, a selected member of the Telecommunications Advisory Board and a selected member of the City Council will review the appeal. If such committee denies the appeal, further appeal may be made to the City Council as a whole for review. The appeal must be submitted by a member of the City Council selected by the appellant at the next scheduled City Council agenda session.

Amendments to Operating Policies

- 1) These policies may be amended through resolution of the Fayetteville City Council upon recommendation of the Mayor's Director of Communication and the Channel Manager, with input from the Telecommunications Advisory Board.

ADDENDUM A

Extract of

Telecommunications Board Meeting Minutes

September 16, 2010, 5:30pm

Room 219, City Administration

Chairman Aubrey Shepherd called the meeting to order.

Present were Aubrey Shepherd, Fred Cusanelli, and Blake Pennington. Mike Russell came in later. **Not present** were Justin Tennant and Don Bosseau. Also present were Fritz Gisler, the Government Channel Manager; Anne Shelley, Community Access Television Executive Director; Lindsley Smith, City Communications Director; David A. Young, CAT Board secretary; and Jim Bemis, citizen.

...

REVIEW OF GOVERNMENT CHANNEL POLICY

Russell and Shepherd brought the subject to the floor. **Jim Bemis** spoke his concerns and referenced Marvin Hilton's comments which were in the meeting packet. Bemis stated the following disapproval of the draft policy:

1. That complete discretionary authority to determine programming is given to the City/manager of the television Center.
2. He does not like the City's proposal of how to deal with complaints and appeals.
3. He does not think the draft reflects the intent of the Ordinance which defines the duties of the Telecommunications Board. He mentioned perhaps the Ordinance should be changed.

Bemis added that the policy which was studied in subcommittee for a total of 6 years was his preference.

Smith asked that Chief of Staff Don Marr's earlier testimony, that the law and what the Council has ruled over the years, be considered in this discussion. **Gisler** re-iterated Marr's concerns expressed in the July Telecommunications Board meeting about issues which will be problematic for the staff to support. The main issue was that words/policies which the City Council had removed have been put back in to the proposed policy.

Shepherd responded that the subcommittee desired to include the ability of residents and Council Members to request forums on Government issues. He said he didn't think it was fair to say that a lot of things had been removed and put back. He agreed with Bemis that this new approach strips the Council of any way of overseeing any aspect of the Government Channel operations.

Gisler answered that in the Staff supported policy there are very specific priorities of programming and very specific language of how that is established. He said it does not take any authority from City Council and that the document would have to be approved by City Council. **Gisler** added that in contrast the proposed 2009 policy takes the fiscal authority away from the City Administration and invests it in private citizens. He said programming priorities were vague in that document. **Gisler** re-iterated that Marr had previously pointed out the loss of fiscal control as an issue.

Shepherd, Gisler and Smith discussed the problem with the inclusion in the 2009 proposed policy about the physical performance by camera operators. Non-editorializing, objectivity and the first amendment were also discussed and **Gisler** emphasized that the draft proposal addresses these adequately and thoroughly.

Smith said that she supported the Staff supported policy and complimented **Gisler's** thorough research. **Smith** also stated that the physical camera operation policy was a problem and that she would speak against it at the City Council meeting.

Russell said that the Board should decide to send on to City Council either the current policy or the City's draft policy. He said he thought it best to take the opinion of those closest to the work. He proposed a vote on either of the two.

Shepherd said there was a third possibility. **Russell** said decide.

Pennington asked if the Board has to make a decision tonight or would the City staff move it forward without recommendation of the Board. **Gisler** said they had not discussed that.

Shepherd questioned how to describe the City staff statements of favor for the Draft policy and **Russell** said that they were telling their point of view. **Shepherd** talked about possible subcommittee meetings for considering the content of the draft policy.

Pennington said that City Council may take it up at any time in the future without Telecommunications Board approval or City Administration recommendation.

Russell again said no more debate. **Shepherd** said maybe never mention it again and maybe nothing has to change. **Pennington** added that City Council charged them to change it.

Russell again said the City staff is a competent group of leaders. He said he believes in less command and control but with oversight.

Cusanelli made the motion to approve the City Staff's version. **Pennington** seconded.

Bemis restated his concerns about the First Amendment and of complete programming discretion in the hands of City staff, without citizen input except in a small group to consider complaints and appeals and without the Telecommunications Board as a buffer. He stated he thinks all operational procedures should be developed from policies developed by this Board.

Russell asked **Gisler** to respond to Bemis. **Gisler** said the First Amendment rights are essential and that the channel strives to support Mayor Jordan's, Senior Staff's and City Council's commitment to make the City Government more open and accessible to the citizens of Fayetteville. **Gisler** said not one thing in the Staff supported document detracts from that. He said the channel wants the Telecommunications Board support in making the channel more forward moving and not mired in micromanaging by an old policy. He said the staff supported policy has a very specific appeals process. **Gisler** stated that he supports the Staff supported document which will need to grow and deal with things as they come along.

Smith stressed that nothing in the draft policy violates the First Amendment or any other law.

Shepherd and **Russell** talked about the public's access to knowing what the draft policy included. **Russell** said discussion in the Telecommunications meetings provided information.

The motion passed. 3 ayes. 1 nay (Shepherd)

