

City of Northfield, Minnesota	Policy Number:
	Adopted:
COUNCIL ADMINISTRATIVE POLICY	Revised:

DISCLAIMER

The City of Northfield expressly reserves and does not waive its right to continue, eliminate, or modify the policy at its sole discretion at any time without notice to employees or exclusive representatives.

PURPOSE

To provide city staff and community television producers with procedures to work effectively to provide the Northfield community with television programming that is informative, entertaining, and educational.

POLICY

I. Operating Guidelines

- A. Northfield Public Broadcasting (“NPB”) is a branch of the City of Northfield, Minnesota (“City”). NPB accepts programming for cablecast/broadcast on the access channel(s) carried on the franchised cable operator’s cable system serving the City. These policies and procedures will be implemented by NPB’s station manager. Day-to-day decisions on particular matters will be at the discretion of NPB and will include but not be limited to the following:
 1. Whether or not staff will cablecast/broadcast any particular program, activity or event; and
 2. Whether or not a particular program will air, the time it will air, what channel it will air on, and what forms or permission may be necessary for airing.
- B. NPB is the designated playback facility for the City. All access programming must be submitted to NPB in order to be cablecast/ broadcast on the City’s access channel(s).
- C. Unless required by the Minnesota Data Practices Act or other applicable state and federal law, NPB will not release a producer’s access program nor any portion of the program without written permission of the producer.
- D. NPB will not exercise editorial control over the content of any producer’s program. NPB does not assume responsibility for viewing programs. All program content is the responsibility of the producer. Any program will be cablecast/broadcast unless NPB is made aware that the program violates or may violate either of the following exceptions:
 1. Access channels may not be used for the presentation or production of material designed to promote the sale of commercial products or services or the dissemination of any information in contravention of Section VI (Sponsorship) or directly or indirectly involving lotteries as defined in Section 76.213 of the Rules of the Federal Communications Commission (“FCC”).
 2. Federal law provides that any person who transmits obscene programming or programming unprotected by the Constitution over cable systems may be fined and imprisoned. Moreover, producers may be subject to federal, state, and local laws regarding libel, slander, obscenity, incitement, invasions of privacy, copyright or other similar laws. The access channels may not be used to present material which violates federal, state, or local law.

Violations of Section I.D.(1-2) above may result in cancellation of the producer’s program, or

in the case of repeated violations of this policy, suspension of the privilege of the producer to use access channels, in accordance with the procedures set forth in Section II (Violations).

II. Violations

- A. If NPB determines that a producer's program violates Section I.D. or any of the other rules set forth herein, NPB will: (a) notify the producer of the violation; and (b) may suspend access privileges as listed below to prevent further violations of the policies.
 - 1. First violation: Suspension for up to three (3) months;
 - 2. Second violation: Suspension for up to six (6) months; and
 - 3. Third violation: Suspension for one (1) or more years including possible permanent suspension.
- B. Failure to deal with NPB staff in a straight-forward, truthful, and courteous manner will also be considered a violation of the policies and procedures.
- C. If NPB suspends the producer's access privileges on a temporary or permanent basis, NPB will: (a) immediately notify the producer in writing, explaining the reason for the suspension and the process for appeal; and (b) inform the City of the action taken. Any producer may appeal a notice of violation or suspension by appealing to the City at its next regularly scheduled council meeting. The City will provide the producer the opportunity to offer any relevant information and will issue a decision on the appeal within forty-five (45) days of the conduct of the appeal. If a producer appeals a suspension of access privileges, the suspension will remain effective until the City issues its decision on the appeal.

III. Producer Responsibility - General

- A. A producer must submit a Cablecast Request Form and completed program to NPB when reserving channel time.
- B. Producer will bear full responsibility for all program content. Producer will assume responsibility to obtain all necessary rights to program production materials. This includes all necessary literary, artistic, intellectual, performing, and music rights as well as all necessary clearances from the owners or licensees of such material. If requested, producer must be able to document, in writing, that the cablecasting of such material does not violate the rights of a third party, including the privacy rights of a third party. Each producer (or the parent or guardian of any producer who is a minor) must sign an agreement accepting responsibility for program content at the time the producer reserves time on the channel.
- C. Programming, between the hours of 5:00 a.m. and 11:00 p.m., will never include:
 - 1. Indecent material; or
 - 2. Profane speech.

Producers are encouraged to schedule any programming containing mature content after 11 p.m. NPB staff are neither qualified nor permitted to advise producers about the legality of program content. NPB's response to individuals with complaints about program content may include, but is not limited to, referral to the office of the city attorney when a program is alleged to be in violation of these policies and procedures or otherwise illegal.

- D. The producer must indemnify and hold harmless NPB, the City, and the franchised cable operator(s) serving the City from and against any damages, liabilities, and costs of any nature including attorney fees and disbursements arising out of or resulting from any action related in any way to producer's use of the access channels. This includes, but is not limited to, any damages and liabilities and costs which may arise as a result of producer's failure to abide by these policies and procedures. Each producer (and any parent or guardian of any producer who is a minor) must sign

an indemnity agreement at the time the producer reserves time on the access channel.

IV. Drop-off and Pick-up Procedures

- A. Submitted programming to NPB should be of good technical quality. Bars, tone, slate, and channel logos are not required for any program submission. Three seconds of slug must be added to the end of each program and incorporated into the program's run time.
- B. Media files should be named according to the following convention:
 - 1. ProgramTitle-SeasonEpisode-date of event (YYYY-MM-DD). (Example: PublicAccessTalkShow-S2E29-2020-01-13)
- C. Files must follow the file type formats listed in the Cablecast Flex Server documentation as listed on <https://www.cablecast.tv/help-center/documentation>
 - 1. In the event that a media file submission does not conform to the specifications, playback times may be missed for that particular episode until the issue is resolved. A reasonable attempt to contact the producer will be made prior to the playback time for that particular episode.
- D. DVD Submission/flash drives/portable media
 - 1. Protect your media by dropping it off in a jewel case or DVD sleeve.
 - 2. All DVDs must be in the possession of NPB's station manager ("Station Manager") at least three (3) business days prior to cablecasting. Programs airing on weekends must be dropped off at NPB by noon the preceding Wednesday.
 - 3. If DVDs are dropped off without completed Cablecast Request Forms or unclaimed from the self-service access producers' area at NPB more than thirty (30) days after playback, the Station Manager will make a reasonable attempt to contact the producer. Thereafter, the media may be discarded and the producer will have no recourse against the Station Manager, NPB, or the City.
 - 4. Up to six (6) DVDs may be submitted at a time. A producer may fill out one (1) Cablecast Request Form per batch submission provided that each episode's title, number, or record date as well as its total run time is listed on the form.
- E. Submission via File Upload
 - 1. Programming may also be uploaded to NPB's LiquidFiles <https://share.ci.northfield.mn.us>. Instructions may be requested from the Station Manager.
 - 2. Files submitted must be in the possession of the Station Manager by noon a day prior to cablecasting. Programs airing on the weekends need to be submitted by noon Friday.
 - 3. There is currently no limit to how many files may be uploaded at one time. A producer may fill out one Cablecast Request Form per batch of files submitted provided that the episode title, number, or record date as well as its total run time is listed on the form.
- F. Mail - Media can be mailed to the Station Manager at NPB, 801 Washington Street, Northfield, MN 55057. If you would like media returned to you via mail, include a self-addressed, stamped envelope. Otherwise, media will be left in the area set aside for access producers on second floor of City Hall in the Communications office.
- G. Cablecast Request Form
 - 1. DVD and electronic program submissions should be accompanied by a Public Cablecast Request Form. Paper forms are available in the producers' self-service area and web forms are available online at <https://ci.northfield.mn.us/>. Web forms get e-mailed directly to the Station Manager. DVD or electronic program submissions should shortly precede or follow

the online form submission. Paper forms can be faxed to 507-645-3075.

2. New and non-series producers should fill out the 'Contact Information' section of this form completely. Existing series producers can fill out 'Submitted Name' and 'Date,' completing the rest of the section only as contact information changes.

H. Hours and Location

1. Hours for DVD drop-off are 8:00 a.m. to 5:00 p.m. Monday through Friday. All media should be brought to NPB, Station Manager, left in the producers' self-service area or Communications drop box. Note that City Hall closes at 5:00 p.m. Producers dropping off media after 5:00 p.m. can only access the building via the entrance off the 8th Street parking lot and must arrange with NPB in advance.
 2. Any questions or concerns regarding programming, scheduling or playback should be directed to the Station Manager.
- I. Media Pickup - Programs submitted on DVD that air within a given month will be left for pickup in the producers' self-service area by the first business day of the following month. Programs submitted electronically will be deleted from the FTP server in the same manner.

V. Scheduling of Programming and Frequency of Playback

- A. Requests for channel time may be made up to six (6) weeks in advance and up to four (4) cablecasts per week for producers residing in the City. Non-resident producers are permitted up to three (3) cablecasts per week.
- B. Series programming can be established on a weekly, bi-weekly, or monthly basis. Series time slots will be 1/2 hour, 1 hour, or 2 hours in length not to be underutilized by more than 15 minutes. NPB reserves the right to require programming over three (3) hours in length to be presented in series segments of up to three (3) hours each. Programs in excess of their time slot will be cut short to fit that time slot.
- C. Short form programming will be accepted for cablecast/broadcast. Short form programming does not exceed fifteen (15) minutes per episode and can be scheduled within a regular series time slot provided that more than one (1) episode is submitted simultaneously whose combined runtime utilizes one (1) of the series time slots as described in paragraph B above. Standalone short form episodes will be scheduled at NPB's discretion.
- D. Public Service Announcements may be submitted for broadcast. PSAs will not be issued a regular time slot, but will be scheduled at the discretion of NPB staff. Additionally, NPB staff may schedule PSA on the City's community kiosk located at the corner of 6th and Division street and the electronic vehicle charging station located at 5th and Water streets both in downtown Northfield.
- E. Series programming will be scheduled in the same manner as all other programming, on a non-discriminatory first-come, first-served basis contingent upon the availability of channel time.
- F. Regularly scheduled series time slots may be allocated at the discretion of NPB staff. If a series producer fails to submit new programs for more than two (2) consecutive scheduling cycles, the remaining portion of the series may be reassigned at the discretion of NPB.
- G. NPB may not retain more than the most current episode in a series plus the previous two (2) episodes on its cablecast system. NPB may not retain standalone programming on its cablecast system longer than six (6) months.
- H. Programs accepted for cablecasting will be cablecast at least once, unless it is known that a program violates Section I.D. NPB reserves the right to cablecast any program more than one (1) time.
- I. The Cablecast Request Form must be signed for all programs to be scheduled for cablecasting.

- J. NPB will attempt to satisfy requests for the cablecast of programs at specific times on specific dates, depending on the availability of channel time. NPB reserves the right, however, to schedule programs at the discretion of NPB staff.
- K. The use in a monopolistic manner by one (1) or a few selected groups or individuals is not deemed to be in the public interest, nor is the domination of one type of programming over another. Channel use limitations may be applied in cases where the public interest in diversity of programming is not being maintained.
- L. With the exception of series program, no program will be scheduled until it has been completed. Exceptions may also be made when the timeliness of a program is essential. A request for waiver of this requirement should be made at least one (1) week in advance by contacting the Station Manager. The Station Manager may require producers seeking a waiver to complete a written form to facilitate consideration of the waiver request.
- M. Any locally produced program will be scheduled once for cablecast on the channel designated for local programming. Additional cablecasts may be scheduled at the discretion of staff and based on the availability of channel time.
- N. With the exception of programs produced by the City, State of Minnesota, Rice County and any resident of the City, all other programs will be considered non-local and may be scheduled at the discretion of staff and based on the availability of channel time. Locally produced programming will be given scheduling preference over non-local programming in the sole discretion of NPB staff.
- O. The following guidelines will be used in scheduling non-locally produced programming:
 - 1. A Northfield resident must sign all requests for the cablecast of non-locally produced programs. Resident sponsorship will be reviewed every year.
 - 2. All producers of non-locally produced programming must submit an Outside Production Tracking Form for each submitted program. Forms should be resubmitted annually or upon a change in program sponsor, program sponsor address, or producer address.
 - 3. Requests for the cablecast of non-locally produced programming will be filled on a first-come, first-served basis. Regularly scheduled series time slots may be allocated at the discretion of NPB staff. If new programs or the series are not submitted prior to the scheduled cablecast date, the remaining portion of the series time may be reassigned at the discretion of the staff.
 - 4. Informational programs produced by public agencies may be exempted from these guidelines.
- P. All programs submitted for cablecast must be clearly labeled on the media and the case with the name of the program; the exact length (in hours, minutes and seconds); the name, address and telephone number of the person requesting cablecast; and any special instructions.
- Q. Playback hours are from midnight to 11:59 p.m. Monday – Sunday.

VI. Sponsorship/Underwriting Policy

- A. Sponsorship and underwriting recognition may be given to businesses or other organizations that have contributed goods, services or funding supporting program production. Recognition may include an acknowledgment of the contribution made. Recognition may not contain any advertising information. The following guidelines apply to recognition for such:
 - 1. Recognition must appear at either the beginning or end of the program;
 - 2. Recognition may be aural, visual or both;
 - 3. Recognition may include a logo;

4. Recognition may include a name, address, phone number, web address, and email;
 5. Recognition may include a phrase describing the nature of the contribution;
 6. Recognition may include a phrase describing the nature of the business or organization;
 7. Recognition may not contain any qualitative or promotional information;
 8. Recognition may not contain a call to action.
- B. Sponsorship is defined as goods, services, or grants in aid of production provided to a program producer by a third party. Failure to follow sponsorship guidelines set forth in this Section VI will result in the program being withdrawn from channel playback. Sponsorships must meet IRS Guidelines. See “Addendum to Section VI - IRS Sponsorship Guidelines.”
- C. Programming Guidelines for acknowledgments at the beginning or end of access programs:
1. All acknowledgments at beginning or end of program, or during natural breaks if the program is LIVE or over one (1) hour.
 2. Maximum of sixty (60) seconds per half hour of programming.
 3. No more than fifteen (15) seconds for one sponsor acknowledgment.
 4. No more than sixty (60) seconds before or after a single program.
- D. Any producer who produces a program concerning a service or product which the producer sells commercially or which the producer has a direct or indirect financial interest in promoting may not mention the cost of the product or service, where or how it may be purchased, or include an acknowledgment for any business which offers the product or service in which the producer has a direct or indirect financial interest.
- E. Below are some general rules to adhere to:
1. No Calls to Action: Any type of imperative language “Call now, Act fast, See us on Saturday”. It is OK to have announcements that contain factual statements that imply action (such as “More information on the web at www.npr.org” as opposed to “Go to the web...”)
 2. No Prices: Price information also includes the term “free”.
 3. No Inducements to Buy: Such as discounts for listeners or viewers or donors. This doesn’t mean that discounts can’t happen – they just can’t be included in an underwriting mention.
 4. No Comparative Language: “Best, faster, cheaper, etc.” Underwriting language should be factual. If something can’t be proven, it can’t be included.

VII. Political Programming

- A. Requirements for broadcast licensees and cable operators under the Communications Act and FCC rules related to political broadcasting aimed at ensuring fair and reasonable access by political candidates are not applicable to public, educational and governmental access channels. Therefore, NPB will treat political programming no differently than any other programming that appears on the City’s access channel(s), with four (4) important exceptions:
1. NPB will not make any special scheduling changes on its channel, including the cancellation or preemption of regularly scheduled programming in order to accommodate programming that favors or opposes any candidate for public office.
 2. NPB will not air programming that favors or opposes any candidate for public office on the day of an election for that office.
 3. Political programming must carry the following or similar advisory notice: “The content

and opinions presented in this program are not those of Northfield Public Broadcasting, the City and this television channel.” The notice must be provided on both video and audio tracks prior to the start of the program and at the end of the program for a minimum of fifteen (15) seconds on each occurrence but no more than sixty (60) seconds. All text must be easily discernible in a legible font and font size. The amount of time used for displaying a notice will count toward the total running time of the program.

4. City and NPB, including its officers, directors, agents and staff, may not directly or indirectly participate in, or intervene in, the production of any political programming to appear on the access channel(s). This prohibition is not intended to restrict free expression on political matters by individuals who are members of the City or NPB staff and who are clearly speaking for themselves, as individuals. To avoid potential attribution of their comments outside of organization functions and its media sources, these persons who speak or write in their individual capacity must clearly indicate that their comments are personal and not intended to represent the views of the City or NPB.

VIII. Religious Programming

- A. Religious programs cablecast/broadcast may not contain:
 1. obscene or indecent content as defined by applicable law;
 2. fundraising material not in compliance with law;
 3. libel, slander, incitement or invasions of privacy;
 4. Content protected by copyright, unless the proper authorization has been obtained; and
 5. Any other content in violation of the law.
- B. NPB will not exercise editorial control over the content of any religious programs. NPB does not assume responsibility for viewing programs. All program content is the responsibility of the person submitting the program. Any program will be cablecast/broadcast unless it is known that it violates paragraphs (C) and/or (D) below.
- C. Access channels may not be used for the presentation or production of material designed to promote the sale of commercial products or services or the dissemination of any information directly or indirectly involving lotteries as defined in Section 76.213 of the Rules of the FCC.
- D. Violations of Section VIII1(A-C) may result in cancellation of the program, or in the case of repeated violations of these policies and procedures, suspension of the privilege to use the City’s access channels in accordance with the procedures set forth in Section I.
- E. Religious programs cablecast/broadcast may have underwriters that can be acknowledged at the beginning, middle and/or end of the program.
- F. Any person submitting a religious program to be cablecast/broadcast assumes responsibility for program content and will be required to sign a Cablecast Request Form.
 1. Any religious program, which fails to abide by these policies and procedures, will not be accepted for cablecasting.
 2. Religious programs may be cablecast up to six (6) times and then may be placed at the end of the filler rotation for later air dates.
 3. NPB will not retain copies of any program or programs submitted or produced other than City government meetings and programs produced by NPB staff.
 4. Complaints of religious programs which may violate these policies and procedures will result in a suspension of the program from the schedule until the program is reviewed by the City. Complaints must be submitted in writing to NPB staff and need to be specific to

the program and detailed on the alleged violation.

5. Any submitted religious program found to violate these policies and procedures will be immediately removed from the cablecast/broadcast schedule and not allowed to air. The person submitting the program will be notified of the violation.

IX. Community Announcements

- A. Currently, community announcements may be played city electronic bulletin boards, Charter Spectrum NPB stations 180 and 187 and the kiosk located at the corner of 6th and Division streets in downtown Northfield, without airtime fees or charges. Announcements must contain all pertinent information, including a contact person and a phone number.

ELIGIBLE EMPLOYEES

This policy applies to Northfield Public Broadcasting employees and City of Northfield employees who support Northfield Public Broadcasting services.