

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

ADMINISTRATION—ADOPT LIVESTREAM POLICY

BE IT RESOLVED, that the Allegan County Board of Commissioners hereby adopts the Livestream Policy, as attached, pending final legal review; and

BE IT FINALLY RESOLVED that material changes shall be brought back to the Board for further consideration.

DRAFT

**ALLEGAN COUNTY
POLICY/PROCEDURE**



TITLE: Live Streaming and Publishing Recordings of Meetings
Policy

POLICY NUMBER:

EFFECTIVE DATE:

LAST REVISED DATE:

LAST REVIEWED DATE:

1. PURPOSE:

The 'Live Streaming and Publishing Recordings of Meetings Policy' (the Policy) provides information and procedures in relation to the recording and live streaming of public meetings convened by the Board of Commissioners.

2. POLICY STATEMENT:

This policy reflects the Board of Commissioners' commitment to transparent and accessible decision making processes, with the introduction of live streaming and short-term archiving of Public Meetings; whilst noting that Closed Session Meetings that are not open to the public, in accordance with the Open Meetings Act, will not be recorded.

3. OBJECTIVE:

To improve accessibility and community participation in relation to decision making processes. Live streaming and publishing the video recordings of meetings on County's website will provide more flexible and convenient access to a wider audience, by allowing the public to watch meetings 'in real time' via the internet without the need to attend in person.

This provides the community greater access to viewing Board of Commissioner debate and decisions, eliminates geographic and time barriers which may prevent the public from attending meetings in person; thereby resulting in greater community awareness and accountability of the decision making processes.

4. SCOPE:

This Policy applies to Regular and Special Meetings of the Board of Commissioners and members of the public, both as members of the audience and as contributors to any public meeting held in the Board Room.

The policy does not extend to any closed session meetings in accordance with the Open Meetings Act.

5. DEFINITIONS:

Chair	Person presiding over the meeting.
Board	Allegheny County Board of Commissioners
CAO	Chief Administrative Officer
Defamation	Intentional false communication which damages the reputation of another individual.
Designee	Person/s appointed to represent others
Regular Meeting	As defined in the Board Rules of Organization.
Special Meeting	As defined in the Board Rules of Organization.
Closed Session	A Meeting of the Board which has been closed to members of the public under the Open Meetings Act.
Public Meeting/Forum	Includes: <ul style="list-style-type: none">• Ordinary Meeting of Council, as defined in Section 83(a) Local Government Act 1989,• Special Meeting of Council, as defined in Section 83(b) Local Government Act 1989,• any other Public Meeting or Forum held in the Council Chamber as authorized by the CAO
Privacy Breach	Unauthorized access to, or collection, use or disclosure of personal information.
Slander	Verbal defamation, in which someone tells one or more persons an untruth about another which untruth will harm the reputation of the person spoken about or referred to.

6. PROCEDURES:

6.1. Meetings to be Streamed Live and Recorded

6.1.1. Regular and Special Board Meetings will be streamed live on the Internet and made available via an accessible link posted on the County's website at www.allegancounty.org.

6.1.2. The recording will then be uploaded to the County's website within 2 business days of the recording date. Closed Session Board Meetings will not be recorded.

6.1.3. Other Public Meetings, as authorized by the CAO, may also be streamed live.

6.1.4. The Chair, Clerk and/or CAO have the discretion and authority at any time to direct the termination or interruption of live streaming if they believe it is advisable to do so. Such direction will only be given in exceptional circumstances, where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

6.1.5. There may be situations where, due to technical difficulties a live stream may not be available. While every effort will be made to ensure the live streaming and website are up and running smoothly, the County takes no responsibility for and cannot be held liable for, the live streaming or County website being temporarily unavailable due to technical issues beyond its control.

6.1.6. Technical issues may include, but are not limited to, the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages.

6.2. Access to Archived Recordings

6.2.1. Regular and Special Board Meetings that are streamed live on the Internet will later be archived and available to be viewed by the public free of charge from a link on the County's website (www.allegancounty.org).

6.2.2. Confidential Meetings closed to the public are not recorded.

6.2.3. Archived recordings of meetings will remain available for a period of 90 days.

6.3. Notice to Public

6.3.1. As a visitor in the meeting, your presence may be recorded. By attending the meeting, it is understood your consent is given if your name or image is broadcast.

6.3.2. At the commencement of each meeting, the Chair shall read a statement notifying those present that the meeting will be streamed live on the internet and that the recording will be made publicly available on County's website.

6.3.3. [refer Attachment 11.1]

6.3.4. Signage to this effect shall also be visibly displayed in the foyer of the Board Room, on the County's website and printed in the meeting agenda. [refer Attachment 11.2]

6.4. Public Question Time

6.4.1. Where public comment is afforded during an open meeting, the questioner has the option of reading their question to the meeting or having it read out by the Clerk.

6.4.2. If a Questioner does not wish to disclose any personal information (ex. name, address, organization represented), they may verbally express this when recognized by the Chair.

6.4.3. Questioners opting to read out their question/s will be invited to a designated location, from where they will be recorded.

6.4.4. By participating in a public Board meeting, those Questioners opting to read out their question(s) agree to being recorded

6.5. Other Public Meetings / Forums as authorized by the CAO and Streamed Live

6.5.1. Person/s invited to speak at any Public Meeting / Forum will be invited to a designated location, from where they will be recorded.

6.5.2. In such circumstances, correspondence to recipient/s shall include notification that the meeting will be streamed live on the internet and that the recording will be made publicly available on Council's the County's website . [refer Attachment 11.3]

6.5.3. By participating in a public meeting / forum, those members of the public in attendance agree to being recorded.

6.6. Identified Risks and Mitigation Action

6.6.1. Public meetings are an open forum of statements, questions and answers. Occasionally, comments could be made which may be regarded as offensive, defamatory, inaccurate or contrary to law.

6.6.2. By live streaming and publishing recordings of meetings, the potential audience is significantly increased, which also increases the likelihood and/or severity of potential liability.

6.6.3. No protection is afforded to commissioners, employees or the public for comments made during meetings which are subsequently challenged in a court of law and determined to be inaccurate or slanderous.

6.6.4. While the County may not be liable for any inaccurate or defamatory comments made by an individual at a meeting, it may, however, be liable if it publishes that material; albeit inadvertently.

6.6.5. Accordingly:

6.6.5.1. The Chair and/or CAO have the discretion and authority at any time during a meeting to correct inaccuracies and/or direct the termination or interruption of live streaming if they believe it is advisable to do so. Such direction will only be given in exceptional circumstances, where the content of debate is considered misleading, defamatory, or potentially inappropriate to be published.

6.6.5.2. Following any meeting, the CAO has discretion to direct the exclusion of all or part of any meeting recording which the CAO deems to be inappropriate. Material considered as inappropriate may include, but is not limited to:

- Inaccuracies
- Misinformation
- Defamation
- Infringement of Copyright
- Breach of Privacy / Disclosure of Personal Information
- Offensive Behavior including Discrimination
- Vilification or Inciting Hatred
- Confidential or Privileged Information

6.7. Privacy and Defamation

6.7.1. The County expressly provides no assurances that the audio/visual recording equipment will not capture an attendee's image in the webcast, and it is assumed that consent has been given to the County to broadcast your image.

6.7.2. The opinions or statements made during the meeting are those of the individuals, and not necessarily the opinions or statements of the County. The County does not necessarily endorse or support the views, opinions,

standards, or information contained in the live streaming/recording of the Board meetings .

6.7.3. The County does not accept any responsibility for the verbal comments made during Board meetings which are inaccurate, incorrect or defamatory and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error. The County does not accept any responsibility or liability for any loss, damage, cost, or expense you might incur as a result of the viewing, use or reliance of information or statements provided in the live streaming/recording of County meetings.

6.7.4. Privacy and Defamation Disclaimer

A privacy and defamation disclaimer has been prepared to ensure that:

- Visitors in the public gallery are aware of possible privacy concerns regarding the live streaming of meetings, and that
- County commissioners, elected officials, employees and visitors in the public gallery are fully aware of the possible legal consequences arising from making defamatory gestures, statements and/or comments.

Signage to this effect be visibly displayed in the foyer of the Board Room, on the County's website and printed in the meeting agenda . [refer Attachment 11.2]

6.8. Website Disclaimer

A disclaimer has been prepared to for inclusion on Council's webpage from which the live streaming and archived recordings are accessed by the public.

[refer Attachment 11.4]

7. RELATED POLICIES & STATUTORY OBLIGATIONS

- Board Rules of Organization
- Open Meetings Act

8. RELATED LEGISLATION

- Open Meetings Act

9. POLICY APPROVED

10. POLICY REVIEW

This operational Policy will be reviewed annually or as and when deemed necessary by the Board of Commissioners or at the recommendation of the County Administrator.

11. ATTACHMENTS

11.1. Meeting Chair's Statement

** to be read at the commencement of each Council Meeting **

Ladies & Gentlemen

Please note that this meeting is being recorded and streamed live on the County's web site in accordance with the Board of Commissioner's Live Streaming and Recording of Meetings Policy, which can be viewed on the County's website .

The recording will also be archived and made available on Council's website after the meeting.

All care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded.

By remaining in the public gallery, it is assumed your consent is given if your image is inadvertently broadcast.

I also remind all present that Local Government decision making, unlike State and Federal Government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors, Council OfficersCommissioners, County employees, and the public for comments made during meetings that are subsequently challenged in a court of law and determined to be slanderous.

Thank you

11.2. Public Notice

** to display at entrance to the Board of Commissioner's Chamber **

and included in the Meeting Agendas

Please note that this meeting is being recorded and streamed live on County's web site in accordance with the Board of Commissioner's Live Streaming and Recording of Meetings Policy#.

The recording will be archived and made available on Council's website after the meeting on www.allegancounty.org for a period of 90 days.

As a visitor in the public gallery, your presence may be recorded.

By attending the meeting, it is assumed your consent is given if your image is broadcast.

A copy of the policy can be viewed on Council's website.

11.3. Website Disclaimer

**** to be displayed on County's web site ****

All public Ordinary and Special Meetings of the Allegan County Board of Commissioners are streamed live and recorded and made available to the public after the meeting on Council's website.

Live streaming allows you to watch and listen to the meeting in real time, giving you greater access to Board's debate and decision making and encouraging openness and transparency.

Every care is taken to maintain privacy and attendees are advised they may be recorded.

There may be situations where, due to technical difficulties, a live stream may not be available.

While every effort will be made to ensure the live streaming and website are available, Allegan County takes no responsibility for, and cannot be held liable for the live streaming, if the County's website is temporarily unavailable due to technical issues beyond its control.

Technical issues may include, but are not limited to the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages.

Local Government decision making, unlike State and Federal Government, does not afford Councillors Commissioners the benefit of parliamentary privilege and hence, all associated laws apply.

It should therefore be noted that no protection is afforded to Councillors Commissioners, Council County employees or the public for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.