

Minutes of Meeting #444  
Nebraska Educational Telecommunications Commission  
Nebraska Educational Telecommunications Center  
1800 No. 33<sup>rd</sup> Street  
Lincoln, Nebraska  
December 4, 2014

PRESENT: Commissioner Dennis Baack  
Commissioner Ken Bird  
Commissioner Curt Frye  
Commissioner Patty Kircher  
Commissioner Dick Shoemaker  
Commissioner Clay Smith  
Commissioner Darlene Starman  
Commissioner Dara Troutman

ABSENT: Commissioner Matt Blomstedt  
Commissioner Fred Ohles

Advance notice of the public meeting was sent to Nebraska news media by means of a news release forwarded from the Commission office with Agenda posted in the NET Lobby and on the State and NET web sites. LB 898 (related to Open Meetings Act) is also posted in the NET Board Room on 1<sup>st</sup> floor.

Chair Clay Smith called meeting #444 to order at 9:35 a.m.

Following the call of the roll, it was determined that a duly constituted quorum of Commissioners to be present.

The Chair called for public comment. There was none.

The Chair next requested approval of the minutes of meeting #443 as held on August 28, 2014. It was moved by Commissioner Frye and seconded by Commissioner Baack to approve minutes of meeting #443 as presented. Motion was approved by acclamation.

AGM-Administration & Finance Randy Hansen presented the 1<sup>st</sup> quarter budget report for period ending September 30, 2014 for both the Television and Radio Divisions. The Finance Committee met prior to the meeting to review the report in greater detail. It was moved by Commissioner Shoemaker and seconded by Commissioner Bird to approve the 1<sup>st</sup> quarter budget reports as presented and attached to the minutes. Roll call vote was recorded as follows: voting aye: Commissioners Baack, Bird, Frye, Kircher, Shoemaker, Smith, Starman and Troutman; Absent: Commissioners Blomstedt and Ohles. Motion approved.

AGM-Administration & Finance Hansen reviewed the BKD LLP Independent Auditors' report for June 30, 2014. BKD performed the audit of the combined statements for the Nebraska Educational Telecommunications Commission, the Nebraska Educational Telecommunications Commission Facilities Corporation and the NET Foundation for Radio. A copy of the report and the related management letter were forwarded to Commissioners. Following discussion, it was moved by Commissioner Bird and seconded by Commissioner Shoemaker that the Commission accept and place on file the BKD report on the Commission's combined financial statements and related management letter for the fiscal year ended June 30, 2014. Roll call vote was recorded as

follows: voting aye: Commissioners Baack, Bird, Frye, Kircher, Shoemaker, Smith, Starman and Troutman; Absent: Commissioners Blomstedt and Ohles. Motion approved.

AGM-Operations Michael Winkle reported on the NETC resolution on diversity. The Corporation for Public Broadcasting (CPB) requires every station to have a diversity policy approved by its governance board and posted to its website. This is one of the compliance requirements for receiving an annual community service grant (CSG) from CPB. It was moved by Commissioner Baack and seconded by Commissioner Frye that NETC pass the following resolution:

### **Diversity**

WHEREAS the State of Nebraska is becoming more diverse in many ways, including race, ethnicity and cultural interests, Nebraska Educational Telecommunications Commission has a responsibility to provide programming and services that promote and foster access, opportunity and success necessary if our state and its people are to prosper;

BE IT THEREFORE RESOLVED, on December 4, 2014 that:

Nebraska Educational Telecommunications (NET) is committed to ensuring that its workforce and governing boards reflect the diversity found in the communities it serves. Central to NET's mission, vision and values is maintaining a governing and workplace environment which recognizes and celebrates the power of diversity in accordance to University of Nebraska and/or State of Nebraska policies. NET strives to create and foster a supportive environment in which all individuals can be successful and reach his or her full potential within the organization.

NET seeks a diverse workforce and governing body through distinct personalities and capabilities of each individual within the group. On a personal level, the diversity of an individual is defined by his or her cultural and personal differences, as well as life and professional experiences.

NET believes that diversity considerations extend beyond race and gender. The spectrum of diversity also includes disability, religious beliefs, age, culture, sexual orientation, physicality, education and socio-economic status.

Roll call vote was recorded as follows: voting aye: Commissioners Baack, Bird, Frye, Kircher, Shoemaker, Smith, Starman and Troutman; Absent: Commissioners Blomstedt and Ohles. Motion approved.

AGM-Operations Winkle next presented the NETC resolution on usage of Legislative and State Government video. In October 2014, representatives from the Clerk of the Legislature's Office inquired whether NET had a policy on usage of video originating from the Capitol or other government services. An informal ban on commercial and political usage has been expressed by staff for many years. In light of these inquiries, staff believes it is more appropriate for the Commission to take a formal position. It was moved by Shoemaker and seconded by Commissioner Bird that NETC pass the following resolution:

### **Usage of Legislative and State Government video**

WHEREAS the State of Nebraska has funded and directed NET to broadcast and stream legislative sessions and hearings; Supreme and Appellate Court proceedings; State Board of Education monthly meetings; and, other state government content for purposes of access and transparency of state government activities, and for public information purposes available to all Nebraska citizens:

BE IT THEREFORE RESOLVED, on December 4, 2014 that:

All Nebraska Legislature and State Government video content provided by the NET, on behalf of the Nebraska Educational Telecommunications Commission and the State of Nebraska, is prohibited for political or commercial purposes.

Commercial use includes using state government content to promote or represent a for-profit business or brand. Political use includes lobbying and advocacy. This includes the dissemination, in any way, for the purposes of influencing the election or nomination for election of any individual to federal, state or local office; for the purpose of influencing the recall from or retention in office of an individual holding a federal, state or local office; for the purpose of influencing a particular vote on a referendum; and, for the purposes of influencing public opinion on matters of public policy.

This prohibition applies to any current or future distribution platforms, including political events, rallies and fundraisers, broadcast television, on line internet video, social and mobile media.

Roll call vote was recorded as follows: voting aye: Commissioners Baack, Bird, Frye, Kircher, Shoemaker, Smith, Starman and Troutman; Absent: Commissioners Blomstedt and Ohles. Motion approved.

Chairman Smith next appointed the following Commissioners to join him on the Nominating Committee: Dick Shoemaker, Dennis Baack and Dara Troutman. In addition to nomination of officers for 2015, the Committee has been requested to submit potential names to replace Commissioner Dinsdale in the Grand Island area (District 3). Commissioner Kim Dinsdale submitted her resignation effective September, 2014. Names will then be submitted to the Governor's office for his review and selection.

AGM-Content David Feingold reviewed activities of NET Television and Radio. He next introduced NET staff members Dennis Kellogg (NET Radio News Director), Terry Dugas (NET Manager Television Content Distribution) and Joe Turco (NET Television Production Manager and Executive Producer, NET Sports) who reported on specific activities in their areas.

Jim Adams, Assistant General Manager of University of Nebraska-Omaha Television reported on activities at UNO-Television including the ongoing weekly program of *Consider This*.

AGM-Education Gary Targoff reviewed Interactive and Educational Media projects in development or planning, Early Childhood Education (Ready to Learn/NET Kids) events and Community Engagement/Educational Outreach activities. General Manager Leonard testified before the State Legislature's Education Committee as part of their review of lottery funds allocated for education (LB 497). Gary and Mark have been meeting with the Nebraska Department of Education and others regarding the potential for NET's Virtual Learning Library to help address some of the educational challenges facing Nebraska schools.

General Manager Leonard introduced AGM-Technology Ling-Ling Sun who joined NET staff on September 8. Ling-Ling then reported on activities that she has been involved in since her arrival at NET. She reviewed the challenges connected with the failure of the IOT tube at the Hastings Television transmitter. This tube has now been replaced and full power resumed at KHNE.

Secretary Leonard presented a status report regarding UNO Television including the possible relocation of UNO tower to KETV. He, Michael Winkle and Commissioners Bird and Smith met with UNO Chancellor Christensen to review the best option available for this move.

The Secretary presented additional information regarding the status/guidelines of the spectrum reallocation. The Federal Communications Commission (FCC) has now delayed the application deadline to participate in the auction by 9 months to 2016. By 2016, TV stations will have to decide whether to put all or part of the 6 MHz chunks of radio frequency spectrum into an incentive auction. For stations that don't offer spectrum at auction the process will include a shift (repacking) of existing channel assignments to clear the upper end of the UHF spectrum around the country.

2015 NETC meeting dates are scheduled as follows: February 19 (Videoconference Meeting), June 25, August 27 and December 3.

Being no further business, Chairman Smith called for a motion to adjourn the meeting. It was moved by Shoemaker and seconded by Frye to adjourn meeting #444 at 11:30 am. Motion approved by acclamation.

Respectfully submitted,

Mark Leonard  
Secretary