

Resolution No.: 18-61
Introduced: February 10, 2015
Adopted: February 24, 2015

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Legislative/Executive Branch Memorandum of Understanding Regarding County Cable Montgomery

Background

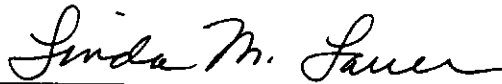
1. The attached Memorandum of Understanding between the Legislative and Executive branches governs the use of County Cable Montgomery. It spells out the policies of the channel, details the allocation of resources and time, and establishes a 50/50 division of time on the channel.
2. The Government Operations & Fiscal Policy Committee discussed and approved the memorandum on February 5, with a clear understanding in regard to the 50/50 division of time.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The Legislative/Executive branch Memorandum of Understanding regarding County Cable Montgomery is approved.

This is a correct copy of Council action.



Linda M. Lauer
Linda M. Lauer, Clerk of the Council

**MONTGOMERY COUNTY
GOVERNMENT ACCESS CHANNEL
EXECUTIVE AND LEGISLATIVE
POLICY STATEMENT AND
MEMORANDUM OF UNDERSTANDING**

Policy

Montgomery County Government's access channel was created as a vehicle for wider dissemination of information about Montgomery County Government services.

The Director of the Office of Public Information, the Council's Legislative Information Officer and the Cable and Broadband Administrator in the Office of Cable and Communication Services, Department of Technology Services (DTS) are responsible for the implementation of this policy statement and memorandum of understanding.

Day-to-day technical management and engineering for the channel is the responsibility of the Office of Cable and Communication Services. Production staffs working for the Office of Public Information and County Council are managed by direct supervisors in each office. These staffs receive their assignments and direction for editorial content for ongoing programming from the Office of Public Information and the County Council, respectively. The Council and the Office of Public Information obtain certain production services under a single contract administered and monitored by the Office of Cable and Communication Services. Production services are provided under contracts negotiated by the Executive and Legislative branches with coordination of the Cable and Communication Services. All funds are allocated through the Annual Cable Communications Plan.

For the purposes of this document, Montgomery County Government refers to the Executive and Legislative branches; other elected officials; and agencies such as the Montgomery County Planning Board and Washington Suburban Sanitary Commission. Because Montgomery County Public Schools and Montgomery College have their own PEG stations, these entities are excluded.

The mission of the channel is to:

1. Expand and enhance public participation in the governmental process by (a) broadcasting meetings of governmental bodies, public hearings, and news conferences; (b) creating and presenting programs that expand the awareness of the County government, its organizations, commissions and agencies and its decision-making processes and events and programs provided by the County government; and (c) facilitating two-way communication between residents, businesses and visitors and County government officials.
2. Expand and enhance residents' access to County programs and services by bringing comprehensive information on those services, programs and resources via cable television and other media.
3. Enhance emergency communications in the County.

The Office of Public Information and the County Council Legislative Information Office will work together to coordinate programming for the channel, and will work with the Office of Cable and Communication Services of DTS, which will provide operational support.

When a branch, department or agency submits a completed or acquired program for cablecasting on the government channel, it is responsible for obtaining the necessary clearance, licenses and permissions necessary for cablecasting.

Prohibitions and Restrictions

The government channel must *not* broadcast:

1. Information concerning any lottery, gift, enterprise or similar scheme, offering prizes dependent, in whole or in part, upon lot or chance, or any prizes drawn or awarded by means of any such lottery, gift, enterprise or scheme, whether the list contains any part or all such prizes.
2. Material that is intended to defraud the viewer or designed to obtain money by false or fraudulent pretenses, representations or promises.
3. Obscene matter.
4. Libelous or slanderous matter as defined by law.
5. Advertising materials whose primary purpose is to promote the sale of commercial products, trade or services. This prohibition does not apply to promotion of government materials and services for which a fee may be charged.
6. Audio or visual reference to any business, service or product for which any economic consideration was received by anyone in exchange for the display, announcement and/or reference to such business, service, or product or service. However, brief audio and video credit, which complies with Executive Regulation 31-90 minus logos or slogans, may be given at the end of a program where special materials or assistance have been donated by a commercial or charitable enterprise.
7. Political programming by individual candidates after their public announcement of candidacy or filing for office, by political party representatives, or by supporters and opponents of any candidates designed to campaign for or against candidates.

Guidance Concerning Scheduling and the Allocation of Resources

The Office of Public Information and the County Council Legislative Information Office will work with the Office of Cable and Communication Services of DTS to facilitate production and airing schedules, and to resolve any disputes regarding programming or the allocation of resources.

The Office of Cable and Communication Services (DTS) will update the production schedule on behalf of the Office of Public Information and the County Council Legislative Information Office on an as-needed basis.

For the convenience of viewers, there will be a regular schedule of programs that will be preempted only for live coverage of sessions of government bodies or news conferences. Each branch will have regularly allocated time slots. Every effort will be made to adhere to published airing schedules, particularly in the case of pre-advertised shows.

The Office of Public Information and the County Council Legislative Information Office will each week submit to the Office of Cable and Communications Services a suggested airing schedule for new shows.

The programming priorities are as follows:

1. Announcements of an emergency nature affecting the public health or safety.
2. Live programming of sessions of governmental bodies including County Council sessions and hearings and hearings held by the County Executive or by departments or agencies of County Government.
3. Live press conferences or special events.
4. Local origination programs about County government services, events and public affairs programming, such as information about the government process.
5. Public service announcements and character-generated material or bulletin board-type material.
6. Acquired programming of interest to the residents, businesses and visitors of Montgomery County.

Procedures to Resolve Disputes

The Office of Public Information and the County Council Legislative Information Office may notify the Office of Cable and Communication Services in writing at any time that an irreconcilable dispute has arisen. Upon receipt of this notice, the Office of Cable and Communications Services will divide programming time throughout the cablecast day fairly, including an equal division of "prime time" hours (7 p.m. to 11 p.m.), Monday through Friday, and 2 p.m. to 8 p.m. Saturday and Sunday.

The Office of Public Information and the County Council Legislative Information Office will make every effort to negotiate similar contracts and utilize the same contractor(s) for technical and production services.

This agreement shall be reviewed and updated during February for the first year of each new Council term.

Timothy L. Firestine
Timothy Firestine
Chief Administrative Officer

Date: 3/16/15

Stephen B. Farber
Stephen B. Farber
Council Administrator

Date: March 9, 2015