

GO Committee #2
February 7, 2011

M E M O R A N D U M

February 3, 2011

TO: Government Operations & Fiscal Policy Committee

FROM: Delphine Harriston, Program Specialist II 

SUBJECT: Memorandum of Understanding Regarding Use of County Cable Montgomery

Summary

The attached Memorandum of Understanding (MOU) (see © 1 – 4) between the Legislative and Executive branches governs the use of County Cable Montgomery and establishes the principle that the channel should reflect the views and priorities of both branches of County Government. While no formal approval by the Council is necessary, the attached draft is submitted for review and comment prior to signature by the Chief Administrative Officer and the Council Staff Director.

Executive and Council staff have reviewed the Memorandum, which includes some minor revisions to reflect changes in media since the last MOU was approved four years ago.

The Office of Cable and Communication Services (DTS) is responsible for day-to-day channel management. Channel resources are allocated by the Office of Public Information, the County Council Legislative Information Office, and the Office of Cable and Communication Services staff who meet weekly. The Council and the Office of Public Information obtain certain production services from Montgomery Community Media (MCM) 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 office. All funds are allocated through the Annual Cable Communications Plan.

Recommendation

In past years there has been a high level of cooperation between the Executive and Legislative branches regarding County Cable Montgomery, and it is anticipated that this cooperation will be further facilitated by the recent organizational and administrative changes. However, staff believes that it is very important to reiterate the policy that the County Government channel should fairly reflect the policies and priorities of each branch of government. The Council and the Executive should have equal visibility on the channel. This Memorandum of Understanding ensures that this will continue to be the case.

Both the Office of Public Information and the Legislative Information Office agree on all aspects of the MOU.

Background

County Cable Montgomery is one of 13 Public, Education and Government (PEG) channels allocated to the County under the terms of the franchise agreement with Comcast, RCN and Verizon. Funding for the channel is provided via the Cable Communications Plan that is approved as part of the County Government Operating Budget. There are separate appropriations for production services for the Council and for the Office of Public Information. Capital expenditures are found in the PEG Equipment replacement line item. All equipment is owned by County Government and is shared by the two branches.

Recent Developments

The following accomplishments have been achieved over the past four years:

- Close captioned 99 percent of all CCM programming.
- Increased program offerings including *County Reports This Week*, which highlights news within the County, and *Montgomery Plans*, which highlights activities including details of Master Plans involving the Montgomery County Planning Board.
- Through cooperation of several PEG channels, for the first time these channels broadcast live election night results of the 2010 primary and general elections.
- Increased use of social media by placing programming on YouTube and Facebook and promoted programming by use of Twitter.
- Increased video presence on County web site, Council web site, individual Councilmembers' web sites and the County Executive's web site.
- Implemented program schedule so viewers could more easily find live and rebroadcast of programs.
- Since implementation of Granicus on-line services in July 2010, viewers can watch programs online within 24 hours of a live airing. Granicus also enables programs to be retained and available for online viewing indefinitely, instead of the previous two-week limited retention.
- Redesigned the Technical Operations Center (TOC) so that all PEG programming comes through one central location, eliminating the need to go through Comcast operations. Key benefits include the ability to quickly and directly broadcast emergency information via all PEG channels.
- Worked with the redesign of the third floor Council hearing room and third floor conference room to add large TV screens for viewing by residents and Councilmembers, new sound system and new lighting, etc.

Summary of Provisions of Memorandum of Understanding

Mission Statement Prohibitions and Restrictions. Staff calls your attention to © 1.

Procedures to Resolve Disputes. Staff calls your attention to © 3 of the Memorandum:

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 (DTS) 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 is the “failsafe” provision that establishes the right of equal access to the channel should there be a dispute that cannot be resolved amicably by the C/ECC. Based on the history of joint programming, staff does not expect that this provision will ever be put to the test. The Council, of course, is the final fiscal authority and presumably could protect its interests through the process of approving the Cable Plan and making appropriations to the two branches.

**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, Legislative and Judicial branches; other elected officials; and agencies such as the Montgomery County Planning Board and Washington Suburban Sanitary Commission. Because the Board of Education and Montgomery College have their own PEG channels, 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; and
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 Firestine
Chief Administrative Officer

Date: _____

Stephen B. Farber
Council Staff Director

Date: _____