

Resolution No.: 16-58  
Introduced: February 13, 2007  
Adopted: February 27, 2007

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**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 in the event of a dispute between the Legislative and Executive branches.
2. The Management and Fiscal Policy Committee discussed and approved the memorandum on February 5 with the understanding that the fallback 50/50 division of time would take into account regularly scheduled Council events and that the prohibition against editing Council sessions does not preclude excerpting from Council sessions for such programs as "Council in Brief."

**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.



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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 on Montgomery County Government.

A Council Executive Cable Coordinating Committee (C/ECCC) consisting of designees of the Council Staff Director, the Director of the Office of Public Information and the Office of Cable and Communication Services, Department of Technology Services (DTS) is responsible of the implementation of this policy statement and memorandum of understanding. Day-to-day management and engineering for the channel is the responsibility of the Office of Cable and Communication Services (DTS). Production services are provided under contracts negotiated by the Cable Program Manager. 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 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:

1. To 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 citizen awareness of the County government, its organizations and functions and its decision-making processes; and (c) facilitating two-way communication between citizens and government officials;
2. To expand and enhance citizen access to County programs and services by bringing comprehensive information on those services, programs, and resources to citizens via cable television;
3. To enhance emergency communications in the County; and
4. As part of the programs of the agencies and departments to provide useful information to citizens in areas such as public safety, health and consumer protection.

It is the responsibility of the Office of Cable and Communication Services (DTS) to ensure that all programming adheres to the stated mission and is technically sound.

The C/ECCC will establish procedures to handle program proposals and final approval for airing. The resulting programs are the property of Montgomery County Government and must be aired on the government channel. Airing of programming by any other entity must have prior approval by the originating member of the C/ECCC.

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 of such prizes;
2. material which 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 logs 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; or
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 or otherwise solicit public support.

The following is not to be considered political programming:

1. statements by persons who receive incidental air time as part of a public meeting being carried by the government channel;
2. statements made in public meetings as part of the normal debate preceding official action; and
3. statements made in response to reporters' questions in a news broadcast dealing with public policy issues.

Any public meeting or hearing that is carried, e.g. County Council sessions, public hearings, must not be edited to change substantive content. Comments on the meeting shall be limited to explanatory introductions or summaries without editorial comment.

Programming produced by the government access channel cannot be used for

1. political campaigning by individuals or organizations seeking public office or reelection;
2. solicitation of funds or for political purposes. This is not to preclude the cablecasting of legislative sessions, press conferences or reports by current elected officials regarding the status of issues and other governmental business.

### **Guidance Concerning Scheduling and the Allocation of Resources**

The C/ECCC will determine the production and airing schedules and resolve any disputes regarding programming or the allocation of resources for production.

The C/ECCC will meet to discuss any changes or to prepare the cablecasting schedule. The Office of Cable and Communication Services (DTS) will update the production schedule on behalf on the Executive and Legislative Branches on an as-needed basis.

Resources will be allocated based on the airing schedule established at the C/ECCC meetings. Exceptions will be made to accommodate programs that are of a higher priority or cannot be rescheduled, such as press conferences or one-time press events.

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 Council Office and the Office of Public Information will each week submit to the Office of Cable and Communication Services a suggested airing schedule for shows produced by each branch.

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 public affairs programming such as "Council in Brief" and "Montgomery Focus", discussion groups, and informational programming about the governmental process.
5. Local origination programs about County Government services such as "A Closer Look", "Did You Know", "Sights on Seniors" and "The Parks Show".
6. Character generated material.
7. Acquired programming deemed to be useful to the citizens of Montgomery County.

Either the Executive or Legislative Branch representative on the C/ECCC at any time may notify the Office of Cable and Communication Services (DTS) in writing that an irreconcilable dispute has arisen. Upon receipt of this notice, the Office of Cable and Communication Services (DTS) will divide programming time throughout the cablecast day fairly, including an equal division of "prime time" hours (8:00p.m. to 11p.m.), Monday through Friday, and 2:00p.m. to 11:00p.m. Saturday and Sunday.

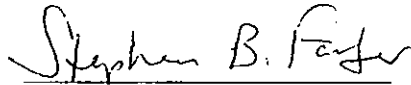
**Other Issues Addressed by the C/ECCC**

The Executive and Legislative Branches will make every effort to negotiate similar contracts and utilize the same contractor(s) for technical services. C/ECCC members will regularly communicate regarding the technical service contract and its renewal.

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

  
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Timothy Firestine  
Chief Administrative Officer

Date: 3/5/2007

  
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Stephen B. Farber  
Council Staff Director

Date: 3/5/2007