



Committee: PHED
Committee Review: At a future date
Staff: Christine Wellons, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #BroadcastMCEDC

AGENDA ITEM #5
March 23, 2021
Public Hearing

SUBJECT

Bill 11-21, Montgomery County Economic Development Corporation – Bylaws – Live Video Streaming of Open Meetings

Lead Sponsor: Councilmember Glass

Co-Sponsors: Council President Hucker, Councilmembers Jawando, Katz, Navarro, Council Vice President Albornoz and Councilmember Rice

EXPECTED ATTENDEES

Public speakers

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Public Hearing

DESCRIPTION/ISSUE

Bill 11-21 would require the Montgomery County Economic Development Corporation to adopt bylaws requiring: (1) the live streaming of certain meetings; and (2) the archiving of certain videos.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

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MEMORANDUM

March 18, 2021

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 11-21, Montgomery County Economic Development Corporation – Bylaws – Live Video Streaming of Open Meetings

PURPOSE: Public Hearing – no Council votes required

Bill 11-21, Montgomery County Economic Development Corporation – Bylaws – Live Video Streaming of Open Meetings, sponsored by Lead Sponsor Councilmember Glass and Co-Sponsors Council President Hucker, Councilmembers Jawando, Katz, Navarro, Albornoz and Rice, was introduced on March 2, 2021.¹ A Planning, Housing and Economic Development Committee worksession will be scheduled at a later date.

Bill 11-21 would require the Montgomery County Economic Development Corporation to adopt bylaws requiring: (1) the live streaming of certain meetings; and (2) the archiving of certain videos.

PURPOSE

The purpose of the bill is to increase the public transparency and accessibility of MCEDC meetings.

BILL SPECIFICS

Under current law, MCEDC is required to hold meetings in compliance with the State’s Open Meetings Act (OMA). Thus, except when an exception under the OMA applies, MCEDC meetings are publicly advertised, open to the public, and archived through public minutes.

Under Bill 11-21, MCEDC would remain subject to the OMA. However, in addition to following the OMA, MCEDC generally would be required to broadcast its meetings through live video stream, and to archive those videos in a manner accessible to the public.

The MCEDC would not be required to broadcast meetings that are closed pursuant to the

¹#BroadcastMCEDC

OMA. The bill also would allow exceptions to the video requirements if:

- (A) a majority of Board of Directors find that a technical problem or an emergency situation prevents the live video streaming of a meeting;
- (B) a factor beyond the Corporation's control, including an electrical power outage or an interrupted internet connection, prevents or delays live video streaming of a meeting; or
- (C) a factor beyond the Corporation's control, including a website error, makes the archive required under paragraph (2) temporarily unavailable.

This packet contains:

Bill 11-21

Legislative Request Report

Sponsor Memorandum

Circle #

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F:\LAW\BILLS\2111 Public Meetings Broadcast Requirements\PH Memo.Docx

Bill No. 11-21
Concerning: Montgomery County
Economic Development Corporation
- Bylaws - Live Video Streaming of
Open Meetings
Revised: 2/24/2021 Draft No. 3
Introduced: March 2, 2021
Expires: September 2, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Glass
Co-Sponsors: Council President Hucker and Councilmembers Jawando, Katz, Navarro, Council
Vice President Alborno and Councilmember Rice

AN ACT to:

- (1) require the Montgomery County Economic Development Corporation to adopt bylaws requiring the live video streaming of certain meetings;
- (2) require the archiving of certain videos; and
- (3) generally amend the law regarding the bylaws and meetings of the Economic Development Corporation.

By amending

Montgomery County Code
Chapter 15A, Economic Development
Section 15A-4

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

1 **Sec. 1. Section 15A-4 is mended as follows:**

2 **15A-4. Status; incorporation; bylaws.**

3 * * *

4 (c) Public transparency.

5 (1) The County Council finds that:

6 (A) Since its inception in 2016, the Montgomery County
7 Economic Development Corporation (MCEDC) has
8 received a total of \$39.5 million in general operating and
9 emergency supplement funding to implement and manage
10 programs furthering the County’s business attraction,
11 retention, and growth initiatives;

12 (B) MCEDC has received \$24.2 million in general operating
13 support to administer the Economic Development Grant &
14 Loan Program, MOVE Program, Biotech Credit
15 Supplement, and Small Business Assistance Program;

16 (C) During the Covid-19 pandemic, MCEDC has administered
17 \$15.3 million in special appropriations to implement the
18 Local Production Fund, Telework Assistance Program, 3R
19 Initiative and the Restaurant Relief Fund;

20 (D) According to MCEDC’s FY20 annual report, 96% of the
21 organization’s revenue was provided by County taxpayers.

22 (2) The bylaws must require the Corporation:

23 (A) to comply with the Maryland Open Meetings law, as
 24 amended, and the Maryland Public Information Act, as
 25 amended; and

26 (B) to comply with the requirements of subsection (d).

27 (d) *Live Video Streaming of Open Meetings.*

28 (1) For purposes of this subsection, *open meeting* means an open
 29 session of the Corporation under Section 3-301 of the General
 30 Provisions Article of the Maryland Code, as amended.

31 (2) Except as provided in paragraph (3), the Corporation must:

32 (A) make publicly available through its website live video
 33 streaming of each open meeting of the Corporation; and

34 (B) maintain a publicly available archive that contains each
 35 video created under subparagraph (A).

36 (3) The requirements of this subsection do not apply if:

37 (A) a majority of Board of Directors find that a technical
 38 problem or an emergency situation prevents the live video
 39 streaming of a meeting;

40 (B) a factor beyond the Corporation’s control, including an
 41 electrical power outage or an interrupted internet
 42 connection, prevents or delays live video streaming of a
 43 meeting; or

44 (C) a factor beyond the Corporation’s control, including a
 45 website error, makes the archive required under paragraph
 46 (2) temporarily unavailable.

47 (4) A failure to comply with this section does not invalidate any
48 action of the Corporation.

LEGISLATIVE REQUEST REPORT

Bill 11-21

Montgomery County Economic Development Corporation – Bylaws – Live Video Streaming of Open Meetings

DESCRIPTION: Bill 11-21 would require the Montgomery County Economic Development Corporation to adopt bylaws requiring the live streaming of certain meetings and the archiving of certain videos.

PROBLEM:

GOALS AND OBJECTIVES: Increase public transparency and public accessibility to MCEDC meetings

COORDINATION:

FISCAL IMPACT: Office of Management and Budget

ECONOMIC IMPACT: Office of Legislative Oversight

EVALUATION:

EXPERIENCE ELSEWHERE: To be researched

SOURCE OF INFORMATION: Christine Wellons, Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: N/A



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

EVAN GLASS
COUNCILMEMBER
AT-LARGE

TRANSPORTATION & ENVIRONMENT COMMITTEE
HEALTH AND HUMAN SERVICES COMMITTEE
LEAD FOR HOMELESSNESS AND VULNERABLE COMMUNITIES

M E M O R A N D U M

TO: Councilmembers

FROM: Evan Glass, Councilmember

DATE: February 25, 2021

SUBJECT: Bill, Montgomery County Economic Development Corporation- Bylaws- Live Video Streaming of Open Meetings

Next month marks one year since many individuals in Montgomery County and across the country began working from home. Teleworking and virtual platforms have revolutionized the way we connect with family, friends and co-workers. It has also showcased the creativity of governments and organizations to make information more accessible.

On March 2, 2021, I will be introducing legislation to provide for the live streaming and archiving of the Montgomery County Economic Development Corporation's (MCEDC) open meetings. This legislation builds on efforts by Senator Cheryl Kagan and Delegate Mark Korman at the state level to ensure that meetings for governmental and quasi-governmental organizations with a significant fiscal responsibility are accessible and transparent to the public.

MCEDC acts as one of the primary agents to attract, retain and grow the business sector in Montgomery County. The organization has also served as the swift arm in ensuring the administration of County funds towards the economic needs of businesses during the pandemic. Since its inception in 2016, the County has allocated nearly \$40 million in general operating funds and special appropriations to MCEDC to fund their efforts to implement and manage the County's economic development programs. MCEDC receives 80% of the County's economic development funding, with 96% of the organization's revenue provided by County taxpayers.

Given the significant investment made by County taxpayers into MCEDC, residents should be able to easily access open meetings. Currently, if residents would like to watch MCEDC's meetings they must request an access code beforehand or wait to read the meeting notes after decisions have been made.

Constituents and organizations that advocate for transparency in government have reached out to me requesting greater accessibility so that they can monitor MCEDC deliberations and track the use of taxpayer dollars.

A year into COVID operations, we have seen technology become a great equalizer to ensure meetings are accessible to all. Considering all this, this legislation will:

- Require MCEDC's live stream all their open meetings on their website
- Maintain a public archive of all videos recorded
- These requirements do not apply if the Board of Directors find there is a technical problem, emergency situation, or factors out of their control preventing them from streaming their meeting

I welcome your support and co-sponsorship of this legislation. Please contact Valeria Carranza or Bianca Lora with any questions you may have. I welcome your support to modernize our systems and to codify best practices in open and transparent government.

Sincerely,

A handwritten signature in black ink that reads "Evan Glass". The signature is written in a cursive, flowing style with a long, sweeping underline.

Evan Glass
Councilmember, At-Large