

City of St. Helens
RESOLUTION NO. 2037

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ST.
HELENS ADOPTING AN EXECUTIVE SESSION NEWS MEDIA
ATTENDANCE POLICY AND REPLACING IN ITS ENTIRETY
RESOLUTION NO. 2001**

WHEREAS, Oregon public meetings law provides that representatives of the news media shall be allowed to attend certain executive sessions of public bodies, but may be requested to not disclose specified information (ORS 192.660(4)); and

WHEREAS, because at the time state law relating to media attendance at executive session was adopted, "news media" consisted of entities that were institutionalized and structured to support compliance with the requirements of ORS 192.660(4), the law includes no express mechanism for enforcing those requirements; and

WHEREAS, ORS 192.660(11) prohibits the Oregon Government Ethics Commission from adopting rules that establish what entities are considered representatives of the media that are entitled to attend executive sessions under ORS 192.660(4); and

WHEREAS, while there are no applicable rules nor has the Commission issued any opinions regarding defining the entities considered "representatives of the news media," the Attorney General has provided guidance on what factors governing bodies should weigh in determining who is permitted to attend an executive session as a "representative of the news media"; and

WHEREAS, "Representatives of the news media" for the purposes of ORS 192.660(4) include news-gathering representatives who have a formal affiliation with an institutional news entity, whether through employment, by contract, or some other authorization and that are formally organized for the purpose of gathering and disseminating news¹; and

WHEREAS, technological advances since the time the public meetings law was initially adopted have resulted in development of communication mechanisms allowing virtually any individual or entity to disseminate information widely; and

WHEREAS, the City of St. Helens (the "City") finds that in that absence of a statutory definition of "representatives of the news media" as that term is used in ORS 192.660(4) it is necessary to adopt a policy that implements the intent of the public meetings law and available Attorney General guidance relating to executive session attendance, without precluding attendance by internet-based or other "non-traditional" information disseminators that are institutionalized and committed to compliance with ORS 192.660(4); and

WHEREAS, the City adopted a News Media Policy through the adoption of Resolution No. 2001 and the City desires to incorporate additional guidance available from the Attorney General into the City's News Media Policy, and that the below updated News Media Policy replaces Resolution No. 2001 in its entirety; and

¹ The Attorney General Public Meetings Manual (2024), page 151; 817 Op Atty Gen No 8291, 2016 WL 2905510 (Apr 18, 2016), pages 2 and 14; available at <https://www.doj.state.or.us/wp-content/uploads/2017/06/op8291.pdf>

WHEREAS, the City Council recognizes that this policy is solely for determining eligibility to attend executive sessions, which requests non-disclosure of specified information from executive sessions, and is not intended to otherwise define "news media" or to determine eligibility to report on the City's activities or to limit access to other City meetings by any person.

NOW, THEREFORE, the City of St. Helens resolves as follows:

1. Currently Recognized New Media Organizations. The following entities, through their authorized and authenticated representatives as news media representatives, are hereby recognized as news media organizations eligible to attend executive sessions, as they have an established history of meeting the requirements of this policy:

- Oregonian
- Daily Journal of Commerce
- Willamette Week
- Columbia County Spotlight

Radio News Media Organizations

- [Radio media outlets formally organized to gather and disseminate the news.]

Television News Media Organizations:

- [TV media outlets formally organized to gather and disseminate the news.]

No other entity or its representative shall be permitted to attend an executive session unless it is recognized through the process set forth in Section 2 below.

2. Recognition of Other News Media Organizations. The following entities shall be recognized as "representatives of the media" whose authorized and authenticated representatives are eligible to attend executive sessions:

- A. A general or associated member newspaper of the Oregon Newspaper Publishers Association, a broadcast member of the Oregon Association of Broadcasters, or a member of the Associated Press; or
- B. Daily newspapers, non-daily, and small-market newspapers/publications, as well as those publications that are released as digital and multiplatform products; or
- C. A newspaper or publication that the City uses for publication of public notices and that meets the requirements of ORS 193.020; or
- D. An individual that has a formal affiliation with an institutional news media entity. In making the determination of whether an individual has a formal affiliation with an institutional news media entity, the City shall consider and weigh the existence of the following factors:

- a. A formal affiliation with an institutional news media through employment, by contract, or some other authorization with the institutional news media entity. For the purposes of establishing a formal affiliation, the following guidance shall be used:
 - i. Employment with an institutional news media entity means employed to perform the job of news gathering, reporting, and disseminating for the institutional news media entity.
 - ii. A contract with an institutional news media entity means a contract between an individual and a news media organization to cover news stories or report on matters specified in the contract on the news media entity's behalf.
 - iii. Other authorization includes an agent for an institutional news media entity.
- b. The applicant regularly posts for websites maintained by traditional media companies, such as nytimes.com, cnn.com, or the Oregonlive.com.
- c. If the applicant does not regularly post for a traditional news media entity, then it can demonstrate that it is an institutionalized news media entity, if it demonstrates:
 - A formally organized business structure, which is organized for the purpose of gathering and disseminating news;
 - The existence of staff (rather than a single individual);
 - Regularly and continuous publications, broadcasts, or articles via any variety of mediums including the Internet;
 - A commitment and demonstrated structure to support the terms of ORS 192.660(4); and
 - A process in place for reporting conflicts of interest and correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.

E. Application process. It shall be the applicant's burden to persuade the City of St. Helens by substantial evidence that it should be recognized as a "representative of the news media" and meets the criteria in Section 2 of this policy by following the below application process.

- a. Requests to be recognized as a "representative of a news media" must be made in writing on an application form approved by the City, in a format outlined in the attached Exhibit A, which may be updated by the City from time to time. The form will be made available on the City's website and upon request.
- b. The form shall require disclosure of the person's name, and the institutional news media entity which they are formally affiliated with and submission and description evidencing compliance with the factors outlined in Section 2.
- c. Applications must be submitted thirty (30) calendar days in advance of the first executive session that the entity desires to attend. The City shall make a determination at the next City Council meeting at least fifteen (15) calendar days after receiving the evidence submitted by the entity.
- d. A determination that the entity is not recognized shall be based upon written findings.

e. The form shall also include a certification that the person is a "representative of a news media", that the information given is true, and that the person agrees to comply with ORS 192.660(4).

f. In making its determination whether to recognize the applicant as a representative of the news media, the City may require supplemental information, such as:

- A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license);
- A recently published news article in the recognized news media organization publication or broadcast, with the person's byline, or a masthead showing the person's name as a member of the news gathering staff of the news media organization, plus proof of identity;
- A letter on letterhead from an editor of the institutional news media entity in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity;
- Any other credentials or evidence sufficient to demonstrate that the individual is a representative of the institutional news media.

F. Status changes. At any time the status of an approved "representative of the news medias" changes, such that he or she would no longer be eligible to qualify as a representative of the news media pursuant to this policy, the representative must immediately notify the City of its change in status and discontinue attending executive sessions. If the City has reason to believe that the representative's status has changed and it no longer qualifies as a "representative of the news media," the City may require the representative to submit documentation demonstrating that he or she meets the required criteria. The City may deny the representative the ability to attend an executive session until such time that the evidence is submitted and reviewed by the City.

G. Attendance at Executive Sessions.

a. Representatives of news media recognized pursuant to this policy shall be allowed to attend executive sessions, except as described below in paragraphs (i) and (ii) of this section:

- i. Representatives of the news media are not permitted to attend executive sessions involving deliberations with persons designated to carry on labor negotiations. ORS 192.660(4).
- ii. If the executive session is being held to confer with counsel about current litigation or litigation likely to be filed, the City shall exclude any member of the news media from attending if the member is a party to the litigation to be discussed or is an employee, agent or contractor of a news media organization that is a party to the litigation. ORS 192.660(5).

b. Once determined by the City to be a "representative of the news media," advance notice of attendance at an executive session is requested, but not required.

H. Recording Devices Prohibited. Cameras, tape recorders and other recording devices shall not be used in executive sessions, except for the official executive session recording made by City staff.

I. Application to Boards and Commissions. These policies and procedures shall apply to the City Council and all of its boards and commissions.

J. Method of Attendance. Representatives of news media organizations recognized pursuant to this policy must attend executive sessions in person only. Attendance virtually via electronic means will not be allowed unless the Council is meeting via electronic means only, in which case the City may establish additional security procedures, such as requiring the camera to be turned on and that no one is present in the room.

Approved and adopted by the City Council on _____, by the following vote:

Ayes:

Nays:

Jennifer Massey, Mayor

ATTEST:

Kathy Payne, City Recorder

City of St. Helens

Recognized News Media Representative Application

Pursuant to the City of St. Helens' Executive Session News Media Attendance Policy, those claiming to be representatives of the news media are requested to complete this form. Please provide the requested information below, complete and sign the certification section, and submit the completed form to the City Recorder in advance by: (1) personal delivery to the City Recorder; (2) sending the completed form via e-mail to CR@sthelensoregon.gov; or (3) delivering a completed copy to City Hall located at 265 Strand Street, St. Helens, OR 97051.

NOTE: If the City is unable to verify this information prior to the start of an executive session, your attendance at the executive session may be denied or the executive session may be postponed.

Print Name

Name of News Media Organization Represented

CERTIFICATION OF REPRESENTATION:

[INSERT UPDATED APPLICATION]