

# TOWN TALK CAFÉ

CONTACT: STEVEN TOSCHI, OWNER  
215 N. RIVER STREET  
SAINT HELENS, OR 97051  
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E: [S.TOSCHI@COMCAST.NET](mailto:S.TOSCHI@COMCAST.NET)

February 5, 2024

John Walsh, City Administrator  
City of St. Helens  
265 Strand Street  
St. Helens, OR 97051

**RE: City Council Executive Session Attendance by Steve Toschi of Town Talk Café**

Dear Mr. Walsh:

Marty Rowe of Mountain Broadcasting, KOHI 1600 am sent me your letter of December 8, 2023 sent on behalf of the City of St. Helens. I believe for its part KOHI responded to the City's inquiry on December 8, 2023 at 10:36 am.

I'm enclosing for your review the contract I have with KOHI for a one-hour radio show. The contract started on October 2, 2023 and continues through December 2024. It's likely to be extended. The contract is for my broadcast of the Town Talk Café Radio Show. KOHI has no control over the content of my broadcast. KOHI is a radio station licensed by the Federal Communications Commission with Facility ID 70467 and broadcasts with 1000 watts. Town Talk Café is broadcast live from 4-5:00 p.m. on Fridays. A recording of the show is rebroadcast by KOHI M-Th from 4-5 pm. KOHI archives the shows, which are available to the public and the world from the KOHI website. Town Talk Café will be publishing all shows in a "blog" or "podcast format" starting in January 2024. Currently, Town Talk Café shows are advertised on Facebook and billboard advertising on Highway 30.

Town Talk Café is a talk show, covering local people, news and events. Town Talk Café covers local news that it gathers through my efforts. Town Talk Café does and will gather, through my efforts, local news involving St. Helens and in particular the St. Helens City Council and local politics. Just last week Town Talk Café covered the "land for dirt" issue wherein the City of St. Helens attempted to trade some of its land for dirt. In prior shows we covered decisions of the St. Helens City Council and the operation of the government. We have scheduled for next week news and discussion of the \$1 million paid by the City for plans for the police station that was too large for the City's budget. As part of my news gathering efforts, I've made public records requests to the City and received information. When I made those public records requests I stated that I would be sharing the information with the public.

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In order to satisfy the City's inquiry, I provide the following information answering the questions asked:

Bullet one: A copy of my contract with KOHI establishing my right to broadcast is attached. I've informed the City of my intention to attend Executive Session meetings as a member of the press. I gather local news involving St. Helens and report it.

Bullet two: I've attached my contract with KOHI establishing my right to broadcast. My work is not being performed for KOHI or at KOHI's request. KOHI is the radio station that will broadcast my content, per my contract with KOHI, via its license with the FCC.

Bullet three: I have a contract with KOHI to broadcast my show. KOHI is a radio station licensed by the Federal Communications Commission with Facility ID 70467 and broadcasts with 1000 watts. I have a right to broadcast the content of my show, including the news, per my contract with KOHI and KOHI's license with the FCC.

Bullet four: KOHI addressed this point. KOHI does not have control over the content of my show, and neither does the City. To re-assure the City, I intend to comply with all laws.

Bullet five: KOHI addressed this request in its response to you. For my part, I've read the laws concerning the press reporting executive sessions. I've also read the Oregon Attorney General Opinion that I qualify as the press. If the City desires to provide me, as a member of the press, with any information regarding its desires re the press covering executive sessions, please provide the information.

Bullet six: I'm not a representative of KOHI. I'm not acting on KOHI's behalf. I will inform the City if my contract with KOHI to broadcast ends or if I decide to not broadcast the show, or if I decide not to gather and report local news.

Bullet seven: The City requested any additional information. Toward this end, I have already sent to the City the Opinion of the Oregon Department of Justice No. 8291, dated April 18, 2016. The opinion stated that the purpose of the press attending executive sessions is a "watchdog" function and to prepare future stories regarding City news. In light of the City Council twice being reprimanded for violation of public meeting laws, both times with its council present, there is no question that I as a member of the press will perform the "watchdog" function. Also, attending executive sessions will help me prepare for future stories. In 1976 the Attorney General provided the opinion that by using the word "representative," the legislature intended to mean "institutionalized" news media. KOHI broadcasts under an FCC license and is therefore "institutionalized." The am band has been in use in the early 1900's. The KOHI radio station has been broadcasting local shows and news in Columbia County for more than 50 years. It is a

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Columbia County “institution.” In a 1979 opinion, the Attorney General concluded that a representative of a high school newspaper was a representative of the news media “if the newspaper ordinarily covers news germane to the executive session.” (page 7.) Town Talk Café has and will cover news regarding the St. Helens City Council, St. Helens City Council Politics, local politics, and the goings on in St. Helens. Certainly, the scope of the coverage would overlap matters discussed in executive session. In the 2014 updated Attorney General Manuel, the Justice Department clarified that “Representatives of the news media includes *news-gathering* representatives of institutionalized news media that ordinarily report activities of the body.” Steve Toschi currently is the only news-gathering representative of Town Talk Café. Town Talk Café ordinarily reports on the activities of the St. Helens City Council on the institutionalized media of a radio show licensed by the FCC, by contract. The 2016 Attorney General Opinion also expanded the definition of “representatives of the news media” “is not limited to “traditional print media.” The Opinion stated that bloggers would qualify. Town Talk Café not only broadcasts on KOHI, but also blogs on Facebook regarding City Council activities. Since I am a news gatherer, and report the news via an institutionalized media, and report directly on the subject of the City Council, I qualify as a representative of the news media to attend executive sessions under Oregon Law.

I hope this answers all of the City’s questions. If you have any additional questions regarding the radio show, please feel free to tune in, call in, listen to the archived material, or request additional information from me.

Sincerely,



Steve Toschi for Town Talk Café

Enclosure: Contract



www.am1600kohi.com

# KOHI Broadcast Time Order - Invoice 10117

36200 Pittsburg Rd Suite C St. Helens, OR 97051 | 503.397.1600 Voice | 503.933.5014 Cell | Email: kohi.radio@gmail.com

Advertiser: St Helens Town Talk Radio Show

Address: SToschi@tcdlegal.com

City/State/Zip: Scappoose Oregon 97056

Contact: Steven Toschi

Phone 510-835-3400

One Hour Radio Show Live or Recorded every Friday and then played back Mon-Thursday 4p-5p for 6 months  
PLAN/PACKAGE: \_\_\_\_\_

START: October 2, 23 END: March 31, 24 Total weeks: 24 Total Ads: \_\_\_\_\_ Total \$ 2400

Method of Payment:  CASH  CHECK  CHARGE CARD Deposit Paid \$ \_\_\_\_\_

CHARGE: CARD # \_\_\_\_\_ Balance Due \$ 2400

EXP DATE: \_\_\_\_\_ SEC CODE \_\_\_\_\_ Billing Zip \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

Approved by: MR

Description of Purchase: Steven may sell the spot breaks on the show. 3 3minute breaks per hour if needed. Each Show cost is\$100.5 week months will not be charged so this contract is 6 months for \$2400. Steven Toschi is responsible for his own content. Marty is available for live show production/calls. 10 promos weekly.

TIMES	SUN	MON	TUES	WED	THURS	FRI	SAT
		4p-5p	4p-5p	4p-5p	4p-5p	4p-5p	

This is a contract to broadcast commercial air/spot time or purchase service as described above. Standard Broadcast Terms Apply. This is the entire Agreement and Advertiser has not relied on any statements made by representative other than those expressed above in making this Agreement. KOHI not responsible for Acts of God, or other events or equipment problems which might impact the delivery of this broadcast order. The term Advertiser refers to the company/person purchasing the air/spot time and agrees to pay the amount due in full at time of signing agreement.

DATE: 9/25/23

X  
Approved By Advertiser

Marty Rowe  
Approved By KOHI Radio

Thank you for your business!!! Please call our land line to use a charge card 503-397-1600



36200 Pittsburg  
Road  
Suite C  
St. Helens, OR  
97051

Phone: 503-397-1600  
Fax: 503-397-1601  
Email: kohi.radio@gmail.com

## Invoice

### Bill To:

Steven Toschi  
Weekly Radio Show  
Stoschi@tcdlegal.com  
5145 Johnson Dr,  
Pleasanton, CA 94588  
510-835-3400

Description of Spots or Package Purchased:		Schedule Run Date(s):		
Radio Show change order		November 2023	Invoice: 81923 November 16, 2023	
Number of Ads	Rate Per Spot	Package	Spot Length	Total:
Change Show time to Fridays at 10a-11a with repeats Mon-Thurs Starting January 2024				
Expand time Order Original Invoice 10117 to full year thru December 2024			55min	\$1800

Total Order \$1800.00

Note:  
Steve would like to guest on one or two of  
Melinda's final shows in transition if possible.

Deposit Paid with Card 2066 1800

Balance Due \$00.00

*Thank You for Your Business!*  
*Terms: Due on receipt*

***Please Make Your Check Payable to:  
Mountain Broadcasting LLC dba KOHI***