

MEMORANDUM

Date: February 14, 2025

To: Mayor and City Council of the City of St. Helens

Cc: City Administrator, John Walsh

From: Ashley Wigod, City Attorney

Re: Application for Media Representative to Attend Executive Sessions
Media entity: Odd Friday Talk Show; St. Helens Update
Representative: Tammy Maygra

On December 17, 2024, and on January 8, 2025, Ms. Maygra submitted an application as a representative of Odd Friday and Sthelensupdate.com, to be a representative of the media for the purposes of attending executive sessions in accordance with ORS 192.660(4).

Per the City's News Media Attendance Policy and the Attorney General guidance, an individual is a "representative of the news media" if they have a **formal affiliation with an institutional news media entity** through employment, by contract, or some other authorization with the institutional news media entity.

Here is a review and evaluation of the application:

1. The applicant has a formal affiliation with an institutional news media entity through employment, by contract, or some other authorization with the institutional news media entity.

The applicant stated that it has a contract with KOHI as an independent contractor for its radio talk show, Odd Friday. This type of contract does not establish a formal affiliation with an institutional news media entity to cover news stories or report on the news media entity's behalf. Instead, it is a contract to pay for the use of KOHI's radio station to produce a talk radio show. In addition, the applicant declined to provide a letter from KOHI's news editor confirming a formal affiliation with KOHI.

2. If the applicant does not have a formal affiliation with a traditional news media entity, the following additional factors may be used to determine if an entity the applicant is affiliated with is institutional.

a. A formally organized business structure, which is organized for the purpose of gathering and disseminating news;

The applicant's business structure is unclear. Neither Odd Friday or St. Helens Update, is formally organized through the Secretary of State, for the purposes of gathering and disseminating news. The information provided does not support that the applicant is formally affiliated with an institutional news media entity.

b. The existence of staff with assigned duties (rather than a single individual);

The organizational structure, staffing, and assigned duties related to Odd Friday and StHelensUpdate.com are unclear. The information provided does not support that the applicant is formally affiliated with an institutional news media entity.

c. Regular and continuous news publications, broadcasts, or articles via any variety of mediums including the Internet;

The applicant participates in regular broadcasts of information through her participation on Odd Friday and posts on St.HelensUpdate.com. The broadcasts and posts are a combination of facts and opinions, rather than a traditional news broadcast or publication.

While these platforms may provide valuable information to the community, these platforms are what the Attorney General says are more like personal reflections and comments and therefore do not qualify as institutional media for the purposes of attending executive session. Therefore, the applicant's evidence of publications and broadcasts does not support a finding that she is affiliated with an institutional news media entity.

d. Separation between fact gathering publications or broadcasts and opinion publications or broadcasts;

Odd Friday broadcasts and St. Helens Update posts appear to be a combination of facts and opinions, without clearly identified separation. These platforms do not identify which contributors provide fact gathering publications and which provide opinion publications. Therefore, these two platforms do not meet the criteria of separating and identifying fact gathering and opinion-based publications and do not support a finding that the applicant is formally affiliated with an institutional news media entity.

e. A commitment and demonstrated structure to support the terms of ORS 192.660(4); and

The applicant has not provided any information about its commitment and structure to support the terms of ORS 192.660(4).

f. 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.

The applicant has not provided any information about its process for reporting conflicts of interest or correcting errors.

LEGAL RECOMMENDATION: Based on the above, the applicant has not demonstrated that she is formally affiliated with an institutional news media entity. Therefore, it is recommended that her application, for the purposes of being considered "representatives of the news media" to attend executive session, be **DENIED**.

In the event the applicant believes the City has acted in violation of ORS 192.610 to 192.705, the applicant may, within 30 days of the alleged violation, file a written grievance per ORS 192.705.