

## **City of Springfield, Oregon Executive Session News Media Attendance Policy**

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, 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 council finds that in that absence of a statutory definition of “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 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 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;

The city council hereby adopts the following policy:

1. **Recognized News Media Organizations.** The following entities are recognized as news media organizations eligible to attend executive sessions:
  - A. Daily newspapers, non-daily, and small-market newspapers/publications, as well as those publications that are released as digital and multiplatform products; or
  - B. A newspaper or publication that the city uses for publication of public notices and that meets the requirements of ORS 193.020; or
  - C. An entity that is organized and operated to regularly and continuously publish, broadcast, transmit via television, radio or the internet or otherwise disseminate news to the public, and that regularly reports on activities of public concern.
  
2. **Attendance at Executive Sessions.** Representatives of news media organizations recognized pursuant to Section 1 of this policy shall be allowed to attend executive sessions, except as described below in paragraphs (C) and (D) of this section, pursuant to the following process:
  - A. The representative must provide substantial evidence persuading the city that he or she is a news reporter for the recognized news media organization. In making its Guide to Executive Sessions 52 determination whether to recognize the person as a representative of the news media organization, the city may require:

- a. A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or
- b. 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; or
- c. A letter on letterhead from an editor of the recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity.
- d. Any other credentials or evidence sufficient to demonstrate that the individual is a representative of the news media.

The city requires that requests to be recognized as a representative of a news media organization be made in writing on a form provided by the city. The form shall require disclosure of the person's name, and the entity for which he or she is a representative and shall require submission of evidence described in subsections 2(A) of this policy. The form shall also include a certification that the person is a representative of a recognized news media organization, that the information given is true, and that the person agrees to comply with ORS 192.660(4). The form will be made available on the city's webpage and upon request by any individual.<sup>85</sup>

- B. The city council is prohibited from making final decisions on any matter in executive session. Therefore, representatives are requested to provide the above evidence to persuade the city that they are a representative of the recognized new media organization in advance of the schedule executive session. In the event that a person claiming to be a representative of the news media fails to provide advance evidence of their credentials, the representative should either be allowed to attend the executive session, or the executive session shall be postponed until a later time.
- C. 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).
- D. 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).

3. Recording Devices Prohibited. Cameras, tape recorders and other recording devices shall not be used in executive sessions, except for the official executive session tapes made by city staff.
4. Application to Boards and Commissions. These policies and procedures shall apply to the city council and all of its boards and commissions.