

## CITY OF COOS BAY

### Resolution 20-23

#### **A RESOLUTION OF THE CITY OF COOS BAY, OREGON ESTABLISHING 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 required to not disclose specified information (ORS 192.660(4)); and

**WHEREAS**, because at the time state law relating to media attendance at executive sessions 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 meeting 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 Coos Bay City Council (City Council) and Urban Renewal Agency Board (Agency Board) 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 and/or Agency Board recognizes that this policy is solely for the purpose of determining eligibility to attend executive sessions, which requires 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 Council and/or Agency Board activities or to limit access to other City Council and/or Agency Board meetings by any person;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, THAT THE FOLLOWING IS DECLARED AND RESOLVED:

1. Currently Recognized News Media Organizations. The following entities are hereby recognized as news media organizations eligible to attend executive sessions because they have an established history of meeting the requirements of this policy:
  - A. The World Newspaper
  - B. The Register Guard of Eugene
  - C. The Oregonian of Portland
  - D. KCBY TV
  - E. KEZI TV
  - F. KMRT RV
  - G. KOBI TV
  - H. K-DOCK Radio
  - I. Bicoastal Media Radio
  - J. KHMS Radio

- K. 105.9 The Legend Radio
- L. KOOS FM Radio
- M. K-Light Radio.

No other entity shall be permitted to attend an executive session unless it is recognized through the process described in Section 2 below.

2. Recognition of Other News Media Organizations. The following entities are recognized as news media organizations eligible to attend executive sessions:
- A. A general or associate member newspaper of the Oregon Newspaper Publisher Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or
  - B. A newspaper that the City Council and/or Agency Board uses for publication of public notices and that meets the requirement of ORS 193.020; or
  - C. An entity recognized by the City Council and/or Agency Board as being a news source that:
    - i. Is organized and operated to regularly and continuously publish, broadcast, transmit via the internet or otherwise disseminate news to the public, and that regularly reports on activities of the City of Coos Bay or matters of the nature under consideration by the City Council and/or Agency Board; and
    - ii. Is determined by the City Council and/or Agency Board to be a business entity that is institutionalized<sup>1</sup>, committed to, and structured to support the terms of ORS 192.660(4)<sup>2</sup>. In making this determination, the City Council and/or Agency Board may consider and weigh any factors that it deems to be relevant, including, without limitation, the existence of any of the following factors:
      - a. The entity has multiple personnel with defined roles within its organizational structure;
      - b. The names of the news-reporting personnel and responsible entity management personnel, together with addresses and contact telephone numbers, are readily available;
      - c. The entity has an available process for correcting errors, including violations of executive statutes, by a person with authority to take corrective measures.

It shall be the entity's burden to persuade the City Council and/or the Agency Board by substantial evidence that it should be recognized as a news media organization meeting the criteria in Section 2 (a) of this policy. Such evidence must be submitted 30 days in advance of the first executive session that the entity desires to attend. The City Council and/or Agency Board shall make a determination within 14 days of receiving the evidence submitted by the entity.

(1) For the purpose of this policy, "institutionalized" means long-established or well-established.

(2) ORS 192.660(4). Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061(2) but the governing body may require that specific information be undisclosed.

The City Council and/or Agency Board may elect to forgo this procedure in cases where the City Council and/or Agency Board, in its sole discretion, determines that it can immediately recognize that an entity qualifies under this policy, or in cases where the public body, in its sole discretion, determines that other good cause exists for making an expedited determination. A determination that the entity is not recognized shall be based upon written findings addressing the criteria Section 2.

3. Attendance at Executive Sessions. Representatives of news media organizations recognized pursuant to Sections 1 and 2 of this policy shall be allowed to attend executive sessions, except as described in ORS 192.660(4) and 192.660(5), pursuant to the following process:
  - A. The representative must provide substantial evidence persuading the City Council and/or Agency Board, that he or she is a news reporter for the recognized news media organization. In making its determination whether to recognize the person as a representative of the news media organization, the City Council and/or Agency Board shall require:
    - i. A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or
    - ii. 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
    - iii. 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.
  - B. At its own discretion, the City Council and/or Agency Board may allow representatives of recognized news media organizations to attend executive sessions involving deliberations with person designated to carry on labor negotiations [ORS 192.660(4)]. If the executive session is being held for the purpose of conferring with counsel about current litigation or litigation likely to be filed, the City Council and/or Agency Board 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 news media organization that is a party to the litigation [ORS 192.660(5)].
  - C. The City of Coos Bay City Council may require that a request to attend an executive session be made in writing on the form attached hereto as Exhibit A. The form shall require disclosure of the person's name, the entity for which he or she is a news reporter, and shall require submission of evidence described in Subsection 3(A) (1), (2) or (3) of this policy. The form shall also include a signature line whereby the person certifies that they are gathering news for a recognized news media organization, that the information given is true, and that they agree to comply with [ORS 192.660(4)].

- D. The City Council and/or Agency Board may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized news media organization.
4. Recording Devices Prohibited. Cameras, tape recorders and other recording devices shall not be used in executive sessions, except official executive session tapes that may be made by the City Council and Agency Board staff.
5. Exclusion Based on a Direct Personal Interest. A representative if a news media organization that has a direct personal interest in the subject of the executive session that would frustrate the purpose of the executive session may be barred from attending.
6. Application to Boards and Commissions. These policies and procedures shall apply to the City Council and Agency Board, and all of its boards and commissions.

The foregoing resolution was duly adopted by the City of Coos Bay, Coos County, Oregon this 15<sup>th</sup> day of September 2020.

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Joe Benetti, Mayor

ATTEST:

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Nichole Rutherford, City Recorder

**EXHIBIT A  
of Resolution 20-23**

**NEWS MEDIA REQUEST TO ATTEND EXECUTIVE SESSIONS  
OF THE COOS BAY CITY COUNCIL AND/OR URBAN RENEWAL AGENCY**

**NAME:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**NEWS MEDIA ORGANIZATION:** \_\_\_\_\_

Pursuant to the provisions of ORS 192.660(4), which allows representatives of the “news media” to attend executive sessions of public bodies, and in compliance with City of Coos Bay Resolution 20-23, I am hereby requesting to attend executive sessions of the Coos Bay City Council and/or Urban Renewal Agency Board as a representative of the above-listed news media organization.

1. In connection with my request, I hereby certify that I am a representative of the news media identified above engaged in the act of gathering news for that organization.
2. Along with this request, I am providing proof of my identity (such as a driver’s license) and one of the following, as required by Section 3 (A) of City of Coos Bay Resolution 20-23:
  - A press badge or identification issued by the news media organization identified above;
  - A recently published news article in the above identified news media organization’s publication or broadcast, with my byline, or a masthead showing my name as a member of the news gathering staff of the news media organization; or
  - A letter on letterhead from the editor of the above identified news media organization in which the editor states that I am covering the meeting for the news media organization.
3. I hereby certify that the information I am submitting is true and I agree to comply with ORS 192.660(4).

**Applicant’s Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

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**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_ **by the Coos Bay City Council and/or Agency Board, on this** \_\_\_\_ **day of** \_\_\_\_\_, **20** \_\_\_\_.

**ATTEST:** \_\_\_\_\_  
Nichole Rutherford, City Recorder