

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 16-

A RESOLUTION ADOPTING A POLICY REGARDING NEWS MEDIA IN EXECUTIVE SESSIONS

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 session was adopted, “news media” consisted of entities that were institutionalized and structured to support compliance with the requirements of ORS 192.660(4), and 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 of Tigard finds that in the 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 of Tigard 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 City of Tigard activities or to limit access to other City of Tigard meetings by any person.

NOW, THEREFORE, BE IT RESOLVED, the Tigard City Council adopts the following policy:

SECTION 1: The Tigard Times and The Oregonian 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. No other entity shall be permitted to attend an executive session unless it is recognized through the process described in Section 2 below.

SECTION 2: 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 Publishers Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press;
or
- B. A newspaper that the City of Tigard uses for publication of public notices and that meets the requirements of ORS 193.020; or
- C. An entity recognized by the City of Tigard as being a news source that is:
 - a. 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 Tigard or matters of the nature under consideration by the City of Tigard; and

- b. Determined by the City of Tigard to be a well-established, institutionalized business entity, and that is committed to, and is structured to support, the terms of ORS 192.660(4). In making this determination, the City of Tigard may consider and weigh any factors that it deems to be relevant, including, without limitation, the existence of any of the following factors:
 - i. The entity has multiple personnel with defined roles within its organizational structure;
 - ii. The names of news-reporting personnel, and responsible entity management personnel, together with addresses and contact telephone numbers, are readily available;
 - iii. The entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.
- D. It shall be the entity's burden to persuade the City of Tigard by substantial evidence that it should be recognized as a news media organization meeting the criteria in Section 2.C of this policy. Such evidence must be submitted to the City Manager for placement on the Council agenda for the next business meeting prior to the first executive session that the entity desires to attend. The City of Tigard may elect to forgo this procedure in cases where the City of Tigard, 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 in Section 2.C.

SECTION 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 of Tigard, 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 of Tigard shall require:
 - 1. A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or
 - 2. 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
 - 3. 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. 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). 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 of Tigard 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).
- C. The City of Tigard may require that a request to attend an executive session be made in writing on a form provided by the City of Tigard. The form shall require disclosure of the person's name, and the entity for which he or she is a news reporter, and shall require submission of evidence described in the above sections. The form shall also include a signature line whereby the person certifies that the person is 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. Cameras, tape recorders and other recording devices shall not be used in executive sessions, except for official executive session tapes made by City of Tigard staff, if any..
- E. A representative of a news media organization may be barred from attending if the representative or the organization has a direct personal, financial or other interest in the subject of the executive session that would frustrate the purpose of the executive session
- F. These policies and procedures shall apply to the City of Tigard and all of its boards and commissions.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2016.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard