

**BEFORE THE CITY COUNCIL FOR THE CITY OF
LAFAYETTE, OREGON**

An Ordinance Identifying News Media)
Organizations that can Attend) **ORDINANCE No. 622**
Executive Sessions)

THE CITY COUNCIL (the “Council”) OF THE CITY OF LAFAYETTE, OREGON (the “City”) sat for the transaction of City business on Thursday, December 11, 2014 at 6:30 p.m. in the Council Chambers at City Hall.

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), 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 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 Council activities or to limit access to other City of Lafayette meetings by any person.

NOW, THEREFORE, after public hearings on November 13 and December 11, 2014, the City Council of the City of Lafayette, Oregon, ordains as follows:

1. Currently Recognized News Media Organizations. The following two entities are hereby recognized as news media organizations eligible to attend executive sessions, because these have an established history of meeting the requirements of this policy and no other entity or its representative(s) shall be permitted to attend an executive session unless it is recognized through the process described in Section 2 below:

The News Register newspaper, based in McMinnville, Oregon, and
KLYC, 1260 AM, based in McMinnville, Oregon.

2. Recognition of Other News Media Organizations.

A. The following entities are recognized as news media organizations eligible to attend executive sessions:

- (1) 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
- (2) A newspaper that the City of Lafayette uses for publication of public notices and that meets the requirements of ORS 193.020; or
- (3) An entity recognized by the Lafayette City Council as being a news source that:
 - a. 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 Council or matters of the nature under consideration by the City Council; and
 - b. is determined by the City Council to be a business entity that is institutionalized¹ and that is committed to, and is structured to support, the terms of ORS 192.660(4).² In making this determination, the City Council 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.

¹ For the purposes 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 specified information be undisclosed.


- B. It shall be the entity's burden to persuade the City Council 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 sixty (60) days in advance of the first executive session that the entity desires to attend. The City Council shall make a determination within sixty (60) days of receiving the evidence submitted by the entity. The City Council may elect to forgo this procedure in cases where the Council, 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(A).
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, 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 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 Council 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 Council may require that a request to attend an executive session be made in writing on a form provided by the City of Lafayette. 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 Subsections 3(A)(1), (2) or (3) of this policy. The form shall also include a signature line whereby the person certifies that he or she is gathering news for a recognized news media organization, that the information given is true, and that the person agrees to comply with ORS 192.660(4).
- D. The City Council 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 by members of the news media.
5. Exclusion Based on a Direct Personal Interest. A representative of 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 of Lafayette and all of its boards and commissions.

ADOPTED by the Lafayette City Council on the 11th day of December, 2014.

VOTE: Ayes: 5 Nays: 0 Abstentions: 0 Absent: 0

CERTIFIED:



Chris Heisler, Mayor

ATTESTED:



Preston Polasek, City Administrator