



CITY OF SILVERTON 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 the City of Silverton 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 Silverton 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 Silverton activities or to limit access to other Silverton meetings by any person;

The City of Silverton hereby adopts the following policy:

1. 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:

Main Media Contact and Affiliates

Print:

Portland [The Oregonian](#)

Mt. Angel Our Town

Salem [Statesman Journal](#)

Salem [The Capital Press](#)

Silverton [The Appeal Tribune](#)

Radio:

KUGN AM 590	KPNW	KORE
KAGI AM 930	KDUK	KRVM
KEX AM 1190	KODZ	KWVA
KOPB FM 91.5 (NPR)	KFLY	KEUG
KXL AM 750	KHPE	KLCC
KUGN	KKNU	KMGE
KZEL	KKNX	KQFE

Affiliates of CBS, NBC and ABC also welcome.

Television:

KVAL 13 and all CBS affiliates

KMTR 16 and all NBC affiliates

KEZI 9 and all ABC affiliates

KLSR and all Fox affiliates
KEVU
South Lane TV

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.

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 Silverton uses for publication of public notices and that meets the requirements of ORS 193.020; or

(3) An entity recognized by Silverton 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 of Silverton or matters of the nature under consideration by the City of Silverton ; additional considerations include frequency of publication, quantity of articles published per week, permanency of web address and number of visitors to news media's website.

B. is determined by the City of Silverton 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 of Silverton may consider and weigh any factors that it deems to be relevant, including, without limitations, 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 of Silverton 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 ten (10) days in advance of the first executive session that the entity desires to attend. The City of Silverton shall make a determination within five (5) days of receiving the evidence submitted by the entity. The City of Silverton may elect to forgo this procedure in cases where the City of Silverton, 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 of Silverton, 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 a recognized news media organization (as set forth in Section 2), the City of Silverton 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. For a blogger, the editor and reporter may be the same person.
 - 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 Silverton 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 Silverton may require that a request to attend an executive session be made in writing on a form provided by the City of Silverton (see attached). 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 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 of Silverton 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 for the official executive session tapes made by City of Silverton staff.
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 Commissioners. These policies and procedures shall apply to the City of Silverton and all of its boards and commissions.
7. Exclusion Based on Unauthorized Disclosure. Any news representative who violates a clearly valid nondisclosure requirement may be barred by the City from attending future executive sessions. However, other representatives from the same news agency and representatives from other news agencies will continue to be allowed to attend executive sessions.

/s/Rick Lewis, Mayor