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RESOLUTION NO. 2010-09

**A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING
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 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 Lincoln City 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 of Lincoln City 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 Lincoln City activities or to limit access to other City of Lincoln City meetings by any person.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY AS FOLLOWS:

Section 1. The City of Lincoln City hereby adopts the following policy:

Executive Session News Media Attendance Policy

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:

[The News Guard, News Times]

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

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2 2. Recognition of Other News Media Organizations.

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

5 (1). A general or associate member newspaper of the Oregon Newspaper Publishers
6 Association, a broadcast member of the Oregon Association of Broadcasters or a member
7 of the Associated Press; or

8 (2). A newspaper that the City of Lincoln City uses for publication of public notices and
9 that meets the requirements of ORS 193.020; or

10 (3). An entity recognized by the City Council as being a news source that:

11 A. is organized and operated to regularly and continuously publish, broadcast,
12 transmit via the Internet or otherwise disseminate news to the public, and that
13 regularly reports on activities of the City of Lincoln City or matters of the nature
14 under consideration by the City of Lincoln City; and

15 B. is determined by the City Council to be a business entity that is institutionalized¹
16 and that is committed to, and is structured to support, the terms of ORS 192.660(4).²
17 In making this determination, the City Council may consider and weigh any factors
18 that it deems to be relevant, including, without limitation, the existence of any of the
19 following factors:

20 i. the entity has multiple personnel with defined roles within its organizational
21 structure;

22 ii. the names of news-reporting personnel, and responsible entity management
23 personnel, together with addresses and contact telephone numbers, are readily
24 available;

25 iii. the entity has an available process for correcting errors, including violations of
26 executive session statutes, by a person with authority to take corrective measures.

27 b. It shall be the entity's burden to persuade the City Council by substantial evidence that it
28 should be recognized as a news media organization meeting the criteria in Section 2(a) of this
policy. Such evidence must be submitted at least thirty (30) days in advance of the first
executive session that the entity desires to attend. The City Council shall make a
determination within twenty-one (21) days of receiving the evidence submitted by the entity.
The City Council may elect to forgo this procedure in cases where the City Council, in its
sole discretion, determines that it can immediately recognize that an entity qualifies under

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

² 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; ORS192.660 (4).

1 this policy, or in cases where the City Council, in its sole discretion, determines that other
2 good cause exists for making an expedited determination. A determination that the entity is
3 not recognized shall be based upon written findings addressing the criteria in Section 2(a).

3 3. Attendance at Executive Sessions.

4 Representatives of news media organizations recognized pursuant to Sections 1 and 2 of this
5 policy shall be allowed to attend executive sessions, except as described in ORS 192.660(4) and
6 192.660(5), pursuant to the following process:

7 a. The representative must provide substantial evidence persuading the City Council that he
8 or she is a news reporter for the recognized news media organization. In making its
9 determination whether to recognize the person as a representative of the news media
10 organization, the City Council shall require:

11 (1). A press badge or identification issued by the recognized news media organization,
12 plus proof of identity (such as a driver's license); or

13 (2). A recently published news article in the recognized news media organization
14 publication or broadcast with the person's byline or a masthead showing the person's
15 name as a member of the news gathering staff of the news media organization, plus proof
16 of identity; or

17 (3). A letter on letterhead from an editor of the recognized news media organization in
18 which the editor states that the reporter is covering the meeting for the news media
19 organization, plus proof of identity.

20 b. Representatives of the news media are not permitted to attend executive sessions involving
21 deliberations with persons designated to carry on labor negotiations. ORS 192.660(4). If the
22 executive session is being held for the purpose of conferring with counsel about current
23 litigation or litigation likely to be filed, the City Council shall exclude any member of the
24 news media from attending if the member is a party to the litigation to be discussed or is an
25 employee, agent or contractor of a news media organization that is a party to the litigation.
26 ORS 192.660(5).

27 c. The City of Lincoln City may require that a request to attend an executive session be made
28 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 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 he or she
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.

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2 4. Recording Devices Prohibited.

3 Cameras, tape recorders and other recording devices shall not be used in executive sessions,
4 except for the official executive session tapes made by City staff.

5 5. Exclusion Based on a Direct Personal Interest.


6 A representative of a news media organization that has a direct personal interest in the subject of
7 the executive session that would frustrate the purpose of the executive session may be barred
8 from attending.

9 6. Application to Boards, Commissions, and Committees.

10 These policies and procedures shall apply to the City Council and all of its boards, commissions,
11 and committees authorized to meet in executive session. For purposes of these rules, "City
12 Council" shall also refer to the city board, commission, or committee if authorized to meet in
13 executive session.

14 **Section 2.** This resolution is effective as of the date of its adoption.

15 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 8th day of
16 March, 2010.

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18 _____
19 LORI HOLLINGSWORTH, MAYOR

20 ATTEST:

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22 _____
23 CATHY STEERE, CITY RECORDER