



**Personnel and Administrative
Policy and Procedure**

<p>SUBJECT: Executive Session News Media</p>	<p>EFFECTIVE: December 1, 2020 REVIEWED: November 2020 REVISED:</p>
<p>CATEGORY: 100 POLICY NUMBER: 100.4</p>	<p>CROSS REFERENCE: Milwaukie Municipal Code Chapter 2.04.090 – Executive Sessions (Ordinance 1812) Resolution 76-2020 – adopting this policy</p>

Purpose

The purpose of this policy is to provide guidelines for determining what is a news media organization and who is a representative of the news media for the purposes of the city’s compliance with Oregon Revised Statute (ORS) 192.610(2) and ORS 192.660(4) as it relates to attendance at executive session meetings.

Objective

ORS 192.610(2) provides that any meeting or part of a meeting of a governing body may deliberate in closed meetings on certain matters; and ORS 192.660(4) provides that representatives of the news media will be allowed to attend executive sessions, but that the governing body may require that specified information be undisclosed. This policy defines news media organizations and who is a representative of the news media for access into executive sessions.

Scope

This policy applies to all executive session meetings held by any governing or advisory body of the city as outlined by ORS 174.109. This includes, but is not limited to, City Council and city boards, committees and commissions meetings held in-person or by phone or video conference.

Definitions

News Media: Online, digital, radio, television or print entities that provide information for public consumption.

News Media Organization: Any entity formally organized for the purpose of gathering and disseminating news through radio, television, print, online or digital formats.

News Media Representative: An employee, agent or contractor of a news media organization who is engaged in the act of gathering news for that news media organization.

Policy

Attendance at Executive Session Meetings: As permitted by state law, it is the policy of the City of Milwaukie that news media representatives may attend executive sessions.

Attendance Request Process

To determine whether someone requesting permission to attend an executive session is a representative of the news media, the following procedure will be followed:

1. Any person who wishes to attend an executive session must:
 - a. Submit a written request to attend an executive session to the city recorder; and
 - b. Provide evidence that the person is an employee, agent, or contractor of a news media organization who is engaged in the act of gathering news for that news media organization; see Section 2 below for acceptable forms of evidence.
 - c. The request to attend an executive session should include the following:
 - i. Requestor's Name;
 - ii. Requestor's News Media Organization Name;
 - iii. The date of the executive session they wish to attend; and
 - iv. A statement that they agree to abide by state law and to not disclose anything said during the executive session.
 - d. Requests should be submitted within a reasonable amount of time before the executive session to allow staff time to verify and respond to the request. In most instances, a request should be submitted at least 48 hours before the meeting; when meetings are called with 24 hour notice, a request should be submitted in a reasonable amount of time which would be defined by staff's ability to receive and consider a request during normal business hours.
2. Upon receiving a request, the city recorder will consult with the city manager and other staff as appropriate to review the request. The following guidelines will be used to determine if the requestor will be permitted to attend the executive session.
 - a. Whether the required pieces of information have been submitted (see Section 1. C. above).
 - b. Whether proof has been submitted to confirm that the person is associated with a recognized news media organization. Such proof can come in the form of the following:
 - i. **Press identification:** press badge or identification issued by a recognized news media organization, plus proof of identity (such as a driver's license);
 - ii. Proof of a **recently published news article** by a news media organization with the person's byline, or a masthead showing the person's name as a member of the editorial staff of a recognized news media organization, plus proof of identity; or
 - iii. **A letter from an editor** on letterhead of a 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 (freelancers must have clippings or proof of work with a recognized news media organization within the last six months); and
 - c. In addition, the city will consider whether there is satisfactory information to confirm that the person is gathering news, even though the information discussed or

considered in executive session may not be disclosed in any form, and/or to any other person.

3. If the requestor fails to provide any of the necessary information outlined above, or if the news media organization is not recognized as outlined in this policy, the person will not be allowed to attend an executive session. If the city has reason to believe that the person has submitted false information or has previously failed to comply with this policy regarding disclosure of information properly within the scope of previous executive sessions, the city may refuse permission for the person to attend the executive session.

The city may consider any relevant evidence provided or gathered in deciding whether a person is a representative of the news media. The city's decision to recognize or not to recognize a person as a representative of the news media, and/or to grant permission to attend an executive session, is a quasi-judicial decision reviewable as provided by ORS 34.010 to 34.100.

Exempt Executive Session Topics

As allowed by state law, if the executive session is for the purpose of discussing labor negotiations, or current litigation or litigation likely to be filed, and the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation, the person will not be allowed to attend the executive session.

Cameras and Other Recording Devices

Cameras, tape recorders, and other recording devices may not be used in executive sessions, except by city staff for the purposes of preparing the meeting record.

Contact

For more information about this policy, contact the Office of the City Recorder at ocr@milwaukieorgon.gov or 503.786.7502.