



RESOLUTION 2022-002

ADOPTING AN 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 Sherwood 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 Sherwood 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 the City of Sherwood activities or to limit access to other City of Sherwood meetings by any person;

NOW, THEREFORE THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1.

1. “Representatives of the news media” means individuals who gather news and who have a formal affiliation, whether through employment, by contract or some other agency authorization from or with an institutional news media entity, including both general interest media and media that cover specific subject areas for special audiences.
2. A list of recognized Institutional News Media Entities is maintained by staff at Sherwood City Hall.
3. Recognition of Other Institutional News Media Entities. The entity is responsible for providing the City of Sherwood with information with which the City can evaluate whether it should be recognized as a news media entity. The following entities are recognized as institutional news media entities:
 - a. A general or associate member newspaper of the Oregon Newspaper Publisher 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 Sherwood uses for publication of public notices and that meets the requirement of ORS 193.020; or

c. A news media entity that:

i. Is organized and operated to regularly publish, broadcast, transmit via the internet or otherwise disseminate news to the public and,

ii. A business entity that is committed to and structured to support the terms of ORS 192.660(4). In making this determination, the City of Sherwood may consider and weigh any factors that it deems to be relevant, including, without limitation, the existence of any of the following factors:

A. The entity has multiple personnel with defined roles within its organizational structure;

B. The names of the news-reporting personnel and responsible entity management personnel, together with addresses and contact telephone numbers, are readily available; and

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

4. Attendance at Executive Sessions. News-gathering representatives of recognized institutional news media entities 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 information showing that he or she is a news-gathering representative for a recognized institutional news media entity, such as, but not limited to:

i. A press badge or identification issued by the recognized institutional news media entity, plus proof of identity (such as a driver's license); or

ii. A recently published news article in the recognized institutional news media entity 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 recognized institutional news media entity, plus proof of identity; or

iii. A letter on letterhead from an editor of the recognized institutional news media entity in which the editor states that the reporter is covering the meeting for the news media entity, plus proof of identity.

b. Representatives of the news media are not permitted to attend executive sessions involving deliberations with person 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 Sherwood shall exclude any representative of the news media from attending if the person is a party to the litigation to be discussed or is an employee, agent or contractor of a news media entity that is a party to the litigation. ORS 192.660(5).

c. The City of Sherwood 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 institutional

news media entity.

d. Persons are requested to provide the information to the City in advance of the scheduled executive session. In the event that a person claiming to be a representative of a news media entity fails to provide advance information of their credentials, the person will either be allowed to attend the executive session, or the executive session will be postponed until a later time.

5. Recording Devices Prohibited. Cameras, tape recorders and other recording devices shall not be used in executive sessions, except official executive session tapes that may be made by the City of Sherwood staff.
6. Application to Boards and Commissions. These policies and procedures shall apply to the City of Sherwood and all its boards and commissions.


Section 2: This Resolution shall become effective January 4, 2022.

Duly passed by the City Council this 4th day of January, 2022.



Keith Mays, Mayor

Attest:



Sylvia Murphy, MMC, City Recorder