



Jan. 30, 2022

To the members of the Ashland City Council:

It has come to our attention that city employees may be seeking to restrict the access of journalists to council executive sessions. Such an effort would run counter to both the spirit and letter of Oregon's public meetings law, and we urge the council to reject it.

The provision in Oregon law requiring reporters have access to executive sessions is about the greater good. It ensures members of the public can participate in their government, rather than having major decisions made in secret. Specifically, requiring media access to executive sessions serves as a check on public bodies who under state law have only narrow latitude to discuss matters in closed-door sessions. Our members have repeatedly found that elected officials can stray from the law's requirements in executive session discussions; in that situation journalists often remind elected officials of the law's requirements. This is precisely what the law is designed to achieve. .

As the Oregon Attorney General's Public Records and Meetings Manual states, "The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of [the Public Meetings Law] that decisions of governing bodies be arrived at openly."

ORS 192.660 clearly states that members of news media organizations must be allowed to attend executive sessions. [The statute](#) spells out only three narrow exemptions, all based on the topic of the session: hearing to expel a minor student, labor negotiations and discussions of litigation where the media organization in question is party to the litigation.

The law does not allow city employees or the council to determine which media sources qualify as "legitimate," nor attempt to restrict access on that basis. Oregon's Attorney General has issued a [clear ruling on this topic](#): "Public bodies are required to comply with the statute. They cannot modify the statutory requirement by adopting a policy."

That opinion further states that a news media representative cannot be excluded on the basis of lacking a particular type of credential or failing to provide advance notice of attendance. The fact that a particular publication is online or takes the form of a blog is not grounds for exclusion — the relevant question is whether the representative seeking access is engaged in newsgathering

for a media organization that regularly disseminates the news. As the opinion states, “a governing body may not lawfully enforce a policy that permits it to exclude from executive session a representative of the news media.”

We strongly urge you to reject unlawful efforts to limit media access to executive sessions or bar journalists based on a city-approved list of acceptable media outlets.

Sincerely,

Rachel Alexander  
Sunshine Chair, Society of Professional Journalists, Greater Oregon Pro Chapter