

St. Helens resident, attorney Steve Toschi seeks recognition as news media

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It's a first amendment issue that traditionally concerns radio, television and newspaper reporters in Oregon. But at St. Helens City Council meetings on Wednesday, Feb. 21, councilors considered just who is allowed to attend closed-door executive sessions.

According to Oregon Revised Statute, councils can hold executive sessions to discuss such sensitive topics as the employment of a public officer, discuss legal issues with their attorney or tackle property transactions and labor negotiations.

The one caveat is that reporters are legally allowed to attend these sessions, but cannot report on confidential or privileged discussions presented at the meetings.

But who exactly qualifies as a news media representative?

According to Bill Monahan, attorney for the city of St. Helens, "The general description of a member of the news media is a news gatherer, somebody who has some sort of formal affiliation with a news media."

This is a description that has evolved over the past years as technology has taken over, such as blogging, which disseminates news, sometimes to a large audience.

"So, the greater definition is an entity that is somewhat involved in the gathering and dissemination of news," Monahan said. "The news media, as we know it today, is not limited to a traditional print or broadcast medium."

Attorney, St. Helens resident, and frequent critic of the way the city operates Steve Toschi, put the executive session rules to the test by asking if he can attend executive session as a member of the news media.

Toschi, addressing councilors at the earlier, afternoon work session, argued his case.

"I absolutely qualify as a member of the press," Toschi, who hosts a KOHI radio show called Town Talk Café, said. "One of the only reasons I would be going there is as a watchdog function, to make sure that things aren't being discussed that aren't supposed to be discussed in an executive session."

Toschi said, "I do run news every week, practically, either in print or on Town Talk Café, or as part of my radio show ... the fact that I may or may not run for a political candidacy has no bearing on whether I can be a member of the press, which I am."

A statute places responsibilities on local governments to determine who qualifies to be admitted to executive sessions, and, according to information provided by Monahan, "If a

decision is made to exclude someone, an individual has the right to file a complaint of an executive session violation with the Oregon Government Ethics Commission against city council members.”

While Mayor Rick Scholl expressed concern that executive session matters could leak out to the public, Matthew Kahl, an attorney representing the city, said it’s a matter of communications between the city and news media who attend the executive sessions.

“It’s communications between yourself and the news media and just having a good relationship, trusting that they (media) won’t be disclosing any of the information that they hear,” Kahl said. “That is part of the privileged purpose for the session.”

Before the vote to approve Toschi’s request to attend executive sessions, Scholl said, “I did find it kind of odd that somebody who has already spoken that they are going to run for mayor is going to be sitting in on an executive session. But he did meet all of the qualifications and he produced everything he was asked for.”

A run for mayor would not be Toschi’s first foray into the public eye: At the November 2022 election, Toschi was one of five residents filing for two council seats. That’s the election where former city councilor Stephen Topaz attempted to dethrone Scholl as mayor.

When the vote came, councilors Jessica Chilton and Brandon Sundeen voted to let Toschi attend, while councilors Mark Gundersen and Russell Hubbard voted against the application.

The deciding vote came down to Scholl, who decided in favor of the Town Talk Café radio host.

“After listening to legal, I’m going to go ahead and vote yes because I want to avoid not only some legalities for myself, but also my fellow councilors,” Scholl said.

Later in the meeting, the council unanimously approved a resolution that delineates the rules and application process for members of the media to ask permission to sit in on executive sessions in the future.

“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,” the resolution reads, in part.

“In that absence of statutory definition of these media, as that term is used, 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...” the resolution continues.

Members of the news media would need to provide credentials in advance of attending an executive session, among other rules for attendance. The policy approved included an amendment during that meeting that requires members of the media to attend executive sessions in person.