

SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
POLICY MANUAL

Title: PUBLIC ACCESS SUNSHINE POLICY	Number: BP 1.16
Legal Authority: California Education Code 70902: California Government Codes 6250 and 54950 et seq.	CCLC Number: Various

San Francisco Community College District Open Governance “Sunshine” Policy

Article I. Goals, Purpose and Commitment

The San Francisco Community College District (“District”) is committed to providing the public with timely and wide-ranging access to its meetings, written records and information. As a matter of law, the District is subject to the California Public Records Act (CPRA) (Gov. Code, § 6250 *et seq.*), and the Ralph M. Brown Act (Gov. Code, § 54950 *et seq.*). It shall be the policy of the District to provide more access to meetings than what is required under state law. The District now desires to codify a practice of expansive disclosure of records and enhanced access to meetings by formally adopting this San Francisco Community College District Open Governance “Sunshine” Policy (Policy), which is modeled after the CPRA and the San Francisco Sunshine Ordinance (S.F. Admin. Code § 67.21 *et seq.*).

Accordingly, this Policy shall govern meetings of District policy and advisory bodies and the release of written public information, whether by inspection of the record or by providing a copy. The CPRA, the Brown Act and other laws remain applicable to the District; however, this Policy may provide greater access to meetings and documents than what is required by these laws.

Article II. Public Meetings

A. Definitions.

Whenever in this Policy the following words or phrases are used, they shall have the following meanings.

1. “SFCCD” or “District” shall mean the San Francisco Community College District.
2. “Meeting” shall mean any of the following:

cancellation notice in the same manner as described in section B.3, below, and mailed notice shall be made if sufficient time permits.

- (iii) Emergencies. If, because of fire, flood, earthquake or other emergency, it would be unsafe to meet at the regular meeting place, meetings may be held for the duration of the emergency at some other place specified by the policy body. The change of meeting site shall be announced by the most rapid means of communication available at the time and, if possible, in the prescribed method. Reasonabl, id.s pe

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Board members present at the meeting, or if less than two-thirds are present, a unanimous vote of those members present, that there is an emergency situation. An emergency situation means: (1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both; or (2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or

the public. The Board of Trustees and its committees, Citizens' Bond Oversight Committee, Academic Senate, College Advisory Council, Planning and Budgeting Council, and the Local Hiring Oversight Committee of the San Francisco Community College District exist to conduct the people's business. This Policy assures that deliberations are conducted before the people and that District operations are open to the people's review.

For information on your rights under the Sunshine Policy (Citation) or to report a violation of the Policy by the Board of Trustees or its committees, or the Citizens' Bond Oversight Committee, contact the City and County of San Francisco Sunshine Ordinance Task Force. To report a violation of the Policy

effect service of process or to conclude existing settlement negotiations.

consultant or a security operations manager, sheriff, or chief of police, or

- (i) An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which SFCCD is a party, has been initiated formally; or,
 - (ii) A point has been reached where, in the opinion of the policy body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against SFCCD, or the body is meeting only to decide whether a closed session is authorized pursuant to that advice or, based on those facts and circumstances, the body has decided to initiate or is deciding whether to initiate litigation.
 - (iii) A closed session may not be held under this section to consider the qualifications or engagement of an independent contract attorney or law firm, for litigation services or otherwise.
- d. With SFCCD's designated representatives regarding matters within the scope of collective bargaining or meeting and conferring with public employee organizations when a policy body has authority over such matters.
- (i) Such closed sessions shall be for the purpose of reviewing SFCCD's position and instructing its designated representatives and may take place solely prior to and

of adjourned and continued meetings, the statement shall be made with the same disclosures and specifications required by this Article, as part of the notice provided for the meeting.

- b. In the case of an item added to the agenda as a matter of urgent necessity, the statement shall be made prior to the determination of urgency and with the same disclosures and specifications as if the item had been included in the agenda. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

7. Disclosure of Closed Session Discussions and Actions

- a. After every closed session, a policy body may in its discretion and in the public interest, disclose to the public any portion of its discussion that is not confidential under federal or state law or non-waivable privilege. The body shall, by motion and vote in open session, elect either to disclose no information or to disclose the information that a majority deems to be in the public interest. At the conclusion of each closed session, the Board will determine what will be reported in open session regarding the closed session discussions and actions pursuant to the Brown Act. The disclosure shall be made through the presiding officer of the body or such other person, present in the closed session, whom they designate to convey the information.
- b. A policy body shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:
 - (i) Real Property Negotiations: Approval given to a policy body's negotiator concerning real estate negotiations pursuant to Government Code section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with another party to the negotiations, the body shall disclose the fact of that approval, the substance of the agreement and the body's vote or votes thereon upon inquiry by any person, as soon as the other party or its agent has informed the body of its approval. If, notwithstanding the final approval, there are conditions precedent to the final consummation of the transaction, or there are multiple contiguous or closely located properties that are being considered for acquisition, the document referred to in subdivision (b) of this section need not be disclosed until the condition has been satisfied or the agreement has been reached with respect to all the properties, or both.

for dismissal. "Dismissal" within the meaning of this Policy includes any termination of employment at the will of the employer rather than of the employee, however characterized. The proposed terms of any separation agreement shall be immediately disclosed as soon as presented to the body, and its final terms shall be immediately disclosed upon approval by the body.

- c. Reports required to be made immediately may be made orally or in writing, but shall be supported by copies of any contracts, settlement agreements, or other documents related to the transaction that were finally approved or adopted in the closed session and that embody the information required to be disclosed immediately shall be provided to any person who has made a written request regarding that item following the posting of the agenda, or who has made a standing 4 (r)14 (di)4 (ng)6 ()10 g n3(ro)-

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supported or opposed the matter, for each agenda item, and the time the meeting was adjourned.

- c. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. The officially adopted minutes shall be available for inspection and copying upon request no later than ten working days after the meeting at which the minutes are adopted. Upon request, minutes required to be produced by this section, shall be made available in increased type size.

12. Public Comment By Members Of Policy Bodies.

Every member of a policy body retains the full constitutional rights of a citizen to comment publicly on the wisdom or propriety of SFCCD actions, including those of the policy body of which they are a member. Bodies shall not sanction, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions, including those which deal with the perceived inconsistency of non-public discussions, communications or actions with the requirements of state or federal law or of this Policy.

C. Conduct of Business for Advisory Bodies

1. All gatherings of advisory bodies shall be accessible to individuals upon inquiry and to the extent possible, consistent with the facilities in which they occur.
 - a. Such gatherings need not be conducted in any particular space for the accommodation of members of the public, although members of the public shall be permitted to observe on a space available basis consistent with legal and practical restrictions on occupancy.
 - b. Such gatherings need not provide opportunities for comment by members of the public, although the person presiding may, in their discretion, entertain such comments or questions from observers as may be relevant to the purpose statement of the committee.
 - c. Gatherings subject to this subsection include the following: advisory committees or other multimember bodies created in writing or by the initiative of, or otherwise primarily formed or existing to serve as a non-governing advisor to a member of a policy body, the Chancellor, and social, recreational or ceremonial occasions sponsored or organized by or for a policy body to which a majority of the body has been invited.
2. To the extent not inconsistent with state or federal law, the Board of Trustees shall include in any contract with an entity that owns, operates or manages any property in which the District has or will have an ownership interest, including a mortgage, and on which the entity performs a function related to the furtherance of health, safety or welfare, a requirement that any meeting of the

governing board of the entity to address any matter relating to the property or its District-related activities on the property, or performance under the contract or grant, be conducted as provided in subdivision (1) of this section. Records made available to the governing board relating to such matters shall be likewise available to the public, at a cost not to exceed the actual cost up to 15 cents per page, or at a higher actual cost as demonstrated in writing to such governing board.