DATE: June 27, 2002
TO: Board of Trustees
FROM: Dr. Philip R. Day, Jr., Chancellor

SUBJECT: Adopting the Report of the Public Meeting/Public Records Advisory Committee; Directing the Chancellor to Implement the Recommendations within the Report; and to take other actions publicizing Board meetings, and to prepare an annual report of sole source contracts; Expressing Gratitude to Members of This Advisory Committee (Resolution No. 020627-S7)

BACKGROUND INFORMATION:

On October 25, 2001, the Board of Trustees adopted Resolution # 011025-S2. This resolution addressed the issue of whether the San Francisco Community College District should adopt the City & County of San Francisco’s Sunshine Ordinance. It further noted that ambiguities existed if the Ordinance were to be applied to the College, and that such ambiguities should be resolved prior to any consideration of adopting the Sunshine Ordinance in its entirety. The Board reaffirmed its commitment to the principle of openness as related to conducting the business of the public and to the right of the people to know about the activities of College representatives in conducting the mission of the College. The Board declared its recognition that access to public meetings and public information is vital to ensuring full participation of the public in the workings of the College. Most significantly, it directed the Chancellor to establish a public meeting/public records advisory committee to review existing College practices and procedures in the areas of public meetings and public records and to advise the Chancellor as to options for increasing opportunities for public participation.

The Chancellor responded by appointing such a committee. The membership of this committee is as follows:

- Hilda Bernstein, Chairperson – San Francisco City & County Sunshine Ordinance Task Force
- Terry Francke, General Counsel – California First Amendment Coalition
- Joshua Koltun, Attorney – Member, San Francisco City & County Sunshine Ordinance Task Force
Ronald Lee, General Counsel – San Francisco Community College District
Virginia Riegel, Staff Counsel – State Board of Governors, California Community Colleges
D. Dorji Roberts, Deputy City Attorney of City Attorney’s Office – City & County of San Francisco
Joshua Weinstein, Attorney – Judicial Council of California

With Chancellor Day presiding, the Committee met four times: February 25, 2002; March 19, 2002; April 23, 2002; and May 8, 2002. The City & County’s Sunshine Ordinance was discussed at great length. The Ordinance was compared with the Brown Act and the Public Records Act. Costs, training of staff, enforcement, and staffing requirements were addressed. It was noted that the College is different in one major aspect in that it is required to respect student records pursuant to Federal Law – the Family Educational Rights & Privacy Act (FERPA). The College Board meetings are also governed by portions of the Education Code, not just the Brown Act as contained in the Government Code. The College’s current policies also demonstrate that members of the public have detailed rights to address the Board at its Board meetings.

The Public Meeting/Public Records Advisory Committee ultimately adopted a Report at its last meeting on May 8, 2002, by a unanimous vote of those members present.

RECOMMENDATION:

RESOLVED: That the Board of Trustees of the San Francisco Community College District hereby adopts the Report of the San Francisco Community College District Public Meeting/Public Records Advisory Committee dated May 8, 2002, a copy of which is included with this resolution;

FURTHER BE IT RESOLVED: That the Board directs the Chancellor to take those steps necessary to implement the recommendations contained within said Report;

AND FURTHER BE IT RESOLVED: That with regard to recommendation #1 of said Report concerning Board meetings, the Board directs the Chancellor to:

1. explore further avenues of increasing public awareness of Board meetings such as, but not limited to, the additional posting of meeting notices/agendas at appropriate places in more District buildings, and

2. explore means of re-configuring the College’s website to be more user-friendly such that Board meetings notices/agendas are easily accessible;

AND FURTHER BE IT RESOLVED: That the Board declares that a review of the methods by which the public is made aware of Board meetings and District activities be an ongoing continuous process, and that such methods be revised as deemed appropriate by the Chancellor and/or his designees;

AND FURTHER BE IT RESOLVED: That the Board further directs the Chancellor to prepare annually a list of all sole source contracts which shall be available as a public record;
AND FURTHER BE IT RESOLVED: That these actions would serve as an amendment to the Committee’s Report.

AND FURTHER BE IT RESOLVED: that the Board expresses its Gratitude to the members of the Public Meeting/Public Records Advisory Committee for their time and thoughtfulness in meeting and considering how the District can best serve the needs of its students and the public at large.

Originators:  Renald Lee
             Johnnie L. Carter, Jr.
             Milton Marks III
             Julio J. Ramos