FINAL REPORT MAY 8, 2002

SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
PUBLIC MEETING/PUBLIC RECORDS ADVISORY COMMITTEE REPORT

BACKGROUND

During the course of the election campaign for Proposition A in the latter part of calendar year 2001, it was suggested that the San Francisco Community College District should adopt the Sunshine Ordinance of the City and County of San Francisco. That ordinance governs both public meetings and public records and was adopted to ensure that the public business of the City and County be conducted in public.

City College of San Francisco (the San Francisco Community College District) is not subject to the ordinance. The College is not a department of the City and County. Rather, the College is a local public entity, and it is subject to state laws that also guarantee that the public’s business be conducted in public. These laws also require open and public meetings (the Ralph M. Brown Act in the Government Code and provisions of the California Education Code) and access to public records (the Public Records Act in the Government Code).

There are major differences between the requirements of the Sunshine Ordinance and the state laws recited above that already apply to the College. Because the ordinance was adopted for the City and County’s structure, making direct application of its numerous provisions to this College is problematic. Nevertheless, the College is committed to the principles of public access and involvement that are reflected in the Ordinance. As a consequence, the College’s Board of Trustees adopted resolution 011025-S2 on October 25, 2001. The Board of Trustees directed the Chancellor to establish a public meetings/public records advisory committee to assist the Chancellor in reviewing the Ordinance and to consider the various ways to promote and enhance the principles of openness in public access to ensure that the College involves the public in the College’s mission to serve the community.

As a result of this resolution, an Advisory Committee was formed consisting of the following individuals:

- Hilda Bernstein, Chairperson, S.F. Sunshine Ordinance Task Force
- Joshua Kolton, Attorney, Member, S.F. Sunshine Ordinance Task Force
- Terry Franke, General Counsel, California First Amendment Coalition
- Joshua Weinstein, Attorney, Judicial Council of California
- Virginia Riegel, Staff Counsel, State Board of Governors, Calif. Community Colleges
- Ronald Lee, General Counsel, City College of San Francisco
- Dorji Roberts, Deputy City Attorney, City Attorney’s Office, San Francisco
COMMITTEE DISCUSSION


Full discussion took place with regard to the possible ramifications if the City’s Sunshine Ordinance were made applicable to the College. Deputy City Attorney Dorji Roberts of the City Attorney’s Office addressed the requirements under the Public Records Act and the Brown Act for the City and County as contrasted with the additional requirements created by the Sunshine Ordinance. Discussion included issues that relate to cost, training, implementation and staffing requirements. The College’s staff also noted the many ways in which it already provides for public access and input. Additionally, discussion concerned the many differences between the College and the City and County in many respects. For example, the College is required to comply with federal and state laws in regard to students’ rights and records (the federal law is known as FERPA, the Family Educational Rights and Privacy Act).

Costly aspects of the Ordinance were discussed and how these costs could affect programmatic budgets (i.e. the College lacks revenue resources available to the City and County). Most importantly, while the Ordinance was designed to remedy real and perceived issues related to City and County meetings and/or records, no indication of problems exist within the College regarding public access or input. The College should consider only provisions that make sense for the College.

RECOMMENDATIONS

In view of the foregoing, the Committee recommended, after reviewing the District’s current mechanism of providing the public information about access to Board meetings and public records, that some of the policies of the College be amended to more explicitly declare the College’s commitment to open access. It also recommended that the College adopt written public records guidelines, and that the following position statements be adopted:

1) The Committee recommends that the Board of Trustees of the District adopt those amendments to the District policy manual proposed by staff as follows:
   In PM 1.05 that governs Board meetings;
   a) post the Board’s agenda on the District’s web site
   b) post the “10-day in advance” meeting notice for regular meetings on the District’s web site.
   c) post notices of special meetings on the District’s web site
   d) amend the policy so that it reflects the already current practice concerning the public’s right to address the Board at its Board meetings
   e) amend the policy to state that the Board recognizes the right of the public to be informed about Board meetings and of its right of access to public meetings

2) The Committee recommends adoption of written public record guidelines (copy attached).

3) The Committee recognizes the District is subject to federal and state laws regarding students’ records and that distinction itself makes the District very different from the City and County in terms of the confidentiality of certain materials.
4) The Committee recommends that the District raise public awareness of the regular broadcasting every Wednesday at 9:00 p.m. of Board meetings on Cable Channel EATV27 and that tapes of the meeting are readily available for the public to view.

5) The Committee recommends that the District devote resources for conducting in-service training to its faculty, administration and student leadership with regard to public meetings and access to public records.

6) The Committee recommends that the District annually assess the types and numbers of requests for public records during the course of the preceding year.

7) The Committee recommends that the District further monitor and enumerate the number of members of the public who appeared at Board meetings and provide that figure as part of its information to the public.

8) The Committee recommends that the District publish an annual calendar for Board of Trustees’ meetings informing the public of the major resolutions which are adopted at specific times during the course of the year. An example is that the tentative budget for the District for the following fiscal year starting July 1 is normally adopted at the June Board meeting.

9) The Committee recommends the development of an annual publication that combines appropriate documents relating to Board meetings (e.g., schedule, calendar items, access and location of meetings, TV programming schedule, etc.) and public records and that such publication be distributed to members of the public through various means.

10) The Committee recommends that this Committee reconvene in one year to review and discuss the implementation of the recommendations made by this Committee.