

**SAN FRANCISCO COMMUNITY COLLEGE DISTRICT  
POLICY MANUAL**

<b>Title:</b> <b>PUBLIC ACCESS SUNSHINE POLICY</b>	<b>Number:</b> <b>1.16</b>
<b>Legal Authority:</b> <b>Ed. Code 70902, Govt. Codes 6250 &amp; 54950 et seq.</b>	<b>15 pages</b>

**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 follow the best practices and procedures that promote public access and participation in the governance of the District.

The CPRA and the Brown Act establish minimum meeting and disclosure requirements that the District must follow. The District can provide the public with greater access to its records and 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:
  - a. A congregation of a majority of the members of a body at the same time and place, to hear, discuss, and/or deliberate upon any item that is within the subject matter jurisdiction of the body;

- b. A series of gatherings, each of which involves less than a majority of a body, to hear, discuss and/or deliberate upon any item that is within the subject matter jurisdiction of the body, if the cumulative result is that a majority of the members of the body has become involved in such gatherings; or
  - c. Any other use of personal intermediaries or communications media that could permit a majority of the members of a body to become aware of an item of business and of the views or positions of other members with respect thereto, and to negotiate consensus thereupon.
3. "Meeting" shall not include any of the following:
- a. Individual contacts or conversations between a member of a body and another person that do not convey to the member of the body the views or positions of other members of the body upon the subject matter of the contact or conversation and in which the member of the body does not solicit or encourage the restatement of the views of the other members of the body;
  - b. The attendance of a majority of the members of a body at a local, regional, state, or national conference, or at a meeting organized to address a topic of local community concern and open to the public, provided that a majority of the members of a body refrains from using the occasion to collectively discuss any item within the subject matter jurisdiction of the body; or
  - c. The attendance of a majority of the members of a body at a purely social, recreational, or ceremonial occasion other than one sponsored or organized by or for the body itself, provided that a majority of the members of the body refrains from using the occasion to discuss any item within the subject matter jurisdiction of the body. A meal gathering of a body before, during, or after a meeting of the body is a part of that meeting and shall be conducted only under circumstances that permit public access to hear and observe the discussion. Such meetings shall not be conducted in restaurants or other locations where public access is possible only in consideration of making a purchase or some other payment of value.
  - d. The attendance of a majority of the members of a body at a meeting of a standing committee of the body, provided that the members of the body who are not members of the standing committee attend only as observers or as members of the public.
  - e. The attendance of a majority of the members of a body at a meeting of another body to comment on a matter specifically noticed before that body.
4. "Policy Bodies"
- a. A locally elected or appointed board, body or standing committee that is responsible for governing of the SFCCD according to state laws and in the best interest of the students and the local community, providing leadership and policy direction; and
  - b. Established Policy Bodies:
    - (i) Board of Trustees or any body composed of a quorum of the Board

- (ii) Academic Senate Executive Council
- (iii) College Advisory Council
- (iv) Planning and Budgeting Council
- (v) Citizens' Bond Oversight Committee
- (vi) Local Hiring Oversight Committee
- c. A body the membership of which consists of the majority of the Board members.

5. "Advisory Bodies"

- a. Bodies or groups created by or reporting to the Chancellor or a policy body.
- b. All shared governance committees and subcommittees except the Academic Senate Executive Council, College Advisory Council and the Planning and Budgeting Council.

B. Conduct of Business for Policy Bodies

- 1. All meetings of policy bodies shall be open and public and governed by the Brown Act and the provisions of this Policy.
- 2. Time and Place for Meetings
  - a. Regular Meetings. Schedule. Each policy body shall adopt a schedule of regular meetings and meeting sites at its first annual meeting. The schedule shall be posted prominently on the District's website and at the administrative offices and library of each campus.
    - (i) Holidays. Meetings that would otherwise fall on a holiday shall be held on the next business day, unless otherwise scheduled in advance.
    - (ii) Changes. If a meeting must be canceled, continued or rescheduled for any reason, or if the meeting site changes from the annual schedule, a notice of such change shall be provided to the public as soon as is reasonably possible, including posting of a 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. Reasonable attempts shall be made to contact others regarding the change in meeting location.
  - b. Special Meetings. The presiding officer or a majority of the members of any policy body may call a special meeting by delivering written notice to each member of such policy body and the local media that have requested written notice of special meetings in writing, and by posting notice in the prescribed manner.
    - (i) Notice Delivery. Such notice shall be delivered personally or by mail, e-mail, or facsimile as requested so that it is delivered

at least 24 hours before the time of such meeting as specified in the notice.

- (ii) Notice Requirements. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the presiding officer or secretary of the body or committee a written waiver of notice. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.
- (iii) Location. Each special meeting shall be held at the regular meeting place of the policy body if possible.
- (iv) Alternate Location. A policy body may designate an alternate meeting place provided that the notice is posted, faxed, e-mailed or mailed at least seven (7) calendar days prior to the meeting prominently specifying the alternate location.
- (v) Submitting Comments. Every notice of public meetings shall state that persons who are unable to attend the public meeting or hearing may submit, prior to the meeting to the appropriate officer, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record, and that the comments will be brought to the attention of the person or persons conducting the public meeting or hearing. The notice should also state the name, address, facsimile number and e-mail address of the person(s) to whom those written comments should be submitted.

### 3. Agenda Requirements

- a. Posting Time and Location. An agenda shall be posted at least 72 hours before a regular meeting at specifically assigned locations for notices and on the District's website. The agenda shall also be posted outside the meeting room as soon as practicable but no later than the start of the meeting. It shall specify the members of the council, board or committee and the time and location of the meeting.
- b. 24 hours' notice is required for special meetings of the Board of Trustees or of the Citizens' Bond Oversight Committee.
- c. Agenda Items. The agenda shall contain a meaningful description of each item of business to be transacted or discussed at the meeting, including a summary of each proposed action, and whether each item of business is subject to possible action or for discussion only.
- d. Proposed Actions. If a specific action is proposed or contemplated it shall be included in the agenda item.
- e. Description. A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description shall be concise and written in plain, easily understood English.

- f. Documents. It shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and such documents shall be made available for public inspection and copying at a location indicated on the agenda during normal office hours and on the District web site. Copies can be requested at the cost of 15 cents per page.
- g. Limitations. The body may neither act upon, nor discuss, any item not appearing on the posted agenda, except that members of a policy body may respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony.
- h. Notwithstanding subdivision (g), the Board may discuss an item not appearing on the agenda if it determines by a two-thirds' vote of the 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 threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both.
  - (i) Items requiring Board action not on the agenda may be acted upon if two-thirds of the members of the Board present at the meeting, or if less than two-thirds of the members are present, a unanimous vote of those members present, determine that there is a need to take immediate action, and that immediate action must be so imperative as threaten the public interest if action is deferred that the need for immediate action came to the attention of the District subsequent to the agenda being posted.
  - (ii) Continued Items. The item was on an agenda posted pursuant to subdivision (a) for a prior meeting of the body occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken. In addition, notice of the continuation shall be posted with the agenda of the prior meeting specifying that a particular agenda item was continued to that meeting.
- i. Accessibility. Presiding officers of each meeting shall ensure that agendas and other material related to meetings are accessible to persons with disabilities. Upon request, materials shall be made available in alternative formats. Requests shall be made to the secretary of the board or Board committee at least 48 hours prior to a regular meeting or Board

committee meeting. Requests for such materials for other than regular meetings shall be made as soon as possible. All policy bodies shall comply with the guidelines and recommendations of federal and state law.

- j. Notice of Accessibility. Each body covered by this policy shall ensure that notices and agendas for regular and special meetings shall include the following notice:

**KNOW YOUR RIGHTS UNDER THE DISTRICT'S SUNSHINE POLICY  
(Section II.B.3.j)**

The District's duty is to serve the public, reaching its decisions in full view of 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 by the District Shared Governance Committees, contact the San Francisco Community College District's Committee on Information and Public Records.

- k. Accessibility Contact Information. Each agenda of the bodies covered by this Sunshine Policy shall include the address, area code and phone number, fax number, e-mail address, and a contact person's name for City and County's Sunshine Ordinance Task Force/Appropriate District Committee. Information on how to obtain a free copy of the Sunshine Policy shall be included on each agenda.
4. Closed Sessions: Agenda Disclosures
- a. Additional Requirements. In addition to meeting requirements for closed session agendas provided in Government Code section 54954.5, any agenda shall specify and disclose the nature of any closed session by providing all of the following information:
    - (i) Conference with Real Property Negotiator. With respect to every item to be discussed in closed session pursuant to Government Code section 54956.8:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
Property: \_\_\_\_\_  
Person(s) Negotiating: \_\_\_\_\_  
Under Negotiation:  
Price:\_\_\_\_\_ Terms of Payment:\_\_\_\_\_ Both:\_\_\_\_\_

- (ii) **Litigation.** With respect to every item of business to be discussed in closed session pursuant to Government Code section 54956.9 (a), each agenda item for a policy body covered by this Policy that involves existing litigation shall identify the case name, court, case number and date the case was filed on the written agenda. The body may withhold of certain information relating to existing litigation if disclosure would jeopardize the District’s ability to effect service of process or to conclude existing settlement negotiations. Each agenda item that involves anticipated litigation shall require an announcement as required by applicable law.

**CONFERENCE WITH LEGAL COUNSEL**

Existing Litigation: \_\_\_\_\_

or:

**CONFERENCE WITH LEGAL COUNSEL**

Anticipated Litigation: \_\_\_\_\_ as defendant  
\_\_\_\_\_ as plaintiff.

- (iii) **Employees/Threat to Public Facilities.** With respect to every item of business to be discussed in closed session pursuant to Government Code section 54957:

**THREAT TO PUBLIC SERVICES OR FACILITIES**

Name, title and agency of law enforcement officer(s) to be conferred with: \_\_\_\_\_

or:

**PUBLIC EMPLOYEE APPOINTMENT/HIRING**

Title/description of position(s) to be filled: \_\_\_\_\_

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Position and, in the case of a routine evaluation, name of employee(s) being evaluated: \_\_\_\_\_

or:

**PUBLIC EMPLOYEE DISMISSAL/DISCIPLINE/RELEASE**

Number of employees affected: \_\_\_\_\_

- (iv) **Conference with Labor Negotiator/Collective Bargaining.** With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957.6:

Collective Bargaining Agreement. When renegotiating a collective bargaining agreement or negotiating a successor collective bargaining agreement, the name of the collective bargaining agreement: \_\_\_\_\_

5. Closed Sessions: Permitted Topics.

A policy body may, but is not required to, hold closed sessions:

- a. With the Attorney General, district attorney, agency counsel, security consultant or a security operations manager, sheriff, or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities.
- b. To consider the appointment, employment, evaluation of performance, or dismissal of a SFCCD employee, if the policy body has the authority to appoint, employ, or dismiss the employee, or to hear complaints or charges brought against the employee by another person. If the employee, who is the subject of the discussion, requests a public hearing the hearing shall be public. The term "employee" as used in this section shall not include any elected official, member of a policy body or applicant for such a position, or person providing services to SFCCD as an independent contractor or the employee thereof, including but not limited to independent attorneys or law firms providing legal services to SFCCD for a fee rather than a salary.
  - (i) Nothing contained in the Brown Act prevents a legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another persons or employee unless the employee requests a public session. (Gov. Code, § 54957(b)(1).)
  - (ii) Under the Brown Act, as a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void. (Gov. Code, § 54957(b)(2).)
- c. Based on advice of its legal counsel, and on a motion and vote in open session to assert the attorney-client privilege, to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would likely and unavoidably prejudice the position of SFCCD in that litigation.



Litigation shall be considered pending when any of the following circumstances exist:

- (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 during active consultations and discussions between SFCCD's designated representatives and the representatives of employee organizations or the unrepresented employees. A policy body shall not discuss compensation or other contractual matters in closed session with one or more employees directly interested in the outcome of the negotiations.
- e. In addition to the closed sessions authorized by subsection 5(d)(i), a policy body subject to Government Code Section 3501 may hold closed sessions with its designated representatives on mandatory subjects within the scope of representation of its represented employees, as determined pursuant to Section 3504.
6. Statement of Reasons for Closed Sessions
- a. Prior to any closed session, a policy body shall state the general reason or reasons for the closed session, and shall cite the statutory authority, including the specific section and subdivision, or other legal authority under which the session is being held. In the closed session, the policy body may consider only those matters covered in its statement. In the case of regular and special meetings, the statement shall be made in the agenda disclosures and specifications required by this Policy. In the case 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 he or she designates 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.
  - (ii) Litigation: Direction or approval given to the body's legal counsel to prosecute, defend or seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation pursuant to Government Code section 54956.9 shall be reported in open session as soon as given, or at the first meeting after an adverse party has been served in the matter if immediate disclosure of SFCCD's intentions would be contrary to the public interest. The report shall identify the adverse party or parties, any co-parties with SFCCD, any existing claim or order to be defended against or any factual circumstances or contractual dispute giving rise to the SFCCD's complaint, petition or other litigation initiative.

- (iii) Settlement: A policy body shall neither solicit nor agree to any term in a settlement which would preclude the release of the text of the settlement itself and any related documentation communicated to or received from the adverse party or parties. Any written settlement agreement and any documents attached to or referenced in the settlement agreement shall be made publicly available at least 72 hours before the meeting of the policy body at which the settlement is to be approved to the extent that the settlement would commit SFCCD or a department thereof to adopting, modifying, or discontinuing an existing policy, practice or program or to pay \$50,000 or more. The agenda for any meeting in which a settlement subject to this section is discussed shall identify the names of the parties, the case number, the court, and the material terms of the settlement. Where the disclosure of documents in a litigation matter that has been settled could be detrimental to the District's interest in pending litigation arising from the same facts or incident and involving a party not a party to or otherwise aware of the settlement, the documents required to be disclosed by subdivision (b) of this section need not be disclosed until the other case is settled or otherwise finally concluded.
  - (iv) Employee Actions: Action taken to appoint, employ, dismiss, transfer or accept the resignation of a public employee in closed session pursuant to Government Code section 54957 shall be reported immediately in a manner that names the employee, the action taken and position affected and, in the case of dismissal for a violation of law or of the policy of the District, the reason 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 request for all such documentation as part of a request for notice of meetings pursuant to Government Code Sections 54954.1 or 54956.
  - d. A written summary of the information required to be immediately reported pursuant to this section, shall be posted by the close of business on the next business day following the meeting, in the place where the

meeting agendas of the body are posted. Any other documents required shall be released within two (2) business days.

- e. For each agenda item of a policy body covered by this Policy that involves anticipated litigation, the policy body shall disclose at any time requested and to any member of the public whether such anticipated litigation developed into litigation and shall identify the court, case number, and date the case was filed.
8. Recording, filming and still photography
    - a. Any person attending an open and public meeting of a policy body or advisory body shall have the right to record the proceedings with an audio, video and/or digital recorder to broadcast the proceedings, in the absence of a reasonable finding of the policy body that the recording or broadcast cannot continue without such noise, illumination or obstruction of view as to constitute a persistent disruption of the proceedings.
    - b. All policy bodies shall audio record each regular and special meeting, excluding closed sessions. Each such audio recording, and any other recording of a meeting made at the direction of the policy body, shall be a public record subject to inspection pursuant to the California Public Records Act (Gov. Code, § 6250 *et seq.*). These recordings shall be kept indefinitely by SFCCD, and shall not be erased or destroyed unless the recordings are being transferred into a different format for archival or accessibility requirements. Inspection of any such recordings of open sessions shall be provided without charge on an appropriate playback device made available by SFCCD; if the meeting recording is not readily available, copies of any such recordings shall be provided upon request and payment for the actual cost of the media used to make the copy. Requests shall be made through the department, board, committee task force, or committee whose meeting is recorded.
    - c. Minutes will be taken for the Board closed session. These minutes will be reviewed and approved in closed session. Closed session minutes, made pursuant to Section 8(b), shall be made available whenever all rationales for closing the session are no longer applicable. Minutes of closed sessions of bodies covered by this Policy wherein the justification for the closed session is “anticipated litigation” shall be released to the public in accordance with any of the following provisions: two (2) years after the meeting if no litigation is filed; upon expiration of the statute of limitations for the anticipated litigation if no litigation is filed; as soon as the controversy leading to anticipated litigation is settled or concluded.
    - d. Policy body recordings shall be posted on the body’s website within three days.
  9. Agendas and Related Materials: Public Records
    - a. Agendas of meetings, meeting packets, or documents, or any other documents on file with the clerk or secretary of the policy body, in connection with a matter anticipated for discussion or consideration at a public meeting shall be made available to the public for inspection and copying at the office of the policy body at least 48 hours before the hearing. Unless demonstrably unfeasible these materials shall be made

available on the policy body's web site, at least 48 hours prior to the meeting. Public review copies of the agenda and all related documents that constitute the meeting packet shall be made available at the meeting to the public in sufficient quantities commensurate with the anticipated number of people attending the hearing.

- b. If any document subject to adoption, approval or award by a policy body is not available at least 48 hours before the meeting at which that document is scheduled to be adopted, approved or awarded and a member of the policy body requests that the matter be continued, the policy body must continue the item to a time not less than 48 hours after the document was made available. Nothing in this subsection shall prohibit the policy body from amending a document at a meeting.
- c. Documents which are distributed prior to or during their discussion at a public meeting to members of a policy body shall be made available for public inspection immediately or as soon thereafter as is practicable.

#### 10. Public Testimony.

- a. Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on items of interest to the public that are within policy body's subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section B.3. of this Article.
- b. Every agenda for special meetings at which action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.
- c. A policy body may adopt reasonable regulations to ensure that the intent of subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to two minutes. Time limits shall be applied uniformly to members of the public wishing to testify.
- d. A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of SFCCD, or of any other aspect of its proposals or activities, or of the acts or omissions of the body, on the basis that the performance of one or more public employees is implicated, or on any basis other than reasonable time constraints adopted in regulations pursuant to subdivision (c) of this section.
- e. To facilitate public input, any agenda changes or continuances shall be announced by the presiding officer of a policy body at the beginning of a meeting, or as soon thereafter as the change or continuance becomes known to such presiding officer.

#### 11. Minutes of the Board.

- a. A designee of each policy body shall record the minutes for each regular and special meeting of a board or committee.

- b. The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting, the time the board or committee began and ended any closed session, the names of the members and the names, and titles where applicable, of any other persons attending any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers 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 he or she is 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 his or her 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.

<b>Approved by District Board of Trustees</b>	<b>Authenticated by General Counsel:</b>	<b>Date: 9/24/09</b>
<b>Date: September 24, 2009</b>	<b>Revision Number: 1</b>	<b>Date: 10/25/12</b>