**SAMPLE**

**Nonprofit Contractor Policy Regarding Public Access**

As a contractor receiving at least $250,000 in public funds from the City and County of San Francisco, it is the policy of this organization to comply with San Francisco Administrative Code Section 12L, the Nonprofit Public Access Ordinance.[[1]](#footnote-1)

[Agency] will comply with the Nonprofit Public Access Ordinance in the following ways:

1. **Public Access to Meetings (per SEC. 12L.4)[[2]](#footnote-2)**

The [Agency] Board of Directors will designate and hold at least two public meetings per year. Issues addressed by the Board at these designated meetings will be of approximately the same general nature and significance to the agency as those addressed at regular or special meetings.

Unless otherwise specified through actions of the Board of Directors, [*Example:* the May and December regular meetings of the Board of Directors have been designated as public each year]. If either public meeting does not achieve a quorum, the Board of Directors will designate a subsequent meeting as public. The policies in the sections described below will apply to all designated public meetings.

1. **Closed Sessions**

It will be the policy of this agency that the Board of Directors will have the discretion to close a portion of a designated public meeting when:

* Discussing any matters pertaining to the particular recipients of services or donors to the agency when the discussion would necessarily reveal the identity of the clients or donors.
* Discussing any matters pertaining to litigation; real estate negotiations; the appointment, employment, evaluation of performance, or dismissal of an employee of the nonprofit organization; labor negotiations in which the nonprofit organization is involved.
* Hearing complaints or charges against an employee of the nonprofit organization.
* Discussing attorney-client privileged information, or information which constitutes a trade secret.

1. **Public Comment**

At every designated public meeting, the public will have an opportunity to directly address the Board of Directors on any item of interest to the public relating to the operations of or services provided [Agency]. One or both of the meetings will include an agenda item for public comment regarding membership on the Board.

1. **Notice**

[Designated staff position] will provide the public with notice of each designated public meeting at least 30 days in advance of the meeting. The notice will include the date, time, and location of each designated public meeting. [Designated staff position] will send the notice to the Clerk of the Board of Supervisors ([Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)) and to the San Francisco Main Library Government Information Center ([sfdocs@sfpl.org](mailto:sfdocs@sfpl.org)) by 4:00 pm on the date the notice must be posted to meet the 30-day requirement.[[3]](#footnote-3) Requests for meeting information by members of the public will be referred to [Designated staff position], who will provide the date, time, and location of the designated meeting.

[Designated staff position] will retain a copy of the sent emails noticing both public meetings with the Board of Supervisors and the Public Library for at least one year. These will be used to show proof of compliance with the San Francisco Administrative Code during any annual contractual fiscal and compliance monitoring that may occur.

1. **Public Access to Records (SEC. 12L.5)**
2. **Disclosure of Financial Information**

It is the policy of this organization that the following financial information will be available for public inspection and copying:

* Most recent budget as already provided to the City in connection with contract applications or renewals.
* Most recent filed State and federal tax returns (except to the extent the returns are privileged).
* Any financial audits and/or performance evaluations performed by or for the City pursuant to our contract(s) with the City, as long as
  + We have such documents in our possession
  + We are allowed to disclose the information in the documents per our contract with the City, and
  + The information relates to performance under contract within the past two years.

Disclosure of any financial information requested by a member of the public outside of these parameters will be at the discretion of the Executive Director.

It will be the policy of this agency that [designated staff position] will prepare a packet of financial information annually, to be stored in the administrative office of [Agency]. Requests for the financial information by members of the public will be directed to [designated staff position], who will make the packet available to the requesting party within 10 days.

The packet will be available for inspection at [address of administrative location] during normal business hours, which are [8:00 am – 5:00 pm, Monday through Friday, excepting national holidays].

If the member of the public requests the packet by photocopied or mailed, [designated staff position] will collect $0.10 per page to be photocopied and/or the cost for first class mail in advance of complying with the request, and will supply or mail the packet within 10 days of receipt of funds.

1. **Dispute Resolution**

Grievance by a member of the public related to public access to records will be managed by [designated staff position], who will forward such grievances to funding City agencies. If necessary, we may choose to seek an advisory opinion from the Sunshine Ordinance Task Force.

1. **Donor Confidentiality**

It is the policy of this agency that disclosure of financial information that reveals the identity of any donors or amounts or nature of individual donations will be at the discretion of the Executive Director.

1. **Community Representation (SEC 12L.6)**

It is the policy of this agency to make good-faith efforts to promote the membership to our Board of Directors at least one person who is a recipient of our services or member of the community we serve. We will take the following actions toward this purpose:

* Distribute/post notice of vacancies on the Board of Directors in client-oriented settings or client-directed newsletters.
* Provide an opportunity for members of the public to propose him/herself or another person for nomination for appointment to the Board at one designated public meetings each year.
* Provide an opportunity for members of the public to comment on membership of the Board at one designated public meeting each year.

1. See <http://www.sfbos.org/index.aspx?page=5553> for full text [↑](#footnote-ref-1)
2. Nonprofit organizations engaged primarily in the provision of abortion counseling services, domestic violence sheltering services, or suicide prevention counseling services are exempt from SEC12L.4(a)(1) requiring public access to meetings. [↑](#footnote-ref-2)
3. See <http://sfpl.org/uploads/files/1/26/SFnonprofit_factsheet.pdf> for posting information. [↑](#footnote-ref-3)