



RESOLUTION No. 2013-14-13

AUTHORED BY: Jerry Dinzes, At Large Representative

REFERRED TO: AS COUNCIL

ACTION APPROVED: December 16, 2013

SUBJECT: Support for Updating Open Meetings Law for Auxiliaries of the CSU

WHEREAS, The Associated Students Council of Humboldt State University (HSU) is the recognized voice for over 8,000 students of HSU, and is committed to be vocal on issues that protect and increase student rights, create opportunities to increase the student perspective in the University decision making process, and to actively seek institution change that serve to enhance the student environment¹; and

WHEREAS, The CSU Auxiliaries² are nonprofit entities that operate within the rules and regulations of the CSU and within California Law; and, “were created to perform essential functions associated with a postsecondary educational institution”³, including but not limited to student governance, student union operations, managing commercial activities, special educational programming, endowment management, and fundraising; and

WHEREAS, Prior to 1985, the CSU Auxiliaries, including Student Body Organizations⁴, conducted public meetings pursuant the Bagley-Keene Act⁵, which mandates that the meetings of State Agencies must be conducted in an open and transparent fashion; and

WHEREAS, On January 1, 1985, Senator John Seymour’s Senate Bill (SB) 2286 was enacted by the State Legislature, creating a new open meetings law for Auxiliary organizations that was codified as California Education Code 89920-28; and

WHEREAS, The legislative intent⁶ of SB 2286 was for Auxiliaries to provide a level of public access to meetings that parallels the Ralph M. Brown Act⁷ and the Bagley-Keene Act, while not inhibiting these organizations from conducting their normal business, and, to improve student input in decisions affecting Student Body Organizations; and

¹ The Associated Students Council of HSU Constitution.

² California Education Code 89901: Defines ‘Auxiliaries’.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=89001-90000&file=89900-89912>

³ Cal State Web Info: What is an Auxiliary Organization?

http://auxiliary.calstate.edu/?page_id=737

⁴ California Education Code 89300-4: Student Body Organizations.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=89001-90000&file=89300-89304>

⁵ California Government Code 11120-32: The Bagley-Keene Act.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=11001-12000&file=11120-11132>

⁶ Legislative Intent: Our interpretation of Legislative intent was derived from: 1) The opinion of the Legislative Counsel of California, August 29, 1984; 2) Letter of support from the Bill’s sponsor, the California State Student Association, June 22, 1984; 3) Staff analysis of the Senate Committee on Education, April 25, 1984, May 5, 1984, and June 26, 1984; 4) The Senate Republican Caucus letter, August 14, 1984; 5) Staff analysis of the Assembly Education Committee, June 26, 1984; and, 6) Associated documents filed by Senator John Seymour.

⁷ California Government Code 54950-54963: The Ralph M. Brown Act.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963>

WHEREAS, Senator Seymour's SB 2286 was originally developed at the request of the California State Student Association (CSSA using content prepared by the CSSA's Legislative Director, Curtis Richards; and

WHEREAS, In 2000 the Gloria Romero Act⁸ was enacted to codify and update open meeting laws for Student Body Organizations, superseding the more general regulations that had previously applied to student government based Auxiliaries; and

WHEREAS, Since 1985 both the Brown Act and the Bagley-Keene Act have been frequently updated to meet the ever changing needs of the residents of California, and to reflect our desire for transparent government via sunshine laws; and

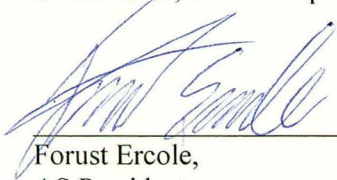
WHEREAS, Open meetings law for CSU Auxiliaries has not been adequately updated since its enactment in 1985, and no longer parallels the Brown Act, Bagley-Keene Act, nor the Gloria Romero Act, resulting in limited student and public access to these Auxiliaries as they are not required to provide descriptive agendas and allow for public comment, nor adequately prohibited from conducting "serial meetings" outside of regular board and subboard meetings⁹; and

WHEREAS, It is essential to the mission of the CSU that our students acquire the tools that "will allow them to be responsible citizens in a democracy,"¹⁰ and that allowing our students to participate in and witness public deliberation of key issues is essential to success; therefore, be it

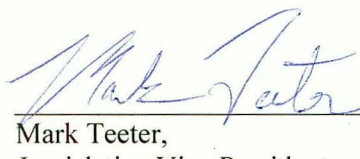
RESOLVED, That the Associated Students of HSU respectfully calls for the drafting and enactment of open meeting legislation that would protect public interests in the Auxiliaries of the CSU system, or that would require these Auxiliaries to abide by the Ralph M. Brown Act; and, be it further

RESOLVED, That the Associated Students directs our External Affairs officer to work with Legislative Representatives to develop the framework for updates and improvements to Auxiliary open meetings law, and to lobby for enactment; and, be it finally

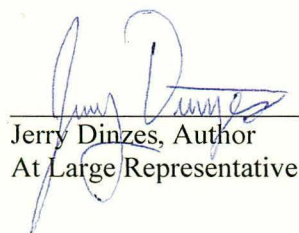
RESOLVED, That copies of this resolution be distributed widely, including, but not limited to Governor Jerry Brown of California, California Assembly Speak John A. Perez, California Senate President Pro Tem Darrell Steinberg, the CSU Board of Trustees, CSU Chancellor Timothy White, the CSU Academic Senate CSU, CSU Campus Presidents, and the Associated Students organizations of the CSU.



Forst Ercole,
AS President



Mark Teeter,
Legislative Vice President



Jerry Dinzes, Author
At Large Representative

⁸ California Education Code 89305-7.4: The Gloria Romero Act
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=89001-90000&file=89305-89307.4>

⁹ California Education Code 89920-28: Auxiliary Organizations
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=89001-90000&file=89920-89928>

¹⁰ Cal State Web Info: The Mission of the California State University.
<http://www.calstate.edu/PA/info/mission.shtml>