

AGENDA

COMMITTEE ON ORGANIZATION AND RULES

Meeting: 2:15 p.m., Tuesday, May 9, 2000
Glenn S. Dumke Conference Center

Laurence K. Gould, Jr., Chair
Anthony M. Vitti, Vice Chair
Martha C. Fallgatter
Debra S. Farar
Bob Foster
Neel I. Murarka
Ralph R. Pesqueira
Frederick W. Pierce IV

Consent Items

Approval of Minutes of Meeting of March 14, 2000

1. Schedule of Board of Trustees' Meetings, 2000/2001, *Action*
2. Amendments to the Rules of Procedure, *Action*

**MINUTES OF MEETING OF
COMMITTEE ON ORGANIZATION AND RULES**

**Trustees of The California State University
San Jose State University
Student Union
One Washington Square
San Jose, California**

March 14, 2000

Members Present

Laurence K. Gould, Jr., Chair
Anthony M. Vitti, Vice Chair
Martha C. Fallgatter
Debra S. Farar
William Hauck, Chairman, Board of Trustees, ex officio
Neel I. Murarka
Joan Otomo-Corgel
Ralph R. Pesqueira
Frederick W. Pierce IV
Charles B. Reed, Chancellor, ex officio

Members Absent

Bob Foster

Other Trustees Present

Roberta Achtenberg
Harold Goldwhite
Ali C. Razi
Stanley T. Wang

Chancellor's Office Staff

Richard P. West, Executive Vice Chancellor and Chief Financial Officer
Jackie R. McClain, Vice Chancellor, Human Resources
Douglas X. Patiño, Vice Chancellor, University Advancement
Christine Helwick, General Counsel

Chair Gould called the meeting to order at 4:12 p.m. and welcomed new committee member Neel Murarka.

Consent Agenda

Approval of Minutes

Chair Gould reported that the minutes of the September 14, 1999, meeting were listed as a consent item and, hearing no objections, the minutes were approved as submitted.

Schedule of Board of Trustees' Meetings, 2000/2001

Chair Gould presented Agenda Item 1, an information item proposing the schedule of Board of Trustees' meetings for 2000/2001. He informed the trustees that the item would come before the board in May for action.

Amendments to the Rules of Procedures

Chair Gould stated that Agenda Item 2 was an action item amending the Rules of Procedure of the Board of Trustees. He noted that the board had received handouts on the item. He invited Teven Laxer, senior labor representative, CSEA, to speak. Mr. Laxer noted three concerns. CSEA believes that public comments should take place before a committee or the full board votes on an item, not after. As the board currently operates, the public can only speak after board business is concluded. CSEA does not believe that complies with the provisions of Bagley-Keene Open Meeting Act.

Regarding the notice of the agenda, CSEA agrees with the change in notice from 7 days to 10 days, complying with Government Code 11125, but notes that statute also requires the agenda being posted on the Internet. There is not any reference to Internet posting in the Board Rules of Procedure. Also, Mr. Laxer continued, the published agenda states meeting times can be sooner or later than the estimates given depending on how quickly the board and its committees proceed with its business. CSEA agrees that agenda starting times can be later, but believes it would be illegal to start meetings earlier than published. CSEA does not believe that complies with the Bagley-Keene Open Meeting Act, Government Code 11125.

The third issue of concern, he said, dealt with the make-up of CSU constituencies. CSEA notes that constituent groups include the Academic Senate, the Alumni Council, and the California State Student Association. CSEA has requested that recognized employee associations also be considered constituent groups, allowing such organizations the opportunity to review items for inclusion in the board agenda, as well as the opportunity to speak on matters before the board without any restrictions. He thanked the board for its consideration. Chair Gould deferred response to Christine Helwick, general counsel. Ms. Helwick responded that the revisions presented were confirmation or updating of the current way business is conducted. The Rules of Procedure, she stated, do not record everything that is a statutory requirement. She noted that the concept of constituent bodies of the CSU is one of long standing.

Chair Hauck stated that the committee should adopt the resolution as proposed while noting that Mr. Laxer had mentioned valid concerns that should be taken under submission for consideration at a later date.

The committee recommended adoption of the resolution (ROR 03-01-00).

Adjournment

The meeting adjourned at 4:18 p.m.

BRIEF

Action Item

Agenda Item 1
May 9-10, 2000

COMMITTEE ON ORGANIZATION AND RULES

Schedule of Board of Trustees' Meetings, 2000/2001

Presentation By

Christine Helwick, General Counsel
Office of General Counsel

Summary

The proposed schedule of meetings of the Board of Trustees for 2000/2001 was presented for information at the March meeting. This item is now presented for action.

ITEM

2

Agenda Item 1
May 9-10, 2000

COMMITTEE ON ORGANIZATION AND RULES

Schedule of Board of Trustees' Meetings, 2000/2001

The following schedule of Board of Trustees' meetings for the 2000/2001 year is presented for approval.

RESOLVED, By the Board of Trustees of The California State University, that the following schedule of meetings for the 2000/2001 year is adopted.

2000

May 09-10	Tuesday-Wednesday	Headquarters
July 18-19	Tuesday-Wednesday	Headquarters
September 19-20	Tuesday-Wednesday	Headquarters
October 26	Thursday	Headquarters
November 07-08	Tuesday-Wednesday	Headquarters

2001

January 23-24	Tuesday-Wednesday	Headquarters
March 20-21	Tuesday-Wednesday	Headquarters
May 15-16	Tuesday-Wednesday	Headquarters
July 10-11	Tuesday-Wednesday	Headquarters
September 11-12	Tuesday-Wednesday	Headquarters
October 25	Thursday	Headquarters
November 13-14	Tuesday-Wednesday	Headquarters

Note: One board meeting a year may be held on a university campus; date and location to be determined.

BRIEF

Action Item

Agenda Item 2
May 9-10, 2000

COMMITTEE ON ORGANIZATION AND RULES

Amendments to the Rules of Procedure

Presentation By

Christine Helwick, General Counsel
Office of General Counsel

Summary

Amendments to the Trustees' Rules of Procedure are proposed that would add requirements to post notice of meetings on the internet and to provide opportunity for the public to directly address committees on agenda items before or during consideration of the items. These requirements are already in statute and have been adhered to by the board. These amendments would include them also in the Trustees' Rules of Procedure.

Recommended Action

Approval of the resolution.

ITEM

2

Agenda Item 2
May 9-10, 2000

COMMITTEE ON ORGANIZATION AND RULES

Amendments to the Rules of Procedure

Two changes to the Board of Trustees' Rules of Procedure are recommended for adoption. The first change would add a requirement to post the notice of meetings on the internet. The California Legislature has amended (Stats. 1999, Ch. 393) the public notice requirement of the Bagley-Keene Open Meeting Act to include this requirement. Although the requirement need not be implemented until July 1, 2001, the practice is an efficient means to notify the public of the board's meetings and has been part of trustee practice for at least the past two years.

The second change would place in the Rules the requirement of the Open Meeting Act (Government Code Section 11125.7) to allow the public to address items considered by the board's committees. This has also been part of trustee practice for many years. Typically, public comment has been entertained during consideration of the items as well as during the public comment period at the conclusion of the plenary session. This latter comment period is designed for items not on the agenda but has been used by some to further comment on agenda items. The two proposed additions reflect the law requiring public comment before or during a committee's discussion or consideration of the item.

The following resolution is recommended for approval (deletions/additions are shown by ~~strikeout~~/underscore):

RESOLVED, By the Board of Trustees of The California State University, that the Rules of Procedure of the Board of Trustees is amended as follows:

1. Article V, Section 9 is amended to read:

§ 9. Agenda of Business

As required by California Government Code Section 11125, the Secretary shall prepare an agenda for, and provide notice of, each regular meeting of the Board of Trustees to any person who requests such notice in writing. Notice shall also be made available on the internet. Notice shall be given at least ten days in advance of, and shall include the agenda for the meeting. Notice shall include the items of business to be transacted and no items shall be added to the agenda subsequent to the provision of such notice, except in emergency conditions as specified in these rules. In the event of objection by any member to the consideration of any emergency item or the change of an item from information to an action item in such a notice and agenda, further consideration shall be postponed until the next Board of Trustees' meeting unless two-thirds of the Trustees present and voting consent to consideration of the matter without such postponement.

2. Article VI, Section 4-f is added to read:

f. Public Comment

Each standing committee shall provide an opportunity for members of the public to directly address the committee on each agenda item before or during the committee's discussion or consideration of the item.

3. Article VI, Section 6 is amended to read:

§6. Special Committees

Special Committees may be appointed by the Chair of the Board of Trustees upon authority of the Board of Trustees with such powers and duties as the Board of Trustees shall determine, ~~provided, that no.~~ Special committees shall provide an opportunity for members of the public to directly address the committee on each agenda item before or during the committee's discussion or consideration of the item. No Special Committee shall act for more than one year from the date of its appointment and all such committees shall be considered discharged upon the expiration of said year, unless specifically authorized by the Board of Trustees at the time of their appointment, or from year to year, to act for a longer period. During the interim between regular meetings of the Board of Trustees, the Chair may appoint special committees to review and make recommendations on specific matters provided that the appointment and charge of such special committee is confirmed at the next regular meeting of the Board following their appointment.