

Action Item

California Student Aid Commission

Consideration of standing items on Commission agendas

The Commission referred the matter of identifying items to be included in all Commission meeting agendas, to the Strategic Policy and Planning Commission for consideration and recommendation.

Recommended action:

Recommend to the Commission that the following be included on Commission agendas as standing items:

- Call to Order and Roll Call
- Public Comment
- Minutes
- Consent Agenda
- Chair's Report
- Executive Director's Report
- Committee Reports
- New business to be considered at future meetings [as the last agenda item]

Staff is available to discuss other suggestions.

One Commissioner suggested that a standing closed session be included for every Commission meeting. The Bagley-Keene Open Meeting Act requires state bodies, such as the Commission and its committees, to conduct all business in public, except for those matters that fall within the exemptions expressly recognized by the Open Meeting Act.

The Commission has justified past closed sessions under the exemptions for personnel matters and litigation. The exemption for personnel matters is governed by Government Code section 11126(a)(1), which provides:

- (a) (1) Nothing in this article shall be construed to prevent a state body from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing.

The Commission and the PEN Committee have undertaken the annual review of the Executive Director's performance under this exemption.

The litigation exemption applies only when actual or likely litigation requires consultation with counsel. (Gov't. Code, § 11126(e).)

Finally, the Commission has also held closed sessions under the special exemption in Education Code section 69525(g)(3), which authorizes a closed session to consider proprietary EdFund business matters.

Each of these exemptions requires the existence of necessary circumstances to justify a closed session. Further, the Open Meeting Act requires that the notice of a meeting of a state body include a citation to the specific statutory authority under which the closed session is justified, and a short, general description of the item to be considered.

A standing closed session item on a Commission agenda would likely be impractical due to the uncertainty of the particular exemption or exemptions justifying the closed session, as well as the uncertainty that the necessary circumstances justifying a particular exemption will continue to exist from meeting to meeting.

Responsible Person(s): Keith Yamanaka
Chief Deputy Director