

Exhibit 7

Information/Action Item

Review of the Commission Orientation Manual

The recent revision of the Commission's Governance Policies and Procedures has necessitated that the CSAC Orientation Manual be updated. Accordingly, the Ad Hoc Committee chaired by Commissioner Geiogoue and staffed by Chief Deputy Yamanaka has revised and updated the manual. The draft is attached as Exhibit 7.1.

The revisions conform the manual to the recently adopted Governance Policies, revise and update the description of Commission programs, update the organization charts, and revise the travel guidelines to be specific to Commissioners.

This is an information item. The ad hoc committee requests that Commissioners review and provide Chief Deputy Yamanaka suggestions on any additional revisions to the manual by October 24th.

Responsible Person(s): Commissioner Hal Geiogoue
Ad Hoc Committee

Keith Yamanaka
Staff to Committee



ORIENTATION MANUAL

[draft update – 9/5/2014]

September 2014

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OVERVIEW OF THE COMMISSION

PURPOSE

The California Student Aid Commission, also known as CSAC, is the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. These programs include grant, scholarship, and loan assumption programs supported by the state and the federal government.

Consistent with this responsibility, the Commission, in consultation with its stakeholders, provides policy leadership on student financial aid issues; evaluates the effectiveness of its programs; conducts research and long-range planning as a foundation for program improvement; reports on state financial aid needs; and disseminates information to state and federal administrative agencies, participating schools, students, and their families.

VISION AND MISSION

The vision and mission statements for the Commission were adopted by Commissioners during the development of their 2000-2005 Strategic Plan.

VISION

A California that invests in educational opportunity, fosters an active, effective citizenry, and provides a higher quality of social and economic life for its people.

MISSION

“Making Education Beyond High School Financially Accessible To All Californians”

GOVERNANCE POLICIES AND PROCEDURES

The Commission adopted Governance Policies and Procedures in 2008 and most recently updated them in April 2014. A copy of the policies is found in Appendix A.

BACKGROUND

One of the earliest proposals for the development of a state scholarship program in California was contained in the 1948 Strayer Committee Report on the *Needs of California in Higher Education*. This proposal contained a plan for a series of subsistence scholarships to be awarded to deserving applicants throughout the state on the basis of academic ability and potential for success in college. In 1955,

following submission to the Legislature of the *Restudy of the Needs of California in Higher Education*, interest again developed in the establishment of a state scholarship program.

In the spring of 1955, the Legislature passed Assembly Bill 1546, known as the Hegland-Shell-Donahoe and Donald D. Doyle Act, and the Governor signed the bill on July 8, 1955. The Act provided for a series of competitive undergraduate scholarships, which were to be used for payment of tuition and fees. The awards were to be granted on the basis of a competitive examination, demonstrated financial need, and additional requirements pertaining to residence and citizenship.

The law required that the program administration be assigned to a State Scholarship Commission, whose members were to be appointed by the Governor. The law further required that each scholarship be used for undergraduate study at an accredited collegiate institution within the state. Each award winner was eligible to renew the award; however, the award could not exceed a maximum of four years or the completion of the undergraduate program. Later, legislation changed the name of the State Scholarship Commission to the California Student Aid Commission, expanded its membership, and added new programs to its responsibilities.

In 1977, legislation authorized the Commission to be California's designated guarantor for what is now the Federal Family Education Loan (FFEL) Program, and 1996 legislation authorized the creation of a non-profit, public benefit, auxiliary corporation to assist the Commission in administering FFEL Programs. Following the passage of this legislation, the Commission founded EDFUND as its loan auxiliary on January 1, 1997.

Most notably, Senate Bill 1644, Statutes of 2000, created the new Cal Grant Program with guarantee/entitlement awards for recent high school graduates. This legislation represented the greatest expansion of access to higher education in California since the federal government implemented the G.I. Bill. The Cal Grant Entitlement awards began with the 2001-2002 academic year.

In 2007, the Governor proposed the sale of the Commission's student loan auxiliary, EdFund, in order to close the gap in the 2007-08 State Budget. Senate Bill 89 (Chapter 182, Statutes of 2007), was passed which authorized the sale, or an alternative financial arrangement to the sale, of the Commission's loan guarantee function and nonprofit auxiliary, EdFund. The new law outlined the process the State would follow to facilitate the sale of EdFund in a manner that would provide the greatest benefit to the State of California and authorized the Director of the Department of Finance to act as the agent for the sale. In addition, Senate Bill 91 (Chapter 184 Statutes of 2007) repealed the current law relating to the establishment and operation of EdFund and the State's participation in the FFEL Program upon the sale of EdFund.

Assembly Bill (AB) 187 was signed into law on November 5, 2009. AB 187 requires the Commission to implement a pilot program for an alternative Cal Grant delivery system under which qualifying institutions (according to regulation and Commission determination) would be authorized to voluntarily administer Cal Grant A and B Entitlement awards and Transfer Entitlement awards for students admitted to their campuses. AB 187 also appropriated \$4.3 million from the General Fund to the Commission for support of its operating budget in 2009-2010.

In March 2010, the Health Care and Education Reconciliation Act (H.R. 4872) was signed into law eliminating the bank-based FFEL Program and replacing it with 100%. Holders of existing FFEL Program

portfolios continued to be responsible for servicing the loans and guaranty agencies, like the Commission, continued to administer the federal loan insurance.

Beginning with academic year 2010-11, all new Subsidized and Unsubsidized Stafford Loans, PLUS Loans and Consolidation Loans were made under the William D. Ford Federal Direct Loan Program, and those loans were serviced by private for-profit and not-for-profit servicers under contract with the United States Department of Education.

The move to Direct Lending freed up savings which were used to shore up the Pell Grant program by appropriate \$13.5 billion towards an accumulated Pell Grant shortfall and by extending a mandatory add-on that had been created through 2007 legislation. The mandatory add-on augments the discretionary appropriated award amount to increase the maximum annual Pell Grant award incrementally through the 2017-18 fiscal year.

RESPONSIBILITIES

The Commission has fiduciary and statutory responsibility for State administered financial aid programs, including all federal and state funded specialized grant, scholarship, loan assumption, and outreach programs administered by CSAC as follows:

- Cal Grant Entitlement Program (Cal Grant A and B)
- Cal Grant Community College Transfer Entitlement Program (Cal Grant A and B)
- Cal Grant C Program
- Competitive Cal Grant A and B Award Program
- California Dream Act
- Middle Class Scholarship Program
- APLE – Assumption Program of Loans for Education, a teacher incentive program
- SNAPLE NF - State Nursing Assumption Program of Loans for Education for Nursing Faculty
- Child Development Grant Program
- Law Enforcement Personnel Dependents Grant Program
- California National Guard Education Assistance Award Program
- California Chafee Foster Youth Program
- John R. Justice Program

The Commission also manages the California Student Opportunity and Access Program (Cal-SOAP) and is a partner in the State's federally-funded Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP).

In addition to administering the above programs, the Commission is responsible for conducting student financial aid research, disseminating information statewide about student financial aid programs, and reporting to the Legislature, the Governor, postsecondary educational institutions and other State and federal administrative agencies regarding all aspects of student financial aid in California.

MEMBERSHIP AND APPOINTMENT PROCESS

The Commission consists of 15 members. Eleven Commission members are appointed by the Governor with the consent of two-thirds of the Senate. By law, these appointments must include:

- three representatives from the general public;
- one representative from a California secondary school;
- two members, each of whom must be a student enrolled in a California postsecondary educational institution (in different segments at the time of appointment);
- one representative from the University of California;
- one representative from the California State University;
- one representative from the California Community Colleges;
- one representative from a California independent college or university; and
- one representative from a public, proprietary, or nonprofit postsecondary school located in California.

Two Commission members are appointed by the Speaker of the Assembly and two are appointed by the Senate Rules Committee.

Most Commission members are appointed to four-year terms, unless they are filling a vacant, unexpired term. In that case, they complete the remainder of the unexpired term. Student members serve two-year terms.

NOTE: One member of the Commission is appointed by the Governor to serve on the ScholarShare Investment Board. ScholarShare is a college savings program administered by the State Treasurer's Office.

GUBERNATORIAL APPOINTMENT PROCESS: NEW COMMISSIONERS

- When a term expires, the Commission notifies the Governor.
- The incumbent continues to serve until the Governor notifies him/her that he/she may no longer serve or 60 days after expiration date, whichever is first.
- When the Governor appoints a new Commissioner, that person serves at the pleasure of the Governor until Senate confirmation.
- If the Governor does not submit the name and effective date of the appointment to the Senate within 60 days of the effective date, the new Commissioner may no longer serve.
- Within 365 days of the effective date, the Senate may do one of three things:
 - Confirm the Governor's appointment, in which case, the new Commissioner serves the remainder of the term.
 - Reject the Governor's appointment, in which case, the new Commissioner may no longer serve after 60 days from rejection or 365 days from the effective date of appointment, whichever occurs first.
 - Take no action, in which case, the new Commissioner may no longer serve after 365 days from the effective date of appointment.

GUBERNATORIAL APPOINTMENT PROCESS: REAPPOINTED COMMISSIONERS

- When a term expires, the Commission notifies the Governor.
- If the Governor does not reappoint within 60 days of expiration date, the incumbent may no longer serve and may not be reappointed until 365 days later.
- A reappointed Commissioner serves at the pleasure of the Governor until Senate confirmation.
- If the Governor does not submit the name and effective date of reappointment to the Senate within 90 days of expiration date, the reappointed Commissioner may no longer serve.
- Within 365 days of the Commissioner's expiration date, the Senate may do one of three things:
- Confirm, in which case, the reappointed Commissioner serves the remainder of the term.
- Reject, in which case, the reappointed Commissioner may no longer serve after 60 days from rejection or after 365 days from expiration date, whichever occurs first.
- Take no action, in which case, the reappointed Commissioner may no longer serve after 365 days from expiration date.

LEGISLATIVE APPOINTMENT PROCESS: NEW COMMISSIONERS

- When a Commissioner's term expires, the Commission notifies the appointing authority.
- The incumbent continues to serve until the appointing authority notifies the Commissioner that he/she may no longer serve.
- When appointed, the new or reappointed Commissioner serves the remainder of the term.

MEETINGS

The Commission has on-site meetings approximately six times a year and also meets via teleconference when necessary. All meetings are open to the public, with the exception of closed sessions, which are limited to personnel matters, litigation, or business matters of a proprietary nature.

The Standing Committees of the Commission may meet more frequently, and before or during regular Commission meetings.

In making policy decisions, the Commission relies upon the advice and recommendations of its staff; ad hoc committees; and various stakeholders, including representatives from high schools, colleges, universities, student groups, business, government agencies, and financial aid associations.

PUBLIC PARTICIPATION REQUIREMENTS

The Commission welcomes written communications from the public on any issues within its purview. Members of the public are invited to appear and present their views on scheduled items at all open Commission meetings. To facilitate planning, requests to address the Commission should be made in advance of scheduled discussions, preferably in writing. As time permits, the Commission may invite additional comments from the floor. In addition, each agenda includes a public comment section on Commission matters that may not have been addressed as part of the Commission's planned agenda.

On January 1, 2013, AB 1723 (Fuentes) becomes operative requiring live video broadcasting of all open meetings.

COMMISSION OFFICERS AND STANDING COMMITTEES

The California Student Aid Commission selects its Chair and officers from among its members, typically for one-year terms. The procedures and criteria used for nominating a slate of officers are described in the attached Governance Policies and Procedures (Appendix A).

The Commission appoints an Executive Director who serves at the pleasure of the Commission. The Executive Director is responsible for carrying out the policies of the Commission and its day-to-day business.

COMMISSION OFFICERS

Chair: The Chair of the Commission has extensive duties requiring a large commitment of time. Specifically, the role of the Chair is to:

- a. Coordinate the planning of the Commission's activities for the year ahead providing guidance and leadership on general policy direction, and develop the agenda for each Commission meeting, with input from Commissioners and the Executive Director.
- b. Preside at Commission meetings, ensuring that meetings are noticed and conducted in accordance with the Bagley-Keene Open Meeting Act and that time is set aside for public comment at meetings.
- c. Ensure that meeting discussion and deliberation is conducted in a manner that is fair, open, and thorough, and at the same time is efficient, focused and timely.
- d. Organize the Commission's Committees as established per the Committees policy below, and maintain contact with the Committee Chairs to ensure that Committees are operating effectively.
- e. Meet regularly with the Executive Director and make decisions as necessary to ensure implementation of the Commission's policies herein.
- f. Execute specific documents as authorized by the Commission, except as otherwise provided by law.
- g. Represent the Commission at hearings and/or meetings with Legislators, administration officials, stakeholders, advisory groups, and attend Commission related functions as necessary.

- h. Appoint the Chairs, Vice Chairs and members of the Standing Committees and Ad Hoc Committees as needed; and appoint interim officers of the Commission in the event of a vacancy.
- i. Attend Standing Committees as an ex-officio member.
- j. Approve attendance by Commissioners at conferences, training, or site visits of related professional organizations for which they can be reimbursed for eligible travel expenses.

Vice-Chair: The Vice-Chair is responsible for performing the duties of the Chair in his or her absence.

Secretary: The Secretary is responsible for reviewing and signing approved minutes of Commission meetings and providing assistance with parliamentary procedures as needed. The Secretary ensures that a minute book is kept which records the topics discussed and decisions made at any Closed Session meetings of the Commission in accordance with the Bagley-Keene Open Meeting Act.

The Chair of the Commission is authorized to appoint interim officers of the Commission in the event of a vacancy. Such interim officers will serve until elected or replaced by a majority vote of a quorum of the Commission.

In the event that the Commission lacks a quorum and there is a vacancy in an officer position, the seated members of the Commission are authorized to elect interim officers, subject to ratification by the Commission at such time as there is a quorum.

COMMISSION STANDING COMMITTEES

In an effort to strengthen its ability to provide policy direction and management oversight, the Commission adopted the standing committee structure outlined below. Commission members indicate their preferences for committee assignments and the Chair of the Commission determines the membership of each standing committee.

All Commission members are welcome to attend committee meetings, even if they are not members of a particular committee. However, only formally approved committee members may discuss and vote on matters before the committee and receive a stipend for attendance. The Chair of the Commission serves as an ex-officio member of all standing committees. A Staff Liaison is assigned to each standing committee.

AUDIT COMMITTEE

The Audit Committee is a three-member committee. On April 26, 2013, the Audit Committee adopted a recommendation to the Commission to approve the charter set out below. The Commission has not yet taken up the recommendation.

Audit Committee Charter
(Proposed)

The Audit Committee shall be responsible for:

1. Examining and making recommendations on a comprehensive risk assessment to identify and prioritize potential audit areas which pose the greatest risk and liability to the commission;
2. Establishing an audit plan based on the comprehensive risk assessment which identifies those audits that could be performed by existing audit resources and evaluating the plan annually to determine if changes are warranted.
3. Monitoring the status of audits, including the implementation of audit recommendations, and informing the commission of significant external audit issues.
4. Reviewing with management, the plans and activities of the internal audit function, including evaluating the effectiveness of the internal control systems.
5. Reviewing with management any commission response to audits performed by various state agencies (bureau of state audits, department of finance, state controller), including the internal control reviews required by the financial integrity and state manager's accountability act of 1983 (FISMA).

In anticipation of Commission adoption of the proposed Audit Committee Charter, CSAC staff has prepared the following internal auditing responsibilities to be reviewed by the Audit Committee under paragraph 4 of the proposed charter:

- A. The Executive Director (or, when appropriate, the Internal Auditor) working through the Audit Committee, will provide to the Commission periodically as appropriate the following:
 1. A schedule of planned internal audits and reviews of the CSAC State administered financial aid programs for the fiscal year.
 2. As scheduled, information on audits or reviews of the CSAC State administered financial aid programs to be performed by the State or Federal government.
 3. As completed, audits or reviews of the CSAC State administered financial aid program performed or required by the State or federal government.
 4. As completed, summary internal audit findings and resolutions to the satisfaction of applicable program manager and Commission Audit Committee.
 5. The Financial Integrity and State Managers Accountability Act (FISMA) report, as necessary indicating updates to procedures to ensure that the CSAC State administered financial aid programs' assets are protected, adequately maintained, and not unnecessarily risked.

PERSONNEL, EVALUATION AND NOMINATIONS (PEN) COMMITTEE

The Personnel, Evaluation and Nomination (PEN) Committee is a five-member committee. The PEN Committee charter provides:

*California Student Aid Commission
Personnel, Evaluations and Nominations Committee
Charter*

The Personnel, Evaluation and Nominations Committee is responsible for:

1. Developing and making recommendations to the Commission on the process for the annual review of the Executive Director's performance and the establishment of the criteria;
2. Collecting and preparing the information for the annual review of the Executive Director's performance, analyzing the information, and presenting recommendations to the Commission;
3. Developing an inclusive process for the annual election of Commission officers, ensuring that all Commissioners who are willing to serve as officers be considered for election; and
4. Developing the orientation process for new Commissioners, and periodically reviewing the orientation process and materials.

STRATEGIC POLICY AND PLANNING (SPPC) COMMITTEE

The Strategic Policy and Planning Committee is a seven-person committee. The SPPC charter provides:

*California Student Aid Commission
Strategic Policy & Planning Committee
Charter*

The Strategic Policy & Planning Committee shall be responsible for:

1. examining and making recommendations to the Commission on policy matters associated with financial aid;
2. periodically reviewing and recommending any updates as needed to the Commission's written governance policies and the Commission's orientation manual;
3. examining and making recommendations to the Commission on governance matters, such as meeting procedures and committee structure;

4. identifying and recommending policy and legislative proposals for Commission consideration, including making recommendations to the Commission on state and federal executive, legislative and budget issues associated with financial aid.

STUDENT IMPACT COMMITTEE

The Student Impact Committee is a five-member committee. The Student Impact Committee charter provides:

*California Student Aid Commission
Student Impact Committee
Charter*

The Student Impact Committee is responsible for:

1. Examining policy issues and outreach associated with financial aid from a student and parent (family) perspective, and bringing those issues to the attention of the California Student Aid Commission with recommendations for appropriate actions;
2. Identifying and recommending policy and legislative proposals for Commission consideration.

AD HOC COMMITTEES

Ad Hoc Committees may be appointed by the Chair of the Commission as appropriate to meet Commission needs not covered by the Standing Committees.

STIPENDS AND REIMBURSEMENTS

Commissioners shall receive a \$100 stipend for each day of attendance at the following:

- Regular and special Commission meetings;
- Meetings of standing committees to which they have been appointed as a member;
- Meetings of advisory committees to which they have been appointed as a liaison or as a substitute liaison; and
- Meetings of ad hoc committees to which they have been appointed as a member.

The Commission Chair has the authority to create an ad hoc committee.

Non-appointed Commissioners attending standing, advisory, or ad hoc committee meetings of the Commission will receive reimbursement only for eligible travel expenses and will not receive a stipend.

With the approval of the Commission Chair, Commissioners who have been designated to attend meetings, conferences, training, or site visits of related professional organizations will be reimbursed for eligible travel expenses only.

QUORUMS

COMMISSION MEETINGS

Pursuant to Education Code section 69510, the California Student Aid Commission (Commission) is composed of 15 members. A quorum of this state body is eight (8) members. A quorum of eight (8) is required even if vacancies exist on the Commission. A quorum must be present to legally transact business and take actions. The concurrence of the majority of the Commissioners present and constituting a quorum, i.e., at least five members at a full Commission meeting, shall be necessary for the Commission or one of its committees, i.e., at least two members of a five-member committee, to take action. Once a decision is reached, all Commissioners will, in their role as Commissioners, speak as a single official voice and act accordingly. The purpose of a quorum is to prevent an unrepresentative group from taking action in the name of the state body.

Every effort should be made by the members to attend all meetings. If circumstances prevent a member from attending a meeting the member should notify the Commission Liaison immediately. In instances where a Commissioner's absence may result in the lack of a quorum, the following may occur:

- The member may participate, if possible, by teleconference, in order to achieve a quorum of the Commission.
- The Commission meeting may be canceled and rescheduled for a date on which a quorum can be achieved.
- Standing committees that have a quorum may continue to meet and take action as a committee.

STANDING COMMITTEE MEETINGS

A quorum of a Standing Committee is a majority of its membership. The Chair of the Commission is an Ex-Officio voting member to each of the Standing Committees and may count towards achieving a quorum, if needed. However, if any of the Commission's Standing Committees cannot make a quorum, the full Commission body acting as the Committee of the Whole shall convene to consider and act upon the agenda items in place of that Committee.

The Commission may consider and take action upon a Committee recommendation immediately after each Committee meeting, if it is anticipated that a quorum may be lost later and may defer consideration and action until a later time in the Commission meeting.

CURRENT MEMBERSHIP OF THE CALIFORNIA STUDENT AID COMMISSION

Commissioner	Representing	Appointed By	Term Expiration Date
Nancy Anton	General Public	Governor	10/30/2014
Cris Arzate		Senate Rules Committee	01/15/2015
Ana Beltran	California Secondary Schools	Governor	12/31/2015
Brian Conley		Speaker of the Assembly	01/01/2015
Jacqueline Doud	Independent California Colleges and Universities	Governor	12/31/2015
Hal Geiogue	General Public	Governor	10/30/2015
Harry Le Grande	University of California	Governor	10/30/2017
Devon Graves	California State University Student Representative	Governor	06/01/2015
John R. McDowell, Jr.		Speaker of the Assembly	01/01/2016
Jamillah Moore	California Community Colleges Representative	Governor	10/30/2017
Wm. Gregory Sawyer	California State University	Governor	10/30/2016
Jack Scott		Senate Rules Committee	01/01/2016
Michele Siqueiros	General Public	Governor	10/30/2014
VACANT	Student Representative	Governor	
VACANT	Public, Proprietary, Non-Profit Schools	Governor	

Revised 06/03/14

SUMMARY OF COMMISSION PROGRAMS

STATE AND FEDERAL FINANCIAL AID PROGRAMS ADMINISTERED BY THE COMMISSION

CAL GRANT ENTITLEMENT PROGRAM (Cal Grant A and B)

The Cal Grant A Entitlement Award provides for full fees at the California State University and the University of California, as well as tuition support at private California colleges and universities.

The Cal Grant B Entitlement Award provides up to \$1,473 for books and living expenses beginning with the first year, and beginning with the second year, also provides full tuition and fees at the California State University and the University of California, as well as tuition support at private California colleges and universities.

The requirements for Cal Grant A Entitlement Awards include financial and basic eligibility and a minimum 3.0 grade point average (GPA).

Students who meet the Cal Grant B Entitlement Awards financial and basic eligibility requirements and have a minimum 2.0 GPA are eligible for this award.

CALIFORNIA COMMUNITY COLLEGE TRANSFER ENTITLEMENT PROGRAM (Cal Grant A and B)

Students who meet financial and basic eligibility requirements and have a minimum 2.4 GPA from a California Community College are eligible for this award when transferring from a community college to a four-year institution. This Entitlement Award is offered to California Community College students who were not awarded a Cal Grant within a year of graduating from high school. Students must meet certain requirements at the time of transfer from a California Community College to a qualifying institution offering baccalaureate degree programs. The student's community college attendance and transfer must be in consecutive years.

CAL GRANT C PROGRAM

Cal Grant C awards are available only for occupational or technical training in a course of not less than four months. The \$547 award amount is to be used for institutional fees, charges and other costs, including tuition, plus training-related costs. Students planning to attend a school other than a California Community College may also receive up to \$2,462 in assistance.

COMPETITIVE CAL GRANT A AND B AWARD PROGRAM

Students who are not eligible for awards in the Cal Grant Entitlement Program and California Community College Transfer Entitlement program may compete in the Competitive Cal Grant A and B Award Program.

Competitive awards are similar to the Cal Grant A and B Entitlement Awards, except that they are not guaranteed. Each year, 22,500 Cal Grant A and B Competitive Awards are available to those students who did not receive an Entitlement Award.

CALIFORNIA DREAM ACT

The California Dream Act is a combination of three laws, commonly referenced as Assembly Bill (AB) 540, AB 130 and AB 131. Together, these laws allow undocumented and nonresident documented students to pay resident-student fees at public colleges and universities, and to apply for and receive financial aid, including private scholarships, Cal Grants and other state-administered financial aid, university grants, and community college fee waivers.

To qualify, undocumented and nonresident documented students (AB 540 students) must meet the following requirements:

- High school attendance in California for three or more years;
- Graduation from a California high school, or attainment of the equivalent, such as or passing the California High School Proficiency Exam (CHSPE) or earning a General Equivalency Diploma (GED), also called General Educational Development test;
- Registration as an entering student at, or current enrollment at, an accredited institution of higher education in California;
- In the case of a person without lawful immigrant status, the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

An AB 540 student must satisfy the requirements for Cal Grant awards to receive an award.

MIDDLE CLASS SCHOLARSHIP PROGRAM

The Middle Class Scholarship (MCS) is a program that provides a scholarship to undergraduate students with family incomes up to \$150,000 and who attend the University of California or California State University. Undergraduate students must be California residents; be U.S. citizens, or permanent residents, or be AB 540 students; meet certain income and other financial aid standards; maintain satisfactory academic progress; not be in default on a student loan; and, must not be incarcerated.

APLE – ASSUMPTION PROGRAM OF LOANS FOR EDUCATION

This loan assumption program was intended to provide outstanding students with the assurance of financial assistance to encourage them to complete postsecondary education programs leading to an initial teaching credential and to seek employment as teachers in designated subject-matter shortage areas or in schools serving a large population of students from low-income families, schools with a high percentage of teachers holding emergency-type permits, or schools ranked in the lowest two deciles on the Academic Performance Index.

The program was authorized to select up to 7,100 participants annually who may receive up to \$19,000 in loan assumption benefits by providing four consecutive years of qualifying teaching service. Due to the 2012-13 State Budget Act, which was approved by the Governor, new allocations for this program were eliminated indefinitely. The Commission continues to track prior year participants and pays loan assumption benefits on behalf of eligible participants who meet the payment criteria.

SNAPLE NF – STATE NURSING ASSUMPTION PROGRAM OF LOANS FOR EDUCATION FOR NURSING FACULTY

This program was intended to encourage students to complete a baccalaureate or graduate degree and serve as teaching faculty in a registered nursing program at an accredited college or university in California. It pays up to \$25,000 over the course of three (3) academic years on a full-time basis, or on a part-time basis on outstanding student loans. The Commission was authorized to award up to 100 new participants annually.

This program was also affected by the 2012-13 State Budget Act. As a result, no new participants will be accepted into the program. However, the Commission will track prior year participants and make loan payments to those who meet the eligibility criteria.

CHILD DEVELOPMENT GRANT PROGRAM

This program provides grant funds to two-year and four-year college students pursuing a career in the field of early childhood education to work as an Instructor, Supervisor, or Director in a California licensed children's center. Up to 100 new grants, renewable for one additional year, are awarded each year. Participants enrolled in a two-year college receive up to \$1000 per year; those enrolled in four-year colleges receive up to \$2,000 per year for a maximum of \$6,000.

LAW ENFORCEMENT PERSONNEL DEPENDENTS GRANT PROGRAM

The Law Enforcement Personnel Dependents Grant Program provides educational benefits to the natural or adopted dependents (including spouse) of California police or law enforcement officers (highway patrol, county sheriffs, and correctional officers) and firefighters, who have been killed or totally disabled in the line of duty. These grants, which are based on financial need, are equal to those provided to Cal Grant recipients.

CALIFORNIA NATIONAL GUARD EDUCATION ASSISTANCE AWARD PROGRAM

This program is intended for active members of the National Guard, the State Military Reserve, or the Naval Militia who seek a certificate, degree, or diploma not held at the time of application. It is a competitive incentive program jointly administered by the California Student Aid Commission and the Military Department for the purpose of retaining quality men and women in the California National Guard.

Program participants can receive up to the amount of Cal Grant A award for attending the University of California or the California State University, up to the Cal Grant B award for attending a community college. For a recipient attending a nonpublic institution, the maximum amount of a Cal Grant A award for a student attending the University of California will be awarded. An award used for graduate studies will not exceed the maximum amount of a Cal Grant A award plus \$500 for books and supplies. The number of awards issued is limited to the number authorized in the annual California Budget Act, but in no event shall exceed 1,000 awards in any fiscal year.

CALIFORNIA CHAFEE GRANT PROGRAM

The California Chafee Grant Program is a federally- and state-funded grant program administered by the Commission for the California Department of Social Services (DSS) under an Interagency Agreement. The Program assists eligible California youth aging out of foster care with the costs of attending a postsecondary institution in a federal Title IV- eligible program. DSS provides a list of eligible youth to assist the Commission to identify program recipients.

Students who were in foster care between their 16th and 18th birthday may receive up to \$5,000 per year up to their 23rd birthday if they are enrolled in an eligible program. Chafee Grant funding is intended to supplement, not supplant, any grant funds that a student may otherwise be entitled to receive. Total California Chafee Cal Grant funding may not exceed the student's cost of attendance.

JOHN R. JUSTICE PROGRAM

The Commission administers the John R. Justice Program for the California Emergency Management Agency. This federal program was created to encourage attorneys to choose and continue careers as prosecutors and public defenders. Qualified applicants can submit a request for student loan repayment assistance. Recipients must commit to continued employment as public defenders and prosecutors for at least three (3) years.

FINANCIAL AWARENESS AND OUTREACH PROGRAMS

CALIFORNIA STUDENT OPPORTUNITY AND ACCESS PROGRAM (Cal-SOAP)

The Cal-SOAP Program is instrumental in improving the flow of information about postsecondary education to the following target students: those who are from low-income families; those who would be the first in their family to attend college; and those from schools or geographic regions with documented low-eligibility or college participation rates. Cal-SOAP is dedicated to accomplishing the following goals:

- Increase the availability of information to students about postsecondary education opportunities; and
- Raise the achievement levels of students in order to expand the number of high school graduates eligible to pursue postsecondary education.

Through Cal-SOAP, the Commission awards block grants to consortia of educational institutions in 16 areas of the state. The consortia establish local projects that increase access to postsecondary education for applicable high school students and community college transfer students through college and financial aid outreach and academic support services. The local consortia match the State funding, further leveraging the State's investment.

The Cal-SOAP program is one of the State's most effective academic preparation and college access programs.

Note: The Cal-SOAP and Cash for College programs (below) have been funded through the Federal College Access Challenge Grant since 2008-09. The federal funding is expected to continue through 2014-15.

The Federal College Access Challenge Grant (Challenge Grant) is a formula grant program that is designed to foster partnerships among federal, state and local government entities and philanthropic organizations to significantly increase the number of underrepresented students who enter and remain in postsecondary education. The Governor designated the Student Aid Commission as the State entity eligible to apply for the Challenge Grant. The approved application for California's participation in the Challenge Grant included using the federal funds for the Cal-SOAP and Cash for College Programs. Payments under the APLE Program are used for the matching fund requirements. The State's goals for this program are to:

- Increase the availability of college and career opportunity information for underrepresented students and their parents;
- Increase targeted students' and parent/guardian knowledge of financial aid programs and opportunities to fund college and career technical education;
- Increase the number of targeted students who enroll in postsecondary education and career technical programs; and,
- Assist low-income and first-time college and career education bound students and their parents' successfully apply for federal, state and scholarship financial aid programs.

CALIFORNIA CASH FOR COLLEGE PROGRAM

The California Cash for College Program became a statutory program in October 2007 with the passage of Assembly Bill 1540. The Cash for College program is a partnership effort between the Commission and its regional lead organizations. It provides high school students and their families with greater access to state Cal Grants and federal financial aid resources such as Pell Grants.

Aligned with the mission of the Commission, its aim is to assist low-income and first-generation college-bound high school seniors and their families in completing the Free Application for Federal Student Aid (FAFSA), the Cal Grant GPA Verification Form, and learn about all financial aid options each year during the Cal Grant application period from January 1 through March 2. The Cash for College statewide financial aid community-based workshop series began in 2002 as a pilot program. From 2003-04 through 2006-07, the Commission funded the program through the Student Loan Operating Fund. In 2007-08, the program was funded from the General Fund. Since 2008-09, the program has been funded through the Federal College Access Challenge Grant. Assembly Bill 1540 created the Cash for College Fund in the State Treasury and allows the Commission to partner with regional coordinating organizations or other entities to raise additional non-state funds and donations.

GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS (GEAR UP)

The California Education Round Table is the sponsor of this federal program and works with the University of California, which serves as its fiscal agent. A Commission staff member serves as a member of the GEAR UP Governance Committee. The program implemented on September 1, 1999, provided the Commission with federal funding over a five-year period to assist eligible students with scholarship support establishing a \$2,000 ScholarShare Trust Account for each scholar.

The program works to develop and sustain the organizational capacity of middle schools by supporting the adults who influence a student's education: administrators, counselors, teachers, and families. As a result of this expanded capacity, a higher proportion of the students will have access to and enroll in postsecondary education. Although the primary focus of the California state program is the adults, there are also student-based services. The Commission partners in providing these services. Direct services to students are provided through Cal-SOAP and there are also educational trust awards for outstanding student performance. Each student receives a \$2,000 trust account, which is expected to grow to \$2,500 by the time he or she graduates from high school. Over the five-year grant period the Commission expects to provide awards to 3,750 students.

COMMISSION ORGANIZATION STRUCTURE AND SERVICES

EXECUTIVE OFFICE

The California Student Aid Commission's (Commission) Executive Office provides policy and administrative support for the 15 appointed members of the California Student Aid Commission and the highest level of management oversight for the Agency's administrative operations. The Executive Director serves as the Commission's Chief Executive Officer and is assisted in that capacity by the Chief Deputy Director and 5 Division Chiefs responsible for: Legal and Audit Services; Program Administration and Services; Information Technology Services; Strategic Policy, Media and Communications; and Administration and External Affairs. These Divisions report directly to the Executive Office.

The Executive Director is responsible for policy leadership, financial and programmatic management of the day-to-day operations of the Commission, including its administration of the state's Cal Grant Program, specialized programs, and financial awareness and outreach programs.

Governmental Affairs is housed in the Executive Office. In conjunction with the Strategic Policy, Media and Communications Division, this office analyzes, monitors and advocates the Commission's interests related to state and federal legislation and policies. Staff maintains effective relations with the Governor's Office, higher education segments, State Legislators and staff, government agencies, state and national student aid organizations and constituent groups.

LEGAL AND AUDIT SERVICES DIVISION

The Legal and Audit Services Division is responsible for providing legal services, internal and external audits of the Commission and its programs and information security.

The General Counsel provides legal support for the Commission and its staff. This responsibility includes legal guidance and representation on all legal matters relating to the Commission and its programs.

The General Counsel acts as the Chief Audit Executive and reports functionally to the Audit Committee of the California Student Aid Commission and administratively to the Executive Director. The Chief Audit Executive coordinates/oversees all internal and external audits of the Commission. The Chief Audit Executive is responsible for minimizing risk exposure, ensuring that assets are safeguarded, and guarding against non-compliance with policies, procedures, laws and regulations.

The Internal Audit staff provides management with independent appraisals, analyses, recommendations, and other pertinent comments concerning the Commission's operations and contract services. Staff is responsible for conducting mandated and follow-up audits and is also responsible for performing other special request reviews.

The objectives of internal audit activities include: 1) appraising the accuracy and reliability of financial statements and information; 2) determining the adequacy of internal controls and operating

procedures; 3) ascertaining compliance with laws, rules and regulations and management policies; 4) promoting operating efficiency; and 5) preventing and detecting loss of state assets.

Program Compliance staff maintain program integrity by making regular visits to participating institutions and conduct administrative reviews on a limited sample of records to ensure that institutions, students and other program participants comply with laws, regulations and policies governing those programs. If an administrative review identifies an unusually high incidence of errors, staff may request that an institution review its entire portfolio. In some cases, the institution may be assessed liabilities. The compliance staff views this process as an educational one in which they help the institution understand program requirements and avoid future liabilities.

PROGRAM ADMINISTRATION AND SERVICES DIVISION

The Program Administration and Services Division's primary focus is to facilitate access to Commission programs by effectively delivering financial aid and service to students and the financial aid community. In addition to the Cal Grant Programs, the Program Administration and Services Division (PASD) is responsible for administering numerous specialized financial aid programs, each of which serves a specific purpose and population, and requires individual and unique processing systems.

The Division is responsible for developing, implementing, and administering operational policies, and procedures necessary to ensure the most efficient delivery of funds to students while maintaining the utmost adherence to program laws, regulations, and policies. The Division is also responsible for communicating with the schools and providing training in the administration of the Commission's programs.

The Division works with more than 400 Cal Grant-eligible institutions to provide assistance to over 300,000 Cal Grant recipients annually. Staff plans and presents the Commission's annual high school and college workshops, providing external training to high school counselors and institutional financial aid administrators. Staff also reviews and processes Cal Grant Institutional Participation Agreements (IPA).

The Division responds to more than 200,000 phone calls and 32,500 e-mails annually, and also processes an average of 2,200 Cal Grant appeals from students, parents, schools, legislative offices, and other state and federal agencies.

Staff interfaces with other Commission branches and various stakeholders and governmental agencies, such as the State Controller and the U.S. Department of Education, California Department of Education, California Department of Social Services, and Commission on Teacher Credentialing

The Division administers a variety of specialized incentive and financial aid programs to students, teachers, nurses and military service members who are pursuing higher education or who may be pursuing a change in career goals. Due to the specialized nature of these smaller programs, staff works closely with various state agencies such as the California Department of Education, Commission on Teacher Credentialing, County Offices of Education, Military Department, Department of Social Services and secondary and postsecondary schools.

The Division develops operation policy guidance for the Cal Grant programs and the various specialized programs. Staff researches policy issues, conduct analysis of policy options, review regulatory proposals and legislation, and implement those changes. Staff consults with policy groups, financial aid administrators, and individuals of interest at meetings, workshops, and conferences. Staff also performs assignments related to the certification of new postsecondary institutions and the renewal of postsecondary institutions participation in the Cal Grant Program and conduct annual review processes to verify and monitor institutions eligibility to continue their participation in the Cal Grant Program.

Division staff also works closely with the Information Technology Services Division, while at the same time directly supporting productivity systems used by the Specialized Programs branch.

INFORMATION TECHNOLOGY SERVICES DIVISION

The Information Technology Services Division (ITSD) is responsible for maintaining and enhancing the Grant Delivery System (GDS) that receives financial aid applications, processes the applications, makes financial aid awards, and communicates with institutions and students through the WebGrants interface and WebGrants for Students interface, respectively. ITSD also maintains and enhances the interactive voice response system (IVR) and the grade point average (GPA) upload process, manages information technology (IT) procurements, and assists internal and external system users with Helpdesk, desktop and network support issues. The Division's responsibility includes responsiveness to oversight by the State IT control agency, including compliance with state-mandated processes for IT project initiation, design, and development; and management of IT projects.

One of ITSD's most vital services is technical support for all IT products offered by the Commission. This Branch supports internal Commission staff and over 4,000 external customers (e.g., postsecondary education institutions, high schools and students).

The Information Security Officer (ISO) reports functionally to the Executive Director and administratively to the Chief, Legal and Audit Services. The ISO ensures that information security policies, procedures, and guidelines are established and implemented to protect the Commission's information assets, both internally and with external partners, in accordance with state and federal laws and regulations.

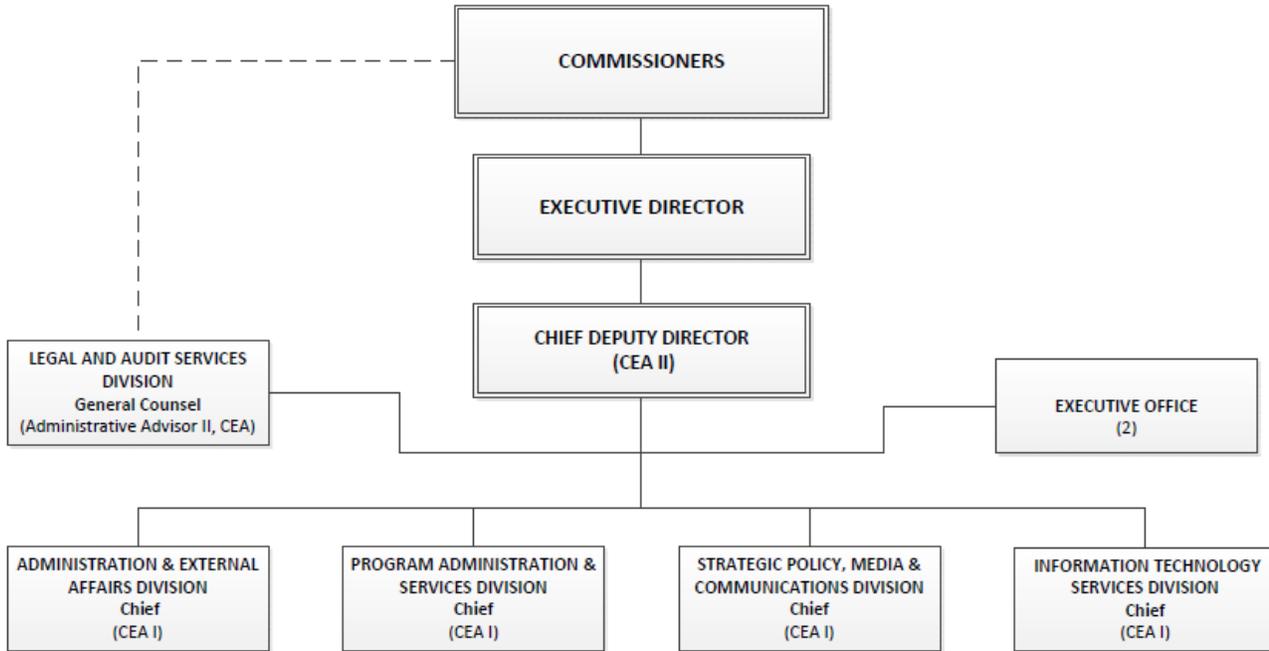
STRATEGIC POLICY, MEDIA & COMMUNICATIONS DIVISION

The Strategic Policy, Media & Communications Division develops and implements the Commission's strategic media and communications plan, engages the Commission in traditional and social media, website portability, and mobile device progression, handles all media relations including inquiries and release of public information, and works with the Government Relations Office to develop and implement legislative strategy.

ADMINISTRATION AND EXTERNAL AFFAIRS DIVISION

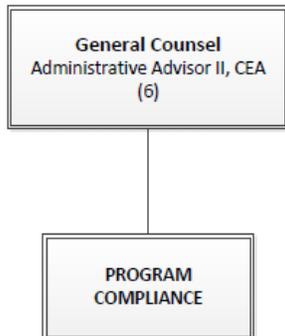
The Administration and External Affairs Division is responsible for fiscal services, including accounting and budget functions, fiscal projections and other data-driven research on Commission programs, administrative operations, and human resources management. The Division also is responsible for contract management, publications and other aspects of the Cal-SOAP and Cash For College financial awareness and outreach programs.

CALIFORNIA STUDENT AID COMMISSION
Agencywide



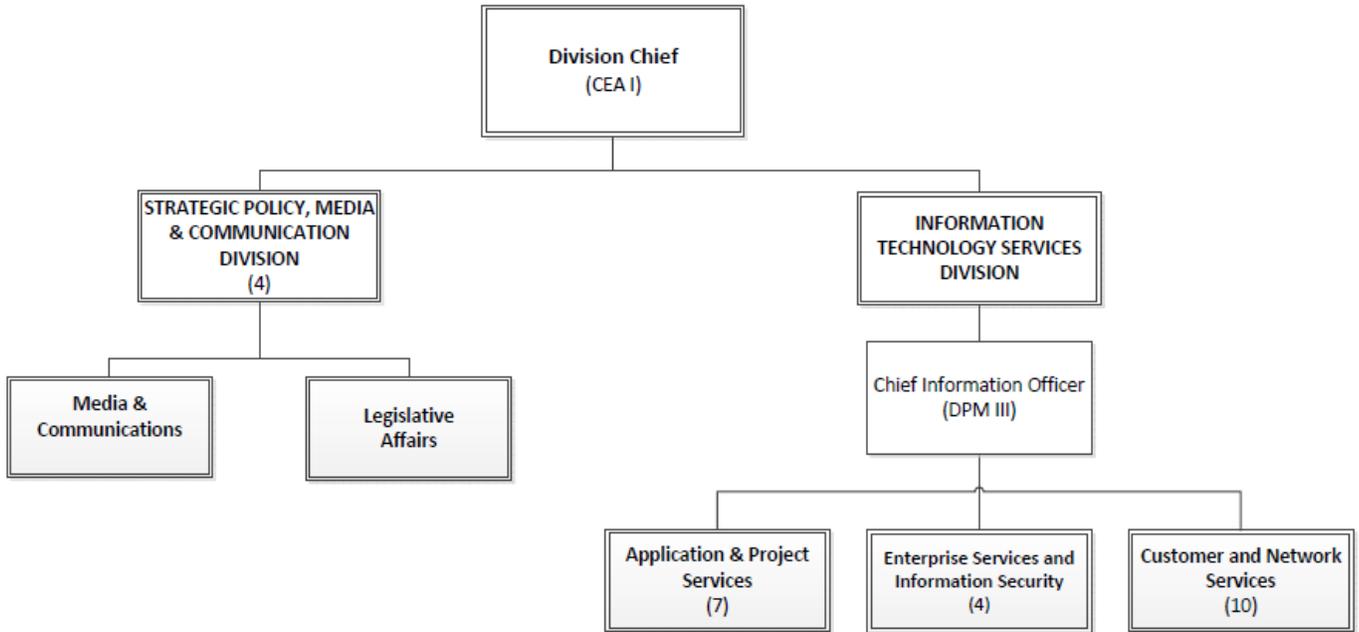
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CALIFORNIA STUDENT AID COMMISSION
Legal and Audit Services Division



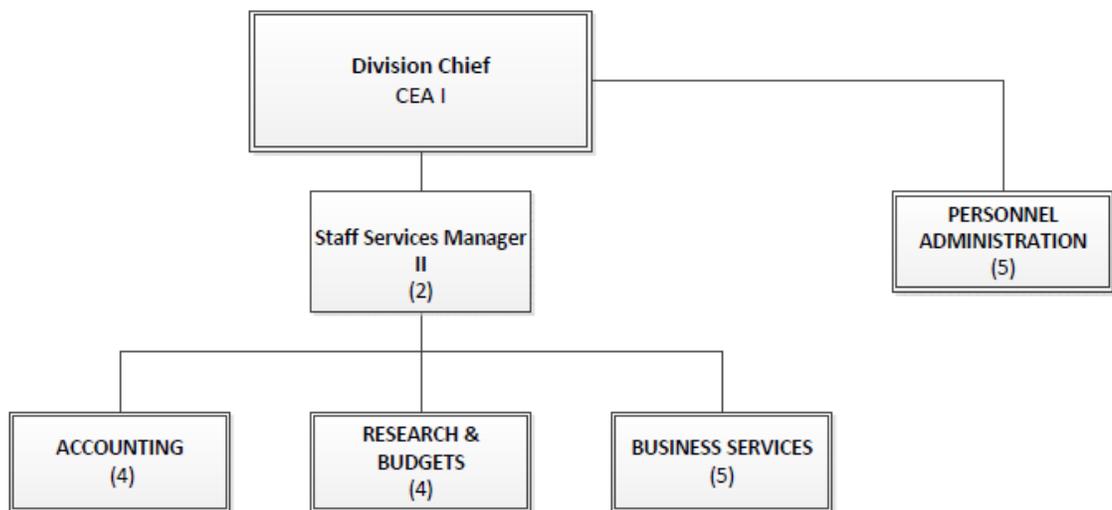
Revision 08.2014

CALIFORNIA STUDENT AID COMMISSION
Strategic Policy, Media & Communications Division
And
Information Technology Services Division



Revision 08.2014

CALIFORNIA STUDENT AID COMMISSION
Administration and External Affairs Division



Revision 08.2014

COMMISSION BUDGET SUMMARY

CALIFORNIA BUDGET PROCESS – CALIFORNIA DEPARTMENT OF FINANCE

PREFACE

The budget process for California defies a simple concise definition. It is a process rather than a product. It is not the development of the Governor's Budget, the Legislature's enactment of a budget nor the executive branch's administration of the budget; rather, it is the combination of all of these phases with all the ramifications and influences of political interactions, relationships with federal and local governments, public input, natural events, legal issues, the economy, initiatives and legislation, etc.

An orderly and formalized budget process is difficult given the dynamics of the process and the size and complexity of California. The following sections summarize the major steps and procedures of California's budget process.

BUDGET DEVELOPMENT

The State Constitution requires that the Governor submit a budget to the Legislature by January 10. It provides for a balanced budget in that, if the proposed expenditures for the budget year exceed available resources, the Governor is required to recommend the sources for the additional funding.

The Director of Finance, as the chief financial advisor to the Governor, directs the effort for preparation of the Governor's Budget. Under the policy direction of the Governor, the Director of Finance issues instructions and guidelines for budget preparation to agencies and departments. This effort typically gets underway even before the Legislature has passed the budget for the current fiscal year.

Although California has utilized concepts such as Zero-Based Budgeting, Management by Objectives, and Total Quality Management, the basic approach utilized is incremental budgeting. This approach essentially uses the current departmental level of funding as a base amount to be adjusted by change proposals. The Budget Change Proposal (BCP) has been the traditional decision document which proposes a change to the existing budget level. The BCPs are submitted by departments to the Department of Finance for review and analysis.

The general goal in the budget decision process is to resolve budget issues at the lowest level possible. For those departments that are under an Agency Secretary, departments must clear their proposals through Agency-level hearings. The Department of Finance (Finance) generally attends these hearings. For non-Agency departments, such as the California Student Aid Commission, proposals are presented directly to Finance. Issues which are not resolved between departments and Finance staff are discussed at hearings conducted by the Director of Finance. The most sensitive issues are ultimately presented to the Governor for a decision.

After all decisions are completed, Finance coordinates the printing of the following publications which comprise the Governor's Budget package. The Budget Summary and Budget Highlights are also available on the Department of Finance Website.

Governor's Budget Summary - A summary volume which includes the Governor's goals and objectives for the forthcoming year, and the policy perspectives and highlights of changes in the Governor's Budget.

Governor's Budget - A detailed presentation for each department for the past, current, and budget years.

Governor's Budget Highlights - A pocket size highlights book of narrative, charts and graphs issued on the Press Conference day.

Salaries and Wages Supplement - A detailed presentation of authorized staffing and related salaries.

The Governor annually unveils the budget at a formal press conference. The Governor's State of the State address typically includes a general presentation of the Administration's budget policies and priorities.

BUDGET ENACTMENT

By constitutional requirement, the Governor's Budget must be accompanied by a Budget Bill itemizing recommended expenditures which shall be introduced in each house of the Legislature. The Constitution also requires that the Legislature pass the bill by June 15.

The Senate Budget and Fiscal Review Committee and the Assembly Budget Committee are the two committees that hear the Budget Bills. They assign the items in the bill to several subcommittees (by major subject areas such as Education or Health and Welfare) which conduct budget hearings. These hearings generally begin in late February soon after the Legislative Analyst issues the "Analysis of the Budget Bill". The Legislative Analyst is appointed by the Joint Legislative Budget Committee and is charged with providing a nonpartisan analysis and recommendations for changes to the Governor's budget plan.

In addition to the Legislative Analyst, Finance and departmental staff typically provide testimony at the subcommittee hearings. In recent years, there has been increasing input by partisan fiscal committee consultants of both the majority and minority parties. Additionally, lobbyists and the public may provide testimony at the hearings.

Finance proposes adjustments to the Governor's Budget through "Finance Letters". By statute, Finance is required to give the Legislature all proposed adjustments, other than Capital Outlay and May Revision, to the Governor's Budget by April 1. Capital Outlay adjustments are due by May 1. The traditional May Revision adjustments are due by May 14, and consist of an update of General Fund revenues and changes in expenditures for school funding requirements pursuant to Proposition 98, caseload, enrollment, or population. The Legislature typically waits for the May Revision update before final budget decisions are made on major programs such as Education, Corrections, and Health and Welfare.

When a subcommittee completes their actions, they report their recommendations to the full committee. Upon adoption of the budget by the full committee, a recommendation is made to the Floor (full house). Upon two-thirds vote of the house, the Budget Bill is passed to the other house. A Budget Conference Committee is then appointed to work out differences between the Senate and Assembly versions of the bill. Upon completion of action by the Conference Committee and a two-thirds vote, this conference version is then sent to the two houses for approval.

Sometimes the Conference Committee does not reach final resolution on the budget. This stalemate typically results from non-resolution of a few major issues. These issues are then resolved by the "Leadership" or "Big 5" (Governor, Speaker of the Assembly, President Pro Tempore, and the minority leaders of both houses).

When the Budget Bill receives a two-thirds vote of each house, it is passed on to the Governor. The Constitution allows the Governor to reduce or eliminate an item of appropriation.

Although there is no constitutional requirement for passage of a balanced budget, enacted budgets generally project a balanced budget.

Finance publishes three documents upon enactment of the Budget Act. The first two are also available from the Department of Finance Website.

- **California State Budget Highlights** - A pocket size highlight book of narrative, charts and graphs.
- **Final Budget Summary** - This document is an annotated version of the Budget Act which includes summary tables, technical corrections to the Budget Act, and the effect of vetoes on the items and sections of the Budget Act.
- **Final Change Book** - This document provides the detail of changes between the January 10 budget and the enacted budget.

There are generally budget changes proposed by the Governor or the Legislature which necessitate changes to existing law in order to implement the budget changes. If this is the case, separate bills are introduced to implement the change. These budget implementation bills are called "trailer bills" and heard concurrently with the Budget Bill. By law, all proposed statutory changes necessary to implement the Governor's Budget are due to the Legislature by February 1.

ADMINISTRATION

The Budget Act is the primary source for appropriations. Continuous statutory appropriations and special legislation also provide expenditure authority.

Departments have the primary responsibility to operate within budgeted levels and to comply with any restrictions or limitations enacted by the Legislature. Further, the general expectation is that state agencies comply with the legislative intent. Although the general expectation is to conform to the enacted budget, the Legislature has recognized a need to establish some flexibility to adjust budgets. For example, the statutes provide a continuous appropriation for allocations by the Director of Finance to meet expenditures resulting from natural disasters for any emergency proclaimed by the Governor. The Legislature has also provided provisions in the Budget Act to allow for budget adjustments. Most of this authority requires Director of Finance approval; many require a formal notice to the Legislature and a

waiting period to provide the opportunity for legislative review and response before final approval. Budget Act provisions to allow adjustments include authorizations for:

- Changes to federal funding levels
- Deficiencies
- Changes to reimbursements
- Intra-item transfers

The Department of Finance approves budget changes using Budget Revisions, Executive Orders and letters. These changes are transmitted to the State Controller's Office, which maintains the statewide appropriation control accounts.

The Governor has certain powers to adjust expenditures. Although these powers do not permit for adjustment of appropriations, the expenditure plan may be changed. For example, past Governors have issued executive orders to implement hiring and equipment purchase freezes and delayed capital expenditures. Under emergency conditions, the Governor is also authorized to direct State resources to meet emergency needs.

BUDGET PROCESS

Because of the dynamic nature of California's budget process, there is no single document which provides a comprehensive description of the process. The dynamics require changing instructions, descriptions, forms and procedures, law changes, etc. The following provide information about the budget process:

- Governor's Budget package
- Legislative Analyst's "Analysis of the Budget Bill"
- State Administrative Manual
- Budget Act and Final Budget Summary
- Final Change Book
- Budget Letters and budget related Management Memos
- Internet
 - Department of Finance Website
 - Budget Letters Website

TRAVEL GUIDELINES

AUTHORITY TO TRAVEL

In-State Travel

Commissioners may travel and be reimbursed for expenses when attending Commission/committee meetings or conducting other Commission business.

Out-of-State Travel

Commissioners who travel out-of-state on a trip within the approved travel blanket should prepare a Request For Approval of Out-of-State Travel (STD Form 257) and submit the form to the CSAC Budget Office for processing at least five (5) days in advance of the trip. Trips not included in the travel blanket must be submitted to the Budget Office on STD Form 257 at least 14 days in advance of the trip. The Budget Office must be notified of any changes to an approved out-of-state trip (i.e., date, traveler, etc.). Trips paid by an organization other than CSAC (i.e., CASFAA) must be either included in the travel blanket or submitted on STD Form 257.

METHODS OF TRAVEL

Public Transportation (Rail, Bus, Air)

Travel on State business should be done in the **most efficient and least costly manner**. A Commissioner may use a more costly form of transportation, but reimbursement will be paid at the less costly rate. If feasible, public transportation should be used rather than State or private vehicles for travel.

State Vehicles

State vehicles may be checked out from State garages with General Service charge cards. Use of State vehicles may be authorized when:

- Two or more Commissioners are traveling together;
- The trip itinerary includes intermediate stops not feasible by public transportation;
- Schedules of public carriers preclude timely arrival or departure;
- Transportation such as rental vehicles or public transportation is not available at the point of destination; or
- Commissioners must carry specialized tools, books or other equipment.

State vehicles should not be kept over the weekend without prior approval from the Executive Director.

Private Vehicles

Private vehicles may be used when State vehicles are not available or when it is determined that use of private vehicles is an economic advantage to the State. Private vehicles may be used to transport travelers directly to and from homes or headquarters and common carriers (airport terminals, etc.).

Motorcycles and motor-driven bicycles are not authorized for conducting State business; therefore, mileage reimbursement for their use is prohibited.

- **Authorization:** An approved Authorization to Use Privately Owned Vehicles on State Business (STD Form 261) must be submitted to CSAC annually to operate private vehicles on State business.
- **Mileage Rates:** The standard mileage rate for represented employees is set by the collective bargaining unit agreements. The rate for excluded, non-represented, and/or exempt (Commissioner) employees is set by the Department of Personnel Administration (DPA). The current rate for both is 56 cents per mile, effective January 1, 2014.

Commercial Car Rentals

When State vehicles are unavailable and vehicle use is essential for State business, Commissioners may rent commercial cars. All Commissioners should be using the direct billing Car Rental Business Travel Account (CRBTA) to charge for commercial car rentals and making reservations. Please see the Commission Liaison for instructions.

If Commissioners must rent commercial cars continuously for more than seven (7) days or rent cars larger than the compact size provided by the State contract rate, prior written approval must be obtained from the Accounting Office. The approval form may be obtained from CSAC Accounting. Failure to obtain approval from the Accounting Office will result in reimbursement being limited to seven days or for the amount of the State contract rate for a compact car respectively. Commissioners will be liable for the difference in cost.

Note: Department of General Services (DGS) Blue Charge Cards are no longer available to use for rental car reservations (All Commissioners should be using the CRBTA account to charge for car rentals. Please see the Commission Liaison for any instructions. The DGS Blue Charge Cards can still be used for taxis, shuttle buses and/or State vehicles.

Collision and Medical Insurances

The Office of Insurance Risk Management administers the State Motor Vehicle Liability Self-Insurance Program (VELSIP), which provides unlimited self-insured liability coverage for State representatives on State business while driving non-State vehicles. Injuries incurred while on official State business are handled through Workers' Compensation coverage. See Section XVI for instructions regarding involvement in an automobile accident while on travel status.

Commercial Air Transportation

Tickets and Reservations

Airline reservations must be made through the CONCUR Travel on-line booking process. Please contact the Commission Liaison for assistance in setting up an account.

City Pairs

The State contracts with certain airlines to provide discount (YCAL) airfares for official state business. For destinations without a contracted fare, an alternate airport which does have a contracted fare should be used whenever possible. For example, because Sacramento-Ventura has no contracted rate, flying Sacramento-Los Angeles or Sacramento-Ontario and driving to Ventura would result in considerable savings.

GENERAL SERVICE CHARGE CARDS

The General Service Charge Card is issued to Commissioners who travel on a regular basis. Requests for cards should be sent to the Accounting Office. Lost or stolen cards must be reported immediately to the Accounting Office. Upon leaving the Commission, a Commissioner must return the card to Accounting. The charge cards may be used to:

- obtain State vehicles from State garages;
- pay for taxi services in Sacramento and Fresno;
- pay for shuttle services;
- charge preventive maintenance services on State-owned vehicles at State garages; or
- purchase fuel from State garages.

FUNDING TRAVEL EXPENSES

The American Express Corporate Travel Card Program is available to Commissioners who travel frequently and who qualify to receive cards. An application for a card may be obtained through the Management Services Division, Accounting Office. This card will be cancelled upon leaving the Commission. Payment is the responsibility of the card holder. Personal items should not be charged to this card.

Cash, check, or personal credit cards may also be used to pay for all, or part of, travel expenses.

Travel Advances

Temporary travel advances for those Commissioners without American Express Corporate Travel Cards may be requested for each 24-hour period per diem (lodging and meals). An approved Travel Advance Request must be submitted to the Accounting Office. Advances for less than a 24-hour period will not be granted unless an emergency exists and the advance is approved by a Division Chief.

Travel expense claims must be submitted within 30 days to substantiate the travel expenses. If the travel advance is greater than the expenses, a personal check for the difference must be submitted with the travel expense claim.

Travel advances not cleared by a travel expense claim or personal check within 30 days of issuance are reported as taxable income per the State Administrative Manual.

If a trip is canceled or postponed, the travel advance must be returned immediately.

Subsistence Allowance (Per Diem)

The travel reimbursement program continues to be subject to Internal Revenue Service (IRS) requirements for an accountability plan. There are no flat rate reimbursements. All items claimed are to be for the actual amount of expense up to the maximum allowed.

If the provisions below do not require submission of a receipt for a given item of expense, it is the employee's responsibility to retain receipts and other records of the expense and have them available for audit.

Lodging and meals that are either provided by the State or included in hotel expenses, conference fees, or transportation costs (i.e., airline meals included in ticket price), or otherwise provided, shall not be claimed for reimbursement.

LODGING

All lodging reimbursements require an itemized receipt from a commercial lodging establishment such as a hotel, motel, bed and breakfast inn, or public campground that caters to the general public. **Lodging will not be reimbursed without a valid itemized receipt and bearing the lodging establishment's name and address on the receipt.** Commissioners who stay with friends or relatives are not eligible for lodging reimbursement, but may claim their actual expenses for meals and incidentals up to the allowable maximums.

In-State Travel – Short-Term Lodging Rates (SEIU, CAHP, and Excluded Employees)

- **All Counties/Cities located in California (except as noted below):**
Actual lodging expense, supported by a receipt, up to **\$90** per night, plus tax
- **Napa, Riverside, and Sacramento Counties:**
Actual lodging expense, supported by a receipt, up to **\$95** per night, plus tax
- **Los Angeles, Orange, and Venture Counties and Edwards AFB, excluding the city of Santa Monica:**
Actual lodging expense, supported by a receipt, up to **\$120** per night, plus tax
- **Alameda, Monterey, San Diego, San Mateo, Santa Clara Counties:**
Actual lodging expense, supported by a receipt, up to **\$125** per night, plus tax
- **San Francisco County and the City of Santa Monica:**
Actual lodging expense, supported by a receipt, up to **\$150** per night, plus tax

The following information applies to all Commissioners.

Advance written approval from the Executive Director or Chief Deputy Director is required for:

- All conferences/conventions (State and Non-State sponsored) above the maximum allowable rates (above) and under the \$150 per night, plus tax.
- Regular travel above the maximum allowable rates (above) and under \$140 per night, plus tax.
- Advance CSAC and DPA written approval is required for:
 - All conferences/conventions (State and Non-State sponsored) over \$150 per night, plus tax.
 - Regular travel over \$140 per night, plus tax.

Note: Commissioners must use the Excess Lodging Exception Request (Std. 255c) to obtain the necessary approvals. Written approval must be obtained at least 10 days prior to the travel dates. The form may be obtained at:

<http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std255C.pdf>

Good Faith Effort

All Commissioners must make a “good faith effort” to obtain lodging at or below the State rate. A “good faith effort” is defined as making contact with at least three lodging establishments from the DGS online lodging guide and documenting unavailability, etc. for the travel dates. The online lodging guide may be found at: <http://www.dgs.ca.gov/travel/Programs/Lodging.aspx>.

Out-Of-State Travel

Actual lodging expense is allowed with itemized receipts.

Transient Occupancy Tax

Commissioners should attempt to have the Occupancy Tax waived for all hotel/motel rooms they stay in while on State business. Waiver of the tax is at the option of the hotel/motel. A Hotel/Motel Transient Occupancy Tax Waiver (STD Form 236) must be completed in order to qualify for the waiver.

MEALS

Expenses for meals are reimbursable for actual cost up to the amounts listed below, effective August 12, 2013.

- Breakfast - up to \$7.00
- Lunch - up to \$11.00
- Dinner - up to \$23.00
- Incidentals (**Every full 24 hours of travel**) - up to \$5.00

The 24-hour clock time is used for determining start and stop time for travel reimbursements.

Time Frames - Less Than 24-Hour Travel

For continuous travel of less than 24 hours, Commissioners will be reimbursed for actual expenses up to the maximum as follows:

Breakfast	Leave at or before 0600 (6:00 am) Return at or after 0900 (9:00 am)
Lunch	<u>No reimbursement allowed</u>
Dinner	Leave at or before 1600 (4:00 pm) Return at or after 1900 (7:00 pm)

Meal reimbursements for daily travel of less than 24 hours are taxable and reportable income unless travel requires an overnight stay. Taxable reimbursements will be reported to the SCO and will appear on the employee's W-2.

Time Frames - More Than 24-Hour Travel

For continuous short-term travel of MORE than 24 hours but less than 31 days Commissioners will be reimbursed for actual costs up to the maximum for each meal, incidental, and lodging expense for each completed 24 hours of travel, beginning with the traveler's time of departure and return as follows:

First day of travel at the beginning of a trip of more than 24 hours:

Breakfast	Leave at or before 0600 (6:00 am)
Lunch	Leave at or before 1100 (11:00 am)
Dinner	Leave at or before 1700 (5:00 pm)

Days of travel lasting 24 hours:

All meals

Last day (fractional day) of travel at the end of a trip of more than 24 hours:

Breakfast	Return at or after 0800 (8:00am) (i.e., Begin trip at 5:00 am on Monday-return at 10:00 am Tuesday. Per Diem for 24 hours; breakfast for fractional part of day from 5:00 am to 10:00 am on Tuesday.)
Lunch	Return at or after 1400 (2:00 pm) (i.e., Begin trip at 11:00 am on Monday – return at 2:30 pm on Tuesday. Per diem for 24 hours; lunch for fractional part of day from 11:00 am to 2:30 pm on Tuesday.)
Dinner	Return at or after 1900 (7:00 pm) (i.e., Begin trip at 3:00 pm on Monday – return at 8:00 pm on Tuesday. Per diem for 24 hours; dinner for fractional part from 3:00 pm to 8:00 pm on Tuesday.)

If the fractional day includes an overnight stay, receipted lodging may be claimed. No meal or lodging expenses may be claimed or reimbursed more than once on any given date or during any 24-hour period.

Meals Not Reimbursable

Claims for meal expenses where business is incidental to the meal or the Commissioner's attendance is primarily for public or community relations are specifically prohibited.

Meals included in the cost of conference or convention fees, provided by airlines, or otherwise paid for must be noted on travel claims. Per diem for such meals cannot be claimed.

OTHER EXPENSES

Incidental Expenses: Incidental expenses up to \$5 per each 24 hours of travel include, but are not limited to, expenses for laundry, cleaning and pressing of clothing, and fees and tips for services such as porters and baggage carriers.

Parking Fees: Commissioners using state-owned or private-owned vehicles on official business may be reimbursed for the following parking charges:

- Day parking when on trips away from headquarters
- Overnight public parking when on trips away from headquarters and city of residence.

Commissioners parking at airports must use the less expensive peripheral parking.

For fees over \$10.00 for one continuous period, receipts **must** be submitted with travel claims. In the absence of a receipt, an explanation must be provided; however, reimbursement will be limited to \$10.00. In the absence of a satisfactory explanation, the expense will not be allowed.

Gasoline Purchases: State garages provide credit cards for State vehicle fuel purchases. If cash is used to purchase fuel, receipts must be submitted with travel claims. Premium grade fuel purchases are prohibited. Unless special circumstances require full service, fuel must be purchased at lower priced self-service pumps.

NOTE: Commissioners should refuel rental vehicles before returning them because vendors charge more for fuel.

Business Expenses: Business telephone calls, telegrams, and emergency purchases of supplies, etc., are included as reimbursable business expenses.

Receipts are required for each business telephone call, telegram, and fax charge over \$5.00. The date, place, reason, party and telephone number called should be noted on the travel claim for each call or charge. In the absence of a receipt, an explanation must be provided; however, reimbursement will be limited to \$5.00. In the absence of a satisfactory explanation, the expense will not be allowed.

Receipts are required for other business expenses or emergency items exceeding \$1.00. Reasons for the expenses should be explained on travel claims. For purchases totaling \$25.00 or more, a signature by the appointing power is required.

TRAVEL EXPENSE CLAIM (FORM 262)

A Travel Expense Claim (TEC) is used to claim all travel and transportation expense reimbursements on State business. Instructions to complete the TEC are explained on the reverse side of the form.

Several trips may be claimed on the same TEC. Out-of-state and in-state travel must be on separate forms. Travel expenses incurred in different fiscal years must also be claimed on separate forms.

Required receipts must be taped on 8½"x11" pieces of paper and attached to the TEC. An original and one copy of both the completed TEC and the supporting documentation (receipts, etc.) must be submitted to the Accounting Office.

TECs may be submitted once a month, but not more than twice a month. If the amount claimable for any month does not exceed \$10, TECs may be submitted when the total amount exceeds \$10 or before the end of the fiscal year, whichever occurs first.

Receipts

Unless otherwise noted, receipts or vouchers shall be submitted for every item of expense of \$25 or more. Copies of all claims and receipts should be kept until the claim is paid. Receipts are required for every item of transportation and business expense incurred as a result of conducting State business except for ACTUAL EXPENSES as follows:

- Railroad and bus fares of less than \$25 when travel is wholly within the State of California.
- Street car, ferry fares, bridge and road tolls, local rapid transit system, taxi, shuttle or hotel bus fares, and parking fees of \$10 or less for each continuous period of parking or each separate transportation expense noted in this item.
- Telephone, fax, or other business charges related to State business of \$5 or less.

In the absence of a receipt, reimbursement will be limited to the non-receipted amount above.

Reimbursement will be claimed only for the actual and necessary expenses noted above. Regardless of the above exceptions, the approving officer may require additional certification and/or explanation in order to determine that an expense was actually and reasonably incurred. In the absence of a satisfactory explanation, the expense shall not be allowed.

Collective Bargaining/Identification Number

The collective bargaining/Identification numbers (CBID Number) to use in the top portion of the TECs are as follows:

Exempt	E	Commissioner, etc.
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24-Hour Clock Time

When completing departure and return times on the TECs, time shall be entered using the 24-hour clock time, plus the appropriate minutes.

<u>Regular Time</u>	<u>24-Hour Clock Time</u>	<u>Regular Time</u>	<u>24-Hour Clock Time</u>
1:00 a.m.	0100	1:00 p.m.	1300
2:00 a.m.	0200	2:00 p.m.	1400
3:00 a.m.	0300	3:00 p.m.	1500
4:00 a.m.	0400	4:00 p.m.	1600
5:00 a.m.	0500	5:00 p.m.	1700
6:00 a.m.	0600	6:00 p.m.	1800
7:00 a.m.	0700	7:00 p.m.	1900
8:00 a.m.	0800	8:00 p.m.	2000
9:00 a.m.	0900	9:00 p.m.	2100
10:00 a.m.	1000	10:00 p.m.	2200
11:00 a.m.	1100	11:00 p.m.	2300
12:00 noon	1200	midnight	0001

Time between midnight and 1:00 a.m. is noted as 0000 plus minutes (12:45 a.m. is 0045)

MULTI-PURPOSE TRAVEL – TRAVEL FOR COMMISSION AND NON-COMMISSION PURPOSES

When Commissioners are traveling on Commission business and for other non-Commission purposes, subsistence allowance for the non-Commission purposes may not be claimed. Travel claims should show dates and times when non-Commission purposes begin and the dates and times when Commission business resumes.

AUTO ACCIDENT ON TRAVEL STATUS - ADMINISTRATIVE INSTRUCTIONS

State Vehicles

If involved in a motor vehicle accident while on state business, Commissioners **must report the accident within 48 hours** (regardless of the ownership of the vehicle) on a Vehicle Accident Report form, STD. 270 (available at www.orim.ca.gov), to the:

Office of Risk and Insurance Management (ORIM)
 1325 J Street, Suite 1800
 Sacramento, CA 95814
 (916) 376-5271 Telephone

Should the accident result in bodily injury to anyone other than the Commissioner, the accident must be immediately reported to the ORIM by telephone or an advance faxed copy of STD. 270. On weekends a message may be left on Voice Mail.

An Accident Identification card, STD. 269, should be carried in the glove compartment of all state vehicles. This card should be completed and the tear-off portion given to the other party.

No comments or statements regarding the accident are to be made to anyone except the police, supervisors, ORIM Claims Unit, or the independent adjusting company under contract with ORIM. **NO** written or recorded statement shall be given to the other party or their representatives.

If a Commissioner is served with any post-accident legal papers, the ORIM Claims Unit must be called immediately.

Private Vehicles

Commissioners should attempt to recover damages through their insurance coverage for collision, comprehensive or property damage.

Reimbursement of the Commissioner's auto repairs not covered by private insurance, such as deductibles, is allowed through the State. The procedure under SAM (2430) to claim reimbursement shall be followed.

Damage to the Commissioner's vehicle must be through no fault of the Commissioner.

Commercial Vehicles

Commissioners who sustain any financial loss by reason of not having purchased a damage waiver for commercial vehicles may claim reimbursement for the loss (SAM 0758).

INJURY TO COMMISSIONERS

If personal injuries are sustained while operating a vehicle on State business, Commissioners are covered under Workers' Compensation Insurance Laws under SAM 2580-2584. The Commission Liaison must be notified of the accident within 24 hours.

MISCELLANEOUS

SOCIAL MEDIA

Facebook: Facebook.com/CaliforniaStudentAidCommission

Twitter: @CAstudentaid #CalGrant #CalDreamAct #CaliforniaStudentAidCommission

YouTube: CAstudentaid Channel

GLOSSARY OF ABBREVIATIONS, ACRONYMS AND WEB ADDRESSES

STATE, REGIONAL, AND NATIONAL ASSOCIATIONS AND ENTITIES

AASFAA	Arizona Association of Student Financial Aid Administrators (www.aasfaa.org)
AICCU	Association of Independent California Colleges and Universities (www.aiccu.org)
BPPE	Bureau for Private Postsecondary Education (www.bppe.ca.gov)
CAPPS	California Association of Private Postsecondary Schools (www.cappsonline.org)
CASFAA	California Association of Student Financial Aid Administrators (www.casfaa.org)
CBA	California Bankers' Association (www.calbankers.com)
CCC	California Community Colleges (www.cccco.edu)
CCCCO	California Community Colleges Chancellor's Office (www.cccco.edu)
CCCSFAAA	California Community College Student Financial Aid Administrators Association (www.cccsfaaa.org)
CLFE	California Lenders for Education (www.clfe.org)
COHEAO	Coalition of Higher Education Assistance Organization (www.coheao.com)
CPEC	California Postsecondary Education Commission (www.cpec.ca.gov)
CSAC	California Student Aid Commission (www.csac.ca.gov)
CSS	College Scholarship Service (www.college-scholarships.com)
CSU	California State University (www.calstate.edu)
CTC	Commission on Teacher Credentialing (www.ctc.ca.gov)
DOF	California Department of Finance (www.dof.ca.gov)
DPA	California Department of Personnel Administration (www.dpa.ca.gov)
EDS	Electronic Data Systems Corporation (www.eds.com)
EFSI	Education Funding Services, Inc. (www.efsi.net)
ELM	Educational Loan Management Resources (www.elmresources.com)
FSA	Federal Student Aid (USED) (www.studentaid.ed.gov)
NACUBO	National Association of College and University Business Officers (www.nacubo.org)

NAFAA	Nevada Association of Financial Aid Administrators (www.nafaaweb.org)
NASFAA	National Association of Student Financial Aid Administrators (www.nasfaa.org)
NASSGAP	National Association of State Student and Grant Aid Programs (www.nassgap.org)
NCHER	National Council of Higher Education Resources (www.ncher.us)
NSLC	National Student Loan Clearinghouse (www.studentclearinghouse.org)
OAL	Office of Administrative Law (www.oal.ca.gov)
OASFAA	Oregon Association of Student Financial Aid Administrators (www.oasfaaonline.org)
PHEAA	Pennsylvania Higher Education Assistance Agency (www.pheaa.org)
SLMA	Student Loan Marketing Association (Sallie Mae) (www.salliemae.com)
USAF	United Student Aid Funds (www.usafunds.org)
USED	United States Department of Education (www.ed.gov)
WACAC	Western Association for College Admission Counseling (www.wacac.org)
WASC	Western Association of Schools and Colleges (www.wascweb.org)
WASFAA	Western Association of Student Financial Aid Administrators (www.wasfaa.org)
WFAA	Washington Financial Aid Association (www.wfaa.org)

COMMONLY USED ACRONYMS

AB	Assembly Bill
APLE	Assumption Program of Loans for Education
BCP	Budget Change Proposal
CACGP	College Access Challenge Grant Program
Cal-SOAP	California Student Opportunity and Access Programs
CAR	California Aid Report
CBA	Consumer Bankers Association
CFR	Code of Federal Regulations
COA	Cost of Attendance
COLA	Cost of Living Adjustment
CPI	Consumer Price Index
CPS	Central Processing System
E2	Cal Grant Transfer Entitlement Program
EFC	Expected Family Contribution
EFT	Electronic Funds Transfer
EOPS	Extended Opportunity Program and Services
FAFSA	Free Application for Federal Student Aid
FAO	Financial Aid Office/Officer
FAPS	Financial Aid Processing System
FDSLPL	Federal Direct Student Loan Program
FFELP	Federal Family Education Loan Program
FSEOG	Federal Supplemental Education Opportunity Grant
FSR	Feasibility Study Report
GDS	Grant Delivery System
GEAR UP	Gaining Early Awareness and Readiness for Undergraduate Programs

GPA	Grade Point Average
ISIR	Institutional Student Information Report
LAC	Loan Advisory Council
LEAP	Leveraging Educational Assistance Partnerships
LEPD	Law Enforcement Personnel Dependents Grant
MCS	Middle Class Scholarship Program
MOU	Memorandum of Understanding
MPN	Master Promissory Note
NPRM	Notice of Proposed Rulemaking
NSLDS	National Student Loan Data System
OAL	Office of Administrative Law
PLUS	Parent Loan for Undergraduate Students
RFP	Request for Proposal
SAM	State Administrative Manual
SAP	Satisfactory Academic Progress
SAR	Student Aid Report
SAT	Student Achievement Test; Scholastic Assessment Test
SB	Senate Bill
SEARS	Student Expense and Resources Survey
SSN	Social Security Number
Teale	Stephen B. Teale Data Center
UC	University of California

SUMMARY OF LAWS GOVERNING THE COMMISSION

California Student Aid Commission
Education Code sections 66010.6(b), 69510-69519

Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program
Education Code sections 69430-69440

Long-term Cal Grant policy
Education Code section 66021.2

California Dream Act
Education Code sections 66021.6, 68130.5

Cal Grant Alternative Delivery System Pilot Program
Education Code sections 69450-69460

Middle Class Scholarship Program
Education Code sections 70020-70023

Cash for College Program
Education Code sections 69550-69551

California Student Opportunity and Access Program (Cal-SOAP)
Education Code sections 69560-69566

Specialized Programs – Student Financial Aid Programs

- Assumption Program for Loans for Education (APLE) – Education Code - *Education Code sections 69612-69615.6*
- Graduate Assumption Program for Loans for Education (Grad APLE) - *Education Code sections 69618-69619*
- Child Development Teacher and Supervisor Grant Program - *Education Code sections 69620-69628*
- Assumption Program for Loans for Education for Public Interest Attorneys (APLE-Attorneys) - *Education Code sections 69740-69746.5*
- Assumption Program for Loans for Education for National Guard (APLE-NG) - *Education Code section 69750-69751.8*
- State Nursing Faculty Assumption Program of Loans for Education (SNAPLE) - *Education Code sections 70100-70110*
- State Nursing Facilities Assumption Program of Loans for Education (SFAPLE) - *Education Code sections 70120-70129*
- California National Guard Education Assistance Award (CNG EAAP) – *Education Code sections 69999.10-69999.30*

Other Programs

- Law Enforcement Personnel Dependents Grant – *Labor Code section 4709*
- California Chafee Grant Program/Education and Training Voucher – *42 U.S.C section 677*
- Robert C Byrd Honors Scholarship Program – *20 U.S.C. sections 1070d-31 through 41*

Bagley-Keene Open Meeting Act 1998

Handy Guide to the Bagley-Keene Open Meeting Act 2004

Government Code sections 11120-11132

Miscellaneous Codes

- Ethics Statutes and Regulations - *Government Code sections 11146-11146.4*
- Privacy Rights and Protections
 - Declaration of Rights - *California Constitution Article I, Section 1*
 - Agency Requirements - *Civil Code sections 1798.14-1798.23*
 - Confidentiality of Social Security Numbers - *Civil Code sections 1798.85-1798.86*
 - Federal Family Educational Rights and Privacy Act (FERPA) - *20 U.S.C. section 1232g*
- California Public Records Act – *Government Code sections 6250-6270*
- California Code of Regulations Title 5 – Education, Division 4 - *California Student Aid Commission – Articles 1-16: sections 30000-30904*

A HANDY GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT 2004



A Handy Guide
to
The Bagley-Keene Open Meeting Act 2004

California Attorney General's Office

INTRODUCTION

The Bagley-Keene Open Meeting Act (“the Act” or “the Bagley-Keene Act”), set forth in Government Code sections 11120-111321¹, covers all state boards and commissions. Generally, it requires these bodies to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized by the Act to meet in closed session. Following is a brief summary of the Act’s major provisions. Although we believe that this summary is a helpful road map, it is no substitute for consulting the actual language of the Act and the court cases and administrative opinions that interpret it.

If you wish to obtain additional copies of this pamphlet, they may be ordered or downloaded via the Attorney General’s Home Page, located on the World Wide Web at <http://caag.state.ca.us>. You may also write to the Attorney General’s Office, Public Inquiry Unit, P.O. Box 944255, Sacramento, CA 94244-2550 or call us at (800) 952-5225 (for callers within California), or (916) 322-3360 (for callers outside of California); the TTY/TDD telephone numbers are (800) 952-5548 (for callers within California), or (916) 324-5564 (for callers outside of California).

PURPOSE OF THE ACT

Operating under the requirements of the Act can sometimes be frustrating for both board members and staff. This results from the lack of efficiency built into the Act and the unnatural communication patterns brought about by compliance with its rules.

If efficiency were the top priority, the Legislature would create a department and then permit the department head to make decisions. However, when the Legislature creates a multimember board, it makes a different value judgment. Rather than striving strictly for efficiency, it concludes that there is a higher value to having a group of individuals with a variety of experiences, backgrounds and viewpoints come together to develop a consensus. Consensus is developed through debate, deliberation and give and take. This process can sometimes take a long time and is very different in character than the individual-decision-maker model.

Although some individual decision-makers follow a consensus-building model in the way that they make decisions, they’re not required to do so. When the Legislature creates a multimember body, it is mandating that the government go through this consensus building process.

When the Legislature enacted the Bagley-Keene Act, it imposed still another value judgment on the governmental process. In effect, the Legislature said that when a body sits down to develop its consensus, there needs to be a seat at the table reserved for the public. (§ 11120.) By reserving this place for the public, the Legislature has provided the public with the ability to monitor and participate in the decision-making process. If the body were permitted to meet in secret, the public’s role in the decision-making process would be negated. Therefore, absent a specific reason to keep the public out of the meeting, the public should be allowed to monitor and participate in the decision-making process.

¹ All statutory references are to the Government Code.

If one accepts the philosophy behind the creation of a multimember body and the reservation of a seat at the table for the public, many of the particular rules that exist in the Bagley-Keene Act become much easier to accept and understand. Simply put, some efficiency is sacrificed for the benefits of greater public participation in government.

BODIES COVERED BY THE ACT: General Rule

The general rule for determining whether a body is covered by the Act involves a two part test (§ 11121(a)):

First, the Act covers multimember bodies. A multimember body is two or more people. Examples of multimember bodies are: state boards, commissions, committees, panels, and councils. Second, the body must be created by statute or required by law to conduct official meetings. If a body is created by statute, it is covered by the Act regardless of whether it is decision-making or advisory.

■ **Advisory Bodies**

The Act governs two types of advisory bodies: (1) those advisory bodies created by the Legislature and (2) those advisory bodies having three or more members that are created by formal action of another body. (§11121(c).) If an advisory body created by formal action of another body has only two members, it is not covered by the Bagley-Keene Act. Accordingly, that body can do its business without worrying about the notice and open meeting requirements of the Act. However, if it consists of three people, then it would qualify as an advisory committee subject to the requirements of the Act.

When a body authorizes or directs an individual to create a new body, that body is deemed to have been created by formal action of the parent body even if the individual makes all decisions regarding composition of the committee. The same result would apply where the individual states an intention to create an advisory body but seeks approval or ratification of that decision by the body.

Finally, the body will probably be deemed to have acted by formal action whenever the chair of the body, acting in his or her official capacity, creates an advisory committee. Ultimately, unless the advisory committee is created by staff or an individual board member, independent of the body's authorization or desires, it probably should be viewed as having been created by formal action of the body.

■ **Delegated Body**

The critical issue for this type of body is whether the committee exercises some power that has been delegated to it by another body. If the body has been delegated the power to act, it is a delegated committee. (§ 11121(b).) A classic example is the executive committee that is given authority to act on behalf of the entire body between meetings. Such executive committees are delegated committees and are covered by the requirements of the Act.

There is no specific size requirement for the delegated body. However, to be a body, it still must be comprised of multiple members. Thus, a single individual is not a delegated body.

■ Commissions Created by the Governor

The Act specifically covers commissions created by executive order. (§ 11121(a).) That leaves open two potential issues for resolution with respect to this type of body. First, what's an executive order as opposed to other exercises of power by the Governor? Second, when is a body a "commission" within the meaning of this provision? There is neither case law nor an Attorney General opinion addressing either of these issues in this context.

■ Body Determined by Membership

The next kind of body is determined by who serves on it. Under this provision, a body becomes a state body when a member of a state body, in his or her official capacity, serves as a representative on another body, either public or private, which is funded in whole or in part by the representative's state body. (§ 11121(d).) It does not come up often, but the Act should be consulted whenever a member of one body sits as a representative on another body.

In summary, the foregoing are the general types of bodies that are defined as state bodies under the Bagley-Keene Act. As will be discussed below, these bodies are subject to the notice and open meeting requirements of the Act.

MEMBERS-TO-BE

The open meeting provisions of the Act basically apply to new members at the time of their election or appointment, even if they have not yet started to serve. (§ 11121.95.) The purpose of this provision is to prevent newly appointed members from meeting secretly among themselves or with holdover members of a body in sufficient numbers so as to constitute a quorum. The Act also requires bodies to provide their new members with a copy of the Act. (§ 11121.9.) We recommend that this Handy Guide be used to satisfy that requirement.

WHAT IS A MEETING?

The issue of what constitutes a meeting is one of the more troublesome and controversial issues under the Act. A meeting occurs when a quorum of a body convenes, either serially or all together, in one place, to address issues under the body's jurisdiction. (§ 11122.5.) Obviously, a meeting would include a gathering where members were debating issues or voting on them. But a meeting also includes situations in which the body is merely receiving information. To the extent that a body receives information under circumstances where the public is deprived of the opportunity to monitor the information provided, and either agree with it or challenge it, the open-meeting process is deficient.

Typically, issues concerning the definition of a meeting arise in the context of informal gatherings such as study sessions or pre-meeting get-togethers. The study session historically arises from the body's desire to study a subject prior to its placement on the body's agenda. However, if a quorum is involved, the study session should be treated as a meeting under the Act. With respect to pre-meeting briefings, this office opined that staff briefings of the city council a half hour before the

noticed city council meeting to discuss the items that would appear on the council's meeting agenda were themselves meetings subject to open meeting laws.² To the extent that a briefing is desirable, this office recommends that the executive officer prepare a briefing paper which would then be available to the members of the body, as well as, to the public.

■ Serial Meetings

The Act expressly prohibits the use of direct communication, personal intermediaries, or technological devices that are employed by a majority of the members of the state body to develop a collective concurrence as to action to be taken on an item by the members of the state body outside of an open meeting. (§ 11122.5(b).) Typically, a serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members. For example, a chain of communications involving contact from member A to member B who then communicates with member C would constitute a serial meeting in the case of a five-person body. Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred. In addition, a serial meeting occurs when intermediaries for board members have a meeting to discuss issues. For example, when a representative of member A meets with representatives of members B and C to discuss an agenda item, the members have conducted a serial meeting through their representatives acting as intermediaries.

In the *Stockton Newspapers* case, the court concluded that a series of individual telephone calls between the agency attorney and the members of the body constituted a meeting.³ In that case, the attorney individually polled the members of the body for their approval on a real estate transaction. The court concluded that even though the meeting was conducted in a serial fashion, it nevertheless was a meeting for the purposes of the Act.

An executive officer may receive spontaneous input from board members on the agenda or on any other topic. But problems arise if there are systematic communications through which a quorum of the body acquires information or engages in debate, discussion, lobbying, or any other aspect of the deliberative process, either among themselves or between board members and the staff.

Although there are no cases directly on point, if an executive officer receives the same question on substantive matters addressed in an upcoming agenda from a quorum of the body, this office recommends that a memorandum addressing these issues be provided to the body and the public so they will receive the same information.

This office has opined that under the Brown Act (the counterpart to the Bagley-Keene Act which is applicable to local government bodies) that a majority of the board members of a local public agency may not e-mail each other to discuss current topics related to the body's jurisdiction even if the e-mails are also sent to the secretary and chairperson of the agency, posted on the agency's

² 42 Ops.Cal.Atty.Gen. 61 (1963); see also 32 Ops.Cal.Atty.Gen. 240 (1958).

³ *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, 105. See also, 65 Ops.Cal.Atty.Gen. 63, 66 (1982); 63 Ops.Cal.Atty.Gen. 820, 828-829 (1980).

Internet website, and made available in printed form at the next public meeting of the board.⁴

The prohibition applies only to communications employed by a quorum to develop a collective concurrence concerning action to be taken by the body. Conversations that advance or clarify a member's understanding of an issue, or facilitate an agreement or compromise among members, or advance the ultimate resolution of an issue, are all examples of communications that contribute to the development of a concurrence as to action to be taken by the body. Accordingly, with respect to items that have been placed on an agenda or that are likely to be placed upon an agenda, members of state bodies should avoid serial communications of a substantive nature that involve a quorum of the body.

In conclusion, serial meeting issues will arise most commonly in connection with rotating staff briefings, telephone calls or e-mail communications among a quorum of board members. In these situations, part of the deliberative process by which information is received and processed, mulled over and discussed, is occurring without participation of the public.

Just remember, serial-meeting provisions basically mean that what the body cannot do as a group it cannot do through serial communications by a quorum of its members.

■ **Contacts by the Public**

One of the more difficult areas has to do with the rights of the public to contact individual members. For example, a communication from a member of the public to discuss an issue does not violate the Act. (§ 11122.5(c)(1).) The difficulty arises when the individual contacts a quorum of the body.

So long as the body does not solicit or orchestrate such contacts, they would not constitute a violation of the Bagley-Keene Act. Whether its good policy for a body to allow these individual contacts to occur is a different issue.

■ **Social Gatherings**

The Act exempts purely social situations from its coverage. (§ 11122.5(c)(5).) However, this construction is based on the premise that matters under the body's jurisdiction will not be discussed or considered at the social occasion. It may be useful to remind board members to avoid "shop talk" at the social event. Typically, this is difficult because service on the body is their common bond.

■ **Conferences and Retreats**

Conferences are exempt from the Act's coverage so long as they are open to the public and involve subject matter of general interest to persons or bodies in a given field. (§ 11122.5(c)(2).) While in attendance at a conference, members of a body should avoid private discussions with other members of their body about subjects that may be on an upcoming agenda. However, if the retreat or conference is designed to focus on the laws or issues of a particular body it would not be exempt

⁴ Cal.Atty.Gen., Indexed Letter, No. IL 00-906 (February 20, 2001).

under the Act.

■ **Teleconference Meetings**

The Act provides for audio or audio and visual teleconference meetings for the benefit of the public and the body. (§ 11123.) When a teleconference meeting is held, each site from which a member of the body participates must be accessible to the public. [Hence, a member cannot participate from his or her car, using a car phone or from his or her home, unless the home is open to the public for the duration of the meeting.] All proceedings must be audible and votes must be taken by roll call. All other provisions of the Act also apply to teleconference meetings. For these reasons, we recommend that a properly equipped and accessible public building be utilized for teleconference meetings. This section does not prevent the body from providing additional locations from which the public may observe the proceedings or address the state body by electronic means.

NOTICE AND AGENDA REQUIREMENTS

The notice and agenda provisions require bodies to send the notice of its meetings to persons who have requested it. (§ 11125(a).) In addition, at least ten days prior to the meeting, bodies must prepare an agenda of all items to be discussed or acted upon at the meeting. (§ 11125(b).) In practice, this usually translates to boards and commissions sending out the notice and agenda to all persons on their mailing lists. The notice needs to state the time and the place of the meeting and give the name, phone number and address of a contact person who can answer questions about the meeting and the agenda. (§ 11125(a).) The agenda needs to contain a brief description of each item to be transacted or discussed at the meeting, which as a general rule need not exceed 20 words in length. (§ 11125(b).)

The agenda items should be drafted to provide interested lay persons with enough information to allow them to decide whether to attend the meeting or to participate in that particular agenda item. Bodies should not label topics as “discussion” or “action” items unless they intend to be bound by such descriptions. Bodies should not schedule items for consideration at particular times, unless they assure that the items will not be considered prior to the appointed time.

The notice and agenda requirements apply to both open and closed meetings. There is a tendency to think that agendas need not be prepared for closed session items because the public cannot attend. But the public’s ability to monitor closed sessions directly depends upon the agenda requirement which tells the public what is going to be discussed.

REGULAR MEETINGS

The Act, itself, does not directly define the term “regular meeting.” Nevertheless, there are several references in the Act concerning regular meetings. By inference and interpretation, the regular meeting is a meeting of the body conducted under normal or ordinary circumstances. A regular meeting requires a 10-day notice. This simply means that at least 10 days prior to the meeting, notice of the meeting must be given along with an agenda that sufficiently describes the items of business to be transacted or discussed. (§§ 11125(a), 11125(b).) The notice for a meeting must also be posted on the Internet, and the web site address must be included on the written agenda. In addition, upon request by any person with a disability, the notice must be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec.

12132), and the applicable federal rules and regulations. The notice must contain information regarding the manner in which and the deadline by which a request for any disability-related modification or accommodation, including auxiliary aids or services, may be made by a person requiring these aids or services in order to participate in the meeting.

In two special situations, items may be added to the agenda within the 10-day notice period, provided that they are added and notice is given no later than 48 hours prior to the meeting. (§ 11125.) The first such situation is where the body concludes that the topic it wishes to add would qualify for an emergency meeting as defined in the Act. (§ 11125.3(a)(1).) The second situation is where there is a need for immediate action and the need for action came to the attention of the body after the agenda was mailed in accordance with the 10-day notice requirement. (§ 11125.3(a)(2).) This second situation requires a two-thirds vote or a unanimous vote if two-thirds of the members are not present.

Changes made to the agenda under this section must be delivered to the members of the body and to national wires services at least 48 hours before the meeting and must be posted on the Internet as soon as practicable.

SPECIAL MEETINGS

A few years ago, special meetings were added to the Act to provide relief to agencies that, due to the occurrence of unforeseen events, had a need to meet on short notice and were hamstrung by the Act's 10-day notice requirement. (§ 11125.4.) The special meeting requires that notice be provided at least 48 hours before the meeting to the members of the body and all national wire services, along with posting on the Internet. The purposes for which a body can call a special meeting are quite limited. Examples include pending litigation, legislation, licencing matters and certain personnel actions. At the commencement of the special meeting, the body is required to make a finding that the 10-day notice requirement would impose a substantial hardship on the body or that immediate action is required to protect the public interest and must provide a factual basis for the finding. The finding must be adopted by two-thirds vote and must contain articulable facts that support it. If all of these requirements are not followed, then the body can not convene the special meeting and the meeting must be adjourned.

EMERGENCY MEETINGS

The Act provides for emergency meetings in rare instances when there exists a crippling disaster or a work stoppage that would severely impair public health and safety. (§ 11125.5.) An emergency meeting requires a one-hour notice to the media and must be held in open session. The Act also sets forth a variety of other technical procedural requirements that must be satisfied.

PUBLIC PARTICIPATION

Since one of the purposes of the Act is to protect and serve the interests of the general public to monitor and participate in meetings of state bodies, bodies covered by the Act are prohibited from imposing any conditions on attendance at a meeting. (§ 11124.) For example, while the Act does not prohibit use of a sign-in sheet, notice must be clearly given that signing-in is voluntary and not a pre-requisite to either attending the meeting or speaking at the meeting. On the other hand, security measures that require identification in order to gain admittance to a government building are

permitted so long as security personnel do not share the information with the body.

In addition, members of the public are entitled to record and to broadcast (audio and/or video) the meetings, unless to do so would constitute a persistent disruption. (§ 11124.1.)

To ensure public participation, the Legislature expressly afforded an opportunity to the public to speak or otherwise participate at meetings, either before or during the consideration of each agenda item. (§11125.7.) The Legislature also provided that at any meeting the body can elect to consider comments from the public on any matter under the body's jurisdiction. And while the body cannot act on any matter not included on the agenda, it can schedule issues raised by the public for consideration at future meetings. Public comment protected by the Act includes criticism of the programs, policies and officials of the state body.

ACCESS TO RECORDS

Under the Act, the public is entitled to have access to the records of the body. (§ 11125.1.) In general, a record includes any form of writing. When materials are provided to a majority of the body either before or during the meeting, they must also be made available to the public without delay, unless the confidentiality of such materials is otherwise protected. Any records provided to the public, must be available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the applicable federal rules and regulations, upon request by a person with a disability.

Notwithstanding the foregoing, the Act makes Government Code section 6254, the most comprehensive exemption under the California Public Records Act, applicable to records provided to the body. That is, if the record that is being provided to the board members is a record that is otherwise exempt from disclosure under section 6254 of the Government Code, then the record need not be disclosed to members of the public. (§ 11125.1(a).) However, the public interest balancing test, set forth in Government Code section 6255, is expressly made inapplicable to records provided to members of the body.

If an agency has received a request for records, the Public Records Act allows the agency to charge for their duplication. (§ 11125.1(c).) Please be aware that the Public Records Act limits the amount that can be charged to the direct cost of duplication. This has been interpreted to mean a pro-rata share of the equipment cost and probably a pro-rata share of the employee cost in order to make the copies. It does not include anything other than the mere reproduction of the records. (See, § 6253.9 for special rules concerning computer records.) Accordingly, an agency may not recover for the costs of retrieving or redacting a record.

ACCESSABILITY OF MEETING LOCATIONS

The Act requires that the place and manner of the meeting be nondiscriminatory. (§ 11131.) As such, the body cannot discriminate on the basis of race, religion, national origin, etc. The meeting site must also be accessible to the disabled. Furthermore, the agency may not charge a fee for attendance at a meeting governed by the Act.

CLOSED SESSIONS

Although, as a general rule, all items placed on an agenda must be addressed in open session, the Legislature has allowed closed sessions in very limited circumstances, which will be discussed in detail below. Closed sessions may be held legally only if the body complies with certain procedural requirements. (§ 11126.3)

As part of the required general procedures, the closed session must be listed on the meeting agenda and properly noticed. (§ 11125(b).) Prior to convening into closed session, the body must publically announce those issues that will be considered in closed session. (§ 11126.3.) This can be done by a reference to the item as properly listed on the agenda. In addition, the agenda should cite the statutory authority or provision of the Act which authorizes the particular closed session. (§11125(b).) After the closed session has been completed, the body is required to reconvene in public. (§ 11126.3(f).) However, the body is required to make a report only where the body makes a decision to hire or fire an individual. (§ 11125.2.) Bodies under the Bagley-Keene Act are required to keep minutes of their closed sessions. (§ 11126.1.) Under the Act, these minutes are confidential, and are disclosable only to the board itself or to a reviewing court.

Courts have narrowly construed the Act's closed-session exceptions. For example, voting by secret ballot at an open-meeting is considered to be an improper closed session. Furthermore, closed sessions may be improperly convened if they are attended by persons other than those directly involved in the closed session as part of their official duties.

■ **Personnel Exception**

The personnel exception generally applies only to employees. (§ 11126(a) and (b).) However, a body's appointment pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution (usually the body's executive director) has been designated an employee for purposes of the personnel exception. On the other hand, under the Act, members of the body are not to be considered employees, and there exists no personnel exception or other closed session vehicle for board members to deal with issues that may arise between them. Board elections, team building exercises, and efforts to address personality problems that may arise between members of the board, cannot be handled in closed session.

Only certain categories of subject matter may be considered at a closed session authorized under the personnel exception. (§ 11126(a)(1).) The purpose of the personnel exception is to protect the privacy of the employee, and to allow the board members to speak candidly. It can be used to consider appointments, employment, evaluation of performance, discipline or dismissal, as well as to hear charges or complaints about an employee's actions. Although the personnel exception is appropriate for discussion of an employee's competence or qualifications for appointment or employment, we do not think that discussion of employee compensation may be conducted in closed session in light of an appellate court decision interpreting a similar exception in the Brown Act, (the

counterpart to the Bagley-Keene Act which is applicable to local government bodies).⁵

The Act requires compliance with specific procedures when the body addresses a complaint leveled against an employee by a third person or initiates a disciplinary action against an employee. Under either circumstance, the Act requires 24-hour written notice to the employee. (§ 11126(a)(2).) Failure to provide such notice voids any action taken in closed session.

Upon receiving notice, the employee has the right to insist that the matter be heard in public session. (§ 11126(a)(2).) However, the opposite is not true. Under the Act, an employee has no right to have the matter heard in closed session. If the body decides to hold an open session, the Bagley-Keene Act does not provide any other option for the employee. Considerations, such as the employee's right to privacy, are not addressed under the Bagley-Keene Act.

If an employee asserts his or her right to have the personnel matter addressed in open session, the body must present the issues and information/evidence concerning the employee's performance or conduct in the open session. However, the body is still entitled to conduct its deliberations in closed session. (§ 11126(a)(4).)

■ Pending Litigation Exception

The purpose of the pending litigation exception is to permit the agency to confer with its attorney in circumstances where, if that conversation were to occur in open session, it would prejudice the position of the agency in the litigation. (§ 11126(e)(1).) The term "litigation" refers to an adjudicatory proceeding that is held in either a judicial or an administrative forum. (§11126(e)(2)(c)(iii).) For purposes of the Act, litigation is "pending" in three basic situations. (§11126(e)(2).) First, where the agency is a party to existing litigation. Secondly, where under existing facts and circumstances, the agency has substantial exposure to litigation. And thirdly, where the body is meeting for the purpose of determining whether to initiate litigation. All of these situations constitute pending litigation under the exception.

For purposes of the Bagley-Keene Act, the pending litigation exception constitutes the exclusive expression of the attorney-client privilege. (§ 11126(e)(2).) In general, this means that independent statutes and case law that deal with attorney-client privilege issues do not apply to interpretations of the pending litigation provision of the Bagley-Keene Act. Accordingly, the specific language of the Act must be consulted to determine what is authorized for discussion in closed session.

Because the purpose of the closed session exception is to confer with legal counsel, the attorney must be present during the entire closed session devoted to the pending litigation. The Act's pending litigation exception covers both the receipt of advice from counsel and the making of litigation decisions (e.g., whether to file an action, and if so, what approach should be taken, whether settlement should be considered, and if so, what the settlement terms should be.

⁵ *San Diego Union v. City Council* (1983) 146 Cal.App.3d 947.

What happens in a situation where a body desires legal advice from counsel, but the Act's pending litigation exception does not apply? In such a case, legal counsel can either (1) provide the legal advice orally and discuss it in open session; or (2) deliver a one-way legal advice memorandum to the board members. The memorandum would constitute a record containing an attorney-client privileged communication and would be protected from disclosure under section 6254(k) of the Public Records Act. (11125.1(a).) However, when the board members receive that memorandum, they may discuss it only in open session, unless there is a specific exception that applies which allows them to consider it in closed session.⁶

■ **Deliberations Exception**

The purpose of the deliberations exception is to permit a body to deliberate on decisions in a proceeding under the Administrative Procedures Act, or under similar provisions of law, in closed session. (§ 11126(c)(3).)

■ **Real Property Exception**

Under the Act, the real-property exception provides that the body can, in closed session, advise its negotiator in situations involving real estate transactions and in negotiations regarding price and terms of payment. (§ 11126(c)(7).) However, before meeting in closed session, the body must identify the specific parcel in question and the party with whom it is negotiating. Again, the Act requires that the body properly notice its intent to hold a closed session and to cite the applicable authority enabling it to do so.

■ **Security Exception**

A state body may, upon a two-thirds vote of those present, conduct a closed session to consider matters posing a potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, where disclosure of these considerations could adversely affect their safety or security. (11126(c)(18).) After such a closed session, the state body must reconvene in open session prior to adjournment and report that a closed session was held along with a description of the general nature of the matters considered, and whether any action was taken in closed session.

Whenever a state body utilizes this closed session exception, it must also provide specific written notice to the Legislative Analyst who must retain this information for at least four years. (11126(c)(18)(D).) This closed session exception will sunset in 2006. (11126(h).)

REMEDIES FOR VIOLATIONS

The Act provides for remedies and penalties in situations where violations have allegedly

⁶ *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363, 381.

occurred. Depending on the particular circumstances, the decision of the body may be overturned (§ 11130.3), violations may be stopped or prevented (§ 11130), costs and fees may be awarded (§11130.5), and in certain situations, there may be criminal misdemeanor penalties imposed as well. (§ 11130.7.)

Within 90 days of a decision or action of the body, any interested person may file suit alleging a violation of the Act and seeking to overturn the decision or action. Among other things, such suit may allege an unauthorized closed session or an improperly noticed meeting. Although the body is permitted to cure and correct a violation so as to avoid having its decision overturned, this can be much like trying to put toothpaste back in the tube. If possible, the body should try to return to a point prior to when the violation occurred and then proceed properly. For example, if the violation involves improper notice, we recommend that the body invalidate its decision, provide proper notice, and start the process over. To the extent that information has been received, statements made, or discussions have taken place, we recommend that the body include all of this on the record to ensure that everyone is aware of these events and has had an opportunity to respond.

In certain situations where a body has violated the Act, the decision cannot be set aside or overturned; namely, where the action taken concerns the issuance of bonds, the entering into contracts where there has been detrimental reliance, the collection of taxes, and, in situations where there has been substantial compliance with the requirements of the Act. (11130.3(b).)

Another remedy in dealing with a violation of the Act involves filing a lawsuit to stop or prevent future violations of the Act. (§ 11130.) In general, these legal actions are filed as injunctions, writs of mandates, or suits for declaratory relief. The Legislature has also authorized the Attorney General, the District Attorney or any other interested person to use these remedies to seek judicial redress for past violations of the Act.

A prevailing plaintiff may recover the costs of suit and attorney's fees from the body (not individual members). (§ 11130.5.) On the other hand, if the body prevails, it may recover attorney's fees and costs only if the plaintiff's suit was clearly frivolous and totally without merit.

The Act provides for misdemeanor penalties against individual members of the body if the member attends a meeting in violation of the Act with the intent to deprive the public of information to which he or she knows, or has reason to know, the public is entitled to receive. (§ 11130.7.)

THE BAGLEY-KEENE OPEN MEETING ACT: GOVERNMENT CODE SECTION 11120-11132

Government Code - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980]

(Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 3. EXECUTIVE DEPARTMENT [11000 - 15986]

(Division 3 added by Stats. 1945, Ch. 111.)

PART 1. STATE DEPARTMENTS AND AGENCIES [11000 - 11894]

(Part 1 added by Stats. 1945, Ch. 111.)

CHAPTER 1. State Agencies [11000 - 11148.5]

(Chapter 1 added by Stats. 1945, Ch. 111.)

ARTICLE 9. Meetings [11120 - 11132]

(Article 9 added by Stats. 1967, Ch. 1656.)

11120.

It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

(Amended by Stats. 1981, Ch. 968, Sec. 4.)

11121.

As used in this article, "state body" means each of the following:

(a) Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

(b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

(c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state

body or of any member of the state body, and if the advisory body so created consists of three or more persons.

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

(Amended by Stats. 2003, Ch. 62, Sec. 117. Effective January 1, 2004.)

11121.1.

As used in this article, “state body” does not include any of the following:

- (a) State agencies provided for in Article VI of the California Constitution.
- (b) Districts or other local agencies whose meetings are required to be open to the public pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).
- (c) State agencies provided for in Article IV of the California Constitution whose meetings are required to be open to the public pursuant to the Grunsky-Burton Open Meeting Act (Article 2.2 (commencing with Section 9027) of Chapter 1.5 of Part 1 of Division 2 of Title 2).
- (d) State agencies when they are conducting proceedings pursuant to Section 3596.
- (e) State agencies provided for in Section 109260 of the Health and Safety Code, except as provided in Section 109390 of the Health and Safety Code.
- (f) The Credit Union Advisory Committee established pursuant to Section 14380 of the Financial Code.

(Amended by Stats. 2008, Ch. 344, Sec. 2. Effective September 26, 2008.)

11121.9.

Each state body shall provide a copy of this article to each member of the state body upon his or her appointment to membership or assumption of office.

(Amended by Stats. 1981, Ch. 968, Sec. 7.1.)

11121.95.

Any person appointed or elected to serve as a member of a state body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this article and shall be treated for purposes of this article as if he or she has already assumed office.

(Added by Stats. 1997, Ch. 949, Sec. 1. Effective January 1, 1998.)

11122.

As used in this article “action taken” means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action.

(Amended by Stats. 1981, Ch. 968, Sec. 7.3.)

11122.5.

(a) As used in this article, “meeting” includes any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.

(b) (1) A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) The prohibitions of this article do not apply to any of the following:

(1) Individual contacts or conversations between a member of a state body and any other person that do not violate subdivision (b).

(2) (A) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body.

(B) Subparagraph (A) does not allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body, if a majority of the members do not discuss among themselves, other than as part of

the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by Section 54951, if a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body.

(5) The attendance of a majority of the members of a state body at a purely social or ceremonial occasion, if a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body.

(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, if the members of the state body who are not members of the standing committee attend only as observers.

(Amended by Stats. 2009, Ch. 150, Sec. 1. Effective January 1, 2010.)

11123.

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, “teleconference” means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(Amended by Stats. 2001, Ch. 243, Sec. 7. Effective January 1, 2002.)

11123.1.

All meetings of a state body that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(Added by Stats. 2002, Ch. 300, Sec. 1. Effective January 1, 2003.)

11124.

No person shall be required, as a condition to attendance at a meeting of a state body, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(Amended by Stats. 1981, Ch. 968, Sec. 8.)

11124.1.

(a) Any person attending an open and public meeting of the state body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the state body that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

(c) No state body shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

(Amended by Stats. 2009, Ch. 88, Sec. 42. Effective January 1, 2010.)

11125.

(a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.

(d) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

(e) A request for notice of more than one meeting of a state body shall be subject to the provisions of Section 14911.

(f) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.

(Amended by Stats. 2002, Ch. 300, Sec. 2. Effective January 1, 2003.)

11125.1.

(a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and other writings, when distributed to all, or a majority of all, of the members of a state body by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, or 6254.7 of this code, or Section 489.1 or 583 of the Public Utilities Code.

(b) Writings that are public records under subdivision (a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by a person with a disability.

(c) In the case of the Franchise Tax Board, prior to that state body taking final action on any item, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed by the Franchise Tax Board staff or individual members to members of the state body prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request notice in writing pursuant to subdivision (a) of Section 11125.

(3) Made available on the Internet.

(d) Prior to the State Board of Equalization taking final action on any item that does not involve a named tax or fee payer, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed by board staff or individual members to members of the state body prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request or have requested copies of these writings.

(3) Made available on the Internet.

(e) Nothing in this section shall be construed to prevent a state body from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The writings described in subdivision (b) are subject to the

requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall not be construed to limit or delay the public's right to inspect any record required to be disclosed by that act, or to limit the public's right to inspect any record covered by that act. This section shall not be construed to be applicable to any writings solely because they are properly discussed in a closed session of a state body. Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication.

(f) "Writing" for purposes of this section means "writing" as defined under Section 6252.

(Amended by Stats. 2005, Ch. 188, Sec. 1. Effective January 1, 2006.)

11125.2.

Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body.

(Amended by Stats. 1981, Ch. 968, Sec. 10.3.)

11125.3.

(a) Notwithstanding Section 11125, a state body may take action on items of business not appearing on the posted agenda under any of the conditions stated below:

(1) Upon a determination by a majority vote of the state body that an emergency situation exists, as defined in Section 11125.5.

(2) Upon a determination by a two-thirds vote of the state body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there exists a need to take immediate action and that the need for action came to the attention of the state body subsequent to the agenda being posted as specified in Section 11125.

(b) Notice of the additional item to be considered shall be provided to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after a determination of the need to consider the item is made, but shall be delivered in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet as soon as is practicable after the decision to consider additional items at a meeting has been made.

(Amended by Stats. 2001, Ch. 243, Sec. 9. Effective January 1, 2002.)

11125.4.

(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes when compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or when immediate action is required to protect the public interest:

- (1) To consider “pending litigation” as that term is defined in subdivision (e) of Section 11126.
- (2) To consider proposed legislation.
- (3) To consider issuance of a legal opinion.
- (4) To consider disciplinary action involving a state officer or employee.
- (5) To consider the purchase, sale, exchange, or lease of real property.
- (6) To consider license examinations and applications.
- (7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.
- (8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.
- (9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

(b) When a special meeting is called pursuant to one of the purposes specified in subdivision (a), the state body shall provide notice of the special meeting to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after the decision to call a special meeting has been made, but shall deliver the notice in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet within the time periods required by this section. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice shall additionally specify the address of the Internet Web site where notices required by this article are made available. No other business shall be considered at a special meeting by the state body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the state body a written waiver of notice. The waiver may be given by telegram, facsimile transmission, or similar means. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting.

(c) At the commencement of any special meeting, the state body must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 would cause a substantial hardship on the body or that immediate action is required to protect the public interest. The finding shall set forth the specific facts that constitute the hardship to the body or the impending harm to the public interest. The finding shall be adopted by a two-thirds vote of the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present. The finding shall be made available on the Internet. Failure to adopt the finding terminates the meeting.

(Amended by Stats. 2007, Ch. 92, Sec. 1. Effective January 1, 2008.)

11125.5.

(a) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a state body may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4.

(b) For purposes of this section, “emergency situation” means any of the following, as determined by a majority of the members of the state body during a meeting prior to the emergency meeting, or at the beginning of the emergency meeting:

(1) Work stoppage or other activity that severely impairs public health or safety, or both.

(2) Crippling disaster that severely impairs public health or safety, or both.

(c) However, newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section 11125 shall be notified by the presiding officer of the state body, or a designee thereof, one hour prior to the emergency meeting by telephone. Notice shall also be made available on the Internet as soon as is practicable after the decision to call the emergency meeting has been made. If telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the presiding officer of the state body, or a designee thereof, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(d) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the state body, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place, and also made available on the Internet for a minimum of 10 days, as soon after the meeting as possible.

(Amended by Stats. 1999, Ch. 393, Sec. 3. Effective January 1, 2000. As provided in Sec. 7 of Ch. 393, amendment is to be implemented on July 1, 2001, or other date authorized by Dept. of Information Technology pursuant to Executive Order D-3-99.)

11125.6.

(a) An emergency meeting may be called at any time by the president of the Fish and Game Commission or by a majority of the members of the commission to consider an appeal of a closure of or restriction in a fishery adopted pursuant to Section 7710 of the Fish and Game Code. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of an established fishery, the commission may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4 if the delay necessitated by providing the 10-day notice of a public meeting required by Section 11125 or the 48-hour notice required by Section 11125.4 would significantly adversely impact the economic benefits of a fishery to the participants in the fishery and to the people of the state or significantly adversely impact the sustainability of a fishery managed by the state.

(b) At the commencement of an emergency meeting called pursuant to this section, the commission shall make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 or 48 hours prior to a meeting as required by Section 11125.4 would significantly adversely impact the economic benefits of a fishery to the participants in the fishery and to the people of the state or significantly adversely impact the sustainability of a fishery managed by the state. The finding shall set forth the specific facts that constitute the impact to the economic benefits of the fishery or the sustainability of the fishery. The finding shall be adopted by a vote of at least four members of the commission, or, if less than four of the members are present, a unanimous vote of those members present. Failure to adopt the finding shall terminate the meeting.

(c) Newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section 11125 shall be notified by the presiding officer of the commission, or a designee thereof, one hour prior to the emergency meeting by telephone.

(d) The minutes of an emergency meeting called pursuant to this section, a list of persons who the president of the commission, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

(Added by Stats. 1998, Ch. 1052, Sec. 21. Effective January 1, 1999.)

11125.7.

(a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the

public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public if no action is taken by the state body at the same meeting on matters brought before the body by members of the public.

(b) The state body may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public comment on particular issues and for each individual speaker.

(c) (1) Notwithstanding subdivision (b), when a state body limits time for public comment the state body shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the state body.

(2) Paragraph (1) shall not apply if the state body utilizes simultaneous translation equipment in a manner that allows the state body to hear the translated public testimony simultaneously.

(d) The state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(e) This section is not applicable to closed sessions held pursuant to Section 11126.

(f) This section is not applicable to decisions regarding proceedings held pursuant to Chapter 5 (commencing with Section 11500), relating to administrative adjudication, or to the conduct of those proceedings.

(g) This section is not applicable to hearings conducted by the California Victim Compensation and Government Claims Board pursuant to Sections 13963 and 13963.1.

(h) This section is not applicable to agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission's consideration of the item.

(Amended by Stats. 2012, Ch. 551, Sec. 1. Effective January 1, 2013.)

11125.8.

(a) Notwithstanding Section 11131.5, in any hearing that the California Victim Compensation and Government Claims Board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, no notice, agenda, announcement, or report required under this article need identify the applicant.

(b) In any hearing that the board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, the board shall disclose that the hearing is being held pursuant to Section 13963.1. That disclosure shall be deemed to satisfy the requirements of subdivision (a) of Section 11126.3.

(Amended by Stats. 2006, Ch. 538, Sec. 249. Effective January 1, 2007.)

11125.9.

Regional water quality control boards shall comply with the notification guidelines in Section 11125 and, in addition, shall do both of the following:

(a) Notify, in writing, all clerks of the city councils and county boards of supervisors within the regional board's jurisdiction of any and all board hearings at least 10 days prior to the hearing. Notification shall include an agenda for the meeting with contents as described in subdivision (b) of Section 11125 as well as the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. Each clerk, upon receipt of the notification of a board hearing, shall distribute the notice to all members of the respective city council or board of supervisors within the regional board's jurisdiction.

(b) Notify, in writing, all newspapers with a circulation rate of at least 10,000 within the regional board's jurisdiction of any and all board hearings, at least 10 days prior to the hearing. Notification shall include an agenda for the meeting with contents as described in subdivision (b) of Section 11125 as well as the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting.

(Added by Stats. 1997, Ch. 301, Sec. 1. Effective January 1, 1998.)

11126.

(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.

(2) As a condition to holding a closed session on the complaints or charges to consider disciplinary action or to consider dismissal, the employee shall be given written notice of his or her right to have a public hearing, rather than a closed session, and that notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any employee at the closed session shall be null and void.

(3) The state body also may exclude from any public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated by the state body.

(4) Following the public hearing or closed session, the body may deliberate on the decision to be reached in a closed session.

(b) For the purposes of this section, “employee” does not include any person who is elected to, or appointed to a public office by, any state body. However, officers of the California State University who receive compensation for their services, other than per diem and ordinary and necessary expenses, shall, when engaged in that capacity, be considered employees. Furthermore, for purposes of this section, the term employee includes a person exempt from civil service pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution.

(c) Nothing in this article shall be construed to do any of the following:

(1) Prevent state bodies that administer the licensing of persons engaging in businesses or professions from holding closed sessions to prepare, approve, grade, or administer examinations.

(2) Prevent an advisory body of a state body that administers the licensing of persons engaged in businesses or professions from conducting a closed session to discuss matters that the advisory body has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, provided the advisory body does not include a quorum of the members of the state body it advises. Those matters may include review of an applicant’s qualifications for licensure and an inquiry specifically related to the state body’s enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body.

(3) Prohibit a state body from holding a closed session to deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law.

(4) Grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

(5) Prevent any closed session to consider the conferring of honorary degrees, or gifts, donations, and bequests that the donor or proposed donor has requested in writing to be kept confidential.

(6) Prevent the Alcoholic Beverage Control Appeals Board from holding a closed session for the purpose of holding a deliberative conference as provided in Section 11125.

(7) (A) Prevent a state body from holding closed sessions with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the state body to give instructions

to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

(B) However, prior to the closed session, the state body shall hold an open and public session in which it identifies the real property or real properties that the negotiations may concern and the person or persons with whom its negotiator may negotiate.

(C) For purposes of this paragraph, the negotiator may be a member of the state body.

(D) For purposes of this paragraph, “lease” includes renewal or renegotiation of a lease.

(E) Nothing in this paragraph shall preclude a state body from holding a closed session for discussions regarding eminent domain proceedings pursuant to subdivision (e).

(8) Prevent the California Postsecondary Education Commission from holding closed sessions to consider matters pertaining to the appointment or termination of the Director of the California Postsecondary Education Commission.

(9) Prevent the Council for Private Postsecondary and Vocational Education from holding closed sessions to consider matters pertaining to the appointment or termination of the Executive Director of the Council for Private Postsecondary and Vocational Education.

(10) Prevent the Franchise Tax Board from holding closed sessions for the purpose of discussion of confidential tax returns or information the public disclosure of which is prohibited by law, or from considering matters pertaining to the appointment or removal of the Executive Officer of the Franchise Tax Board.

(11) Require the Franchise Tax Board to notice or disclose any confidential tax information considered in closed sessions, or documents executed in connection therewith, the public disclosure of which is prohibited pursuant to Article 2 (commencing with Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the Revenue and Taxation Code.

(12) Prevent the Corrections Standards Authority from holding closed sessions when considering reports of crime conditions under Section 6027 of the Penal Code.

(13) Prevent the State Air Resources Board from holding closed sessions when considering the proprietary specifications and performance data of manufacturers.

(14) Prevent the State Board of Education or the Superintendent of Public Instruction, or any committee advising the board or the Superintendent, from holding closed sessions on those portions of its review of assessment instruments pursuant to Chapter 5 (commencing with Section 60600) of, or pursuant to Chapter 9 (commencing with Section 60850) of, Part 33 of Division 4 of Title 2 of the Education Code during which actual test content is reviewed and discussed. The purpose of this provision is to maintain the confidentiality of the assessments under review.

(15) Prevent the Department of Resources Recycling and Recovery or its auxiliary committees from holding closed sessions for the purpose of discussing confidential tax returns, discussing

trade secrets or confidential or proprietary information in its possession, or discussing other data, the public disclosure of which is prohibited by law.

(16) Prevent a state body that invests retirement, pension, or endowment funds from holding closed sessions when considering investment decisions. For purposes of consideration of shareholder voting on corporate stocks held by the state body, closed sessions for the purposes of voting may be held only with respect to election of corporate directors, election of independent auditors, and other financial issues that could have a material effect on the net income of the corporation. For the purpose of real property investment decisions that may be considered in a closed session pursuant to this paragraph, a state body shall also be exempt from the provisions of paragraph (7) relating to the identification of real properties prior to the closed session.

(17) Prevent a state body, or boards, commissions, administrative officers, or other representatives that may properly be designated by law or by a state body, from holding closed sessions with its representatives in discharging its responsibilities under Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 as the sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits. For the purposes enumerated in the preceding sentence, a state body may also meet with a state conciliator who has intervened in the proceedings.

(18) (A) Prevent a state body from holding closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, where disclosure of these considerations could compromise or impede the safety or security of the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body.

(B) Notwithstanding any other provision of law, a state body, at any regular or special meeting, may meet in a closed session pursuant to subparagraph (A) upon a two-thirds vote of the members present at the meeting.

(C) After meeting in closed session pursuant to subparagraph (A), the state body shall reconvene in open session prior to adjournment and report that a closed session was held pursuant to subparagraph (A), the general nature of the matters considered, and whether any action was taken in closed session.

(D) After meeting in closed session pursuant to subparagraph (A), the state body shall submit to the Legislative Analyst written notification stating that it held this closed session, the general reason or reasons for the closed session, the general nature of the matters considered, and whether any action was taken in closed session. The Legislative Analyst shall retain for no less than four years any written notification received from a state body pursuant to this subparagraph.

(19) Prevent the California Sex Offender Management Board from holding a closed session for the purpose of discussing matters pertaining to the application of a sex offender treatment

provider for certification pursuant to Sections 290.09 and 9003 of the Penal Code. Those matters may include review of an applicant's qualifications for certification.

(d) (1) Notwithstanding any other provision of law, any meeting of the Public Utilities Commission at which the rates of entities under the commission's jurisdiction are changed shall be open and public.

(2) Nothing in this article shall be construed to prevent the Public Utilities Commission from holding closed sessions to deliberate on the institution of proceedings, or disciplinary actions against any person or entity under the jurisdiction of the commission.

(e) (1) Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

(2) For purposes of this article, all expressions of the lawyer-client privilege other than those provided in this subdivision are hereby abrogated. This subdivision is the exclusive expression of the lawyer-client privilege for purposes of conducting closed session meetings pursuant to this article. For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist:

(A) An adjudicatory proceeding before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the state body is a party, has been initiated formally.

(B) (i) A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.

(ii) Based on existing facts and circumstances, the state body is meeting only to decide whether a closed session is authorized pursuant to clause (i).

(C) (i) Based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.

(ii) The legal counsel of the state body shall prepare and submit to it a memorandum stating the specific reasons and legal authority for the closed session. If the closed session is pursuant to paragraph (1), the memorandum shall include the title of the litigation. If the closed session is pursuant to subparagraph (A) or (B), the memorandum shall include the existing facts and circumstances on which it is based. The legal counsel shall submit the memorandum to the state body prior to the closed session, if feasible, and in any case no later than one week after the closed session. The memorandum shall be exempt from disclosure pursuant to Section 6254.25.

(iii) For purposes of this subdivision, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(iv) Disclosure of a memorandum required under this subdivision shall not be deemed as a waiver of the lawyer-client privilege, as provided for under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(f) In addition to subdivisions (a), (b), and (c), nothing in this article shall be construed to do any of the following:

(1) Prevent a state body operating under a joint powers agreement for insurance pooling from holding a closed session to discuss a claim for the payment of tort liability or public liability losses incurred by the state body or any member agency under the joint powers agreement.

(2) Prevent the examining committee established by the State Board of Forestry and Fire Protection, pursuant to Section 763 of the Public Resources Code, from conducting a closed session to consider disciplinary action against an individual professional forester prior to the filing of an accusation against the forester pursuant to Section 11503.

(3) Prevent the enforcement advisory committee established by the California Board of Accountancy pursuant to Section 5020 of the Business and Professions Code from conducting a closed session to consider disciplinary action against an individual accountant prior to the filing of an accusation against the accountant pursuant to Section 11503. Nothing in this article shall be construed to prevent the qualifications examining committee established by the California Board of Accountancy pursuant to Section 5023 of the Business and Professions Code from conducting a closed hearing to interview an individual applicant or accountant regarding the applicant's qualifications.

(4) Prevent a state body, as defined in subdivision (b) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in closed session by the state body whose authority it exercises.

(5) Prevent a state body, as defined in subdivision (d) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the body defined as a state body pursuant to subdivision (a) or (b) of Section 11121.

(6) Prevent a state body, as defined in subdivision (c) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the state body it advises.

(7) Prevent the State Board of Equalization from holding closed sessions for either of the following:

(A) When considering matters pertaining to the appointment or removal of the Executive Secretary of the State Board of Equalization.

(B) For the purpose of hearing confidential taxpayer appeals or data, the public disclosure of which is prohibited by law.

(8) Require the State Board of Equalization to disclose any action taken in closed session or documents executed in connection with that action, the public disclosure of which is prohibited

by law pursuant to Sections 15619 and 15641 of this code and Sections 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651, 45982, 46751, 50159, 55381, and 60609 of the Revenue and Taxation Code.

(9) Prevent the California Earthquake Prediction Evaluation Council, or other body appointed to advise the Director of Emergency Services or the Governor concerning matters relating to volcanic or earthquake predictions, from holding closed sessions when considering the evaluation of possible predictions.

(g) This article does not prevent either of the following:

(1) The Teachers' Retirement Board or the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters pertaining to the recruitment, appointment, employment, or removal of the chief executive officer or when considering matters pertaining to the recruitment or removal of the Chief Investment Officer of the State Teachers' Retirement System or the Public Employees' Retirement System.

(2) The Commission on Teacher Credentialing from holding closed sessions when considering matters relating to the recruitment, appointment, or removal of its executive director.

(h) This article does not prevent the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters relating to the development of rates and competitive strategy for plans offered pursuant to Chapter 15 (commencing with Section 21660) of Part 3 of Division 5 of Title 2.

(i) This article does not prevent the Managed Risk Medical Insurance Board from holding closed sessions when considering matters related to the development of rates and contracting strategy for entities contracting or seeking to contract with the board, entities with which the board is considering a contract, or entities with which the board is considering or enters into any other arrangement under which the board provides, receives, or arranges services or reimbursement, pursuant to Part 6.2 (commencing with Section 12693), Part 6.3 (commencing with Section 12695), Part 6.4 (commencing with Section 12699.50), Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance Code.

(j) Nothing in this article shall be construed to prevent the board of the State Compensation Insurance Fund from holding closed sessions in the following:

(1) When considering matters related to claims pursuant to Chapter 1 (commencing with Section 3200) of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

(2) To the extent that matters related to audits and investigations that have not been completed would be disclosed.

(3) To the extent that an internal audit containing proprietary information would be disclosed.

(4) To the extent that the session would address the development of rates, contracting strategy, underwriting, or competitive strategy, pursuant to the powers granted to the board in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, when discussion in open session concerning those matters would prejudice the position of the State Compensation Insurance Fund.

(k) The State Compensation Insurance Fund shall comply with the procedures specified in Section 11125.4 of the Government Code with respect to any closed session or meeting authorized by subdivision (j), and in addition shall provide an opportunity for a member of the public to be heard on the issue of the appropriateness of closing the meeting or session.

(Amended by Stats. 2013, Ch. 352, Sec. 234. Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

11126.1.

The state body shall designate a clerk or other officer or employee of the state body, who shall then attend each closed session of the state body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available to members of the state body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction. Such minute book may, but need not, consist of a recording of the closed session.

(Amended by Stats. 1981, Ch. 968, Sec. 13.)

11126.2.

(a) Nothing in this article shall be construed to prohibit a state body that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a state body meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

(Added by Stats. 2004, Ch. 576, Sec. 2. Effective January 1, 2005.)

11126.3.

(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. If the session is closed pursuant to paragraph (2) of subdivision (d) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the proceeding or disciplinary action contemplated. However, should the body determine that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties

if the proceeding or disciplinary action is commenced or that to do so would fail to protect the private economic and business reputation of the person or entity if the proceeding or disciplinary action is not commenced, then the state body shall notice that there will be a closed session and describe in general terms the purpose of that session. If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(b) In the closed session, the state body may consider only those matters covered in its disclosure.

(c) The disclosure shall be made as part of the notice provided for the meeting pursuant to Section 11125 or pursuant to subdivision (a) of Section 92032 of the Education Code and of any order or notice required by Section 11129.

(d) If, after the agenda has been published in compliance with this article, any pending litigation (under subdivision (e) of Section 11126) matters arise, the postponement of which will prevent the state body from complying with any statutory, court-ordered, or other legally imposed deadline, the state body may proceed to discuss those matters in closed session and shall publicly announce in the meeting the title of, or otherwise specifically identify, the litigation to be discussed, unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage. Such an announcement shall be deemed to comply fully with the requirements of this section.

(e) Nothing in this section shall require or authorize a disclosure of names or other information that would constitute an invasion of privacy or otherwise unnecessarily divulge the particular facts concerning the closed session or the disclosure of which is prohibited by state or federal law.

(f) After any closed session, the state body shall reconvene into open session prior to adjournment and shall make any reports, provide any documentation, and make any other disclosures required by Section 11125.2 of action taken in the closed session.

(g) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcement.

(Amended by Stats. 2001, Ch. 243, Sec. 11. Effective January 1, 2002.)

11126.4.

(a) Nothing in this article shall be construed to prevent the California Gambling Control Commission from holding a closed session when discussing matters involving trade secrets, nonpublic financial data, confidential or proprietary information, and other data and

information, the public disclosure of which is prohibited by law or a tribal-state gaming compact.

(b) Discussion in closed session authorized by this section shall be limited to the confidential data and information related to the agenda item and shall not include discussion of any other information or matter.

(c) Before going into closed session the commission shall publicly announce the type of data or information to be discussed in closed session, which shall be recorded upon the commission minutes.

(d) Action taken on agenda items discussed pursuant to this section shall be taken in open session.

(Added by Stats. 2005, Ch. 274, Sec. 1. Effective January 1, 2006.)

11126.5.

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting the state body conducting the meeting may order the meeting room cleared and continue in session. Nothing in this section shall prohibit the state body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting. Notwithstanding any other provision of law, only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

(Amended by Stats. 1981, Ch. 968, Sec. 15.)

11126.7.

No fees may be charged by a state body for providing a notice required by Section 11125 or for carrying out any provision of this article, except as specifically authorized pursuant to this article.

(Amended by Stats. 1981, Ch. 968, Sec. 16.)

11127.

Each provision of this article shall apply to every state body unless the body is specifically excepted from that provision by law or is covered by any other conflicting provision of law.

(Amended by Stats. 1981, Ch. 968, Sec. 17.)

11128.

Each closed session of a state body shall be held only during a regular or special meeting of the body.

(Amended by Stats. 1981, Ch. 968, Sec. 18.)

11128.5.

The state body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the clerk or secretary of the state body may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided in Section 11125.4 for special meetings, unless that notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by law or regulation.

(Added by Stats. 1997, Ch. 949, Sec. 11. Effective January 1, 1998.)

11129.

Any hearing being held, or noticed or ordered to be held by a state body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the state body in the same manner and to the same extent set forth in Section 11128.5 for the adjournment of meetings. A copy of the order or notice of continuance shall be conspicuously posted on or near the door of the place where the hearing was held within 24 hours after the time of the continuance; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

(Amended by Stats. 1997, Ch. 949, Sec. 12. Effective January 1, 1998.)

11130.

(a) The Attorney General, the district attorney, or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this article or to determine the applicability of this article to past actions or threatened future action by members of the state body or to determine whether any rule or action by the state body to penalize or otherwise discourage the expression

of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the state body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 11126, order the state body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by the Attorney General, the district attorney, or the plaintiff in a civil action pursuant to this section or Section 11130.3 alleging that a violation of this article has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this article, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications that are protected by the attorney-client privilege.

(Amended by Stats. 2009, Ch. 88, Sec. 43. Effective January 1, 2010.)

[11130.3.](#)

(a) Any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of obtaining a judicial determination that an action taken by a state body

in violation of Section 11123 or 11125 is null and void under this section. Any action seeking such a judicial determination shall be commenced within 90 days from the date the action was taken. Nothing in this section shall be construed to prevent a state body from curing or correcting an action challenged pursuant to this section.

(b) An action shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement related thereto.

(2) The action taken gave rise to a contractual obligation upon which a party has, in good faith, detrimentally relied.

(3) The action taken was in substantial compliance with Sections 11123 and 11125.

(4) The action taken was in connection with the collection of any tax.

(Amended by Stats. 1999, Ch. 393, Sec. 5. Effective January 1, 2000.)

11130.5.

A court may award court costs and reasonable attorney's fees to the plaintiff in an action brought pursuant to Section 11130 or 11130.3 where it is found that a state body has violated the provisions of this article. The costs and fees shall be paid by the state body and shall not become a personal liability of any public officer or employee thereof.

A court may award court costs and reasonable attorney's fees to a defendant in any action brought pursuant to Section 11130 or 11130.3 where the defendant has prevailed in a final determination of the action and the court finds that the action was clearly frivolous and totally lacking in merit.

(Amended by Stats. 1985, Ch. 936, Sec. 2.)

11130.7.

Each member of a state body who attends a meeting of that body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this article, is guilty of a misdemeanor.

(Amended by Stats. 1997, Ch. 949, Sec. 14. Effective January 1, 1998.)

11131.

No state agency shall conduct any meeting, conference, or other function in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or that is inaccessible to disabled persons, or where

members of the public may not be present without making a payment or purchase. As used in this section, “state agency” means and includes every state body, office, officer, department, division, bureau, board, council, commission, or other state agency.

(Amended by Stats. 2007, Ch. 568, Sec. 32. Effective January 1, 2008.)

[11131.5.](#)

No notice, agenda, announcement, or report required under this article need identify any victim or alleged victim of crime, tortious sexual conduct, or child abuse unless the identity of the person has been publicly disclosed.

(Added by Stats. 1997, Ch. 949, Sec. 16. Effective January 1, 1998.)

[11132.](#)

Except as expressly authorized by this article, no closed session may be held by any state body.

(Added by Stats. 1987, Ch. 1320, Sec. 4.)



Governance Policies and Procedures

Adopted by the Commission on

June 26, 2008 and most recently updated on April 10, 2014

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Appendix A

Introduction

Mission

“Making education beyond high school financially accessible to all Californians.”

On June 26, 2008 the California Student Aid Commission (CSAC) adopted Governance Policies which were most recently updated on April 11, 2014. The Governance Policies are the result of an open collaborative process led by the Commission. The Commission originally developed the Governance Policies through the leadership of an Ad Hoc Committee and assistance of a consulting group with input from EDFUND and CSAC management and their respective staffs.

The Commission’s Strategic Policy & Planning Committee, formerly the Governance and Monitoring Committee, is primarily responsible for reviewing the policies and recommending to the Commission any further necessary enhancements. The goal of the Commission is to continue to strive to improve and refine its policies.

This document is subject to revision given the dynamic financial aid environment with pending and new federal and State legislation. It is the intent of the Commission to review and revise these policies, if needed, every two years or earlier if needed.

The Commission is the State’s principal provider of statewide grant aid to postsecondary students. Founded in 1955 as the California State Scholarship Commission, the 15-member Commission has fiduciary and statutory responsibility for State administered financial aid programs, including all federal and state funded specialized grant, scholarship, loan assumption, and outreach programs administered by the CSAC as follows:

- Cal Grant Entitlement Program (Cal Grant A and B)
- Cal Grant Community College Transfer Entitlement Program (Cal Grant A and B)
- Cal Grant C Program
- Competitive Cal Grant A and B Award Program
- California Dream Act
- Middle Class Scholarship Program
- APLE – Assumption Program of Loans for Education, a teacher incentive program
- SNAPLE NF - State Nursing Assumption Program of Loans for Education for Nursing Faculty
- Child Development Grant Program
- Law Enforcement Personnel Dependents Grant Program
- California National Guard Education Assistance Award Program
- California Chafee Foster Youth Program
- John R. Justice Program

The CASC administered financial aid programs provide students and families access to postsecondary education by:

- Informing them about the postsecondary education financial aid opportunities available to them.

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- Providing financial resources – grants, scholarships, etc. – to enable them to finance a postsecondary education.
- Serving and caring about each CSAC student and his or her family, in a manner that is supportive, sensitive, and empowering.

The Commission also administers financial aid awareness and outreach programs, such as the California Student Opportunity and Access Program (Cal-SOAP) and Cash for College. For purposes of this governance policy, the Commission’s State administered financial aid programs, including all federal and state funded specialized grant, scholarship, loan assumption, and outreach programs administered by CSAC staff, are referred to as the “CSAC administered financial aid programs.”

The Commission has responsibility for oversight of the CSAC administered financial aid programs. The Commission cannot delegate the ultimate responsibility for this oversight to the Commission’s Chair or its committees. The policies in this document set forth how the Commission will govern and oversee the CSAC administered financial aid programs – its expectations, and the roles and responsibilities of the Commission and Executive Director in fulfilling those expectations.

Prospective students and their families, particularly those who are low-income and first in their family to attend college, participate in the Commission’s outreach programs (such as Cal-SOAP and Cash for College) and receive information about college planning and preparation, the cost of attending college, and accessing all types of financial aid (including from federal, state, institutional, and private sources).

As the state agency responsible for administering statewide financial aid programs, the Commission will work with the executive and legislative branches of state government to identify appropriate funds to effectively administer the Commission’s programs.

As the primary state agency responsible for administering California’s student financial aid programs, and in furtherance of its responsibility to provide policy leadership on student financial aid issues, the California Student Aid Commission establishes the following policy priorities, in no priority order, to fulfill the state’s historic, long-term commitment to ensuring both access to and selection of an institution of higher education for students with financial need:

- Maximize public investment in California students through financial aid that:
 - Ensures access for low-income and historically underrepresented California students to our eligible public colleges and universities and non-profit independent colleges; and for profit eligible WASC accredited colleges that meet the 90-10 rule without using state grant aid or Title 38 aid as a means for satisfying the non-Title IV revenue requirement.
 - Ensures sufficient financial support for living expenses and costs of attendance for low-income community college students.
- Maximize the effectiveness of state-authorized financial aid programs through consequential quality standards and consumer protections for students attending any California college.

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- Advance awareness of financial aid for California students and parents through sufficient funding and support for comprehensive outreach programs and financial literacy programs that include federal, state and institutional aid, loans and other opportunities to cover the cost of college.
- Influence and inform federal policy on financial aid policy and programs that affect California students, parents and college institutions
- Maximize the effectiveness of state-authorized financial aid programs through sufficient funding and support for the operations of the California Student Aid Commission.

Purpose and Types of Policies

By statute, the California Student Aid Commission is the primary governing body responsible for California's student financial aid programs. The policies in this document set forth how the Commission will govern and oversee these programs – its expectations, and the roles and responsibilities of the Commission and program staff in fulfilling those expectations. The categories of policies are:

Commission Governance Process. These policies define how the Commission itself will operate (for example, the role of the Chair and committees).

Executive Director Assignment and Responsibility Policies. These policies delineate the responsibilities assigned by the Commission to the Executive Director.

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Commission Governance Process

These policies delineate how the Commission will operate – its governance approach, as well as the role of the Commission, Commission Chair, Commission Committees, and individual Commissioners. In addition, they delineate the authority of the Commission, its Committees, and individual Commissioners in making requests of staff.

Global Policy: Commission Governance Process

The Commission is the governing body that has statutory responsibility for CSAC administered financial aid programs, on behalf of the people of California and the executive and legislative branches of state government. As such, the Commission will ensure that the CSAC organization achieves the desired outcomes set forth by the Commission in these policies, via strategic and annual plans, or other relevant outcomes. The Commission will ensure that the CSAC organization avoids unacceptable actions and situations, as set forth in the policies herein. The Commission will also take a proactive role in legislative matters in order to maximize the effectiveness of its programs in serving students and their families.

Commission Governance Policy 1: Governance Philosophy

Integrity and sound stewardship are paramount in the governance of all Commission activities. The Commission will govern according to all applicable laws and based on policies set forth in this Governance Policy. The Commission will also conduct itself according to the following principles:

- In deliberating and making decisions, maintain a central theme of serving the interests of students.
- Operate the CSAC administered financial aid programs in a manner that makes efficient use of organizational resources, including the resources used to support the activities of the Commission itself.
- Maintain the highest ethical, legal, and accounting standards.
- Focus on outward vision and strategic leadership rather than administrative detail.
- Be a leader in financial aid public policy development working with the legislature, the Governor's staff and stakeholder groups.
- Inform and educate the legislature on issues affecting access to student financial aid.
- Be objective and encourage diversity in viewpoints.
- Make decisions in an efficient, timely manner.
- As a Commission, make decisions in a collaborative manner.

Commission Governance Policy 2: Commission's Role

- A. The Commission will maintain its accountability and responsibility for the CSAC administered financial aid programs, and the oversight thereof.
- B. The Commission will play a proactive and supportive role in the development of public policy and legislation at both the federal and state level. The Commission will also maintain a proactive working relationship with key elected and appointed officials in order to make policy decisions with an understanding of state and federal policy.

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- C. As part of the Commission's fiduciary and oversight responsibilities over all Commission programs, the Commission will produce the necessary outputs and documentation to assure the State of California, the federal government, and other key stakeholders that CSAC is fulfilling its mission, as well as its obligations under statutes, regulations, and other applicable law.

Governance Process

- A. The Commission will maintain written governance policies that address the broadest level of organizational decisions and situations. The Commission will develop policy, and will take responsibility for updating its policies and adding, deleting, or modifying provisions as needed.
- B. On an ongoing basis, the Commission will discuss and decide how to improve the Commission's governance process.
- C. At least biennially, the Commission's committee responsible for governance practices will review and report to the Commission assessing the Commission's compliance with the Governance Policies herein. This review and report will include assessment of the Commission's application of the overall governance approach, as well as compliance by the Commission Chair, Commissioners, and all Commission committees to the Governance Policies. It will also examine the effectiveness of the Commissioner orientation and Commission education programs. The committee will present its findings to the Commission, including any recommendations to improve Commission governance policies or practices.
- D. The Commission will cultivate a sense of group responsibility and accountability. The Commission will not use the expertise of individual members to substitute for the judgment of the Commission, although the expertise of individual members may be used to enhance the understanding of the Commission as a body. Nor will the Commission rely on the expertise of staff to substitute for the judgment of the Commission, although staff will be expected to provide complete and thoughtful information to support Commission deliberation and decision-making.
- E. The Commission will enforce upon itself the necessary discipline to govern with excellence, including regular attendance at meetings, thorough preparation by each member for each meeting, adherence to its policy-making principles, and respect of roles. The Commission's goal is to evaluate its governance effectiveness annually and take steps to improve its effectiveness as a governing body.
- F. Continual education and development for Commissioners will include a mandatory, comprehensive orientation of new members, which will provide:
 - 1. A copy of this document in order to help provide an understanding of the Commission's governance process.
 - 2. A working knowledge of key elements of the CSAC administered financial aid programs.
 - 3. An understanding of mandates set forth by the Political Reform Act, Bagley-Keene Open Meeting Act, California Public Records Act, and all applicable law and other governance requirements.

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4. A working knowledge of state agencies and state and federal legislative and budget processes.

Commission education and development will also include periodic presentations and/or Commission discussion that:

1. Further informs Commissioners regarding the CSAC administered financial aid programs.
 2. Informs Commissioners regarding upcoming public policy and legislative issues.
 3. Supports improvement in the Commission's governance process.
- G. The concurrence of the majority of the Commissioners present and constituting a quorum, i.e., at least five members at a full Commission meeting, shall be necessary for the Commission or one of its committees, i.e., at least two members of a five-member committee, to take action. Once a decision is reached, all Commissioners will, in their role as Commissioners, speak as a single official voice and act accordingly.
- H. The Commission will maintain a working relationship with, and seek the advice and perspective of, key stakeholder groups and advisory boards. This process does not necessarily require a formal structure which involves notice under Bagley-Keene Open Meeting Act, CSAC expenses for travel of advisory committee members and significant staff support.
- I. The Commission will comply with all procedural requirements for state commissions, including those set forth in the Bagley-Keene Open Meeting Act.

Planning

- A. The Commission will ensure development of CSAC administered financial aid strategic and annual plans.
- B. The Commission will ensure that a strategic plan is developed for the CSAC entity as a whole, based on the CSAC administered financial aid program's strategic and annual plans.

Program Oversight

- A. The Commission will be responsible for fiscal and programmatic oversight of the CSAC administered financial aid programs to ensure that program funds are spent economically and in accordance with State and federal laws and regulations, and will monitor organizational performance based on the policies herein.
- B. The Commission will maintain effective regularly scheduled internal audits of the CSAC administered financial aid programs to ensure compliance with existing laws, regulations, policies and other applicable standards.

Personnel Practices

- A. The Commission will evaluate the Executive Director's performance annually. This evaluation will be based on performance goals and professional development objectives adopted annually by the Commission and the Executive Director.

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Internal and External Communication

- A. The Commission will maintain ongoing communication through its Executive Director to CSAC management and staff. This includes giving consideration in its deliberations and decision-making to the perspective of CSAC management and staff, as represented by management.
- B. The Commission will maintain a working relationship with, and seek the advice and perspectives of, key stakeholder groups and advisory bodies. This process does not necessarily require a formal structure which involves notice under Bagley-Keene Open Meeting Act, CSAC expenses for travel of advisory committee members and significant staff support.
- C. In furtherance of the above governance philosophy and policies regarding public policy and legislation, the Commission Chair or an appropriate Committee Chair or Commission member will participate in significant interactions with key elected and appointed officials, supported by the Executive Director and/or staff.
- D. Except for approved outreach events sponsored and/or cosponsored by the Commission, any official publication or public document of the Commission will not include the logos or names of other organizations or individuals in the headings or design without the approval of the Commission Chair.

Commission Governance Policy 3: Officers of the Commission

- A. **Term:** Officer elections are held annually during the November Commission meeting. Commission officers are elected and serve for a one year term beginning January 1st. There is no policy preventing officers from serving multiple terms. Any Commissioner interested in seeking office may do so at the time of the annual elections.
- B. **Nominations:** Nominees should be knowledgeable of the duties and responsibilities of the office and be willing and able to devote adequate time to the duties of the office.

Any Commissioner may submit a nomination, and self-nominations are permitted and encouraged. Interested candidates should submit their names upon the opening of nominations. Nominations should be submitted via email to the General Counsel, no later than 10 days in advance of the November Commission meeting.

- C. **Elections:** Elections shall be held during the November Commission meeting. The November meeting agenda shall include an item noticing the election of officers. Names of nominated candidates and the office for which they were nominated shall be included in the agenda materials.

During the November meeting, prior to the election, candidates for office shall be given an opportunity to address the Commission and share their vision for their service as an elected officer. Commissioners and members of the public may comment or otherwise speak on the qualifications of a candidate.

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- D. **Voting:** Commissioners present at the annual November meeting may vote for their candidate of choice. The vote shall be by roll call if there is more than one candidate for an office and shall be included in the meeting minutes. A Commissioner not physically present for the meeting may only vote in the election if the meeting is noticed as a teleconference and the Commissioner's physical location is noticed in accordance with the Bagley-Keene Open Meeting Act. There is no proxy voting.

Elected officers will be determined by a majority of votes of those present and voting.

- E. **Officers:** Elections will determine the three officers of the Commission:

1. Chair

The Commission Chair will ensure the integrity and fulfillment of the Commission's governance policies and process, and that the Commission's conduct is consistent with statutes, regulations, and other applicable law. As necessary, the Chair represents the Commission to outside parties. Specifically, the role of the Chair is to:

- a. Coordinate the planning of the Commission's activities for the year ahead providing guidance and leadership on general policy direction, and develop the agenda for each Commission meeting, with input from Commissioners and the Executive Director.
- b. Preside at Commission meetings, ensuring that meetings are noticed and conducted in accordance with the Bagley-Keene Open Meeting Act and that time is set aside for public comment at meetings.
- c. Ensure that meeting discussion and deliberation is conducted in a manner that is fair, open, and thorough, and at the same time is efficient, focused and timely.
- d. Organize the Commission's Committees as established per the Committees policy below, and maintain contact with the Committee Chairs to ensure that Committees are operating effectively.
- e. Meet regularly with the Executive Director and make decisions as necessary to ensure implementation of the Commission's policies herein.
- f. Execute specific documents as authorized by the Commission, except as otherwise provided by law.
- g. Represent the Commission at hearings and/or meetings with Legislators, administration officials, stakeholders, advisory groups, and attend Commission related functions as necessary.
- h. Appoint the Chairs, Vice Chairs and members of the Standing Committees and Ad Hoc Committees as needed; and appoint interim officers of the Commission in the event of a vacancy.
- i. Attend Standing Committees as an ex-officio member.

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- j. Approve attendance by Commissioners at conferences, training, or site visits of related professional organizations for which they can be reimbursed for eligible travel expenses.

- 2. Vice Chair

The Vice-Chair is responsible for performing the duties of the Chair in his or her absence.

- 3. Secretary

The Secretary is responsible for reviewing and signing approved minutes of Commission meetings and providing assistance with parliamentary procedures as needed. The Secretary ensures that a minute book is kept which records the topics discussed and decisions made at any Closed Session meetings of the Commission in accordance with the Bagley-Keene Open Meeting Act.

- F. **Vacancies:** If an officer is, for any reason, unable to complete his or her term, the Chair may appoint an interim officer. The Commission may thereafter hold elections to fill the vacancy at the next regularly scheduled meeting. The officer elected would serve out the remainder of the term.

Commission Governance Policy 4: Commissioner Role and Code of Conduct

The Commission commits itself and its members to ethical, professional, and lawful conduct, including proper use of authority and appropriate decorum when acting as Commission members.

- A. Commissioners will be responsible to understand and act according to the provisions of the Bagley-Keene Open Meetings Act, the Political Reform Act and other laws relating to conflict of interest.
- B. Once the Commission has reached a decision, which is accomplished by majority vote of Commissioners present and constituting a quorum, at least five votes for the decision, all Commissioners will, in their role as Commissioners, speak with a single official voice and act accordingly.
- C. Commissioners will engage in and support consensus-building. Commissioners will not communicate with individual Commissioners in a lobbying manner that generates discord and has the potential to divide the Commission into factions.
- D. In communicating with any external stakeholder (e.g., the public, the media, legislative staff, representatives of financial or educational institutions or associations, etc.), Commissioners will not convey information that is proprietary or confidential, and will protect intellectual property and confidentiality of consumer identity (e.g., students and families). When representing the Commission, as distinct from speaking as individuals, Commissioners will not:
 - 1. Discuss issues, policies, decisions, or programmatic information of any substance without appropriate authorization from the Commission Chair.

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2. Take a position contrary to that of the Commission, or represent interests contrary to those of the Commission, without making it explicit that such position or interests are not those of the Commission. If such a position is taken, that Commissioner will inform the Commission Chair in advance whenever possible, or if not possible, within 24 hours thereafter.
3. Conduct significant discussion of issues, policies, or future Commission decisions upon which the Commission has not taken a position in writing, without first conferring with the Commission Chair or his/her designated Commissioner(s) regarding the issues, policies, or Commission decisions to be discussed.

Commission Governance Policy 5: Committees

Commission committees are established to help the Commission fulfill its responsibilities by assessing policy issues, alternatives, and implications to support Commission deliberation. Committees have evolved. As of the 2014 revision to this Governance Policies and Procedures document, the Commission had four standing committees: the Audit Committee, the Strategic Policy and Planning Committee, the Student Impact Committee, and the Personnel, Evaluation and Nominations Committee. Responsibilities for each committee are detailed in the Commission's Orientation Manual. The Committees will also carry out other tasks as assigned by the Commission. This policy applies to any group that is formed by Commission action, whether or not it is called a committee and regardless of whether the group includes Commission members.

- A Committees may not speak or act for the Commission except when formally given such authority for specific and time-limited purposes.
- B Committees may not exercise authority over staff, except where specifically authorized by the Commission. Committees are to avoid over-identification with organizational parts rather than the whole, and will at all times act in accordance with the policies herein.
- C Ad Hoc committees can be created to collect ideas and information, and recommend how the Commission may address specific issues or situations.

Commission Governance Policy 6: Making Requests of Staff

- A. Commission officers or committees may make reasonable and necessary requests for information or assistance within the areas of responsibility assigned to them by the Commission. However, if the Executive Director can substantiate that fulfillment would require an undue amount of staff time or funds, or would be substantially disruptive to normal business operations, the Executive Director may appeal such requests to the Commission Chair.
- B. Individual Commissioners (not acting as officers or on behalf of a Commission committee) may make reasonable and necessary requests for information. However, the Executive Director may decline to fulfill requests that, in the exercise of judgment, the Executive Director deems to require an undue amount of staff time or funds, or to be substantially disruptive to normal business operations. If the Commissioner nonetheless wishes to pursue the request, that Commissioner must make and substantiate the request to the Commission Chair.

Appendix A

Executive Director Assignment and Responsibilities Policies

These policies delineate the responsibilities assigned by the Commission to the Executive Director.

Global Policy: Executive Director Assignment and Responsibilities

The Commission will maintain its accountability and responsibility for the CSAC administered financial aid programs, and the oversight thereof. The Commission's committees, Commissioners and the Executive Director will have only that authority assigned to them by the Commission or by statute, regulation, or other applicable law.

The Commission's Executive Director is the executive officer for the Commission. The Commission's executive officer is responsible for policy leadership and the financial and programmatic management of the day-to-day operations of the CSAC administered financial aid programs. Accordingly, the Commission hereby delegates authority and assigns responsibilities as follows:

Assignment Policy 1: Planning

- A. The Executive Director is responsible for assisting the Commission in the development of strategic plans for the CSAC administered financial aid programs.

Assignment Policy 2: Program Operations

- A. The Executive Director is responsible for administering the CSAC administered financial aid programs as established in state and federal law and regulations. It is the responsibility of the Executive Director to establish and maintain operational procedures.
- B. The Executive Director is responsible, on behalf of the Commission, to provide all statutorily required reports and data to the administration and legislature by their required due dates each year.

Assignment Policy 3: Fiscal Operations

- A. The Executive Director is responsible for fiscal management of the Commission and of all CSAC administered financial aid funds and programs administered by the Commission consistent with federal and state requirements and procedures and Commission policies.
- B. The Executive Director is authorized under state law, to enter into contracts with a third-party service or product vendors in an amount not to exceed \$100,000 or more. However, in the event an emergency approval is necessary for a contract over \$100,000, the Executive Director may approve such contract with simultaneous notification to the Commission. Such emergency approval shall be ratified at the next regularly scheduled Commission meeting, and if not ratified, the contract shall be canceled. Serial contracts or commitments with the same vendor in a manner that circumvents the intent of this policy are prohibited.

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Assignment Policy 4: Personnel Practices

- A The Executive Director is responsible for hiring, managing, training, corrective action, and, as necessary, termination of staff as prescribed in State law governing civil service employees.

Assignment Policy 5: Communication with Commissioners

- A. The Executive Director will keep the Commission informed in a timely manner, and provide the necessary support for the Commission to do its work.

Assignment Policy 6: Internal and External Communication

- A The Executive Director is responsible for communicating Commission policy and actions taken by the Commission to the public, the media, the administration, the legislature, representatives of financial or educational institutions or associations, or similar external constituencies, and CSAC management and staff.

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