

CAMPUS FEE ADVISORY COMMITTEE

March 26, 2010

MINUTES**ATTENDEES**

Members:	Kimberlee Reilly Laura Schofield Isaac Castro Eric Rivera	Alyssa Bruni Ignacio Prado David Ely Tyler Boden
Non-Voting Member:	Ray Rainer	
Student Alternates:	Grant Mack	
Faculty/Staff Alternates:	Andrea Bauer	Jose Preciado
Guests:	Dan Cornthwaite Crystal Warren Jay Burris	Scott Burns Joe Stewart

The meeting was called to order at 2:04 P.M. by Ms. Kimberlee Reilly, CFAC Committee Chair.

Information Item**a. Minutes from January 29, 2010 CFAC Meeting (Attachment 1)**

Mr. Preciado made a motion to approve the minutes, seconded by Dr. Ely; the minutes were reviewed and approved unanimously.

b. Spring 2010 Modern Space Referendum**i. Referendum Expense Report (Attachment 2)**

Mr. Cornthwaite presented the following to the CFAC committee:

- Copies of section 7 from the AS elections code, which addresses the rules governing campus and student body organization fee referendum.
- An itemized statement of referendum expenses.
- Memoranda to the AS Council Executive Committee regarding the AS staff involvement and use of resources for the student fee referendum.
- A color February-March calendar with all the referendum events, which include open forums and presentations to different clubs and organizations.
- A complaint from Mr. Joe Stewart, which was received by AS on March 12th.
- Copies of the minutes from two meetings of the elections committee that were convened to hear the appeal; the first meeting was on March 22nd and the second on March 23rd.
- An executive report prepared by Jeremy Katz in response point by point to the appeal.
- A copy of the AS Council minutes from March 24th when they upheld the March 23rd recommendation of the elections committee.

Mr. Cornthwaite listed relevant facts regarding the conduct of the referendum:

- 2500 voter pamphlets were distributed on February 4th, a full 30 days in advance of the actual referendum dates; these were distributed to 30 separate locations throughout the campus.
- Ads including a copy of the voter pamphlet also appeared on the Daily Aztec on February 4th.
- The March 8th campaign initiated by AS included presentations and two open forums.
- On February 26th, 5000 copies of the no vote campaign were requested by and delivered to SDSU student Jay Burris.
- The procedure for challenging the referendum results was published on March 15th and 16th; there were no additional complaints as a result of these ads.
- The elections committee met on March 22nd and March 23rd to review Mr. Burris' complaint and formulate recommendations to CFAC.

Mr. Preciado suggested that the committee move forward with the referendum results unless the agenda has been revised to include a complaint.

Regarding the expense report, Mr. Preciado recommended separating the costs of carrying out an election from the expenditures related to the AS campaign (t-shirts, stickers, and brochures). These are two separate budgets.

ii. Referendum Results

Mr. Cornthwaite presented the referendum results. The polls closed March 10th; there were 4045 votes cast, which was 13.83% voter turnout with 2200 votes, or 54.4% voting yes and 1845, or 45.6% voting no.

Point of information

Mr. Preciado asked if Mr. Burris' statement will be considered a formal complain. Ms. Reilly responded that this was only a request to make a statement, so the committee is just accepting Mr. Burris' statement. Mr. Boden asked if the committee can use Mr. Burris' comment as a factor in their decision regarding the referendum; the committee may take this comment into consideration (Ms. Reilly).

Mr. Cornthwaite stated that the agenda may need to be modified by the committee. The purpose of his report is to review any and all issues surrounding the conduct of the referendum. As the complaint and supplemental materials illustrate, there were questions raised, the elections committee took action, and the AS council looked at the elections committee's actions.

c. Agenda Amendment – Appeal Discussion

Dr. Ely made a motion to add the issue of the appeal as an information item to the agenda. Mr. Preciado seconded adding this to the agenda. All committee members approved.

Mr. Jay Burris gave a statement to the CFAC committee. Early in March he contacted the AS website about the wording of the voter pamphlet, about it being fair and unbiased. He also expressed concern over the lack of a statement against the referendum. He feels there have been infractions against the executive order, which affected the results of the vote and calls into question its validity.

In Mr. Preciado's opinion the committee has a certified election and can move forward with a recommendation to the president. He suggested that the CFAC committee work to amend the current elections code to resolve some of the issues that came up. The objective analysis was an issue he brought up on January 29th, when the committee voted and he abstained from voting. Another issue is that it took two days to advertise and solicit con statements, so for future elections the committee may want to solicit these statements through web portal, which would be more efficient and equitable than an Ad. In such a significant question in conversation about the future of AS, the lack of any con statements or rebuttals gives the impression that the window for these was tightened to an extent. This committee can resolve some of these gaps and improve the methodology for future elections; it's important to consider how to truly provide an objective analysis. He suggested delaying a future referendum if necessary until both sides are presented. Mr. Preciado made reference to Mr. Katz's memo, where there is an affirmation that there was a campaign behind getting this referendum passed, since the AS is well represented in this committee, the AS carries out this election and has the resources it is clear that this campaign worked.

Mr. Prado accepted a comment from the gallery. Mr. Joe Stewart commented that to avoid giving students the perception of corruption and conflict of interest that rules be made, so that members of AS cannot sit on these oversight committees. There should be other student representation, so that there isn't this idea that this committee acting as an oversight committee is being influenced by the committee they are overseeing.

In regards to the objective analysis, Mr. Preciado suggested consulting with the Budget and Finance Officer, who provides objective analysis for various purposes. The committee may ask any third party to provide the objective analysis. Regarding the pro/con statements, the committee needs to go to the proponents of the opponents. This referendum had the potential to be positive and could have avoided negative perceptions by going that extra step. This can be examined in by-laws, even though it is after the fact for this referendum.

Mr. Preciado reiterated that the staff interest in this matter is limited to their concerns about future operations of the university, and taking advantage of fee increases for the campus for operations of the academic student activities versus building in this budget crisis. He is also committed to processes and procedures.

Dr. Ely noted that CFA (Certified Financial Analyst) did review financials for the building. Mr. Cornthwaite confirmed that independent analysts in the Chancellor's Office reviewed the financials, as well as the Chief Financial Officer for the university (Mr. Burns).

Dr. Ely also noted that it is unusual not to have some division on a referendum within the AS council; the majority are supportive of a proposal coming out of AS, but there are also those against it and would form the natural group of people who would write the con statements. In this case, there was a unanimous support for this referendum. In the past it has sometimes been a struggle to get a con statement, i.e. 2002 referendum that did not have a con statement.

Mr. Burris asked if it would be feasible to take two weeks for some referendum materials to be reviewed by an outside analyst to assure that they were unbiased. Ms. Reilly responded that this was the role of the CFAC committee. In Mr. Burris opinion CFAC is not totally unbiased.

Mr. Boden stands behind the vote that he originally made as a committee member and approves the voter pamphlet as objective. All the information provided was necessary and vital in presenting it to the students. All the information provided is factual and was approved because it's factual.

Ms. Bauer pointed out that Mr. Preciado has made very good points, but came in at the very end of the referendum process and was too late to incorporate them.

In Mr. Stewart's appeal he was pointing to the wording of the voter pamphlet, specifically the omission of information. Mr. Mack suggested consulting with a lawyer or attorney for future referendums to ensure wording is as objective as possible.

As a CFAC member, Mr. Castro approved the guidelines for the referendum, but he was not a part of the modern space campaign committee. It is unfair to say all students are on one side; students can do a no campaign or an abstention campaign.

Ms. Bruni used the analogy of a new versus old car and no matter how it is worded the new car will always sound better and more efficient than the old car. Mr. Burris responded; he owns a 2003 car and its worth is a matter of opinion. To satisfy his concern he insists on going to an outside person to review this referendum. Mr. Prado disagreed because even if a lawyer comes in to check for objectivity there would still be the same perception, but mainly he helped produce this pamphlet, which took almost three hours. The committee removed as much of the language that would be considered flowery and there was nothing urging students to vote one way or another. He doesn't believe that 10% of the students were blinded by the pamphlet.

Mr. Cornthwaite stated that the Executive Order 1034 is very clear and it charges this committee or the president to work with the campus constituents (faculty, students and staff) to come up with a process that is fair and objective and this committee has done this in numerous occasions. The chancellor is very clear as to who needs to be consulted and who needs to be involved in the table to create that process and it's not outside lawyers or anyone else. Certainly the committee may be able to avail itself of additional expertise, but it still rests with that entity to come up with what that process should be. AS is a partner in shared governance in the university on behalf of all students and is required by the executive order to recommend and appoint the student members. For this particular proposal the AS Council and various committees have spent numerous hours listening to consultants, reports, and following up on information. All the alternatives have been considered and discussed. AS is also responsible for representing the interest of students; it should not come as a surprise when AS abdicates a position.

Mr. Preciado asked CFAC as a university committee to look at its procedures for future referendums, since many of the representatives of this committee won't be here next year.

The committee will take action on the referendum at the next meeting.

Mr. Mack made a motion to adjourn the meeting, which was seconded by Mr. Prado. The meeting adjourned at 2:44 PM.

The next meeting is scheduled for Friday, February 6 at 2:00 PM in SS-1608.