



## Research/Findings - UAS Anna Bing Children Center Funding Obligations

7/20/15

Every EO with the subject: "Student Body Association Fee" is an establishment of a new fee. When an EO is superseded by another, in this case, it is nullified and is no longer in effect. These ASI Fees are not increased or decreased from the previous fee, the old fee is simply revoked and a new fee is established. Starting from EO-43 there have been new fee establishments for CSULA with every superseding EO (43, 57, 98, 111, 130, 138, 143, 164, 200, 437, 527, 545, 576, 654). This is supported by the statement mentioned at the beginning of almost every one of these EO's "authorizes the establishment of the revised Student Body Association Fee Schedule."

There have been additional superseding EO's with a different subject: Campus Fee Policy. Starting from EO-654 the superseding EO's are 661, 740, 1034, and 1054. This suggests that all superseded EO's must follow the EO 1054 policy. However, the first superseding EO after 654 (EO-661) suggests that EO-654 has been grandfathered in as the prevailing EO. EO-661 cover page- "The enclosed Executive Order authorizes the continuation of all fees which have been duly established. Actions taken after the effective date of this Executive Order to adjust fees that are currently in effect should comply with provisions of this Executive Order." This conveys that until the fee is adjusted it will remain in effect in its own language. For more solidification EO 661 page 1 - "Effective August 23, 1996. campus fees, which have been duly established pursuant to authority of the Board of Trustees or its designees and which are currently in effect shall continue in effect until adjusted or repealed pursuant to this Executive Order. The campus fees which shall continue unless adjusted or repealed as provided herein shall include the fees established or adjusted in the executive orders which are listed above as superseded by this Executive Order." The EO-654 fee has not been adjusted, so this is the EO in effect.

Beginning with the earliest EO by which the University insists ASI's obligation to the Children Center (EO-527). I assume that their argument was that since this fee was a one dollar increase from the previous EO (437) and that it mentioned a children center referendum, this new fee establishment appropriated the increase for the Children Center. The language in the EO suggests otherwise. EO-527 cover page - "The student referendum approving an increase in the Student Body Association Fee also discussed use of the funds to support a child care facility. Use of the Associated Students' funds for child care centers is permitted by Title 5, California Administrative Code, Section 42659 (0). The revenue from this fee, **however**, may be used for any purpose approved by the Trustees and is subject to regular allocation and appropriation procedures applicable to the Student Body Association." This suggests that regardless of the referendum the revenue from this fee can be used

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Moving onto the latest fee (EO-654), there was some confusion with the one which was provided to us by the University since the referendum ballot was added in the same PDF file as the EO. However, after observing the actual contents of the EO from the CSU website, there is no mention of a referendum. Since a couple of the previous EO's had mentioned the existence of a referendum, the credibility of this referendum comes into question. This EO also mentions that this fee could be used for any purpose "The revenue from this fee may be used for any purpose approved by the Trustees and is subject to regular allocation and appropriation procedures applicable to the Student Body Association."

The EOs mention that revenue from this fee "is subject to regular allocation and appropriation procedures applicable to the Student Body Association." Three years after the establishment of EO-654, ASI created policy 206 - Reporting and Budgeting Guidelines for External Organizations Receiving Over \$3,000 (found here: [http://www.asicsula.org/sites/default/files/content/upload/2014/12/policy-206-finance-guidelines-external-organizations-funding-over-3000\\_0.pdf](http://www.asicsula.org/sites/default/files/content/upload/2014/12/policy-206-finance-guidelines-external-organizations-funding-over-3000_0.pdf) ). The EO gives the power to this policy to be the governing policy for allocation of money to any purpose approved by the BOT (this includes entities such as the Children Center). Under this policy in section 5.4 it states "Beyond the first three years, referenda are advisory to the Board of Directors. Adjustments for headcount shall require a change in the A.S.I. budget which may or may not adjust the amounts for a given referendum line." It is safe to assume that after a policy is created, it should not act as if it had been in effect before its creation. With this policy in regards to the latest referendum of \$2.75 per student and according to the ASI funding patterns to the Children Center (see attached), ASI had coincidentally began to underfund the Children Center three years after the creation of policy 206.

This research points to ASI having no obligation to pay back any "underfunded amounts" nor any obligation to further fund the Children Center presently and in the future (given that these variables remain constant).

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