

To be completed in triplicate

ASSOCIATED STUDENTS JUDICIARY
California State College, Long Beach

COMPLAINT TO REQUEST A DECLARATORY JUDGMENT

To: Associated Students Judiciary

From: Chris Christofferson

Date: February 16, 1972

The undersigned requests a review of the rights and duties pursuant to:

Senate to BOC meeting #9, Senate Meeting #10, Senate Meeting #13.

Cause for request: Controversy over action taken by BOC to refer Personnel Committee minutes regarding College Union Director position back to the Personnel Committee.

Briefly explain the substance of your issue: A recent court decision interprets provisions of Chapter I of our Bylaws regarding the Senate's approval of financial matters and expenditures. However, Chapter I, Article IV Section 5 of the Bylaws states as follows: The Board shall employ, direct and dismiss employees in positions established by the Senate (emphasis is mine). This clearly constitutes another area in which the Senate is designated as final authority for Board of Control actions. Any attempt to argue that because approving a position is not final (c

The undersigned does hereby request a judgment on the preceding issue. a
p

Signed _____

financial and therefore not subject to Senate approval will be negated by this section. My contention is that the Board of Control was not at liberty to refer the Personnel Committee minutes anywhere but back to the Senate. My reasoning is as follows:

In the minutes of the BOC meeting #9 October 18, 1971 VI Old Business Item B, the Personnel Committee minutes were referred back to the Senate "For final approval". On October 20, Senate meeting #10 also VI Minutes, Item B the item was referred back to the Board of Control "until Personnel Committee Recommendations regarding procedures come in". The Personnel Committee recommendations were subsequently approved Board of Control #11 and Senate #13.

I would argue that because of the language used by the Senate, the motion was clearly intended to have the same effect as tabling would have had. Having received the item from the Senate under those circumstances precludes the Board of Control from sending that item anywhere but back to the Senate for final approval.

*3. Dr. Personnel Committee - need
Senate approval*

ASSOCIATED STUDENTS JUDICIARY
CALIFORNIA STATE COLLEGE LONG BEACH
REJECTION OF A REQUEST FOR A DECLARATORY JUDGMENT
ADJUDICATED THIS 24th DAY OF FEBRUARY, 1972

Plaintiff: Chris Christofferson

The Associated Students Judiciary declines to accept the case of the plaintiff for the following reason:

The plaintiff's complaint contained no specific question to be answered, therefore no judicial interpretation or remedy could be applied.

Vote: 5-0-0 Unanimous.

Justices present: Montejano, Park, Walker, Wysocki, Schmidt.

Justice absent: Fairbanks.

Ronald Montejano

Ronald Montejano, Associate Justice

Gordon Park

Gordon Park, Associate Justice

James Walker

James Walker, Associate Justice

David L. Wysocki

David Wysocki, Associate Justice

David E. Schmidt

David Schmidt, Chief Justice