An act to amend Sections 92020 and 92032 of the Education Code, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

AB 775, as amended, Yee. Regents of the University of California: discussion of executive compensation.

Existing law generally authorizes the Regents of the University of California, as defined to mean the board of regents and its standing and special committees or subcommittees, other than groups of 3 or fewer regents appointed to advise and assist the university administration in contract negotiations, to conduct closed sessions when they meet to consider or discuss specified matters, including matters concerning the appointment, employment, performance, compensation, or dismissal of certain university officers or employees. Existing law requires action by the regents on compensation proposals for the principal officers of the regents and the officers of the university, as defined, to be in open session.

This bill would provide that the definition of the regents for these purposes would include advisory groups that include one or more regents as members and that have continuing subject matter jurisdiction or have a regular meeting schedule, except as specified.
The bill would also require discussion of, and action on, an executive compensation proposal concerning the President of the University of California, the chancellor of an individual campus, specified vice presidents, the treasurer, the assistant treasurer, the general counsel, or the secretary to occur in an open session of the appropriate committee of the regents, and would require any final discussion or action on that proposal to take place in an open session of the full board of regents.

The bill would express findings and declarations of the Legislature to the effect that this bill sets forth the policies with respect to the discussion of compensation of executive officers of the university that have applied to, and governed, all regents meetings held since 1993.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 92020 of the Education Code is amended to read:

92020. (a) As used in this article, “Regents of the University of California” means the any of the following:

(1) The Board of Regents of the University of California and its.

(2) The standing and special committees or subcommittees, other than groups of not more than three of the Board of Regents.

(3) Advisory groups that include one or more regents as members and that have continuing subject matter jurisdiction or have a regular meeting schedule.

(b) As used in this article, “Regents of the University of California” does not include groups of three or fewer regents appointed to advise and assist the university administration in contract negotiations.

SECTION 1.

SEC. 2. Section 92032 of the Education Code is amended to read:

92032. Notwithstanding Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code:

(a) The Regents of the University of California, as occasioned by necessity, may hold special meetings. The regents shall give public notice for these meetings. This notice shall be given by
means of a notice hand delivered or mailed to each newspaper of
general circulation and television or radio station that has
requested notice in writing, so that the notice may be published
or broadcast at least 72 hours before the time of the meeting. The
notice shall specify the time, place, and agenda of the special
meeting. The regents shall not consider any business not included
in the agenda portion of the notice. Failure to satisfy the
provisions of comply with this subdivision shall not be excused
by the fact that no action was taken at the special meeting.
(b) The Regents of the University of California may conduct
closed sessions when they meet to consider or discuss any of the
following matters:
(1) Matters affecting the national security.
(2) The conferring of honorary degrees or other honors or
commemorations.
(3) Matters involving gifts, devises, and bequests.
(4) Matters involving the purchase or sale of investments for
endowment and pension funds.
(5) Matters involving litigation, when discussion in open
session concerning those matters would adversely affect, or be
detrimental to, the public interest.
(6) The acquisition or disposition of property, if discussion of
these matters in open session could adversely affect the regents’
ability to acquire or dispose of the property on the terms and
conditions they deem to be in the best public interest.
(7)
(A) Matters concerning the appointment, employment,
performance, compensation, or dismissal of university officers or
employees, excluding individual regents other than the president
of the university. Discussion of, and action on, an executive
compensation proposal concerning the President of the
University of California, the chancellor of an individual campus,
a vice president of agriculture, administration, academic affairs,
budget, health, business affairs, or human resources, the
treasurer, the assistant treasurer, the general counsel, or the
secretary shall occur in an open session of the appropriate
committee of the regents, and any final discussion or action on
the proposal shall occur in an open session of the full board of
regents.
(B) Discussion of, and action on, an executive compensation proposal concerning any of the following shall occur in an open session of the appropriate committee of the regents, and any final discussion of, or action on, that proposal shall occur in an open session of the full board of regents:

(i) The President of the University of California.
(ii) The chancellor of an individual campus.
(iii) A vice president of academic affairs, administration, agriculture, budget, business affairs, health, or human resources.
(iv) The treasurer or the assistant treasurer.
(v) The general counsel.
(vi) The regents’ secretary.

(C) Compensation for the principal officers of the regents and the officers of the university shall include salary, benefits, perquisites, severance payments (except those made in connection with a dismissal or a litigation settlement), retirement benefits, or any other form of compensation.

(8) Matters relating to complaints or charges brought against university officers or employees, excluding individual regents other than the president of the university, unless the officer or employee requests a public hearing.

(c) While a witness is being examined during any open or closed session, any or all other witnesses in the investigation may be excluded from the proceedings by the regents.

(d) Committees of the regents may conduct closed sessions on Medi-Cal contract negotiations.

(e) The nominating committee of the regents may conduct closed sessions held for the purpose of proposing officers of the board and members of the board’s various committees.

(f) Committees of the regents may conduct closed sessions held for the purpose of proposing a student regent.

(g) The regents shall not be required to give public notice of meetings of special search or selection committees held for the purpose of conducting interviews for university officer positions.

SEC. 3. (a) The Legislature finds and declares all of the following:

(1) On February 22, 2006, the Chairperson of the Regents of the University of California testified before the Senate Committee on Education.
(2) At the February 22, 2006, hearing referenced in paragraph (1), the chairperson of the regents testified that “all discussions of and actions on executive compensation programs occur in open session of the appropriate committee [of the regents], with final action occurring in open session of the full board.”

(3) At the February 22, 2006, hearing referenced in paragraph (1), the chairperson of the regents further testified that the regents had adhered to the policy set forth in paragraph (2) since 1993.

(b) It is the intent of the Legislature, in enacting the amendment to Section 92032 of the Education Code made by Section 2 of this act, to clarify existing law by conforming Section 92032 of the Education Code to the practices of the regents with respect to the discussion of compensation of university executives at meetings of the regents, as expressed by the chairperson of the regents at the February 22, 2006, hearing, and as set forth in paragraph (2) of subdivision (a).

(c) Therefore, the Legislature finds and declares that paragraph (7) of subdivision (b) of Section 92032 of the Education Code, as amended by Section 2 of this act, sets forth the policies with respect to the discussion of compensation of executive officers of the university that have applied to, and governed, all regents meetings held since 1993.