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### Documents from the October 6, 1999 meeting of the Associated Students of the University of Montana (ASUM)

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ASUM SENATE AGENDA  
October 6, 1999  
UC 2<sup>nd</sup> Floor Lounge - 6 p.m.

Suite 105  
University Center

Missoula, MT 59812  
(406) 243-2451

*Associated Students  
University of Montana*

1. CALL MEETING TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - September 29, 1999
4. PUBLIC COMMENT
5. PRESIDENT'S REPORT
  - a. John Torma, Ward 3
  - b. UC Computer Discussion
  - c. Commissioner Crofts' Visit
  - d. Homecoming Float
  - e. Mansfield Library System
  - f. Budget Shortfall
  - g. Press Releases
  - h. Wisconsin Court Case
  - i. Rick Barnes - "So! They call this leadership!"
  - j. Other
  - k. Charitable Giving Campaign - Carol
6. VICE PRESIDENT'S REPORT
  - a. Committee Appointments
  - b. Senate Class
  - c. "Dialogue Week" Update
  - d. Other
7. BUSINESS MANAGER'S REPORT

STIP - \$36016.64 available for the year  
Special Allocation - \$8,000 (\$4,000 max. fall semester)  
Travel Special Allocation - \$12,800 (balance for Spring Semester)  
Zero-based Carryover - \$168,103.60

  - a. Special Allocation - ASUM Administration (\$500)
  - b. SB6-99/00 Resolution to Change ASUM Fiscal Policy
  - c. SB7-99/00 Resolution to Acknowledge Outstanding Community Service
  - d. Other
8. COMMITTEE REPORTS
9. UNFINISHED BUSINESS
  - a. SB1-99/00 Resolution to Amend ASUM Election Bylaws
  - b. SB2-99/00 Resolution to Eliminate \$40 Late Registration Fee
  - c. SB5-99/00 Resolution for ASUM to Endorse the City of Missoula Livin Wage Initiative
10. NEW BUSINESS
11. COMMENTS
2. ADJOURNMENT



ASUM SENATE MINUTES  
October 6, 1999  
UC 2nd Floor Lounge - 6 p.m.

Chair Lamb called the meeting to order at 6:01 p.m. Present: Kobos, Lamb, Kosena (8:21), Bartkiewicz, Baumgartner, Billington (6:07), Christensen, Eckert (8:21), Fowler, Haddouch, Herrick, Hopkins, Irey, Munday, Murphy, Neitzel, Peterson, Schmidt, Swan, Taddonio, Thomas, Weber and Woodall.

With no objection, the September 29 minutes were approved as written.

**Public Comment**

\*Ben Darrow spoke in favor of the living wage initiative and encouraged Senators to support it

**President's Report**

- a. John Torma, a candidate for Ward 3 City Council alderman, spoke to Senate.
- b. Kobos met with John Cleaveland, Lloyd Chestnut and Ken Stolz. The Technology Fee will pay for stages one (equipment and core) and two (connect to building). Upgrading of switches is needed to make it work efficiently - an expense of \$45,000. The UC and the Bookstore are willing to give \$15,000 each to the project. They would like to take the money from the Building Fee and/or the Computer Fee. Kobos' recommendation would be for half of the amount coming from each fee. Discussion prompted the need for more research.
- c. Commissioner of Higher Education Crofts will meet with students from 10-11 a.m. Oct. 25 in the Continuing Education building to answer questions. Later in the day there will be a discussion on the cost of education. Senators were encouraged to attend.
- d. Kobos registered ASUM for a parade float. She will e-mail Senators about the time/place to meet for the Saturday 10 a.m. parade. Instructions for producing parade materials will be in the ASUM Office Senate area tomorrow.
- e. Bids are being solicited for an automated library catalog system. UM has different needs than Bozeman, so the systems probably will not be the same. However, it has been assured that the system chosen will make for easy access to other State school libraries.
- f. Solutions are being sought for the UM budget shortfall of approximately \$2 million, due to decreased student FTE, even though total enrollment is up. Some proposals under consideration are bidding out utilities or workers compensation and across the board departmental cuts, which would be sent to the individual departments for comment.
- g. Kobos asked Senators to talk to her or SPA Director White if a press release is desired in order to ensure professionalism and credibility of ASUM and students.
- h. A Wisconsin court case will be considered at the Supreme Court level questioning funding of groups to which students have moral objections. The decision could result in negative/affirmative check-off for funding or a refund policy, among other things. Kobos will put a copy of the case in individual mailboxes.
- i. A brochure was distributed about Rick Barnes talk on leadership to take place on October 18<sup>th</sup> at 4 p.m. Senators were encouraged to attend.
- j. ASUM ex-presidents Kaiser, Merrick and Thielman will be in town over the weekend for homecoming.
- k. Kobos thanked SPA Director White, her committee and volunteers for their hard work in registering over 900 students to vote.
- l. Hayes informed Senators that the Charitable Giving Campaign could use help in preparing solicitor packets at any time between 2 and 5 Thursday, October 14, in the Presidents' Room in Brantly Hall.

**Vice President's Report**

- a. The following slate of committee appointments was approved by Senate on a motion by Hopkins-Peterson: Student Affairs - Jessica Kobos; Commencement - Kristina Gillespie; Scholarship & Financial Aid Appeals - Kristina Gillespie; SPA - Ressa Charter.
- b. A need has been felt to have a basic Senate class to clarify and discuss issues and procedures. Senate advisors will be in attendance to answer questions.
- c. Lamb has been taking part in Dialogue Week activities, and he and Dean Couture reported on them.
- d. Lamb reminded Senators that the ASUM Diversity Committee will meet from 6-7:30 tomorrow night in the UC 2<sup>nd</sup> floor lounge. He encouraged Senators to attend.
- e. Lamb will share an article on communication by putting copies in Senators' boxes.
- f. Kobos thanked Jerry for his work on diversity issues.

- g. Kobos is looking into the UC Bookstore's finances. Those interested in working on this issue should contact her.

With no objection the Business Manager's Report will be delayed until his arrival.

#### Committee Reports

- a. UC Board (Munday) - Members toured the third floor. The bank will be moving to the old flower market location after the space is renovated. Dining Services Director LoParco will offer suggestions to UC Board for a food establishment. Senators were encouraged to offer suggestions for the space.
- b. ASUM Affairs (Taddonio) - SB1 and SB7 received 'do pass' recommendations.
- c. University Affairs (Hopkins) - SB2 received a 'do pass' recommendation.
- d. SPA (Neitzel) - SB5 received a 'do pass' recommendation.
- e. Board on Budget and Finance (Fowler) - SB6 received a 'no pass' recommendation, and SB7 received a 'do pass' recommendation.

#### Unfinished Business

- a. SB1-99/00 Resolution to bring Amendment of ASUM Constitution and Bylaws to a Student Vote - with accompanying referendum(Exhibit A) passed by two-thirds on a motion by **Neitzel-Peterson**.
- b. SB2-99/00 Resolution to Eliminate \$40 Late Registration Fee (Exhibit B) was amended by changing the title to: 'Resolution to Support the Elimination of the \$40 Late Registration Fee' on an accepted friendly amendment by **Hopkins**. The resolution passed on a motion by **Hopkins-Taddonio**.

The Chair recognized the presence of Eckert and Kosena.

- c. SB5-99/00 Resolution for ASUM to Endorse the City of Missoula Living Wage Initiative (Exhibit C) on a motion by **Irey-Swan** failed 8-14 on a roll call vote (see Tally Sheet) after a previous question call by **Baumgartner** passed.

#### Business Manager's Report

- a. A Special Allocation request by ASUM Administration for \$500 to bring in some specialized training for Senate passed.
- b. SB6-99/00 Resolution to Change ASUM Fiscal Policy (Exhibit D). The following amendment was offered by **Kosena** as a friendly amendment and rejected by **Lamb** and then offered as a hostile amendment by **Kosena-Hopkins**: strike the third Whereas statement Under Therefore Let it Be Resolved, strike the rest of the resolution beginning with "In addition..." and add "This reward will be allocated by way of a Special Allocation in the Pre-determined amount of the award." A previous question call by **Irey** passed, after which the amendment failed on an immediate (two-thirds approval necessary) vote. A previous question call by **Schmidt** passed, and the resolution failed 9-13 on a roll call vote (see Tally Sheet).
- c. SB7-99/00 Resolution to Acknowledge Outstanding Community Service was withdrawn by **Taddonio**.

#### New Business

- a. Resolution to change Fiscal Policy
- b. Resolution on UC Computer work
- c. Resolution to change Fiscal Policy

#### Comments

The meeting adjourned at 11:10 p.m.

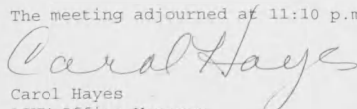
  
Carol Hayes  
ASUM Office Manager

Exhibit A  
SB1-99/00

### Resolution to Bring Amendment of ASUM Constitution and Bylaws to a Student Vote

*Whereas*, the mission of ASUM is to represent the concerns of **all** students and currently only members of ASUM are allowed to vote in ASUM elections (ASUM bylaws Article V, Section 3, F., Article V, Section 8, B) (ASUM Constitution Article 7, Section 1).

*Whereas*, many students are disenfranchised because they have not paid the ASUM activity fee because they are taking 6 credits or less.

*Whereas*, ASUM elections may contain referendum initiatives that affect all students, regardless of credit level.

*Whereas*, requiring that a student pay a fee in order to vote in student elections is counter to the spirit of ASUM.

*Whereas*, a majority vote of members of ASUM is needed to ratify a constitution and can approve bylaw amendments,

**Therefore let it be resolved**, The Associated Students of the University of Montana will send the below referendum concerning the amendment of all pertinent parts of the constitution and bylaws to a student vote during the April, 2000 ASUM elections.

Authored by: Chris Woodall  
Jerry Lamb

This referendum is for the purpose of allowing all students, registered for at least one credit during a current semester, to vote in ASUM elections. Currently, only students who have paid the \$26 activity fee are allowed to vote in ASUM elections. This initiative would allow all registered students to vote during elections by amending the constitution and bylaws in the following areas:

ASUM Constitution, Article 7, Section 1 will read: Only members as defined by Article 1 of this constitution are eligible to hold or run for any elective or appointed position in the Association, except for certain initiatives defined in this Constitution. All students registered for one credit or more are allowed to vote in any ASUM election. In order to hold any elective or appointed position...

ASUM Bylaws Article V, Section 3, F.: All students who are registered for one credit or more are allowed to vote in any ASUM election.

ASUM bylaws Article V, Section 8, B.: All students who are registered for one credit or more are allowed to vote in any ASUM election.

☐

Yes, I support the amendment of ASUM's constitution and bylaws to allow any student registered for one credit or more, and who has not paid the Activity Fee, to vote in any ASUM election.

☐

No, I do not support the amendment of ASUM's constitution and bylaws to allow any student registered for one credit or more, and who has not paid the Activity Fee, to vote in any ASUM election.

Passed  
10/6/99

**Resolution To Create an ASUM Diversity Committee**

*Whereas*, The University of Montana is a very diverse campus.

*Whereas*, ASUM represents all students at UM.

*Whereas*, ASUM should do all possible to enhance communication and goodwill throughout campus at The University of Montana.

*Whereas*, there are many people and programs dedicated to furthering and recognizing diversity at UM.

*Whereas*, oftentimes different people have the same goals, dreams, problems, concerns, or questions, but lack communication.

*often adequate*

**Therefore Let It Be Resolved**, that ASUM supports the creation of an ASUM Diversity Committee. This Committee will be chaired by an ASUM Senator or Executive, preferably the Vice President. This Committee shall consist of the Chair, the Director of the UC Multi-Cultural Alliance, the Associate Dean of Students, and any interested students, faculty, staff, or administrators. This Committee shall be organized each year by the Chair, the UC Multi-Cultural Alliance Director, and the Associate Dean of Students. A minimum of two meetings will be held each semester to discuss student concerns, goals, problems, or other pertinent matters on campus.

*Passed*  
*9/15/99*

**Resolution for ASUM to Endorse the City of Missoula Living Wage Initiative**

*Whereas*, the state of Montana has the lowest annual income in the nation, the second lowest hourly wage in the nation, and the fastest growing poverty rate in the nation.

*Whereas*, a balance is created when businesses who receive public funds provide a living wage for their employees.

*Whereas*, employees receiving a living wage contribute more to the tax base than minimum wage earning employees who have a higher potential to require public financial assistance.

*Whereas*, a living wage is defined as \$8.00/hour for employees who receive health benefits and \$8.80/hour for employees who do not receive health benefits.

*Whereas*, a living wage ordinance has been successfully implemented in at least 29 cities and 5 counties nationwide.

*Whereas*, the students of the University of Montana are present and future jobholders and taxpayers in the city of Missoula.

*Therefore let it be resolved*, that the Associated Students of the University of Montana endorse the living wage initiative for the city of Missoula.

Authorized by: Molly Moon Neitzel  
Christopher Peterson  
Lea Taddonio

Filed 10/6/99



## Living Wage Initiative

### Section 1. Title and Purpose

This Ordinance shall be known as the "Missoula Living Wage Ordinance." The purpose of this ordinance is to require that nothing less than a prescribed level of compensation (a living wage) be paid to Employees of the City of Missoula and the Employees of Beneficiaries of City of Missoula financial Assistance.

### Section 2. Definitions

The following definitions shall apply throughout this ordinance:

- a) "Agency" means that subordinate or component entity or person of the City (such as a department, office or Agency) that is responsible for administration of financial Assistance agreements.
- b) "City" means the City of Missoula and all City agencies, departments, and offices.
- c) "Assistance" is any City expenditure whether through aid to Beneficiaries of funds within the City's control or other funds, such as federal or state grant funds, where the application of this Ordinance is consonant with the law authorizing the City to expend such funds. Assistance includes but is not limited to any rent subsidy, revenue bond financing, beneficiary of tax increment financing funding, land write-downs, tax abatements, or tax breaks, Community Development Block Grants, grants, loans in excess of \$5,000 in a calendar year unless specifically prohibited by federal or state laws. City staff Assistance and city expenditures for the purpose of providing financial Assistance to low-income people is not considered Assistance by this Ordinance.
- d) "Beneficiary" means
  - (1) any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals and that receives Assistance after the effective date of this Ordinance; and
  - (2) a tenant or leaseholder of a Beneficiary who uses equipment or property that is improved or developed as a result of the Assistance awarded to the Beneficiary and receives a direct benefit from the Assistance;
  - (3) a contractor or subcontractor of a Beneficiary directly involved with the funded project, matter, or property which is the subject of Assistance.
- e) "Employee" means any person who is employed by the City of Missoula or a Beneficiary and spends at least half of his or her time on the project, matter, or property which is the subject of Assistance.
- f) "Designated department" means the City of Missoula Department or Agency designated by the Council to be responsible for the overall implementation, compliance, and enforcement of this ordinance.
- g) "Living Wage" has the meaning stated in Section 3.

### Section 3. Employee Compensation

- a) Compensation: Employers shall pay Employees a living wage of no less than the hourly rate set under the authority of this Ordinance. For Beneficiaries receiving Assistance prior to January 1, 2002 the living wage hourly rate shall be at least equal to \$8.00 if at least \$ .80 an hour in health benefits are provided by the employer in addition to the hourly wage. If health benefits are not provided, the hourly rate shall be equal to at least \$8.80. The hourly rate for Employees of Beneficiaries granted Assistance after January 1, 2002 shall be at least equal to an hourly rate of \$9.00 if health benefits of at least \$ .80 an hour are provided by the employer in addition to the hourly wage. If health benefits are not provided, the wage shall be at least \$9.80 an hour. The hourly rate shall be adjusted annually in relation to the regional Consumer Price Index. The City shall publish a bulletin by April 1 each year announcing the adjusted rates, which shall take effect upon such publication. The Beneficiary shall provide written notification of the rate adjustment to each of its Employees and make the necessary payroll adjustments within 60 days of receipt of the new adjusted wage rate.
- b) Compensated Days Off: Employers shall provide a minimum 10 paid days off per year to Employees who are working with monthly averages of more than 30 hours per week.
- c) Health Benefits required by this ordinance shall be defined as a contribution of at least \$ .80 per hour towards the provision of health care benefits for Employees and their dependents. Employers must submit proof of such benefits to the Designated department.

#### Section 4. Duration of Requirements and Variance Requests

Beneficiaries shall comply with this Ordinance as long as benefits accrue to the Beneficiary or five years in the case of Assistance given to purchase real property, tangible property, or construct or improve facilities, including but not limited to materials, equipment, fixtures, merchandise, machinery or the like. Prospective Beneficiaries may apply to the Missoula City Council prior to receipt of Assistance for a variance from any or all parts of this Ordinance.

Variances are generally discouraged. Prospective Beneficiaries assume the burden of demonstrating why the circumstances of their operation or situation create a particular hardship which makes them unable to comply with this Ordinance and/or how the funded project or matter contributes to the reduction of poverty in Missoula. Prospective Beneficiaries assume the responsibility to mitigate hardships borne by their Employees due to seeking variance; a mitigation plan must be included with a Beneficiary's application and shall be retained in the City's files.

#### Section 5. Obligations of Beneficiaries

- a) All Prospective Beneficiaries subject to the provisions of this Ordinance shall submit a completed Declaration of Compliance form, provided by the City, before receipt of any Assistance. The completed Declaration of Compliance form shall be made part of the executed contract. Language indicating the tenants/leaseholders or subcontractors agreement to comply shall be included in the contract or comparable agreement between the Beneficiary and tenant/leaseholder or subcontractor. A copy of such contract or other such agreement shall be submitted to the City.
- b) Beneficiaries shall maintain a listing of the name, address, date of hire, occupation classification, rate of pay and benefits paid to each of its Employees and submit a copy of the list to the City by March 31 and September 30 of each year during the required compliance period, as defined. Failure to provide this list within five days of the due date will result in a financial penalty set by the City Council. Beneficiaries shall maintain payrolls for all Employees and basic records relating thereto and shall preserve them for a period of three years or the termination of their contracts.
- c) Beneficiaries shall give written notification to all current Employees and new Employees, at time of hire, of their rights and remedies under the provisions of this Ordinance. A copy of said notification shall be forwarded to the Designated Department and must include at least the following information:
  - 1) The current rates of the prescribed compensation. The Living Wage shall be upwardly adjusted each year no later than April 1 as prescribed by the ordinance;
  - 2) Employees shall receive at least 10 compensated days off per year;
  - 3) All Employee rights and remedies in Section 6, 7 and 9 of this Ordinance.
- d) Beneficiaries shall permit access to work sites and relevant payroll or other necessary records by authorized City representatives for the purpose of monitoring compliance with this Ordinance for the duration of Assistance for the defined period of compliance.

#### Section 6. Relations with Employees

All of the provisions of this ordinance, or any part hereof, may be waived in a bona fide collective bargaining agreement between the Beneficiary and their Employees, but only if the waiver is explicitly set forth in such an agreement in clear and unambiguous terms.

Beneficiaries shall not discharge, reduce the compensation of or otherwise discriminate against any Employee for making a complaint to the City, participating in any of its proceedings, using any civil remedies to enforce his or her rights, or otherwise asserting his or her rights under this Ordinance.

An Employer using Assistance for the purpose of training managers, supervisors, or other administrative personnel to discourage union organization or to discourage an employee from participating in a union organizing drive is in violation of this ordinance and shall face the penalties in the following Section.

#### Section 7. Designated Department Duties

The provisions of this Ordinance will augment the City's normal and customary procedures for administrating compliance of third party contracts. The City shall administer the requirements of this Ordinance as follows:

- a) The City shall develop rules and policies to review applications for Assistance to ensure that relevant language and sufficient information on required Beneficiaries responsibilities under the ordinance are included in applications for Assistance and other relevant documents.
- b) The Designated Department shall develop rules and policies for the monitoring of the operations of Beneficiaries to ensure compliance including the review, investigation and resolution of specific concerns or complaints about the employment practices of Beneficiaries relative to this ordinance. In such cases, the City will attempt to resolve the problem within 30 days.
- c) The Designated Department shall collect information from Beneficiaries that demonstrates the Beneficiaries compliance with the Ordinance. Beneficiaries who fail to submit documents or information required to demonstrate compliance with this Ordinance shall be deemed non-responsive and subject to penalties.
- d) Appeals shall be filed with the Designated Department within seven calendar days of the date of the notice of the City's written determination of noncompliance.
- e) Where a violation of any provision of this Ordinance has been determined, the Beneficiaries will be given a written notice by the City per the rules and policies promulgated by the Designated Department. Should the violation continue and/or no resolution is imminent, the Designated Department shall pursue all available legal remedies, including but not limited to any or all of the following penalties and relief:
  - 1) Suspension and/or termination of the financial Assistance agreement for cause;
  - 2) Payback of any and all of the financial Assistance awarded by the City of Missoula;
  - 3) Holding the Beneficiaries ineligible for future city financial Assistance and contracts until all penalties and restitution have been paid in full;
  - 4) A fine set by the City Council payable to the City of Missoula for each week for each Employee found not to have been paid in accordance with this Ordinance;
  - 5) Wage restitution for each affected Employee in addition to a fine set by the City Council per week for each week the affected Employee was found not to have been paid in accordance with this Ordinance payable to the affected Employee.
- f) The Designated Department shall submit semiannual reports to the City Council which shall include the following information at minimum:
  - 1) A listing and the status of financial Assistance awarded by each city Agency, name of Beneficiary, the term of Assistance, dollar amount of Assistance provided, number of jobs created, and the wages of the jobs created;
  - 2) A description of every instance where a variance was granted by action of the City Council, including supporting documentation.
  - 3) A description of all Employee complaints and findings of non-compliance.
- g) The Designated Department shall develop a public access policy and make all reasonable and legal efforts to ensure immediate and complete public access.

#### Section 8. Financial Assistance Agreement Language

All contracts, agreements etc. formalizing city Assistance subject to this Ordinance shall contain the following two paragraphs or substantially equivalent language:

- a) This agreement is subject to the Living Wage Ordinance of the Missoula Municipal Code. The Ordinance requires that, unless exemptions apply or a variance is granted, all recipients of City financial Assistance, (as defined) shall provide a payment of prescribed wage to Employees (as defined).
- b) Under the provisions of the Living Wage Ordinance of Missoula, the City shall have the authority, under appropriate circumstances, to terminate this contract and to seek other remedies for violations of the Ordinance.

#### Section 9. Employee Complaint Process

An Employee who alleges violation of any provision of this Ordinance may report such acts to the City and, at the Employee's discretion, exhaust available employer internal remedies. The complaint to the City shall be handled as follows:

- 1) The Employee shall submit to the Designated department a completed complaint form and copies of all documents supporting the allegation. The City shall provide the complaint form.
- 2) The City shall notify the Agency and the employer of the complaint and seek resolution within five days from receipt of the complaint form. If resolution is not accomplished, the City shall initiate an investigation and seek legal remedies, if appropriate.
- 3) An Employee claiming retaliation (such as termination, reduction in wages or benefits, etc.) for alleging non-compliance with this Ordinance may report the alleged retaliation in the same manner as the initial complaint.

#### Section 10. Implementation Regulations

The City shall promulgate implementing regulations consistent with this ordinance that allow for effective monitoring and enforcement. The proposed regulations shall be subject to public comment and City Council approval before becoming final.

#### Section 11. Severability

In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, for any reasons this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

#### Section 12. Effective Date

The law shall be effective January 1, 2000.

Exhibited  
SB6-99/00

## Resolution to Change ASUM Fiscal Policy

**Whereas**, ASUM Fiscal Policy has been examined by past ASUM Senates and changed for the intended betterment of overall Fiscal Policy.

**Whereas**, ASUM Senate should do all possible to improve policies and the Association as a whole.

**Whereas**, Item 2.0 and Item 5.1 of ASUM Fiscal Policy unduly restrict the betterment of ASUM.

**Therefore Let it Be Resolved**, that the Associated Students of the University of Montana endorse the removal of the word "awards" from **Item 2.0 Statement of Scope**, second sentence. In addition, ASUM endorses the following sentence to be included after the existing sentence in **Item 5.1**: In the event that a non-ASUM recognized group receives an ASUM-Senate sponsored award, that group will be entitled to the award, including any funds associated with the award.

Authored by: Jerry Lamb, ASUM Vice President

Failed  
10/6/99