ASUM CENTRAL BOARD AGENDA
Mount Sentinel Room
APRIL 30, 1986
7:00 P.M.

1. CALL MEETING TO ORDER

2. ROLL CALL

3. APPROVAL OF APRIL 23, 1986 MINUTES

4. PRESIDENT'S REPORT
   A. ASUM Student Complaint Officer Recommendation -- Bill Squires
   B. ASUM Programming Coordinator Recommendations -- Films - Terry Cyr
      Performing Arts - Tammie Morin
      Lectures -- P.J. Topel
   C. Contingency Plan Report -- Acting President Habbe and Vice President Easton
   D. General Announcements

5. VICE PRESIDENT'S REPORT
   A. Committee Appointments

6. BUSINESS MANAGER'S REPORT
   A. Budget and Finance Report

7. COMMITTEE REPORTS

8. OLD BUSINESS
   A. "Hands Across Missoula" Resolution

9. NEW BUSINESS

10. COMMENTS

11. ADJOURNMENT
### CB Members

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### ASUM Officers

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<td>McLeod, Mary</td>
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<td>Henderson, Dan</td>
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### Faculty Advisor

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### Montana Kaimin

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**CB tally sheet**

**Explanation**

**CB Members**

- Bettise, Mariah
- Chor, Hooi-Ching
- Connor, Kevin
- Dorsett, Brian
- English, Marilynn
- Exe-O'Neil, Lynn
- Finley, Vernon
- Hill, Todd
- Israel, Lynn
- Johnson, Heidi
- Miller, Brenda
- Norman, Ed
- Perry, Charles
- Schoenen, Terry
- Sherry, Kathy
- Small, Dennis
- Snelson, Scott
- Stoick, Beverly
- Stoick, Rod
- Young, Kathy

**ASUM Officers**

- Tuss, Paul
- McLeod, Mary
- Henderson, Dan

**Faculty Advisor**

- Cawley, Gregg

**Montana Kaimin**

- Huneck, Tim

**CB:cbtally**

**01/29/86**
The ASUM Central Board meeting was called to order by Tuss, ASUM President. Members present were Bettise, Chor, Connor, Dorsett, Exe-O'Neil, Finley, Hill, Israel, Johnson, Miller, Norman, Perry, Schoenen (arrived 7:10), Sherry, Small, Stoick (Rod), Young, McLeod, Henderson, and Cawley (left 9:30). English, Snelson, and Stoick (Bev) were excused.

1. The minutes of April 23, 1986 were approved as written.

PRESIDENT'S REPORT

2. Stoick - Miller — Motion to ratify Bill Squires as the Student Complaint Officer. Upon vote, motion passed.

3. Dorsett - Bettise — Motion to ratify the following people for ASUM Programming Coordinators:
   - Films — Terry Cyr
   - Performing Arts — Tammie Morin
   - Lectures — P.J. Topel

4. Acting President Habbe and Vice President Easton addressed the Board concerning Bucklew's Preliminary Contingency Plan. He stressed that the plan is one that proposes cuts if indeed cuts need to be made. At this point the 5% budget cut is all speculation and will only be final after the Legislative Session in June. Habbe explained that Bucklew's plan is only a preliminary document not a finished document. Bucklew's motivation to establish such a plan was a forced move that he felt would benefit UM in the long run. Habbe has asked for advice from faculty, staff, and students about the plan so currently he is listening and taking in all suggestions. Habbe also stressed that the final plan will be the Habbe Plan so it could ultimately change. Central Board members directed numerous questions to both Easton and Habbe.

5. Tuss Announcements

   Tuss thanked CB members who attended the University Parking Proposal City Council meetings last week. Tuss spoke at the public hearing and found that the Homeowners are very divided amongst themselves. A number of them actually support the University's position. The next committee meeting will be on May 6 at 4:00 at City Hall.

   Student Legislative Action Director applications are due at ASUM by May 16 at 5:00 p.m.
This Friday the student body will have a chance to direct questions to Presidential Candidate Robert Berdahl. The question and answer session will be held from 11-12:30 in LA338. Tuss encouraged members to bring students and be prepared to ask questions. All Presidential candidate's resumes are on file in the ASUM office.

Tuss reminded members to write to their State Legislators concerning issues you would like addressed at the Special session in June. Postcards will be available in the ASUM office as well as a list of addresses.

Tuss announced that he will need to speak with Dr. Habbe about when the Board of Regents will make a decision concerning the Assessment Fee. The May meeting is just around the corner so we may need to delay our action with the Regents until June. If we wait until June we must be certain that the Regents can make their decision at that same meeting since a decision must be made before the next Fiscal Year.

A reminder that only 12 people have paid their money for Piquette's resignation plaque. Please come to the office and pay.

VICE PRESIDENT'S REPORT

6. McLeod announced that she needs to fill a position on the Student Health Committee. Please let her know if you or anyone else is interested.

7. Schoenen - Bettise -- Motion to approve Brian Dorsett to the International Committee, Kevin O'Brien and Yoichiro Shuiu to Campus Recreation, Laurie Engler to Aber Day, Kathy Urbanic and Brigitte Kilroy to the University Planning Council, Vicki Martin and Susan Gates to the Day Care Committee, and Rod Stoick and Julia Zachariason to the Financial Aids and Scholarship Committee. Upon vote, motion passed.

BUSINESS MANAGER'S REPORT

8. Henderson reviewed line-item changes brought before the Budget and Finance Committee. Line-items for the Wilderness Institute and Programming were approved. Silvertip Skydiver's line-item was tabled and the line-item for Jazz Workshop was partially approved.

9. A seconded a motion was made by Budget and Finance for a Rugby Club line-item change to pay for damages done to a state suburban. Thirty-three dollars must be paid from their own pockets and $45 from their ASUM account. Upon vote, motion failed.
COMMITTEE REPORTS

10. Sherry reported that at Campus Development's last meeting they approved the name of a building at Yellow Bay. The committee also received a plan from Ken Willett on which vehicles are allowed to drive on the sidewalks and the time of day they are permitted to drive.

11. Schoenen reported for Aber Day Committee that she is really depending on CB members to get in touch with their various groups for Aber Day. Please let her know right away if you are unable to contact your group.

12. Young reported that all Auxiliary Services Oversight Committee meetings will be held Monday nights at 6 p.m. Ron Brunell gave his recommendations of dorm closures and Ray Chapman discussed the fees for the UC.

13. Hill reported that currently the University Planning Council is going over each individual issue in the Contingency Plan. This will take the next few meetings to go over.

14. Norman reported that the Garden Committee will be having a workshop Saturday, May 3 beginning at 9 a.m. at the gardens.

OLD BUSINESS

15. Dorsett - McLeod -- Motion to approve the Resolution in Support of "Hands Across Missoula". Upon vote, motion passed (See Appendix A).

NEW BUSINESS

16. Tuss introduced the University Area Parking District Resolution and asked that CB vote on it immediately.

Small - Henderson -- Motion to accept the University Area Parking District Resolution. Discussion followed.

Previous question. Previous question passed. Upon vote, motion passed (See Appendix B).

17. McLeod - Sherry -- Motion to suspend the rules so that a motion concerning the Bylaws could be discussed and voted on.

Sherry - Exe-O'Neil -- Motion to include "not" under Division V, Article II, Section 1, Number 4 to read:

faculty advisor who will not have voting rights, appointed by the ASUM President with majority approval of Central Board; and

Previous question. Previous question passed. Upon vote, motion passed.
COMMENTS

18. Exe-O'Neil -- ASUM and the Women's Resource Center are hosting Cris Williams in concert on May 2 at 8:00 p.m. at the University Theatre. Ticket are $7.

19. Norman -- I encourage the administration to get the agenda out by Wednesday morning in order to let people know what we will be discussing.

   In regards to the $5 fee on the UC remodeling, I would like to remind everybody that we have already paid for this building once. I would like to see if this plan to remodel is in the student's best interest. Perhaps the lounge can be reopened at night for studying and the Gold Oak Room opened in the morning.

20. Perry -- I have been getting enormous amounts of mail from students concerning the Contingency Plan. People are very worried about this and I think it is a very important issue.

21. Connor -- When Dr. Habbe submits his Contingency Plan we need to be ready to really jump on it.

   Paul should be commended for his efforts concerning the Parking Proposal. Thanks to the people who attended the meetings. I wish I could have attended.

22. McLeod -- I would encourage any of you who are interested to get on the Student Health Committee.

   There are three very important issues that are coming up immediately (i.e. Contingency Plan, Presidential question and answer sessions, and the Legislative Session). I hope you get some opinions and voices from the students. All of these need to be looked at very carefully. I am very glad that Dr. Habbe and Dr. Easton were able to be here tonight.

23. Tuss -- Concerning the Assessment Fee, it is essential that we pursue this. Simply stated I don't know if we are going to have the time to do it. At this point I am not ready to present anything on the Assessment Fee. Bill Mercer is working on this as well. I will be making calls to the Commissioner's office concerning the Board of Regent's decision making process as well as a number of other things. If we don't tackle this in May we must do it in June.

   I appreciate the kind remarks on the parking issue but it wasn't only me, it was the students. It really goes to show you what the student body can do if we put our minds to it. This issue is something that we always have to remain on top of.
Congratulations to the new Programming Coordinators; Terry Cyr, P.J. Topel, and Tracie Morin as well as to Bill Squire on his appointment as Student Complaint Officer.

Would like to thank Dr. Habbe and Dr. Easton for addressing the Board tonight. When Habbe presents a plan to the Board of Regents in May it will be the Habbe Plan not the Bucklew Plan. I would appreciate any of your comments so that I can extend them to Dr. Habbe. I will be writing any other proposal from ASUM concerning the that plan.

We need student representation at the question and answer period for presidential candidate Robert Berdahl on Friday. Please go to this with your questions prepared.

I wish the Kyi-yo Indian Club great success in their pow-wow coming up this weekend.

Terry, thank you for all the things you've done on Aber Day. I hope Aber Day is a great success.

Please take a good look at the legal opinions that Bruce Barrett of Legal Services has submitted to us. Remember that any claims can be brought before the Board of Regents. This is some things we need to watch closely since we will be going before the Regents with other matters also.

ADJOURNMENT

24. Henderson – Connor — Motion to adjourn at 10:55 p.m. Upon vote, motion passed.

Submitted by:

Krista K. Denney
Central Board Recording Secretary
RESOLUTION IN SUPPORT OF
"HANDS ACROSS MISSOULA"

WHEREAS. 35 million people in the United States live below the poverty line, more than one in five of whom are children; and

WHEREAS. more than 11,000 Missoula County residents live in poverty, one out of every eight of whom are senior citizens; and

WHEREAS. last year (1985) the Poverello Center served 31,397 meals and gave groceries to 931 households; and

WHEREAS. the Missoula Food Bank served three-day emergency food boxes to over 7,000 people, approximately half of whom are children; and

WHEREAS. on May 25, 1986, 10 million people will be joining hands from New York City to Los Angeles for the national event, "Hands Across America" in order to demonstrate their commitment to ending hunger in America; and

WHEREAS. a companion event, "Hands Across Missoula," has been organized for May 23, 1986 in order to express solidarity with the national effort and to draw attention to local hunger and poverty;

BE IT THEREFORE RESOLVED that the ASUM Central Board hereby endorses and pledges its commitment to the "Hands Across Missoula" event and encourages and challenges all ASUM members and organizations to participate. ASUM, as representatives of the student body, also encourages faculty to dismiss their classes from 12:00 - 12:30 on Friday, May 23 so that more students can participate.

Paul Tuss, ASUM President
Approved by CB April 30, 1986
UNIVERSITY AREA PARKING DISTRICT RESOLUTION

WHEREAS the University Homeowners Association is proposing to restrict non-resident parking in the area immediately adjacent to the University;

WHEREAS the University of Montana student population is one of the few assets which are guaranteed to benefit the Missoula economy year after year;

WHEREAS this proposed parking district would only "pass the buck" in terms of dealing with the parking problem on to the University campus and into other residential areas; and

WHEREAS many of the residents of this area are located here because of the many benefits afforded by their proximity to the University campus.

THEREFORE, BE IT RESOLVED that the Associated Students of the University of Montana are opposed to the implementation or further development of the proposal University area parking district.

Paul Tuss, ASUM President
Approved by Central Board
April 30, 1986

Paul Tuss
President

Mary McLeod
Vice President

Dan Henderson
Business Manager
To: CB  
From: Bruce Barrett  
Re: Division III - Academic Budgets  

When asked for my legal opinion regarding the budget reorganization I was provided with a copy of the ASUM bylaws in looseleaf form. They run approximately 35 pages and are not the same bylaws which appear in the student handbook. I am not acquainted with the circumstances under which these new bylaws were enacted. I do know the old bylaws called for participation by the new CB at the beginning of a year while the new ones provide for budgeting at the end of a CB's term.  

To clarify some other issues you brought up, you must keep in mind that what I gave CB was a legal opinion based upon the bylaws. A legal opinion is certainly not binding, and CB could certainly make the political decision to act as they choose. Also, there are a number of policy considerations which CB must consider which do not really belong in a legal opinion. (eg is rebudgeting good or bad precedent for future years, etc.).  

I hope this answers your questions.

Bruce Barrett
To: ASUM/CB/ASUM Executives  
From: Bruce Barrett/Director ASUM Legal Services  
Re: Rebudgeting/Reorganization Controversy

You have asked my opinion as to the recent rebudgeting/reorganization controversy. My opinion is as follows:

1. Formal rebudgeting, full or partial, is improper, without authority, and could subject ASUM to liability.
2. Voluntary remission of funds to ASUM by funded groups is proper.
3. All ASUM groups should be allowed equal opportunity to apply for the allocation of the remitted funds.
4. ASUM should not interfere with committed expenditures already made by funded groups.

Details regarding each of the above opinions are as follows:

1. Whenever a governmental body takes an action, it must be based upon authority to do so found in its creating documents or its procedural rules. The budgeting of an upcoming year's activity fee is provided for in DIVISION III - ASUM PROCEDURES, Article I. A specific timetable must be followed starting with budget requests called for by the president, and submitted by February 7. There is no authority to deviate from this step-by-step procedure. Certainly CB could change that procedure for upcoming years, but these changes could not be made retroactive. This is the principle behind our "ex post facto" rules and the same concept found in "grandfather" clauses.

Should CB fully or partially rebudget there is potentially a complaint on the part of either previous CB members or members of last year's student body. CB members could complain their authorized acts were being "undone" by a new CB with no authority. Student body members could complain they were being "disenfranchised" because they voted in a CB to perform certain acts, and those acts are now being undone. Any claims would probably not be in the courts, but could be brought to the Regents. The present CB could face the prospect of having their rebudgeting efforts undone after they are accomplished.

2. Nothing would prohibit presently funded ASUM groups from voluntarily remitting money back to ASUM. It is unclear if the COOPERATIVE REORGANIZATION RESOLUTION calls for
voluntary remission of money or not. Paragraph sub-3 clearly makes participation in the process mandatory for groups. The final paragraph states that "this reorganization, restructuring, consolidation or elimination shall be entirely in the hands of the ASUM organization." Does this mean the four committees can force the groups to give up money after reviewing their budget, or does it mean after the review (under the committees' oversight) the groups voluntarily decide the amount to remit to CB? The former would probably be an improper form of partial rebudgeting, the latter would be permissible.

3. Once CB obtains the return of funds from ASUM groups, all recognized groups and organizations should be allowed an equal opportunity to apply for those funds. There would be a problem with CB limiting applications for funding to certain groups it picks out. Many groups felt underfunded last year, and CB has a duty to treat all of their groups equally. To limit applicants to only those groups who received no funding last year, or to a limited list of groups would be improper. Once all groups have had an opportunity to apply for the funds, CB is free to fund the groups it chooses.

4. When the final budget was certified by the last CB, the funded groups were in essence told the money was committed to them. Groups may have begun committing those funds already. For example, employees may have been hired or retained, travel expenses committed, etc. Also, contracts may have been negotiated or finalized. It appears it was proper for funded groups to begin committing these funds. It would be improper for the new CB to infringe upon funds committed or contracted for. However, this type of situation should be rare. If CB did interfere with these commitments or contracts, they could face liability from both the ASUM group and the party contracted with.

Summary: A plan under which groups voluntarily remit funded money to ASUM would be proper. Forcing them to do so would amount to an improper rebudgeting attempt and subject CB to liability, probably in the form of a complaint to the regents. Once funds are obtained by ASUM all groups should be given an opportunity to apply for them, then CB may fund whom it chooses. CB should avoid interfering with completed commitments or contracts.