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October 12, 2023

Ms. Amy Parker
Open Information Collective
amyipdev@csu.fullerton.edu

Re: Your September 15, 2023 Letter

Dear Ms. Parker:

We are in receipt of your demand to “*Cure and Correct Violations of the Ralph M. Brown Act (Section 54953) in the September 10-13, 2023 California State University Board of Trustees Meeting.*”

Neither the law or the facts support your claims, or the narrative set forth in your letter. Moreover, the Brown Act does not apply to the Board of Trustees of the California State University which is instead governed by the Bagley Keene Open Meeting Act (the Act).

The Act's purpose is to require state government bodies to act openly, not in secret, and to ensure that the public has an opportunity to observe and participate in the decision-making process. The Act requires a state body's meetings to be open and that the public be permitted to attend meetings, except where certain limited exceptions apply.

The trustees' September 2023 public meeting days were fully open to the public in person, via live stream, and by Zoom for those who sought to provide public comment remotely. Members of the news media and their camera crews were freely permitted inside the auditorium at all times. Everyone who wanted to speak was given the opportunity to speak, both in person and those who attended remotely by Zoom. In fact, people outside the auditorium were invited to provide public comment several times when the public comment period was coming to an end.

The trustees went above and beyond to accommodate everyone who sought to attend in person and/or participate in person in public comment, with appropriate and reasonable restrictions in place, as allowed by the law. The law does not require the trustees to keep the doors propped open, or to fill the auditorium beyond capacity, or compromise reasonable safety and security measures.

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October 12, 2023

Page 2 of 2

Due to the substantial number of people wishing to enter the auditorium on September 12th, as well as the noise level of the large crowd of demonstrators and protestors outside the auditorium, CSU established reasonable protocols to allow entry into the auditorium once it had reached capacity and was standing room only. At that point, some people were required to wait in the lobby until space became available. Persons who requested to speak were given priority to enter the auditorium once their name was called if they were not already inside the auditorium. Others were permitted to enter when public seating became available, and all persons waiting in the lobby were ultimately given the opportunity to enter the auditorium. Additionally, people waiting outside the auditorium (whether in the lobby or outside in front of the building) were provided web links to view the livestream of the entire meeting from their personal devices.

The public seating area of the auditorium was filled to capacity on September 12th which included allowing people to stand in open spaces in the auditorium. Very few members of the public attended the meeting on September 13th, when there was plenty of public seating available. Any open seats observed in the area designated for CSU staff are not open to the public and were full during most of the meeting on September 12th. The row of seats immediately behind where campus presidents are seated is kept open and clear for health and safety reasons. Given the profanity, vitriol, and intimidation directed at the presidents and trustees during the meeting on September 12th, not to mention the increase in COVID cases around the time of the meeting, CSU exercised reasonable discretion to provide a buffer, as allowed by the law.

To ensure full and robust public participation and public comment, the trustees increased the amount of time allotted for public comment to accommodate the much-larger-than-normal number of speakers. The trustees further increased the public comment time during the meeting to accommodate additional speakers who had not requested to speak in advance of the meeting to ensure that their voices were heard as well. Members of the public were also permitted to submit written comments, and to make their oral comments virtually. As a result of these measures, no person was denied the right to speak who requested to do so, regardless of whether they made a request in advance or during the meeting itself, including those who shouted and reacted loudly when others were addressing the trustees at the public comment microphones.

In conclusion, the CSU is in substantial compliance with the Act's open meeting provisions and will not take any further action in response to your demands.

Sincerely,



G. Andrew Jones
Executive Vice Chancellor, General Counsel and
Secretary of the Board of Trustees of the California
State University

cc: Trustee Secretariat