Memorandum to Presidents

Date: July 1, 1986

From: Office of University Counsel and Vice Chancellor for Legal Affairs

Subject: State University Councils -- Impact of Operating Flexibility Legislation

To: Presidents, State-operated Campuses

The State University of New York operating flexibility legislation (Laws of 1985, Chapters 552-555), which became effective on April 1, 1986, contains several provisions of particular importance to the functioning of campus Councils. These include:

-- the term of office for members of the Councils has been reduced from nine to seven years for any member appointed after April 1, 1986.* This change is similar to amendments affecting the terms of office for members of the State University Trustees;

-- a new requirement has been added which mandates that a Council meet at least four times annually;

-- notice of every Council meeting must be provided to each member at least seven (instead of ten) days prior to the meeting unless such notice is waived by a majority of the Council;

-- resolutions for consideration by a Council must be mailed to the usual address of each Council member at least seven days prior to a meeting, unless the Council Chair makes available in

* The Governor's Appointments Office has indicated that the seven-year terms commence with the date of appointment. Since this is inconsistent with the previous statutory practice of staggered terms which end on June 30, we are discussing corrective legislation to restore the previous practice.
writing on the day of the meeting facts which necessitate an immediate vote;

-- agenda for Council meetings are to be considered public records and must be available at least three days prior to each meeting.

In addition to these new statutory provisions, a reminder of two other important recent statutory measures which affect Councils may be helpful.

First, Councils and committees and subcommittees of a Council are "public bodies" within the meaning of the Open Meetings Law. Accordingly, meetings of these bodies must be preceded by appropriate public notice and be open for public attendance. Executive sessions may only be convened in accordance with statutory requirements (Public Officers Law, §105). (See earlier Memoranda to Presidents, Vol. 79, No. 9, August 29, 1979; Vol. 78, No. 13, December 29, 1978; and Vol. 76, No. 25, November 12, 1976.)

Finally, legislation enacted into law in 1984 (Chapter 296, Laws of 1984) eliminated the mandatory retirement age for most public officers and employees. As a result, Council members, like members of the State University Trustees, may serve to the completion of their terms regardless of age, and may be candidates for reappointment.

If you have any questions, or would like further information on any of the foregoing matters, please contact our office.

Sanford H. Levine

cc: Chairs, Councils

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