Subject: A&S Proviso

Date: December 6th, 2014

Senate President Andy Rodriguez requested a legal opinion on December 5th, 2014. Senate President Rodriguez asked According to Title 8, especially proviso (chapter 804), are A&S funded departments allowed to expend more than $7 for a polo shirt? Are A&S funded departments limited by the limitations set in 804.2?

Statute 801.2 states the following: A&S Fees should be spent in accordance with a particular entity's budget allocation as approved by the Student Government Senate.

Furthermore,

Statute 804.2 states the following: Rules and Regulations for all A&S funded programs, services and activities:

Furthermore,

Statute 804.2.3 states the following: Any request to deviate from Proviso must include a detailed justification. The request to deviate from Proviso must be done after all budgetary means have been exhausted. The request must be sent to the Senate President at least two (2) business days before a Senate meeting. The request to deviate from Proviso may be placed on the Senate floor. The request shall be subject to discussion and must be passed with a supermajority vote.

Furthermore,

Statute 804.2.3.1 states the following: In the event ASRC deviates from Proviso, the Chair must provide a justification for deviations from Proviso. All deviations must be passed by a supermajority vote of the Senate.

Furthermore,

Statute 804.2.19 states the following: Activity and Service Fee Monies may be funded and expended to a maximum amount or maximum occurrence as outlined below:

804.2.17.1 Costume Rental/Purchase: $500.00
804.2.17.2 Trophies/Plaques: $150.00
804.2.17.3 Shirts: $7.00 per shirt
804.2.17.4 Food: $7.00 per student in attendance per event
804.2.17.5 An event to recruit or welcome students: once per academic term
804.2.17.6 End of semester banquet: once per academic term
804.2.17.7 Banners: $200.00
804.2.17.8 Oracle ads: $200.00
804.2.17.9 Shipping: no more than standard shipping costs. Any shipping cost above standard must be approved by the Chairperson of the Senate Committee on
Appropriations and Audits, and the Chief Financial Officer.

Therefore, it is the opinion of the Attorney General that ASRC can allocate more money for any item, programs, services and activities than proviso states, but it must receive a 2/3 approval from the Senate for each exception to proviso during the annual budget process. The example of polo shirts in the question would be yes, A&S Departments could spend more than $7 a polo, as long as that is what was allocated to them and the deviation from proviso was approved. However, if only $7 a shirt was allocated to them, then they could not because the deviation from proviso has not been approved.

In addition, it is the opinion of the Attorney General that any A&S entity, including but not limited to A&S Departments, are required to abide by the most current version of Title 8 at all times. Failure to comply may result in punitive action.

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Attorney General

CC:
Special Funding Chairmen Corey Ulloa
Student Body President Jean Cocco
Student Body Vice President Rhondel Whyte
Senate President Andy Rodriguez
Senate President Pro-Tempore Abdoole Aziz
Chief Justice Sammy Hamed
Senior Justice Daniel Shapiro
SGATO Director Gary Manka