

SixTen and Associates

Mandate Reimbursement Services

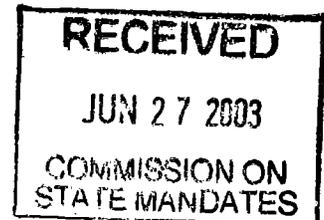
KEITH B. PETERSEN, MPA, JD, President
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Telephone: (858) 514-8605
Fax: (858) 514-8645
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June 25, 2003

CERTIFIED MAIL: 7000 1670 0000 0485 5322

Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814



Re: TEST CLAIM OF Santa Monica Community College District
Statutes of 1995/Chapter 758
Community College Construction

Dear Ms. Higashi:

Enclosed are the original and seven copies of the Santa Monica Community College District test claim for the above referenced mandate.

I have been appointed by the District as its representative for the test claim. The District requests that all correspondence originating from your office and documents subject to service by other parties be directed to me, with copies to:

Thomas J. Donner
Executive Vice President, Business and Administration
Santa Monica Community College District
1900 Pico Boulevard
Santa Monica, California 90405-1628

The Commission regulations provide for an informal conference of the interested parties

Paula Higashi, Executive Director,
Commission on State Mandates

June 25, 2003

within thirty days. If this meeting is deemed necessary, I request that it be conducted in conjunction with a regularly scheduled Commission hearing.

Sincerely,

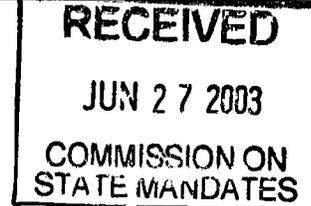


Keith B. Petersen

C: Thomas J. Donner,
Executive Vice President, Business and Administration
Santa Monica Community College District

State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562
CSM 2 (1/91)

For Official Use Only



TEST CLAIM FORM

Claim No. 02-TC-47

Local Agency or School District Submitting Claim

SANTA MONICA COMMUNITY COLLEGE DISTRICT

Contact Person

Telephone Number

Keith B. Petersen, President
SixTen and Associates
5252 Balboa Avenue, Suite 807
San Diego, California 92117

Voice: 858-514-8605
Fax: 858-514-8645

Claimants Addresses

Thomas J. Donner, Executive Vice President of Business and Administration
Santa Monica Community College District
1900 Pico Boulevard
Santa Monica, California 90405-1628

Representative Organization to be Notified

Dr. Carol Berg, Consultant, Education Mandated Cost Network
c/o School Services of California
1121 L Street, Suite 1060
Sacramento, CA 95814

Voice: 916-446-7517
Fax: 916-446-2011

This claim alleges the existence of a reimbursable state mandated program within the meaning of section 17514 of the Government Code and section 6, article XIII B of the California Constitution. This test claim is filed pursuant to section 17551(a) of the Government Code.

Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code citation(s) within the chaptered bill, if applicable.

758/95 Community College Construction

See: Attached

IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING TEST CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative

Telephone No.

Thomas J. Donner
Executive Vice President of Business and Administration

(310) 434-4201
FAX (310) 434-8200

Signature of Authorized Representative

Date

X

June 23 2003
6-23-03

Attached Exhibit to Form CSM 2 (1/91)
Test Claim of Santa Monica Community College District
758/95 Community College Construction

Chaptered Bills:

Chapter 758, Statutes of 1995
Chapter 1038, Statutes of 1991
Chapter 1372, Statutes of 1990
Chapter 891, Statutes of 1981
Chapter 470, Statutes of 1981
Chapter 910, Statutes of 1980

Education Codes:

Education Code Section 81663
Education Code Section 81800
Education Code Section 81805
Education Code Section 81807
Education Code Section 81808
Education Code Section 81820
Education Code Section 81821
Education Code Section 81822
Education Code Section 81823
Education Code Section 81836
Education Code Section 81837
Education Code Section 81839

California Code of Regulations:

Title 5, Section 57001
Title 5, Section 57001.5
Title 5, Section 57001.7
Title 5, Section 57002
Title 5, Section 57010
Title 5, Section 57011
Title 5, Section 57013
Title 5, Section 57014
Title 5, Section 57015
Title 5, Section 57016
Title 5, Section 57033.1
Title 5, Section 57050
Title 5, Section 57051
Title 5, Section 57052
Title 5, Section 57053
Title 5, Section 57054
Title 5, Section 57055
Title 5, Section 57060
Title 5, Section 57061
Title 5, Section 57062
Title 5, Section 57063
Title 5, Section 57150
Title 5, Section 57152
Title 5, Section 57154
Title 5, Section 57156
Title 5, Section 57158

1 Claim Prepared By:
2 Keith B. Petersen
3 SixTen and Associates
4 5252 Balboa Avenue, Suite 807
5 San Diego, CA 92117
6 Voice: (858) 514-8605
7

8 BEFORE THE
9
10 COMMISSION ON STATE MANDATES
11
12 STATE OF CALIFORNIA
13

14 Test Claim of:)
15)
16 Santa Monica Community College)
17 District)

18)
19 Test Claimant.)
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No. CSM _____

Chapter 758, Statutes of 1995
Chapter 1038, Statutes of 1991
Chapter 1372, Statutes of 1990
Chapter 891, Statutes of 1981
Chapter 470, Statutes of 1981
Chapter 910, Statutes of 1980

Education Code Sections:

81663	81800	81805
81807	81808	81820
81821	81822	81823
81836	81837	81839

Title 5, California Code of Regulations,
Sections:

57001	57001.5	57001.7
57002	57010	57011
57013	57014	57015
57016	57033.1	57050
57051	57052	57053
57054	57055	57060
57061	57062	57063
57150	57152	57154
57156	57158	

COMMUNITY COLLEGE
CONSTRUCTION

TEST CLAIM FILING

Test Claim of Santa Monica Community College District
758/95 Community College Construction

1 1980. Subdivision (b) provides the legislative intent to assist districts in the construction
2 of community college facilities.

3 Chapter 910, Statutes of 1980, Section 2, added Education Code Section
4 81805³. The Chancellor must administer the Community College Construction Act of
5 1980 and the Board of Governors shall, as may be necessary, adopt all necessary rules
6 and regulations. The Chancellor must assemble statewide data on facility and
7 construction costs, and formulate cost and construction standards.

8 Chapter 910, Statutes of 1980, Section 2, added Education Code Section
9 81807⁴ to require the allocation and disbursement of all funds appropriated for a

community college districts.

In enacting this chapter, the Legislature considers that there is a need to provide adequate community college facilities that will be required to accommodate community college students resulting from growth in population and from legislative policies expressed through implementation of the Master Plan for Higher Education.”

³ Education Code Section 81805, as added by Chapter 910, Statutes of 1980, Section 2:

“This chapter shall be administered by the chancellor, and for purposes of such administration the board of governors may adopt all necessary rules and regulations.

For purposes of this chapter, the chancellor shall assemble statewide data on facility and construction costs, and on the basis thereof formulate cost standards and construction standards. The formulation of standards shall include also the formulation of average ratios of equipment cost to total project costs, unit equipment costs per faculty or other staff measure, and unit costs related to floor areas.”

⁴ Education Code Section 81807, as added by Chapter 910, Statutes of 1980, Section 2:

“Funds appropriated for a project of a community college district for purposes of this chapter shall be allocated and disbursed upon order of the chancellor, and by warrants of the State Controller issued pursuant thereto.”

1 district's project under the Community College Construction Act of 1980 upon order of
2 the Chancellor.

3 Chapter 910, Statutes of 1980, Section 2, added Education Code Section
4 81808⁵ to require the transfer of any unused project funds appropriated, or authorized
5 for appropriation, to a district under the Community College Construction Act of 1980,
6 when the existing district is included in a newly formed district.

7 Chapter 910, Statutes of 1980, Section 2, added Education Code Section
8 81820⁶ to require the governing board to prepare and submit a plan for capital
9 construction to the Chancellor. The plan must reflect the five-year period commencing

⁵ Education Code Section 81808, as added by Chapter 910, Statutes of 1980,
Section 2:

"In the event an existing community college district is included in a newly formed community college district, any unused funds appropriated or authorized to be appropriated for a finally approved project of the included district pursuant to this chapter shall be transferred to the newly formed or including community college district on the date that such district is effective for all purposes, or prior to such effective date where the governing boards of the districts agree to such earlier transfer."

⁶ Education Code Section 81820, as added by Chapter 910, Statutes of 1980,
Section 2:

"On or before February 1, 1981, the governing board of each community college district shall prepare and submit to the chancellor a plan for capital construction for community college purposes of the district. The plan shall reflect capital construction for community college purposes of the district for the five-year period commencing with the next proposed year of funding. The five-year plan shall be subject to continuing review by the governing board and annually shall be extended one year, and there shall be submitted to the chancellor, on or before the first day of February in each succeeding year, a report outlining the required modifications or changes, if any, in the five-year plan."

1 with the next proposed year of funding. The plan is subject to annual review by the
2 Chancellor, and a report outlining required modifications or changes must be submitted
3 to the Chancellor on or before the first day of February.

4 Chapter 910, Statutes of 1980, Section 2, added Education Code Section
5 81821⁷. The five-year plan for capital construction must set out the estimated capital
6 construction needs of the district referencing at least the following: (a) the district's
7 plans concerning its future academic and student services programs, and the effect on
8 estimated construction needs arising from particular courses of instruction, subject

⁷ Education Code Section 81821, as added by Chapter 910, Statutes of 1980,
Section 2:

“The five-year plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic and student services programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas or student services to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college and educational center within a district shall be made cooperatively by the Department of Finance and the community college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors.

(d) District office, library, and supporting facility capacities as derived from the physical plant standards for office, library, and supporting facilities adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(e) An annual inventory of all facilities and land of the district using standard definitions, forms, and instructions adopted by the board of governors.

(f) An estimate of district funds which shall be made available for capital outlay matching purposes pursuant to Section 81838.”

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758/95 Community College Construction

1 matter areas, or student services to be emphasized; (b) the district's enrollment
2 projections; (c) the district's current enrollment capacity; (d) the district's office, library,
3 and supporting facility capacities; (e) the district's annual inventory of all facilities and
4 land; and (f) the district's estimate of funds available for capital outlay matching
5 purposes.

6 Chapter 910, Statutes of 1980, Section 2, added Education Code Section
7 81822⁸ to require the Chancellor to review and evaluate the district's plan for capital
8 construction. The Chancellor shall then make such revisions and changes, and
9 approve or disapprove the plan. The Chancellor must also review and evaluate
10 continuing five-year plans and notify the districts of approval or disapproval.

11 Chapter 910, Statutes of 1980, Section 2, added Education Code Section
12 81823⁹. Subdivision (a) provides that a district maintaining colleges, or one college and

⁸ Education Code Section 81822, as added by Chapter 910, Statutes of 1980, Section 2:

"The chancellor shall review and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the elements of the capital construction program specified in Section 81821, and shall, on the basis of such review and evaluation, make such revision and changes therein as are appropriate, and approve or disapprove the plan. A similar review and evaluation of continuing five-year plans for capital construction submitted by the governing board of each community college district shall be made on or before each succeeding first day of April. The chancellor shall, promptly after such approval or disapproval, notify the governing board of each community college district of the content of the district's plan for capital construction."

⁹ Education Code Section 81823, as added by Chapter 910, Statutes of 1980, Section 2:

Test Claim of Santa Monica Community College District
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1 one or more educational centers, shall, as may be necessary, submit its plan for capital
2 construction on the basis of each college or educational center maintained by it if either
3 of the following circumstances is present such that students will be better served by
4 evaluating the capital outlay program on that basis: (1) the isolation of students within
5 the district in terms of distance or inadequacy of transportation, and student financial
6 inability to meet the costs of transportation to an educational program; or (2) the
7 inability of existing colleges and educational centers to meet the unique educational
8 and cultural needs of a significant number of ethnic students. Subdivision (b) requires a
9 district submitting such a plan to include justification and documentation for doing so.
10 Subdivision (c) requires the review and evaluation of the plan, as submitted, to include
11 a review and evaluation of the justification and documentation for so doing.

12 Chapter 910, Statutes of 1980, Section 2, added Education Code Section

“(a) If a community college district maintains colleges, or one college and one or more educational centers, it may additionally submit the plan required by Section 81820 on the basis of each college or educational center maintained by the district, if either of the following circumstances is present such that students will be better served by evaluating the capital outlay program for the district on that basis: (1) the isolation of students within a district in terms of the distance of students from the location of an educational program, or inadequacy of transportation, and student financial inability to meet costs of transportation to an educational program; or (2) the inability of existing colleges and educational centers in the district to meet the unique educational and cultural needs of a significant number of ethnic students.

(b) If a district elects to submit such a plan, it shall include therewith justification and documentation for so doing.

(c) When a district so elects, the evaluation of the plan pursuant to Section 81822 shall include an evaluation of both of the following:

(1) The justification and documentation for so doing, including enrollment projections for individual campuses and centers.

(2) The plan as thus submitted.”

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1 81836¹⁰. Subdivision (a) requires the Chancellor to advise the governing board on the
2 acquisition of new college sites and charge the board a reasonable fee as determined
3 by the Chancellor's office for each school site reviewed.

4 Chapter 910, Statutes of 1980, Section 2, added Education Code Section
5 81837¹¹ to require the governing board before letting any contract or contracts totaling

¹⁰ Education Code Section 81836, as added by Chapter 910, Statutes of 1980,
Section 2:

"The chancellor shall:

(a) Advise the governing board of each community college district on the acquisition of new college sites, and after a review of available plots, give the governing board of the district in writing a list of the approved locations in the order of their merit, considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction, and charge the governing board of the community college district a reasonable fee as determined by the chancellor's office for each 10 acres or fraction thereof of school site reviewed.

(b) Establish standards for community college facilities.

(c) Review plans and specifications for all construction in those community college districts that have submitted plans and specifications therefor to the chancellor for approval.

(d) For services rendered for the review of plans and specifications of a proposed project pursuant to Section 81831, the chancellor's office shall charge a reasonable fee as established by the board of governors.

(e) Approve plans and specifications submitted by governing boards of community college districts, and return without approval and with recommendation for changes, any plans not conforming to established standards."

¹¹ Education Code Section 81837, as added by Chapter 910, Statutes of 1980,
Section 2:

"The governing board of each community college district, except districts governed by a city board of education, before letting any contract or contracts totaling one hundred thousand dollars (\$100,000), or more, in the erection of any new community college facility, or for any addition to, or alteration of, an existing community college facility, shall submit plans therefor to the chancellor's office, and obtain the

Test Claim of Santa Monica Community College District
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1 one hundred thousand dollars (\$100,000), or more, for any new college facility, or for
2 any addition to, or alteration of, an existing facility must submit plans therefore to the
3 Chancellor's office, and obtain written approval. No contract is valid, nor will any public
4 money be paid out, for any facility in contravention of this Section.

5 Chapter 910, Statutes of 1980, Section 2, added Education Code Section
6 81839¹² to provide that a district's governing board shall, as may be necessary, include
7 a proposed site in its plans for a project and enter into an agreement with the owner of
8 property constituting such proposed site whereby the district, for an annual
9 consideration to be borne by the district, is given an option to purchase, or lease with an
10 option to purchase such property at an unspecified future date, as a building site. The
11 existence of such an agreement will not affect the determination of the share of the cost

written approval of the plans by that office. No contract for construction made by any governing board of a community college district contrary to this section is valid, nor shall any public money be paid for erecting, adding to, or altering any facility in contravention of this section."

¹² Education Code Section 81839, as added by Chapter 910, Statutes of 1980, section 2:

"The governing board of a community college district may include a proposed site in its plans for a project and may enter into an agreement with the owner of property constituting such proposed site whereby the district, for an annual consideration to be borne by the district, is given an option to purchase, or lease with an option to purchase such property at an unspecified future date, as a building site.

The existence of such an agreement shall in no way affect the determination of the share of the cost of the project to be borne by the state under this chapter, and the consideration paid by the district for such option or lease shall not be considered part of the cost of the project in determining the state's share of the funding thereof.

Such option or lease agreement shall constitute an obligation of the district and shall not be construed as in any way creating an obligation on the part of the state."

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1 of the project to be borne by the state under this Chapter, and the consideration paid by
2 the district for such option or lease shall not be considered part of the cost of the project
3 in determining the state's share of the funding thereof. Such option or lease agreement
4 constitutes an obligation of the district and does not create a state obligation.

5 Chapter 470, Statutes of 1981, Section 256, amended Education Code Section
6 81821¹³, subdivision (c), to require the Board of Governors to work in consultation with
7 the California Postsecondary Education Commission to determine the current

¹³ Education Code Section 81821, as added by Chapter 910, Statutes of 1980, Section 2, as amended by Chapter 470, Statutes of 1981, Section 256:

“The five-year plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic and student services programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas or student services to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college and educational center within a district shall be made cooperatively by the Department of Finance and the community college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(d) District office, library, and supporting facility capacities as derived from the physical plant standards for office, library, and supporting facilities adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(e) An annual inventory of all facilities and land of the district using standard definitions, forms, and instructions adopted by the board of governors.

(f) An estimate of district funds which shall be made available for capital outlay matching purposes pursuant to Section 81838.”

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1 enrollment capacity of the district.

2 Chapter 891, Statutes of 1981, Section 2, amended Education Code Section
3 81821 without change.

4 Chapter 891, Statutes of 1981, Section 3, amended Education Code Section
5 81822¹⁴ to make technical changes.

6 Chapter 891, Statutes of 1981, Section 6, amended Education Code Section
7 81837¹⁵ to increase the dollar amounts.

¹⁴ Education Code Section 81822, added by Chapter 910, Statutes of 1980, Section 2, as amended by Chapter 891, Statutes of 1981, Section 3:

“The chancellor shall review and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the elements of the capital construction program specified in Section 81821, and shall, on the basis of such review and evaluation, make such revision and changes therein as are appropriate, and ~~approve or disapprove the plan~~ notify the district. A similar review and evaluation of continuing five-year plans for capital construction submitted by the governing board of each community college district shall be made on or before each succeeding first day of April. The chancellor shall, promptly after ~~such approval or disapproval~~ review, notify the governing board of each community college district of the content of the district's revised plan for capital construction.”

¹⁵ Education Code Section 81837, added by Chapter 910, Statutes of 1980, Section 2, as amended by Chapter 891, Statutes of 1981, Section 6:

“The governing board of each community college district, except districts governed by a city board of education, before letting any contract or contracts totaling one hundred fifty thousand dollars ~~(\$100,000)~~ (\$150,000), or more, in the erection of any new community college facility, or for any addition to, or alteration of, an existing community college facility, shall submit plans therefor to the chancellor's office, and obtain the written approval of the plans by that office. No contract for construction made by any governing board of a community college district contrary to this section is valid, nor shall any public money be paid for erecting, adding to, or altering any facility in contravention of this section.”

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1 Chapter 1372, Statutes of 1990, Section 566, amended Education Code Section
2 81805¹⁶ to transfer all duties of the Chancellor under this Section to the Board of
3 Governors while requiring the Board to adopt all necessary rules and regulations.

4 Chapter 1372, Statutes of 1990, Section 568, amended Education Code Section
5 81807¹⁷ to transfer all duties of the Chancellor under this Section to the Board of
6 Governors.

7 Chapter 1372, Statutes of 1990, Section 571, amended Education Code Section
8 81820¹⁸ to require the governing board to submit its five-year plan and any annual

¹⁶ Education Code Section 81805, added by Chapter 910, Statutes of 1980, Section 2, as amended by Chapter 1372, Statutes of 1990, Section 566:

"This chapter shall be administered by the ~~chancellor~~ Board of Governors of the California Community Colleges, and for purposes of such ~~the~~ administration the board of governors may ~~shall~~ adopt all necessary rules and regulations.

For purposes of this chapter, the ~~chancellor~~ board of governors shall assemble statewide data on facility and construction costs, and on the basis thereof formulate cost standards and construction standards. The formulation of standards shall include also the formulation of average ratios of equipment cost to total project costs, unit equipment costs per faculty or other staff measure, and unit costs related to floor areas."

¹⁷ Education Code Section 81807, added by Chapter 910, Statutes of 1980, Section 2, as amended by Chapter 1372, Statutes of 1990, section 568:

"Funds appropriated for a project of a community college district for purposes of this chapter shall be allocated and disbursed upon order of the ~~chancellor~~ Board of Governors of the California Community Colleges, and by warrants of the State Controller issued pursuant thereto."

¹⁸ Education Code Section 81820, added by Chapter 910, Statutes of 1980, Section 2, as amended by Chapter 1372, Statutes of 1990, Section 571:

~~"On or before February 1, 1981, t~~The governing board of each community

Test Claim of Santa Monica Community College District
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1 modifications or changes to the Board of Governors as opposed to the Chancellor.

2 Chapter 1372, Statutes of 1990, Section 573, amended Education Code Section
3 81822¹⁹ to require review and evaluation of the district's capital construction plan by the
4 Board of Governors as opposed to the Chancellor.

5 Chapter 1372, Statutes of 1990, Section 577, amended Education Code Section
6 81836²⁰ to transfer all duties of the Chancellor under this Section to the Board of

college district shall prepare and submit to the ~~chancellor~~ Board of Governors of the California Community Colleges a plan for capital construction for community college purposes of the district. The plan shall reflect capital construction for community college purposes of the district for the five-year period commencing with the next proposed year of funding. The five-year plan shall be subject to continuing review by the governing board and annually shall be extended one year, and there shall be submitted to the ~~chancellor~~ board of governors, on or before the first day of February in each succeeding year, a report outlining the required modifications or changes, if any, in the five-year plan."

¹⁹ Education Code Section 81822, added by Chapter 910, Statutes of 1980, Section 2, as amended by Chapter 1372, Statutes of 1990, Section 573:

"The ~~chancellor~~ board of governors shall review and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the elements of the capital construction program specified in Section 81821, and shall, on the basis of ~~such~~ the review and evaluation, make ~~such~~ the revision and changes therein as are appropriate, and notify the district. A similar review and evaluation of continuing five-year plans for capital construction submitted by the governing board of each community college district shall be made ~~on or before each succeeding first day of April~~. The ~~chancellor~~ board of governors shall, promptly after review, notify the governing board of each community college district of the content of the district's revised plan for capital construction."

²⁰ Education Code Section 81836, added by Chapter 910, Statutes of 1980, Section 2, as amended by Chapter 1372, Statutes of 1990, Section 577:

"The ~~chancellor~~ Board of Governors of the California Community Colleges shall:
(a) Advise the governing board of each community college district on the

Test Claim of Santa Monica Community College District
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1 Governors.

2 Chapter 1372, Statutes of 1990, Section 578, amended Education Code Section
3 81837²¹ to require the governing board to submit its plans to the Board of Governors as
4 opposed to the Chancellor's office and receive written approval from them.

5 Chapter 1038, Statutes of 1991, Section 8, added Education Code Section

acquisition of new college sites, and after a review of available plots, give the governing board of the district in writing a list of the approved locations in the order of their merit, considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction, and charge the governing board of the community college district a reasonable fee as determined by the ~~chancellor's office~~ board of governors for each 10 acres or fraction thereof of schoolsite reviewed.

(b) Establish standards for community college facilities.

(c) Review plans and specifications for all construction in those community college districts that have submitted plans and specifications therefor to the ~~chancellor~~ board of governors for approval.

(d) For services rendered for the review of plans and specifications of a proposed project ~~pursuant to Section 81831, the chancellor's office~~ board of governors shall charge a reasonable fee as established by ~~the board of governors~~ it.

(e) Approve plans and specifications submitted by governing boards of community college districts, and return without approval and with recommendation for changes, any plans not conforming to established standards."

²¹ Education Code Section 81837, added by Chapter 910, Statutes of 1980, Section 2, as amended by Chapter 1372, Statutes of 1990, Section 578:

"The governing board of each community college district, ~~except districts governed by a city board of education,~~ before letting any contract or contracts totaling one hundred fifty thousand dollars (\$150,000), or more, in the erection of any new community college facility, or for any addition to, or alteration of, an existing community college facility, shall submit plans therefor to the ~~chancellor's office~~ Board of Governors of the California Community Colleges, and obtain the written approval of the plans by ~~that office~~ the board of governors. No contract for construction made by any governing board of a community college district contrary to ~~the provisions of this section~~ is valid, nor shall any public money be paid for erecting, adding to, or altering any facility in contravention of this section."

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1 81663²², subdivision (a), to provide that a college district shall, as may be necessary,
2 borrow funds from federal or state regulated financial institutions for design and
3 construction costs associated with retrofitting buildings to become more energy
4 efficient. The amount borrowed shall not exceed the amount that can be repaid from
5 energy cost avoidance savings accumulated from the improvement of facilities.
6 Subdivision (b) provides that any savings association may make loans or advances of
7 credit in an amount not in excess of 5 percent of its total assets.

8 Chapter 758, Statutes of 1995, Section 121, amended Education Code Section
9 81821²³ to make technical changes.

²² Education Code Section 81663, added by Chapter 1038, Statutes of 1991,
Section 8:

“(a) The governing board of any community college district may borrow funds from federal or state regulated financial institutions for design and construction costs associated with retrofitting buildings to become more energy efficient. The amount borrowed shall not exceed the amount that can be repaid from energy cost avoidance savings accumulated from the improvement of facilities.

(b) Any savings association may make loans or advances of credit pursuant to subdivision (a) in an amount not in excess of 5 percent of its total assets. This investment may be in addition to any other investment savings associations are permitted to undertake.”

²³ Education Code Section 81821, added by Chapter 910, Statutes of 1980,
Section 2, as amended by Chapter 758, Statutes of 1995, Section 121:

“The five-year plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic and student services programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas or student services to be emphasized.

1 Title 5, California Code of Regulations, Section 57001 (added in 1991), defines
2 the terms and phrases: "a small community college," "leased or rented," "permanent
3 building," "temporary building," and "weekly student contact hours."

4 Section 57001.5 (added in 1991), subdivision (a), defines the term "project" as
5 the purpose for which a community college district has applied for assistance under the
6 Community College Construction Act of 1980 for one or more institutions under its
7 authority or for district wide facilities. A project shall include, as may be necessary:

8 (1) The planning, acquisition, and improvement of community college sites;

9 (2) The planning, construction, reconstruction, or remodeling of any

10 permanent structure necessary for use as a classroom, a laboratory, a

11 library, a performing arts facility, a gymnasium, the basic outdoor physical

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college and educational center within a district shall be made cooperatively by the Department of Finance and the community college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(d) District office, library, and supporting facility capacities as derived from the physical plant standards for office, library, and supporting facilities adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(e) An annual inventory of all facilities and land of the district using standard definitions, forms, and instructions adopted by the board of governors.

(f) An estimate of district funds which shall be made available for capital outlay matching purposes pursuant to ~~Section 81838~~ regulations adopted by the board of governors."

1 education facilities, the basic food service facilities, or child development
2 centers;

3 (3) Related facilities necessary for the instruction of students or for
4 administration of the educational program;

5 (4) Maintenance or utility facilities essential to the operation of the foregoing
6 facilities and the initial acquisition of equipment; and

7 (5) The initial furnishing of, and initial acquisition of equipment for, any facility
8 leased or lease-purchased by a district as of August 1, 1987, for
9 educational purpose or purposes.

10 Subdivision (b) further provides that a project shall, as may be necessary, include the
11 reconstruction or remodeling of any facility leased or lease-purchased for educational
12 purposes. The Chancellor's Office must then require transfer to the community college
13 district of title or any other interest considered sufficient by the district, in and to facilities
14 presently leased or to be leased in the future by the district, to the extent of the funds
15 appropriated for reconstruction or remodeling of leased facilities. If sufficient title or
16 interest has not been transferred, the term of the lease must be of sufficient duration to
17 completely amortize the reconstruction or remodeling cost as determined by utilizing
18 current interest rates and normal accounting practices. However, if the lease is
19 terminated prior to amortizing the reconstruction or remodeling costs the district must
20 repay the state for any unamortized state costs. If the governing board leases property
21 from the federal government, the state, or any county, city and county, city, or district for

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1 the purpose of constructing school buildings and facilities thereon in accordance with
2 Education Code Section 81530, subdivision (b), it is eligible for state funding. The
3 terms of a lease must be of sufficient duration to completely amortize the cost of the
4 project and the governing board must provide in the lease agreement a hold harmless
5 clause satisfactory to the lessor. The amortization shall be determined by utilizing
6 current interest rates and normal accounting practices. If the lease is terminated prior
7 to amortizing the project, the district must pay the state for any unamortized state costs.
8 Subdivision (c) provides that the Board of Governors retains discretion as to the type or
9 possible number of projects that may be considered during any fiscal year. Subdivision
10 (d) prohibits the inclusion of the planning or construction of dormitories, student centers
11 other than cafeterias, stadia, the improvement of sites for student or staff parking, or
12 single-purpose auditoriums.

13 Section 57001.7 (added in 1991 and last amended in 1994), defines the term
14 "educational center."

15 Section 57002 (added in 1991), requires that prorated federal funds, for a project
16 subject to a federal grant that differs materially from the physical detail and intent for
17 which state funds are appropriated, be applicable to the project subject to the state
18 matching funds.

19 Section 57010 (added in 1991), provides that an affected governing board shall,
20 as may be necessary appeal to the Board of Governors any action of the Chancellor.
21 The appeal must be placed on the agenda of the Board in accordance with the general

1 agenda practices of the Board. The decision of the Board on such appeals is final.

2 Section 57011 (added in 1991), requires the governing board to submit to the
3 Chancellor, within 30 days after the closure of the current fiscal year, a final report on
4 all expenditures in connection with the sources of the funds expended for completed
5 projects. The district is subject to a state post-audit review of fund claims for all such
6 projects.

7 Section 57013 (added in 1991), requires the governing board to meet with
8 appropriate local government recreation and park authorities to review all possible
9 methods of coordinating planning, design, and construction of new facilities and sites or
10 major additions to existing facilities and recreation and park facilities in the community.
11 Any district planning, designing, or constructing new facilities must report to the
12 Chancellor's Office on plans to achieve:

- 13 (a) A greater use of any joint or contiguous recreation and park facilities by
14 the district; and
15 (b) Possible use by the total community of such facilities and sites and
16 recreation and park facilities.

17 Section 57014 (added in 1991), provides for the submission of a district's
18 proposed project to the Chancellor for review and approval or disapproval. The
19 proposed project must be an element of the district's plan for capital construction, and
20 be in such form and contain such detail as will permit its evaluation and approval with
21 reference to the elements of the five-year capital construction program as specified in

1 Education Code Section 81821.

2 Section 57015 (added in 1991), requires the Chancellor to review and evaluate
3 each proposed project with reference to the elements of the capital construction
4 program specified in Education Code Section 81821. The review shall include the
5 following elements:

6 (a) An architectural analysis to determine costs of the various phases of the
7 project, with particular attention to be directed to the type of construction,
8 unit costs, and the efficiency of particular buildings and facilities in terms
9 of effective utilization of area.

10 (b) Determining the amount of federal funds available for the project, and
11 taking appropriate measures to ensure that the project will qualify for the
12 maximum amounts of federal funds practicable under the circumstances.

13 (c) Determining the total cost of the project, reducing the total cost by the
14 amount of federal funds available thereof, and determining the remainder
15 thereof to be borne by the state, or, if the district has matching funds, by
16 the state and by the district. Whether the district has funds to provide all
17 or part of its matching share of the project shall be made on the basis of
18 district ability. If the district ability, as determined by Section 57033.1, is
19 sufficient to meet the matching costs of the project or its individual phases
20 of planning, working drawings, construction, equipment, or land
21 acquisition, the district must bear its matching share of the cost of the

1 project or one or more of its phases. If the district funds available are
2 insufficient to provide the district's matching share for the cost of the
3 project or one or more of its phases, computed pursuant to section
4 57033.1, the district shall provide the moneys available, as defined by the
5 Board of Governors, and state funds may be requested to provide the
6 balance of funds required. Private funds available for specific projects
7 shall be used, as may be necessary, as a credit toward the district match.

8 (d) Determining the total of funds required for the first phase of the project
9 to be provided on a matching basis by the state and the district, and the
10 total state appropriation required to be provided for the project or one or
11 more of its phases.

12 Section 57016 (added in 1991), provides that the submission of a district's
13 proposal to the Chancellor prior to February 1st of each year must be acted upon by the
14 Chancellor on or before the next succeeding May 1st of each year.

15 Section 57033.1 (added in 1991), requires the Chancellor to adopt criteria for
16 determining districts' matching shares of the cost of capital outlay projects. Pursuant to
17 that criteria, the Chancellor must recommend each district's match, which shall be
18 reviewed by the Board of Governors in forwarding its annual budget request to the
19 Department of Finance for determination by the Legislature.

20 Section 57050 (added in 1980 and last amended in 1991), requires the
21 administration and implementation of this subchapter's provisions to the Community

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1 College Construction Act.

2 Section 57051 (added in 1980 and last amended in 1991), defines the terms
3 "Energy Conservation Project," "Energy Conservation Program," "Energy Audit (EA),"
4 "Technical Audit (TA)," "Technical Auditor," "Pay-back Period," and "Energy
5 Conservation Measure."

6 Section 57052 (added in 1980 and last amended in 1991), subdivision (a),
7 requires districts requesting a state supported energy conservation project, to include a
8 summary of the local district energy conservation program as adopted by the governing
9 board in the district's annual five-year construction plan. Subdivision (b) requires a
10 district submitting an energy conservation project for state aid under the capital outlay
11 program of the Community College Construction Act of 1980 to indicate the need for
12 such assistance in the annual district five-year construction plan.

13 Section 57053 (added in 1980 and last amended in 1991), subdivision (a),
14 requires that when the need for state financial assistance for an energy conservation
15 project has been adequately established, it must be submitted as a project planning
16 guide in accordance with established format to the Chancellor's Office. Subdivision (b)
17 requires that the project planning guide contain evidence of an approved Energy Audit
18 (EA) on file with the California Energy Commission.

19 Section 57054 (added in 1980 and last amended in 1991), requires the ranking
20 of all projects submitted as energy conservation related on the basis of criteria
21 developed by the Chancellor's Office, including but not limited to:

- 1 (a) The level of energy use. Those projects identified to correct conditions of
2 higher energy use application shall receive higher priority evaluation.
- 3 (b) The pay-back period. Those projects which by their design or proposed
4 application demonstrate the shortest possible pay-back period shall
5 receive higher priority evaluation.
- 6 (c) The extent to which the district has implemented an energy conservation
7 program which meets the objectives specified in Board of Governors
8 Policy Statement on Energy and Resource Conservation.

9 Section 57055 (added in 1980 and last amended in 1991), subdivision (a),
10 requires the Chancellor to evaluate and rank for approval energy conservation related
11 projects following the existing procedures for the statewide capital outlay program.
12 Subdivision (b) provides that the governing board shall submit, as may be necessary,
13 the preliminary plans upon securing approval of a proposed energy conservation project
14 by all appropriate review agencies, to the Chancellor for approval, or disapproval.
15 Subdivision (c) requires that the preliminary plans for energy related projects include:

- 16 (1) The results of a technical audit (TA) performed by an authorized
17 Technical Auditor which describes in detail the energy conservation
18 measures the project is to institute.
- 19 (2) The status of the project as related to the various federal and state aided
20 programs for energy conservation.
- 21 (3) An architectural and/or engineering analysis setting forth the detailed

1 costs of the various elements of the project.

2 Section 57060 (added in 1991), encourages districts to retrofit buildings so as to
3 conserve energy and reduce the costs of supplying energy.

4 Section 57061 (added in 1991), subdivision (a), provides that districts shall, as
5 may be necessary, borrow funds from state regulated financial institutions for the
6 purposes of design and construction costs associated with retrofitting buildings to
7 become more energy efficient. Districts are only authorized to borrow an amount which
8 does not exceed that which can be repaid from energy cost avoidance savings
9 accumulated from the improvement of school facilities. Subdivision (b) provides that
10 any savings and loan association may make loans or advances of credit in an amount
11 not in excess of 5 percent of its total assets.

12 Section 57062 (added in 1991), requires districts, to the extent that services are
13 available, to arrange for the pre-audit and post-audit of buildings by investor-owned or
14 municipal utility companies or by independent energy audit companies or organizations
15 which are recognized by federal or state regulated financial institutions. The pre-audit
16 must identify the type and amount of work necessary to retrofit the buildings and shall
17 include an estimate of projected energy savings. The post-audit must be conducted
18 upon completion of the retrofitting of the buildings to insure that the project satisfies the
19 recommendations of the pre-audit.

20 Section 57063 (added in 1991), requires districts taking action under this article
21 to contract with qualified businesses capable of retrofitting school buildings. To the
22 extent that lists of qualified businesses are made available to community college

1 districts by investor-owned or municipal utility companies or federal or state regulated
2 financial institutions, districts may utilize the services of these businesses.

3 Section 57150 (added 1980 and last amended in 1991), provides these
4 regulations as basic definitions, principles, and standards for use by the Chancellor in
5 considering any district-funded construction project subject to the requirements
6 Education Code Section 81837.

7 Section 57152 (added in 1980 and last amended in 1991), defines the terms:

- 8 (A) "Capital Outlay Project" to include the purchase of land and costs related
9 thereto, including court costs, condemnation costs, legal fees, title fees,
10 etc.; construction projects, including working drawings; and equipment
11 related to a construction project regardless of cost or timing.
- 12 (b) "Construction Project" to include new construction, alteration, and
13 extension or betterment of existing structures.
- 14 (c) "State-Funded Project" to mean a capital outlay project qualifying as a
15 project pursuant to section 81805 of the Education Code, and for which a
16 district requests or receives State funding assistance.
- 17 (d) "District-Funded Project" to mean a capital outlay project subject to the
18 provisions of section 81837 of the Education Code for which any funds,
19 other than state funds, are paid or to be paid for erecting, adding to, or
20 altering any community college facility.
- 21 (e) "Five-Year Construction Plans" to mean a plan for capital construction for
22 community college purposes of a district for the five-year period

1 commencing with the next proposed year of funding.

2 Section 57154 (added in 1980 and last amended in 1991), requires that each
3 application for approval of plans for a district-funded project be accompanied by the
4 plans and full, complete and accurate take-off of assignable and gross square feet of
5 space, complying with any and all requirements prescribed by the Chancellor.

6 Section 57156 (added in 1980 and last amended in 1991), requires the
7 Chancellor to review and evaluate the plans for a district-funded project including:

- 8 (a) Reference to the elements of the capital construction program specified in
9 Education Code Section 81821; and
10 (b) Whether the locally funded project is of appropriate size, is appropriately
11 timed and is justified in terms of the elements of the capital construction
12 plans and where applicable, the standards as adopted by the Board of
13 Governors.

1 Section 57158 (added in 1980 and last amended in 1991), subdivision (a),
2 requires plan approval when the Chancellor's analysis reveals locally-funded
3 construction of a community college facility would not result in facilities which would be
4 substantially at variance with space and utilization standards adopted by the Board of
5 Governors. Subdivision (b) requires that, when approval of the plans would result in
6 facilities which would be substantially at variance with space and utilization standards
7 adopted by the Board of Governors, the Chancellor respond by:

- 8 (1) Imposing conditions for the approval of the plans; or
9 (2) Finding that despite the substantial variance with space standards, the

1 plans, as submitted, are acceptable, and responding to the district with:

2 (A) Cautions, and/or

3 (B) Appraisal of the potential consequences of this variance.

4 PART III. STATEMENT OF THE CLAIM

5 SECTION 1. COSTS MANDATED BY THE STATE

6 The code sections and regulations referenced in this test claim result in
7 community college districts incurring costs mandated by the state, as defined in
8 Government Code section 17514²⁴, by creating new state-mandated duties related to
9 the uniquely governmental function of providing public services and these statutes
10 apply to community college districts and do not apply generally to all residents and
11 entities in the state.²⁵

12 The new duties mandated by the state upon community colleges districts require

²⁴ Government Code section 17514, as added by Chapter 1459/84:

"Costs mandated by the state" means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

²⁵ Public schools are a Article XIII B, Section 6 "program," pursuant to Long Beach Unified School District v. State of California, (1990) 225 Cal.App.3d 155; 275 Cal.Rptr. 449:

"In the instant case, although numerous private schools exist, education in our society is considered to be a peculiarly government function. (Cf. Carmel Valley Fire Protection Dist. V. State of California (1987) 190 Cal.App.3d at p.537) Further, public education is administered by local agencies to provide service to the public. Thus public education constitutes a 'program' within the meaning of Section 6."

1 state reimbursement of the direct and indirect costs of labor, materials and supplies,
2 data processing services and software, contracted services and consultants, equipment
3 and capital assets, staff and student training and travel to implement the following
4 activities:

5 A) To transfer any unused project funds appropriates, or authorized for
6 appropriation, when the existing district is incorporated into a newly
7 formed district, pursuant to Education Code Section 81808.

8 B) To prepare and submit a plan for capital construction to the Board of
9 Governors of the California Community Colleges reflecting the five-year
10 period commencing with the next proposed year of funding, pursuant to
11 Education Code Section 81820. The capital construction plan is subject
12 to annual review by the Board and a report outlining any required
13 modifications or changes must be submitted on or before the 1st day of
14 February, pursuant to Education Code Sections 81820 and 81823, and
15 Title 5, California Code of Regulations Section 57014.

16 C) To set out the estimated capital construction needs of the district in its
17 five-year capital construction plan including:

18 1) The district's plans concerning its future academic and student
19 services programs, and the effect on estimated construction needs
20 arising from particular courses of instruction, subject matter areas,
21 or student services to be emphasized, pursuant to Education Code
22 Section 81821, subdivision (a);

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- 1 2) The district's enrollment projections, pursuant to Education Code
2 Section 81821, subdivision (b);
- 3 3) The district's current enrollment capacity, pursuant to Education
4 Code Section 81821, subdivision (c);
- 5 4) The district's office, library and supporting facility capacities,
6 pursuant to Education Code Section 81821, subdivision (d);
- 7 5) The district's annual inventory of all facilities and land, pursuant to
8 Education Code Section 81821, subdivision (e); and
- 9 6) The district's estimate of funds available for capital outlay matching
10 purposes, pursuant to Education Code Section 81821, subdivision
11 (f).
- 12 D) To include justification and documentation in its capital construction plan
13 when it is deemed necessary by the district to submit its plan for capital
14 construction on the basis of each college or educational center
15 maintained by it to better serve its students because:
- 16 1) The students are isolated within the district in terms of distance or
17 inadequacy of transportation, and the students are financially
18 unable to meet the costs of transportation to an educational
19 program, pursuant to Education Code Section 81823, subdivisions
20 (a)(1) and (b), or
- 21 2) The inability of the existing colleges and educational centers to
22 meet the unique educational and cultural needs of a significant

1 number of ethnic students, pursuant to Educational Code Section
2 81823, subdivisions (a)(2) and (b).

3 E) To pay to the Board of Governors any reasonable fees charged for the
4 review of proposed new college sites, pursuant to Education Code
5 Section 81836.

6 F) To submit its capital construction plans for any new college facility, or for
7 any addition to, or alteration of, an existing facility totaling for than one
8 hundred fifty thousand dollars (\$150,000) to the Board of Governors
9 before contracting for such, pursuant to Education Code Section 81837.

10 No contract is valid, nor will any public money be paid out before the
11 district receives written approval from the Board of Governors, pursuant to
12 Education Code Section 81837.

13 G) The district shall, as may be necessary, include a proposed site in its
14 capital construction plan, and enter into an option contract with the
15 property owner whereby the district pays the consideration for the option,
16 pursuant to Education Code Section 81839.

17 H) To apply, as may be necessary, for project assistance under the
18 Community College Construction Act of 1980, including:

19 1) The planning, acquisition, and improvement of community college
20 sites, pursuant to Title 5, California Code of Regulations Section
21 57001.5, subdivision (a);

22 2) The planning, construction, reconstruction. or remodeling of any

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1 permanent structure necessary for use as a classroom, a
2 laboratory, a library, a performing arts facility, a gymnasium, the
3 basic outdoor physical education facilities, the basic food service
4 facilities, or child development centers, pursuant to Title 5,
5 California Code of Regulations Section 57001.5, subdivision (a);
6 3) Related facilities necessary for the instruction of students or for
7 administration of the educational program, pursuant to Title 5,
8 California Code of Regulations Section 57001.5, subdivision (a);
9 4) Maintenance or utility facilities essential to the operation of the
10 foregoing facilities and the initial acquisition of equipment, pursuant
11 to Title 5, California Code of Regulations Section 57001.5,
12 subdivision (a);
13 5) The initial furnishing of, and initial acquisition of equipment for, any
14 facility leased or lease-purchased by a district as of August 1,
15 1987, for educational purpose or purposes, pursuant to Title 5,
16 California Code of Regulations Section 57001.5, subdivision (a);
17 and
18 6) The reconstruction or remodeling of any facility leased or leased-
19 purchased for educational purposes, pursuant to Title 5, California
20 Code of Regulations Section 57001.5, subdivision (b). Title or any
21 other interest considered sufficient by the district shall be
22 transferred, but a district must repay the state for any unamortized

1 state costs if the lease is terminated prior to amortizing the
2 reconstruction or remodeling costs. If the district leases property
3 from the federal government, the state, or any county, city and
4 county, city, or district for the purposes of constructing school
5 buildings and facilities, it is eligible for state funding, pursuant to
6 Title 5, California Code of Regulations Section 57001.5, subdivision
7 (b).

- 8 I) To appeal to the Board of Governors any action of the Chancellor
9 adversely affecting the district, pursuant to Title 5, California Code of
10 Regulations Section 57010.
- 11 J) To submit to the Chancellor, within 30 days after the closure of the current
12 fiscal year, a final report on all expenditures in connection with the
13 sources of funds expended for completed projects, pursuant to Title 5,
14 California Code of Regulations Section 57011. The district must further
15 submit to any state post-audit review of fund claims for all projects,
16 pursuant to Title 5, California Code of Regulations Section 57011.
- 17 K) To meet with appropriate local government recreation and park authorities
18 to review all possible methods of coordinating planning, design, and
19 construction of new facilities and sites or major additions to existing
20 facilities and recreation and park facilities in the community, pursuant to
21 Title 5, California Code of Regulations Section 57013. Any district
22 planning, designing, or constructing new facilities must report to the

1 Chancellor's office on plans to achieve:

- 2 1) A greater use of any joint or contiguous recreation and park
3 facilities by the district, pursuant to Title 5, California Code of
4 Regulations Section 57013, subdivision (a);
5 2) Possible use by the total community of such facilities and sites and
6 recreation and park facilities, pursuant to Title 5, California Code of
7 Regulations Section 57013, subdivision (b).

8 L) To include in its capital construction program submission to the
9 Chancellor's office the following to aid in the review and evaluation
10 process:

- 11 1) An architectural analysis to determine costs of the various phases
12 of the project, with particular attention to be directed to the type of
13 construction, unit costs, and the efficiency of particular buildings
14 and facilities in terms of effective utilization of area, pursuant to
15 Title 5, California Code of Regulations Section 57015, subdivision
16 (a).
17 2) A determination of the amount of federal funds available for the
18 project, taking appropriate measures to ensure that the project will
19 qualify for the maximum amounts of federal funds practicable
20 under the circumstances, pursuant to Title 5, California Code of
21 Regulations Section 57015, subdivision (b).
22 3) A determination of the total cost of the project, reducing the total

1 cost by the amount of federal funds available thereof, and
2 determining the remainder thereof to be borne by the state, or, if
3 the district has matching funds, by the state and by the district,
4 pursuant to Title 5, California Code of Regulations Section 57015,
5 subdivision (c). If the district ability is sufficient to meet the
6 matching costs of the project or its individual phases of planning,
7 working drawings, construction, equipment, or land acquisition, the
8 district must bear its matching share of the cost of the project or
9 one or more of its phases, but if the district funds available are
10 insufficient to provide the district's matching share for the cost of
11 the project or one or more of its phases, the district shall provide
12 the moneys available, as defined by the Board of Governors, and
13 state funds may be requested to provide the balance of funds
14 required, pursuant to Title 5, California Code of Regulations
15 Section 57015, subdivision (c).

16 4) A determination of the total of funds required for the first phase of
17 the project to be provided on a matching basis by the state and the
18 district, pursuant to Title 5, California Code of Regulations Section
19 57015, subdivision (d).

20 M) To must include a summary of the local district energy conservation
21 program and indicate its need for such assistance in its annual five-year
22 construction plan when requesting a state supported energy conservation

1 project, pursuant to Title 5, California Code of Regulations Section 57052,
2 subdivisions (a) and (b).

3 N) When the need for state financial assistance has been adequately
4 established, the energy conservation project must be submitted as a
5 project planning guide in accordance with the Chancellor's office's
6 established format including evidence of an approved Energy Audit on file
7 with the California Energy Commission, pursuant to Title 5, California
8 Code of Regulations Section 57053.

9 O) To include in its preliminary plans for energy related projects: (1) the
10 results of a technical audit performed by an authorized Technical Auditor
11 which describes in detail the energy conservation measures the project is
12 it institute, (2) the status of the project as related to the various federal
13 and state aided programs for energy conservation; and (3) an
14 architectural and/or engineering analysis setting forth the detailed costs of
15 the various elements of the project, pursuant to Title 5, California Code of
16 Regulations Section 57055, subdivision (b).

17 P) To arrange, to the extent that services are available, for the pre-audit and
18 post-audit of buildings by investor-owned or municipal utility companies or
19 by independent energy audit companies or organizations which are
20 recognized by federal or state regulated financial institutions, pursuant to
21 Title 5, California Code of Regulations Section 57062. The pre-audit must
22 identify the type and amount of work necessary to retrofit the buildings

1 and shall include an estimate of projected energy savings, while the post-
2 audit must be conducted upon completion of the retrofitting of the
3 buildings to insure that the project satisfies the recommendations of the
4 pre-audit, pursuant to Title 5, California Code of Regulations Section
5 57062.

6 Q) To contract only with qualified business capable of retrofitting school
7 buildings, pursuant to Title 5, California Code of Regulations Section
8 57063.

9 R) To include complete and accurate take-off of assignable and gross square
10 feet of space, complying with any and all requirements prescribed by the
11 Chancellor in each application for capital construction plan approval,
12 pursuant to Title 5, California Code of Regulations Section 57154.

13 SECTION 2. EXCEPTIONS TO MANDATE REIMBURSEMENT

14 None of the Government Code Section 17556²⁶ statutory exceptions to a finding of

²⁶ Government Code section 17556, as last amended by Chapter 589, Statutes of 1989:

“The commission shall not find costs mandated by the state, as defined in Section 17514, in any claim submitted by a local agency or school district, if, after a hearing, the commission finds that:

(a) The claim is submitted by a local agency or school district which requested legislative authority for that local agency or school district to implement the program specified in the statute, and that statute imposes costs upon that local agency or school district requesting the legislative authority. A resolution from the governing body or a letter from a delegated representative of the governing body of a local agency or school district which requests authorization for that local agency or school district to implement a given program shall constitute a request within the meaning of this paragraph.

(b) The statute or executive order affirmed for the state that which had been

1 costs mandated by the state apply to this test claim. Note, that to the community
2 college districts may have previously performed functions similar to those mandated by
3 the referenced code sections, such efforts did not establish a preexisting duty that
4 would relieve the state of its constitutional requirement to later reimburse community
5 college districts when these activities became mandated.²⁷

6 SECTION 3. FUNDING PROVIDED FOR THE MANDATED PROGRAM

7 No funds are appropriated by the state for reimbursement of these costs
8 mandated by the state and there is no other provision of law for recovery of costs from
9 any other source.

declared existing law or regulation by action of the courts.

(c) The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.

(d) The local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.

(e) The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate.

(f) The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in a statewide election.

(g) The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.”

²⁷ Government Code section 17565, added by Chapter 879, Statutes of 1986:

“If a local agency or a school district, at its option, has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school district for those costs incurred after the operative date of the mandate.”

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1 Education Code Section 81836

2 Education Code Section 81837

3 Education Code Section 81839

4 Exhibit 4: Copies of Regulations Cited

5 Title 5, California Code of Regulations, Section 57001

6 Title 5, California Code of Regulations, Section 57001.5

7 Title 5, California Code of Regulations, Section 57001.7

8 Title 5, California Code of Regulations, Section 57002

9 Title 5, California Code of Regulations, Section 57010

10 Title 5, California Code of Regulations, Section 57011

11 Title 5, California Code of Regulations, Section 57013

12 Title 5, California Code of Regulations, Section 57014

13 Title 5, California Code of Regulations, Section 57015

14 Title 5, California Code of Regulations, Section 57016

15 Title 5, California Code of Regulations, Section 57033.1

16 Title 5, California Code of Regulations, Section 57050

17 Title 5, California Code of Regulations, Section 57051

18 Title 5, California Code of Regulations, Section 57052

19 Title 5, California Code of Regulations, Section 57053

20 Title 5, California Code of Regulations, Section 57054

21 Title 5, California Code of Regulations, Section 57055

22 Title 5, California Code of Regulations, Section 57060

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- 1 Title 5, California Code of Regulations, Section 57061
- 2 Title 5, California Code of Regulations, Section 57062
- 3 Title 5, California Code of Regulations, Section 57063
- 4 Title 5, California Code of Regulations, Section 57150
- 5 Title 5, California Code of Regulations, Section 57152
- 6 Title 5, California Code of Regulations, Section 57154
- 7 Title 5, California Code of Regulations, Section 57156
- 8 Title 5, California Code of Regulations, Section 57158
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PART V. CERTIFICATION

I certify by my signature below, under penalty of perjury, that the statements made in this document are true and complete of my own knowledge or information and belief.

Executed on June 23, 2003, at Santa Monica, California by:



Thomas J. Donner
Executive Vice President of
Business and Administration
Santa Monica Community College District

Voice: (310) 434-4201

Fax: (310) 434-8200

PART VI. APPOINTMENT OF REPRESENTATIVE

Santa Monica Community College District appoints Keith B. Petersen, SixTen and Associates, as its representative for this test claim.



6-23-03

Thomas J. Donner
Executive Vice President of
Business and Administration
Santa Monica Community College District

Date

**EXHIBIT 1
DECLARATION**

DECLARATION OF THOMAS J. DONNER

Santa Monica Community College District

Test Claim of Santa Monica Community College District

COSM No. _____

Chapter 758, Statutes of 1995
Chapter 1038, Statutes of 1991
Chapter 1372, Statutes of 1990
Chapter 891, Statutes of 1981
Chapter 470, Statutes of 1981
Chapter 910, Statutes of 1980

Education Code Sections:

81663	81800	81805
81807	81808	81820
81821	81822	81823
81836	81837	81839

Title 5, California Code of Regulations, Sections:

57001	57001.5	57001.7
57002	57010	57011
57013	57014	57015
57016	57033.1	57050
57051	57052	57053
57054	57055	57060
57061	57062	57063
57150	57152	57154
57156	57158	

Community College Construction

I, Thomas J. Donner, Executive Vice President of Business and Administration,
Santa Monica Community College District, make the following declaration and
statement.

In my capacity as Executive Vice President of Business and Administration, I am

Declaration of Thomas J. Donner
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responsible for the acquisition of funding for facility construction. I am familiar with the provisions and requirements of the statutes, code sections and regulations enumerated above, which require the district to:

- A) To transfer any unused project funds appropriates, or authorized for appropriation, when the existing district is incorporated into a newly formed district, pursuant to Education Code Section 81808.
- B) To prepare and submit a plan for capital construction to the Board of Governors of the California Community Colleges reflecting the five-year period commencing with the next proposed year of funding, pursuant to Education Code Section 81820. The capital construction plan is subject to annual review by the Board and a report outlining any required modifications or changes must be submitted on or before the 1st day of February, pursuant to Education Code Sections 81820 and 81823, and Title 5, California Code of Regulations Section 57014.
- C) To set out the estimated capital construction needs of the district in its five-year capital construction plan including:
 - 1) The district's plans concerning its future academic and student services programs, and the effect on estimated construction needs arising from particular courses of instruction, subject matter areas, or student services to be emphasized, pursuant to Education Code Section 81821, subdivision (a);

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- 2) The district's enrollment projections, pursuant to Education Code Section 81821, subdivision (b);
 - 3) The district's current enrollment capacity, pursuant to Education Code Section 81821, subdivision (c);
 - 4) The district's office, library and supporting facility capacities, pursuant to Education Code Section 81821, subdivision (d);
 - 5) The district's annual inventory of all facilities and land, pursuant to Education Code Section 81821, subdivision (e); and
 - 6) The district's estimate of funds available for capital outlay matching purposes, pursuant to Education Code Section 81821, subdivision (f).
- D) To include justification and documentation in its capital construction plan when it is deemed necessary by the district to submit its plan for capital construction on the basis of each college or educational center maintained by it to better serve its students because:
- 1) The students are isolated within the district in terms of distance or inadequacy of transportation, and the students are financially unable to meet the costs of transportation to an educational program, pursuant to Education Code Section 81823, subdivisions (a)(1) and (b), or
 - 2) The inability of the existing colleges and educational centers to

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meet the unique educational and cultural needs of a significant number of ethnic students, pursuant to Educational Code Section 81823, subdivisions (a)(2) and (b).

- E) To pay to the Board of Governors any reasonable fees charged for the review of proposed new college sites, pursuant to Education Code Section 81836.
- F) To submit its capital construction plans for any new college facility, or for any addition to, or alteration of, an existing facility totaling for than one hundred fifty thousand dollars (\$150,000) to the Board of Governors before contracting for such, pursuant to Education Code Section 81837. No contract is valid, nor will any public money be paid out before the district receives written approval from the Board of Governors, pursuant to Education Code Section 81837.
- G) The district shall, as may be necessary, include a proposed site in its capital construction plan, and enter into an option contract with the property owner whereby the district pays the consideration for the option, pursuant to Education Code Section 81839.
- H) To apply, as may be necessary, for project assistance under the Community College Construction Act of 1980, including:
 - 1) The planning, acquisition, and improvement of community college sites, pursuant to Title 5, California Code of Regulations Section

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57001.5, subdivision (a);

- 2) The planning, construction, reconstruction, or remodeling of any permanent structure necessary for use as a classroom, a laboratory, a library, a performing arts facility, a gymnasium, the basic outdoor physical education facilities, the basic food service facilities, or child development centers, pursuant to Title 5, California Code of Regulations Section 57001.5, subdivision (a);
- 3) Related facilities necessary for the instruction of students or for administration of the educational program, pursuant to Title 5, California Code of Regulations Section 57001.5, subdivision (a);
- 4) Maintenance or utility facilities essential to the operation of the foregoing facilities and the initial acquisition of equipment, pursuant to Title 5, California Code of Regulations Section 57001.5, subdivision (a);
- 5) The initial furnishing of, and initial acquisition of equipment for, any facility leased or lease-purchased by a district as of August 1, 1987, for educational purpose or purposes, pursuant to Title 5, California Code of Regulations Section 57001.5, subdivision (a);
and
- 6) The reconstruction or remodeling of any facility leased or lease-purchased for educational purposes, pursuant to Title 5, California

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Code of Regulations Section 57001.5, subdivision (b). Title or any other interest considered sufficient by the district shall be transferred, but a district must repay the state for any unamortized state costs if the lease is terminated prior to amortizing the reconstruction or remodeling costs. If the district leases property from the federal government, the state, or any county, city and county, city, or district for the purposes of constructing school buildings and facilities, it is eligible for state funding, pursuant to Title 5, California Code of Regulations Section 57001.5, subdivision (b).

- I) To appeal to the Board of Governors any action of the Chancellor adversely affecting the district, pursuant to Title 5, California Code of Regulations Section 57010.
- J) To submit to the Chancellor, within 30 days after the closure of the current fiscal year, a final report on all expenditures in connection with the sources of funds expended for completed projects, pursuant to Title 5, California Code of Regulations Section 57011. The district must further submit to any state post-audit review of fund claims for all projects, pursuant to Title 5, California Code of Regulations Section 57011.
- K) To meet with appropriate local government recreation and park authorities to review all possible methods of coordinating planning, design, and

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construction of new facilities and sites or major additions to existing facilities and recreation and park facilities in the community, pursuant to Title 5, California Code of Regulations Section 57013. Any district planning, designing, or constructing new facilities must report to the Chancellor's office on plans to achieve:

- 1) A greater use of any joint or contiguous recreation and park facilities by the district, pursuant to Title 5, California Code of Regulations Section 57013, subdivision (a);
 - 2) Possible use by the total community of such facilities and sites and recreation and park facilities, pursuant to Title 5, California Code of Regulations Section 57013, subdivision (b).
- L) To include in its capital construction program submission to the Chancellor's office the following to aid in the review and evaluation process:
- 1) An architectural analysis to determine costs of the various phases of the project, with particular attention to be directed to the type of construction, unit costs, and the efficiency of particular buildings and facilities in terms of effective utilization of area, pursuant to Title 5, California Code of Regulations Section 57015, subdivision (a).
 - 2) A determination of the amount of federal funds available for the

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project, taking appropriate measures to ensure that the project will qualify for the maximum amounts of federal funds practicable under the circumstances, pursuant to Title 5, California Code of Regulations Section 57015, subdivision (b).

- 3) A determination of the total cost of the project, reducing the total cost by the amount of federal funds available thereof, and determining the remainder thereof to be borne by the state, or, if the district has matching funds, by the state and by the district, pursuant to Title 5, California Code of Regulations Section 57015, subdivision (c). If the district ability is sufficient to meet the matching costs of the project or its individual phases of planning, working drawings, construction, equipment, or land acquisition, the district must bear its matching share of the cost of the project or one or more of its phases, but if the district funds available are insufficient to provide the district's matching share for the cost of the project or one or more of its phases, the district shall provide the moneys available, as defined by the Board of Governors, and state funds may be requested to provide the balance of funds required, pursuant to Title 5, California Code of Regulations Section 57015, subdivision (c).
- 4) A determination of the total of funds required for the first phase of

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the project to be provided on a matching basis by the state and the district, pursuant to Title 5, California Code of Regulations Section 57015, subdivision (d).

- M) To must include a summary of the local district energy conservation program and indicate its need for such assistance in its annual five-year construction plan when requesting a state supported energy conservation project, pursuant to Title 5, California Code of Regulations Section 57052, subdivisions (a) and (b).
- N) When the need for state financial assistance has been adequately established, the energy conservation project must be submitted as a project planning guide in accordance with the Chancellor's office's established format including evidence of an approved Energy Audit on file with the California Energy Commission, pursuant to Title 5, California Code of Regulations Section 57053.
- O) To include in its preliminary plans for energy related projects: (1) the results of a technical audit performed by an authorized Technical Auditor which describes in detail the energy conservation measures the project is it institute, (2) the status of the project as related to the various federal and state aided programs for energy conservation; and (3) an architectural and/or engineering analysis setting forth the detailed costs of the various elements of the project, pursuant to Title 5, California Code of

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Regulations Section 57055, subdivision (b).

- P) To arrange, to the extent that services are available, for the pre-audit and post-audit of buildings by investor-owned or municipal utility companies or by independent energy audit companies or organizations which are recognized by federal or state regulated financial institutions, pursuant to Title 5, California Code of Regulations Section 57062. The pre-audit must identify the type and amount of work necessary to retrofit the buildings and shall include an estimate of projected energy savings, while the post-audit must be conducted upon completion of the retrofitting of the buildings to insure that the project satisfies the recommendations of the pre-audit, pursuant to Title 5, California Code of Regulations Section 57062.
- Q) To contract only with qualified business capable of retrofitting school buildings, pursuant to Title 5, California Code of Regulations Section 57063.
- R) To include complete and accurate take-off of assignable and gross square feet of space, complying with any and all requirements prescribed by the Chancellor in each application for capital construction plan approval, pursuant to Title 5, California Code of Regulations Section 57154.

It is estimated that the Santa Monica Community College District will incur more than \$1,000 in costs in excess of the funding provided the district by the state to

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implement these new duties mandated by the state for which the community college district will not be reimbursed by any federal, state, or local government agency, and for which it cannot otherwise obtain reimbursement.

The foregoing facts are known to me personally and, if so required, I could testify to the statements made herein. I hereby declare under penalty of perjury that the foregoing is true and correct except where stated upon information and belief and where so stated I declare that I believe them to be true.

EXECUTED this 23 day of June 2003, at Santa Monica, California



Thomas J. Donner
Vice President of Business and Administration
Santa Monica Community College District

EXHIBIT 2
COPIES OF STATUTES CITED

CHAPTER 758

An act to amend, repeal, and add Sections 28, 1247.6, 2902, 4939, 4980.40, and 18629 of the Business and Professions Code, to amend, repeal, and add Section 1812.501 of the Civil Code, to amend, repeal, and add Section 10251 of the Corporations Code, to amend Sections 1510, 8152, 12050, 12052, 12053, 12400, 66010, 66015, 66022, 66023, 66202.5, 66743, 66753.5, 66903, 66903.3, 67385, 67500, 68011, 68133, 69509, 69613, 69615.2, 69634, 69900, 69908, 71000, 71020.5, 71090.5, 72023.5, 72411.5, 72425, 72620, 74270, 76000, 76140, 76210, 76225, 76231, 76232, 76240, 76245, 76330, 76330.1, 76355, 76370, 76380, 76391, 78015, 78217, 79121, 81033, 81130.5, 81141, 81162, 81177, 81314, 81345, 81348, 81401, 81530, 81551, 81661, 81821, 84362, 84501, 84751, 84810.5, 84820, 85223, 85233, 85267, 87008, 87017, 87411, 87413, 87414, 87418, 87419, 87420, 87423, 87448, 87451, 87453, 87460, 87464, 87468, 87469, 87470, 87483, 87487, 87603, 87604, 87622, 87672, 87673, 87675, 87676, 87677, 87701, 87715, 87732, 87734, 87740, 87744, 87745, 87746, 87762, 87764, 87768.5, 87770, 87774, 87780, 87781, 87787, 87790, 87832, 88000, 88001, 88002, 88003, 88004.5, 88010, 88013, 88014, 88015, 88020, 88023, 88024, 88030, 88033, 88036, 88050, 88051, 88053, 88054, 88057, 88063.5, 88076, 88083, 88086.5, 88092, 88093, 88097, 88098, 88104, 88105, 88107, 88120, 88125, 88126, 88128, 88132, 88136, 88164, 88165, 88167, 88168, 88185, 88191, 88192, 88194, 88195, 88196, 88197, 88198, 88203, 88205, 88205.5, 88206, 88207, 88227, 88245, 88263, 89002, 89036, 89046, 89047, 89300, 89310, 89537, 92620, 99100, 99103, 99105, and 99106 of, to amend the heading of Article 1 (commencing with Section 10000) of Chapter 1 of Part 7 of, to amend the heading of Article 13 (commencing with Section 69760) of Chapter 2 of Part 42 of, to amend and renumber the heading of Part 43.5 (commencing with Section 70900) of, to amend, repeal, and add Sections 8092, 8092.5, 44227, 49073, 66170, 69509.5, 94050, and 94355 of, to add Sections 67359.9, 84756, 84757, and 84758 to, to add an article heading immediately preceding Section 92020 of, to add Article 12 (commencing with Section 44390) to Chapter 2 of Part 25 of, Article 6 (commencing with Section 66060) and Article 7 (commencing with Section 66070) to Chapter 2 of Part 40 of, and Article 6 (commencing with Section 89250) to Chapter 2 of Part 55 of, to add Chapter 11.3 (commencing with Section 66940) to Part 40 of, and Chapter 7 (commencing with Section 94700) to Part 59 of, to repeal Sections 8081, 8084, 12051, 12061, 66207, 66211, 66605.5, 66723, 66744, 66903.4, 66903.6, 67321, 67386, 67392, 69507.7, 69534, 69534.2, 69534.5, 69534.6, 69639, 69766.1, 72410, 76320, 76392, 78217, 78310, 87012, 87018, 87461, 87772, 87773, 87778, 88032, 88035.5, 88079.1, 89003, 89004, 89009, 89032, 89033, 89040, 89070.45, 89081, 89082, 89083, 89211, 89241, 89242, 89703, 92010, 92610, and 92697 of, to repeal the headings of Article 2 (commencing with Section 92010) and Article 3 (commencing with Section 92030) of Chapter 1 of Part 57 of, to repeal Article 4 (commencing with Section 8225) of Chapter 2 of Part 6 of, Article 5 (commencing with Section 69580) of, Article 6

(commencing with Section 69618) of, Article 6.5 (commencing with Section 69619) of, Article 7 (commencing with Section 69620) of, Article 10 (commencing with Section 69700) of, Article 11 (commencing with Section 69720) of, Article 12 (commencing with Section 69740) of, Article 14 (commencing with Section 69795) of, Chapter 2 of Part 42 of, Article 2.5 (commencing with Section 78230) of Chapter 2 of Part 48 of, Article 3 (commencing with Section 89060) of Chapter 1 of, Article 2 (commencing with Section 90420) of Chapter 10 of, Article 3 (commencing with Section 90430) of Chapter 10 of, Article 4 (commencing with Section 90440) of Chapter 10 of, Article 2 (commencing with Section 90510) of Chapter 11 of, Part 55 of, Article 2 (commencing with Section 92230) of Chapter 3 of, and Article 4 (commencing with Section 92630) of Chapter 6 of, Part 57 of, to repeal Chapter 14 (commencing with Section 11300) of Part 7 of, Chapter 7 (commencing with Section 66501 of, Chapter 11.5 (commencing with Section 66950) of, Chapter 13 (commencing with Section 67100) of, Chapter 14.2 (commencing with Section 67310) of, Part 40 of, Chapter 1 (commencing with Section 69270) of, Chapter 1.5 (commencing with Section 69300) of, Part 42 of, Chapter 2 (commencing with Section 87203) of Part 51 of, Chapter 5.5 (commencing with Section 92580) of, Chapter 5.7 (commencing with Section 92590) of, Part 57 of, and Chapter 3 (commencing with Section 94300) of Part 59 of, to amend and repeal Section 76330.1 of, to repeal and add Sections 66900 and 66903.2 of, and to repeal and add Chapter 14 (commencing with Section 67300) of Part 40 of, the Education Code, to amend, repeal, and add Section 12419.9 of the Government Code, to add Article 1.5 (commencing with Section 447) to Part 1.95 of, and Part 6.5 (commencing with Section 1189) to, Division 1 of, the Health and Safety Code, to amend, repeal, and add Section 11520 of the Insurance Code, and to amend, repeal, and add Section 633 of the Unemployment Insurance Code, relating to postsecondary education.

[Approved by Governor October 10, 1995. Filed with
Secretary of State October 11, 1995.]

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature in enacting this act to streamline the postsecondary education provisions of the Education Code.

SEC. 2. Section 28 of the Business and Professions Code is amended to read:

28. The Legislature finds that there is a need to ensure that professionals of the healing arts who have demonstrable contact with child abuse victims, potential child abuse victims, and child abusers and potential child abusers are provided with adequate and appropriate training regarding the assessment and reporting of child

purchase of any item and also its total cost for the entire specified term of the contract.

SEC. 120. Section 81661 of the Education Code is amended to read:

81661. In determining the lowest responsible bidder for an energy management system pursuant to Section 20651 of the Public Contract Code, the governing board of any community college district shall consider the net cost or savings of each system. For the purposes of this section, "net cost or savings" means the cost of the system to the district, if any, less the projected energy savings to be realized from the energy management system. The governing board may require an independent evaluation of the projected energy savings.

SEC. 121. Section 81821 of the Education Code is amended to read:

81821. The five-year plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic and student services programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas or student services to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college and educational center within a district shall be made cooperatively by the Department of Finance and the community college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(d) District office, library, and supporting facility capacities as derived from the physical plant standards for office, library, and supporting facilities adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(e) An annual inventory of all facilities and land of the district using standard definitions, forms, and instructions adopted by the board of governors.

(f) An estimate of district funds which shall be made available for capital outlay matching purposes pursuant to regulations adopted by the board of governors.

SEC. 122. Section 84362 of the Education Code is amended to read:

84362. (a) As used in this section, "salaries of classroom instructors" means:

(b) Every organization or person maintaining homes for the aged for pecuniary profit.

This section applies to organizations subject to and operating under Chapter 10 (commencing with Section 1770) of Division 2 of the Health and Safety Code.

(c) This section shall become operative on January 1, 1997.

SEC. 293. Section 633 of the Unemployment Insurance Code is amended to read:

633. (a) For purposes of coverage under Part 2 (commencing with Section 2601) of Division 1, "employment" does not include services performed as an intermittent or adjunct instructor at a postsecondary educational institution which meets the requirements of Section 94310.1 or 94310.2 of the Education Code if the intermittent or adjunct instructor and the employing unit enter a written contract with the following provisions:

(1) That any federal or state income tax liability shall be the responsibility of the party providing the services.

(2) That no disability insurance coverage is provided under the contract.

(3) That the party performing the services certifies that he or she is doing so as a secondary occupation or as a supplemental source of income.

(b) This section shall not apply to services performed under a collective bargaining agreement.

(c) This section shall remain in effect only until January 1, 1997, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1997, deletes or extends that date.

SEC. 293.5. Section 633 is added to the Unemployment Insurance Code, to read:

633. (a) For purposes of coverage under Part 2 (commencing with Section 2601) of Division 1, "employment" does not include services performed as an intermittent or adjunct instructor at a postsecondary educational institution which meets the requirements of Article 4 (commencing with Section 94760) of Chapter 7 of Part 59 of the Education Code if the intermittent or adjunct instructor and the employing unit enter a written contract with the following provisions:

(1) That any federal or state income tax liability shall be the responsibility of the party providing the services.

(2) That no disability insurance coverage is provided under the contract.

(3) That the party performing the services certifies that he or she is doing so as a secondary occupation or as a supplemental source of income.

(b) This section shall not apply to services performed under a collective bargaining agreement.

(c) This section shall become operative on January 1, 1997.

SEC. 294. Section 282 of this act shall become operative on January 1, 1997.

SEC. 295. (a) Except as provided in subdivision (b), any section of any act enacted by the Legislature during the 1995 calendar year that takes effect on or before January 1, 1996, and that amends, amends and renumbers, adds, repeals and adds, or repeals a provision amended, repealed, or added by this act, shall prevail over this act, whether that act is enacted prior to, or subsequent to, this act.

(b) Subdivision (a) does not apply to any of the following:

(1) Section 2902 of the Business and Professions Code, as amended by Chapter 279 of the Statutes of 1995.

(2) Section 4980.40 of the Business and Professions Code, as amended by Chapter 327 of the Statutes of 1995.

(3) Section 72023.5 of the Education Code, as amended by Chapter 82 of the Statutes of 1995.

CHAPTER 1038

An act to amend Sections 69643, 72000, 72411, 78100, 78103, 78300, 84001, 84713, and 87003 of, to amend and renumber the heading of Article 2.5 (commencing with Section 84750) of Chapter 5 of Part 50 of, to add Sections 81663, 84501, 84810.5, and 87482.7 to, to repeal Article 1 (commencing with Section 84700) of Chapter 5 of Part 50 of, and to repeal and add Sections 72253.3 and 87487 of, the Education Code, to add Section 15814.21 to the Government Code, and to repeal Sections 6 and 7 of Chapter 565 of the Statutes of 1983, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 14, 1991. Filed with
Secretary of State October 14, 1991.]

The people of the State of California do enact as follows:

SECTION 1. Section 69643 of the Education Code is amended to read:

69643. (a) There is in the state government the Advisory Committee on Extended Opportunity Programs and Services. It shall be comprised of nine members appointed by the board, two members appointed by the Speaker of the Assembly and two members appointed by the Senate Committee on Rules. The nine members appointed by the board shall serve for four-year terms, except the first term of each shall be determined by lot at the first meeting of the board. Three shall serve for four years, three shall serve for three years, and three shall serve for two years. The two members appointed by the Speaker of the Assembly and the two members appointed by the Senate Committee on Rules shall serve at the pleasure of the respective appointing powers.

(b) The chairperson and vice chairperson of the committee shall be designated by the board.

(c) The members of the committee shall serve without compensation, but shall be reimbursed for necessary traveling and other expenses incurred in performing their duties and responsibilities.

(d) The committee shall serve as an advisory body to the board, shall formulate and present policy recommendations as it determines will effect statewide establishment and conduct of community college programs of extended opportunities and services, shall review annually and report to the board the progress made under this article with the California Community Colleges toward the extension of educational opportunities for all students who may profit from instruction, and make other recommendations to implement this article. The Chancellor of the California Community Colleges shall be executive secretary of the committee, shall report to the board on the actions of the committee, and, at the

recommendation of the committee and its direction, shall make recommendations to the board pursuant to this article.

(e) All meetings of the committee shall be open and public, and all persons shall be permitted to attend any meeting of the committee.

SEC. 2. Section 72000 of the Education Code is amended to read:

72000. (a) The district and its governing board may sue and be sued, and shall act in accordance with Section 70902.

(b) The district name shall be adopted and changed as follows:

(1) The first governing board of any new community college district shall, at the first meeting of the board or as soon as practicable thereafter, name the district. The district shall be designated as the "_____ Community College District."

(2) The governing board of a community college district may, by resolution, change the name of the district or of any of the community colleges maintained by the district. However, the name shall continue to contain the words "Community College District" or "Community College," as appropriate.

(3) Whenever a petition is presented to the governing board of a community college district, signed by at least 15 qualified electors of any community college district, asking that the name of the district, be changed, the governing board shall, at its next regular meeting, designate a day upon which it will conduct a hearing and act upon the petition, which hearing shall not be less than 10 days nor more than 40 days after that regular meeting. The clerk of the governing board shall give notice to all interested parties by sending a notice of the time for the hearing of the petition. Notices shall be mailed at least 10 days before the day set for the hearing. At the hearing the board shall by resolution either grant or deny the petition, and if the petition is granted, the clerk shall notify the Board of Governors of the California Community Colleges of the change of the name of the district or of any community college maintained by the district.

(4) The name "_____ Community College District" and the names of community colleges maintained by the district are the property of the district. No person shall, without permission of the board, use these names, or any abbreviation of them, or any name of which these words are a part in any of the following ways:

(A) To designate any business, social, political, religious, or other organization, including, but not limited to, any corporation, firm, partnership, association, group, activity or enterprise.

(B) To imply, indicate or otherwise suggest that any organization, or any product or service of the organization is connected or affiliated with, or is endorsed, favored or supported by, or is opposed by one or more California community colleges, the Board of Governors of the California Community Colleges, or the office of the Chancellor of the California Community Colleges.

(C) To display, advertise, or announce these names publicly at or in connection with any meeting, assembly, or demonstration, or any propaganda, advertising or promotional activity of any kind which

has for its purpose or any part of its purpose the support, endorsement, advancement, opposition or defeat of any strike, lockout, or boycott or of any political, religious, sociological, or economic movement, activity or program.

(D) The provisions of this section shall not preclude the use of the name "_____ Community College" or "_____ Community College District" by any person or organization otherwise subject to this section using the name immediately prior to the effective date of this section, so long as the name is not used in additional, different ways.

(E) Nothing in this section shall interfere with or restrict the right of any person to make a true and accurate statement in the course of stating his or her experience or qualifications for any academic, governmental, business, or professional credit or enrollment, or in connection with any academic, governmental, professional or other employment whatsoever.

(5) Any reference to junior colleges or junior college districts in any law shall be deemed to refer to community colleges and community college districts, respectively.

(c) Meetings of the governing board shall be held as follows:

(1) Within 20 days after the appointment of the community college board provided for by Section 72023, the board of governors shall call an initial organizational meeting of the board by giving at least 10 days' notice by registered mail to each member, for the purposes of organizing the community college board.

At the initial organizational meeting the community college board shall organize by electing a president from its members and a secretary, and may transact any other business relating to the affairs of the community college district.

(2) (A) The governing board of each community college district shall hold an annual organizational meeting. In a year in which a regular election for governing board members is conducted, the meeting shall be held on a day within a 15-day period that commences with the date upon which a governing board member elected at that election takes office. Organizational meetings in years in which no regular election for governing board members is conducted shall be held during the same 15-day period on the calendar. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to the first day of such 15-day period, and the board shall notify the county superintendent of schools of the day and time selected. The secretary of the board shall, within 15 days prior to the date of the annual meeting, notify in writing all members and members-elect of the date and time selected for the meeting.

(B) If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to the first day of such 15-day period and after the regular meeting of the board held immediately prior to the first day of the

15-day period, designate the day and time of the annual meeting. The day designated shall be within the 15-day period. He or she shall notify in writing all members and members-elect of the date and time.

(C) At the annual meeting, the governing board of the community college district shall organize by electing a president, from its members, and a secretary.

(3) As an alternative to the procedures set forth in paragraph (2), in a community college district the boundaries of which are coterminous with the boundaries of a city and county, the governing board members of which district are elected in accordance with a city and county charter, the annual organizational meeting of the governing board may be held between January 8 and January 31, inclusive, as provided in rules and regulations adopted by the board. At the annual organizational meeting the community college district governing board shall organize by electing a president and vice president from its members.

(4) Subject to this section, the governing board of any community college district shall hold regular monthly meetings and shall by rule and regulation fix the time and place for its regular meetings. The action shall be given proper notice to all members of the board of the regular meetings.

(d) The governing board shall conduct its meetings as follows:

(1) A notice identifying the location, date, and time of the meeting shall be posted in each community college maintained by the district at least 10 days prior to the meeting and shall remain so posted to and including the time of the meeting.

(2) The governing board shall conduct its meetings within the boundaries of the community college district, except as provided in subparagraphs (A) and (B).

(A) The governing board may meet outside of its district boundaries for the limited purpose of meeting with another local agency so long as the meeting meets both of the following criteria:

(i) The meeting occurs within the boundaries of one of the participating local agencies.

(ii) The meeting is open and accessible to the public, including the residents of the district whose board is meeting outside the boundaries of the district.

(B) The governing board may meet outside of its district boundaries if the board finds it necessary to meet in closed session with its attorney to discuss pending litigation and if the attorney's office is located outside of the boundaries of the district.

(3) Except as otherwise provided by law, the governing board shall act by majority vote of all of the membership constituting the governing board.

(4) Every official action taken by the governing board of every community college district shall be affirmed by a formal vote of the members of the board, and the governing board of every community college district shall keep minutes of its meetings, and shall maintain

a journal of its proceedings in which shall be recorded every official act taken.

(5) Notwithstanding any other provision of law, if a community college district governing board consists of seven members and not more than two vacancies occur on the governing board, the vacant position or positions shall not be counted for purposes of determining how many members of the board constitute a majority. Whenever any of the provisions of this code require unanimous action of all or a specific number of the members elected or appointed to the governing board, the vacant position or positions shall be excluded from determination of the total membership constituting the governing board.

SEC. 3. Section 72253.3 of the Education Code is repealed.

SEC. 4. Section 72253.3 is added to the Education Code, to read:

72253.3. If a student body association has been established at a community college as authorized by Section 76060, any student representation fee shall be established and managed pursuant to Section 76060.5.

SEC. 5. Section 72411 of the Education Code is amended to read:

72411. (a) Every educational administrator shall be employed, and all other administrators may be employed, by the governing board of the district by an appointment or contract of up to four years in duration. The governing board of a community college district, with the consent of the administrator concerned, may at any time terminate, effective on the next succeeding first day of July, the term of employment of, and any contract of employment with, the administrator of the district, and reemploy the administrator, on any terms and conditions as may be mutually agreed upon by the board and the administrator, for a new term to commence on the effective date of the termination of the existing term of employment.

(b) If the governing board of a district determines that an administrator is not to be reemployed by appointment or contract in his or her administrative position upon the expiration of his or her appointment or contract, the administrator shall be given written notice of this determination by the governing board. For an administrator employed by appointment or contract, the term of which is longer than one year, the notice shall be given at least six months in advance of the expiration of the appointment or contract unless the contract or appointment provides otherwise. For every other administrator, notice that the administrator may not be reemployed by appointment or contract in his or her administrative position for the following college year shall be given on or before March 15.

(c) If the governing board fails to reemploy an administrator by appointment or contract in his or her administrative position and the written notice provided for in this section has not been given, the administrator shall, unless the existing appointment or contract provides otherwise, be deemed to be reemployed for a term of the same duration as the one completed with all other terms and

conditions remaining unchanged.

(d) Subdivisions (b) and (c) do not apply to any administrator who holds a position that is funded for less than a college year, is assigned to an acting position whose continuing right to hold the position depends on being selected for the position on a regular basis, is terminated pursuant to Section 87743, 88017, or 88127, or is dismissed for cause.

SEC. 5.5. Section 78100 of the Education Code is amended to read:

78100. The governing board of each community college district shall provide library services for the students and faculty of the district by establishing and maintaining community college libraries or by contractual arrangements with another public agency.

SEC. 6. Section 78103 of the Education Code is amended to read:

78103. The libraries shall be open for the use of the faculty and the students of the community college district during the day. In addition, the libraries may be open at other hours, including evenings and Saturdays, as the governing board may determine. Libraries open to serve students during evening and Saturday hours shall be under the supervision of certificated personnel or those employed pursuant to minimum standards adopted by the board of governors.

SEC. 7. Section 78300 of the Education Code is amended to read:

78300. (a) The governing board of any community college district may, without the approval of the Board of Governors of the California Community Colleges, establish and maintain community service classes in civic, vocational, literacy, health, homemaking, technical and general education, including, but not limited to, classes in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports and athletics. These classes shall be designed to provide instruction and to contribute to the physical, mental, moral, economic, or civic development of the individuals or groups enrolled therein.

(b) Community service classes shall be open for the admission of adults and of those minors as in the judgment of the governing board may profit therefrom.

(c) Governing boards shall not expend General Fund moneys to establish and maintain community service classes. Governing boards may charge students enrolled in community service classes a fee not to exceed the cost of maintaining community service classes, or may provide instruction in community service classes for remuneration by contract, or with contributions or donations of individuals or groups. The board of governors shall adopt guidelines defining the acceptable reimbursable costs for which a fee may be charged and shall collect data and maintain uniform accounting procedures to ensure that General Fund moneys are not used for community services classes.

SEC. 8. Section 81663 is added to the Education Code, to read:

81663. (a) The governing board of any community college

district may borrow funds from federal or state regulated financial institutions for design and construction costs associated with retrofitting buildings to become more energy efficient. The amount borrowed shall not exceed the amount that can be repaid from energy cost avoidance savings accumulated from the improvement of facilities.

(b) Any savings association may make loans or advances of credit pursuant to subdivision (a) in an amount not in excess of 5 percent of its total assets. This investment may be in addition to any other investment savings associations are permitted to undertake.

SEC. 9. Section 84001 of the Education Code is amended to read: 84001. It is the intent of the Legislature that the administration of the laws governing the financial support for the California Community Colleges be conducted within the purview of the following principles and policies:

The system of public support for the California Community Colleges should be designed to strengthen and encourage local responsibility for control of community college education. Community college districts should be so organized that they can facilitate the provision of full educational opportunities for all who attend. Local control is best accomplished by the development of strong, vigorous, and properly organized local administrative units. It is the state's responsibility to create or facilitate the creation of local districts of sufficient size to properly discharge local responsibilities and to spend the tax dollar effectively.

The system of public support for the California Community Colleges should assure that state, local, and other funds are adequate for the support of a realistic funding level. It is unrealistic and unfair to the less wealthy districts to provide for only a part of the financing necessary for an adequate educational program.

The system of public support should permit and encourage community college districts to provide and support improved district organization and educational programs. The system of public support should prohibit the introduction of undesirable organization and educational practices, and should discourage any such practices now in effect. Improvement of programs in particular districts is in the interests of the state as a whole as well as of the people in individual districts, since the excellence of the programs in some districts will tend to bring about program improvement in other districts.

The system of public support should make provision for the apportionment of state funds to local districts on a strictly objective basis that can be computed as well by the local districts as by the state. The principle of local responsibility requires that the granting of discretionary powers to state officials over the distribution of state aid and the granting to these officials of the power to impose undue restriction on the use of funds and the conduct of educational programs at the local level be avoided.

The system of public support for the California Community

Colleges should effect a partnership between the state and community college districts, with both participating equitably in accordance with their relative ability. The respective abilities should be combined to provide a financial plan between the state and the districts for public support.

The system of public support for the California Community Colleges should provide for essential educational opportunities for all who attend. Provision should be made in the financial plan for adequate financing of all educational services.

The broader based taxing power of the state should be utilized to raise the level of financial support in the properly organized but financially weak districts of the state, thus contributing greatly to the equalization of educational opportunity for the students residing therein. It should also be used to provide a minimum amount of guaranteed support to all districts, for this state assistance serves to develop among all districts a sense of responsibility to the entire system of public education in the state.

SEC. 10. Section 84501 is added to the Education Code, to read:
84501. Notwithstanding any other provision of law, commencing with the 1991-92 fiscal year, the term "community college average daily attendance" (ADA) means full-time equivalent student (FTES) as that term is defined by regulations adopted by the Board of Governors of the California Community Colleges.

SEC. 10.5. Section 84713 of the Education Code is amended to read:

84713. This article shall remain operative until July 1, 1995, only for the purposes of determining the minimum amount of revenue to which community college districts are entitled pursuant to subdivision (h) of Section 84750 and for auditing calculations for prior years. This article shall become inoperative on July 1, 1995, and, as of January 1, 1996, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1996, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 11. The heading of Article 2.5 (commencing with Section 84750) of Chapter 5 of Part 50 of the Education Code is amended and renumbered to read:

Article 2. Program-Based Funding

SEC. 11.5. Section 84810.5 is added to the Education Code, to read:

84810.5. (a) The Chancellor of the California Community Colleges shall compute each district's base inmate education allowance based on the prior year's level of funding, adjusted for such factors as the change in the adult population or other information that the chancellor may receive from the district. No allowances to increase their average daily attendance in those classes over the prior year's base shall be provided unless all districts are fully funded, in accordance with regulations of the Board of Governors of the

California Community Colleges, or the Legislature appropriates funds specifically for Section 84810 and this section.

(b) Notwithstanding any other provision of law, no funds for inmate education programs provided pursuant to Section 84810 shall be considered as part of the base revenues for community college districts in computing apportionments as prescribed in regulations of the Board of Governors of the California Community Colleges.

SEC. 12. Section 87003 of the Education Code is amended to read:

87003. (a) "Faculty" or "faculty member" means those employees of a community college district who are employed in academic positions that are not designated as supervisory or management for the purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service have been established by the board of governors adopted pursuant to subparagraph (B) of paragraph (1) of subdivision (b) of Section 70901 or subdivision (a) of Section 87356. Faculty include, but are not limited to, instructors, librarians, counselors, community college health services professionals, handicapped student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement community college certification qualifications.

(b) Any employees who are employed in faculty positions but who perform supervisory, management, or other duties related to college governance shall not, because of the performance of those incidental duties, be deemed supervisors or managers, as those terms are defined in Section 3540.1 of the Government Code. The incidental "supervisory" or "management" duties referred to in this subdivision include, but are not limited to, serving as a faculty member on hiring, selection, promotion, evaluation, budget development, or affirmative action committees, or making effective recommendations in connection with those activities.

SEC. 12.3. Section 87482.7 is added to the Education Code, to read:

87482.7. (a) The board of governors shall, pursuant to paragraph (6) of subdivision (b) of Section 70901, adopt regulations that establish minimum standards regarding the percentage of hours of credit instruction that shall be taught by full-time instructors.

(b) Upon notice by the board of governors, the Department of Finance shall transfer any money deducted from district apportionments pursuant to the regulations adopted under this section. This money shall be transferred to the Faculty and Staff Diversity Fund pursuant to Section 87107.

SEC. 12.5. Section 87487 of the Education Code is repealed.

SEC. 12.7. Section 87487 is added to the Education Code, to read:

87487. (a) The governing board of any community college district may establish a faculty internship program pursuant to regulations adopted by the Board of Governors of the California

Community Colleges and may employ, as faculty interns within the program, graduate students enrolled in the California State University, the University of California, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59.

(b) A student employed as a faculty intern shall be employed as a temporary faculty member under Section 87482.5 and shall meet the minimum qualifications set forth in paragraphs (1) to (3), inclusive. Unless and until the Board of Governors of the California Community Colleges adopts regulations pursuant to paragraph (1) of subdivision (a) of Section 87357, the board of governors shall adopt regulations that include all of the following:

(1) Faculty interns shall be enrolled in a master's or doctoral program at the University of California, the California State University, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 and shall have completed at least one-half of the coursework for the master's or doctorate degree, or the equivalent, in that graduate program.

(2) Faculty interns may only be assigned to teach or to serve in a discipline in which they would be legally qualified to teach or render service upon completion of their graduate studies. A faculty intern shall be limited to two years of participation in the program.

(3) Each faculty intern shall serve under the direct supervision of a mentor who is legally qualified to teach the course or render the service that the faculty intern is providing. The district governing boards shall ensure that faculty mentors provide substantial direct in-class supervision and evaluation of interns' teaching capabilities. The mentor shall have no other regularly assigned duties during the time that the faculty intern is teaching or rendering service. The mentor is responsible for providing direct monitoring and systematic contact with the faculty intern.

SEC. 13. Section 15814.21 is added to the Government Code, to read:

15814.21. (a) In addition to revenues calculated for apportionment to community college districts pursuant to Section 84700 of the Education Code, if a community college capital outlay project has been approved by the Board of Governors of the California Community Colleges, the Chancellor of the California Community Colleges shall apportion state aid equal to the amount necessary for each district to meet its energy service contract obligation determined pursuant to this chapter. It is the intent of the Legislature that these funds be appropriated annually as a part of the state's general apportionment funds for the community colleges.

(b) If a community college district enters into an energy service contract with the Public Works Board pursuant to this chapter, the district shall, as a part of that energy service contract, authorize the chancellor and Controller to withhold from its annual apportionment the amount of funds necessary to satisfy its annual

energy service contract obligation to the Public Works Board. The agreement shall include authorization to withhold the additional apportionment amount and the amount determined to be the district's proportional share of the energy service contract obligation as determined pursuant to subdivision (a). The authorization shall have precedence over other expenditure obligations of the district. The chancellor shall certify the amounts, by district, to the Controller. The Controller shall withhold the amount so reported for each district and shall, acting on behalf of each district, transfer the appropriate amount from Section B of the State School Fund to the Public Works Board for the purpose of payment of the debt service obligation for the bonds sold to finance the projects.

SEC. 14. Section 6 of Chapter 565 of the Statutes of 1983 is repealed.

SEC. 15. Section 7 of Chapter 565 of the Statutes of 1983 is repealed.

SEC. 16. (a) Notwithstanding any provision of the Education Code, the Government Code, or the Public Contract Code, the Kern Community College District may, by direct negotiations or through a brokered agreement, dispose of the Weill Center site in Bakersfield, California, in accordance with the following conditions:

(1) The amount of the contract for sale shall equal or exceed a current appraisal of the value of the property.

(2) Escrow shall close no later than January 1, 1996.

(b) The use of the net proceeds of the sale shall be restricted to capital projects or deferred maintenance projects.

SEC. 17. Due to the unique circumstances concerning the Kern Community College District, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 18. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 19. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for timely funding of community colleges during the first year of implementation of program-based funding, it is necessary that this act take effect immediately.

CHAPTER 1039

An act to amend Sections 18802.9, 18805, 18806.1, 18815, and 26131 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor October 14, 1991. Filed with Secretary of State October 14, 1991.]

The people of the State of California do enact as follows:

SECTION 1. Section 18802.9 of the Revenue and Taxation Code is amended to read:

18802.9. (a) The head of every state agency (as defined by Section 11000 of the Government Code) entering into any contract shall make a return (at the time and in the form the Franchise Tax Board may by regulation prescribe) setting forth all of the following:

(1) The name, address, type of business entity, and taxpayer identification number of each person with which that agency entered into a contract during the calendar year.

(2) Any other information the Franchise Tax Board may require.

(b) As required by the Franchise Tax Board, this section also shall apply to any of the following:

(1) Licenses granted by state agencies.

(2) Subcontracts under contracts to which subdivision (a) applies.

(c) This section shall not apply to contracts or licenses in any class which are below a minimum amount or value which may be determined by the Franchise Tax Board for that class.

SEC. 2. Section 18805 of the Revenue and Taxation Code is amended to read:

18805. (a) The Franchise Tax Board may, by regulation require any person, in whatever capacity acting (including lessees or mortgagors of real or personal property, fiduciaries, employers, and any officer or department of the state or any political subdivision or agency of the state, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the state) having the control, receipt, custody, disposal, or payment of items of income specified in subdivision (b), to withhold an amount, determined by the Franchise Tax Board to reasonably represent the amount of tax due when such items of income are included with other income of the taxpayer, and to transmit the amount withheld to the Franchise Tax Board at such time as it may designate.

(b) The items of income referred to in subdivision (a) are interest, dividends, rent, prizes and winnings, premiums, annuities, emoluments, compensation for services, partnership income or gains, and other fixed or determinable annual or periodical gains, profits and income.

(c) The Franchise Tax Board may authorize the tax under subdivision (a) to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding

CHAPTER 1372

An act to amend Sections 40, 41, 52, 92, 262.3, 1043, 1240, 1245, 1246, 1250, 1252, 1253, 1260, 1262, 1271, 1294, 1297, 1298, 1330, 1340, 1400, 1500, 1510, 1602, 1606, 1700, 1721, 1831, 1946, 4002, 4003, 7000, 8006, 8008, 8070, 8080, 8081, 8084, 8092, 8207, 8225, 8285.5, 8320, 8322, 8328, 8329, 8362, 8394, 8510, 8534, 8760, 8761, 8762, 8763, 8764, 8765, 8771, 10407, 10504, 10900, 10901, 10907, 10910, 10912, 10913, 10914, 11001, 12020, 12220, 12302, 12400, 12401, 12402, 12405, 14000, 15100, 15106, 15140, 15141, 15142, 15147, 15252, 15254, 15502, 15520, 15527, 15528, 15541, 15551, 15570, 15574, 15701, 15718, 15735, 15745, 15752, 15794, 16042, 16045, 16080, 16100, 16105, 16165, 16195, 16197, 16200, 16214, 17302, 17313, 17900, 17901, 17902, 17903, 18100, 18101, 18102, 18103, 18110, 18111, 18120, 18121, 18122, 18131, 18132, 18134, 18137, 18138, 18139, 18170, 18171, 18172, 19901, 22200, 22504, 24806, 24923, 24924, 32033, 32300, 32371, 32372, 33031, 33113, 33117, 33117.5, 35501, 39214.5, 39308, 39383, 39830, 41303, 41332, 44849, 44850, 44854, 51875.7, 52152, 52154, 52302.3, 52342, 52512, 62001, 66010, 66011, 66017, 66021, 66700, 68011, 68012, 68016, 68022, 68023, 68040, 68041, 68051, 68070, 68071, 68072, 68073, 68100, 69510, 69511.5, 69537, 69640, 69641, 69641.5, 69642, 69643, 69648, 69648.5, 69649, 69653, 69655, 71004, 71020, 71040, 71046, 71050, 71090, 71092, 71093, 72000, 72023.5, 72027, 72031, 72102, 72122, 72241, 72247, 72423, 72500, 72506, 72530, 74000, 74001, 74104, 74105, 74106, 74107, 74109, 74110, 74132, 74134, 74135, 74136, 74139, 74140, 74153, 74154, 74155, 74158, 74159, 74202, 74270, 74290, 76000, 76001, 76020, 76403, 76407, 78031, 78032, 78211.5, 78213, 78216, 78217, 78230, 78249, 78300, 78401, 78900, 78907, 79020, 79021, 79154, 79155, 81033, 81130, 81130.5, 81133, 81160, 81177, 81179, 81805, 81807, 81820, 81822, 81836, 81837, 81901, 81908, 81947, 82321, 82537, 82542, 84030, 84040.6, 84207, 84320, 84328, 84362, 84381, 84382, 84383, 84384, 84660, 84890, and 85230 of, to amend and repeal Section 32033 of, to add Sections 8323, 71025, 71028, 72013, 72014, 72015, 72243, 72249, 72253.3, 72253.5, 72253.7, 78034, 84001, 84700.3, 85266.5, 87448, and 88020.5 to, to add Chapter 1.5 (commencing with Section 78100) to Part 48 of, to repeal Sections 91, 265, 1255, 7001, 7002, 8085, 8329.5, 8511, 8513, 8514, 8515, 8516, 12210, 12404, 14020, 14021, 15000, 32200, 44971, 66101, 66102, 66200, 66700.5, 66902.5, 67007, 68010, 68013, 68019, 68020, 68021, 68090, 69644, 69645, 69646, 69647, 69648.7, 69657, 71005, 71027.5, 71033, 71034, 71038, 71039, 71041, 71042, 71047, 71048, 71095, 71096, 71097, 72001, 72002, 72020, 72021, 72023.7, 72024, 72025, 72028, 72029, 72030, 72032, 72033, 72035, 72120, 72125, 72126, 72132, 72200, 72202, 72203, 72204, 72208, 72231, 72237, 72241.5, 72244, 72247.1, 72248, 72255, 72256, 72408, 72409, 72412, 72413, 72419, 72419.5, 72420, 72421, 72422, 72531, 72532, 74010, 74011, 74271, 74282, 74283, 74291, 74292, 74293, 74294, 74295, 76001.5, 76002, 76006, 76021, 76142, 76160, 76400, 76405, 76408, 76409, 76470, 78001, 78002, 78003, 78004, 78005, 78006, 78007, 78010, 78011, 78012, 78220, 78221, 78222, 78240, 78241, 78242, 78243, 78244, 78245, 78246, 78247, 78248, 78250, 78270, 78272, 78301, 78302, 78303, 78304, 78305, 78402, 78403, 78405, 78407, 78409, 78412, 78440, 78440.5, 78441,

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78442, 78902, 78903, 78904, 78905, 78906, 79022, 79023, 79024, 79025, 79026, 79027, 79027.5, 79028, 79029, 79031, 79032, 79121, 79122, 79123, 79124, 79153, 81000, 81005, 81006, 81008, 81009, 81033.5, 81035, 81036, 81038, 81039, 81131, 81131.5, 81131.6, 81132, 81134, 81135, 81136, 81137, 81140, 81164, 81165, 81176, 81801, 81802, 81803, 81804, 81806, 81809, 81810, 81821.5, 81830, 81831, 81833, 81838, 81900, 81903, 81906, 81910, 81911, 81912, 81913, 81914, 81915, 81916, 81917, 81918, 81919, 81920, 81921, 81922, 81923, 81924, 81931, 81948, 81953, 81954, 81957, 81958, 81959, 81967, 82305, 82305.5, 82321.1, 82360, 82362, 82363, 82364, 82365, 82530, 82531, 82532, 82533, 82535, 82536, 82538, 82539, 82540, 82541, 82543, 84004, 84005, 84031, 84035, 84040.3, 84040.7, 84041, 84043, 84044, 84045, 84046, 84200, 84201, 84206, 84300, 84322, 84324, 84325, 84327, 84329, 84330, 84331, 84332, 84360, 84363, 84380, 84384.1, 84385, 84386, 84387, 84661, 84662, 84735, 84850.5, 84891, 84892, 84893, 84894, 84895, 85210, and 85430 of, to repeal Article 2 (commencing with Section 8020) of Chapter 1 of Part 6 of, Article 2 (commencing with Section 10550) of Chapter 6 of Part 7 of, Article 3 (commencing with Section 71060) of Chapter 1 of Part 44 of, Article 3 (commencing with Section 72280) of, and Article 5 (commencing with Section 72320) of Chapter 3 of, Article 1 (commencing with Section 72600) of, Article 4 (commencing with Section 72640) of, and Article 5 (commencing with Section 72650) of, Chapter 6 of Part 45 of, Article 8 (commencing with Section 76130) of Chapter 1 of, Chapter 2 (commencing with Section 76300) of, Article 2 (commencing with Section 76420) of, and Article 4 (commencing with Section 76450) of Chapter 3 of Part 47 of, Article 2.5 (commencing with Section 78040) of, and Article 3 (commencing with Section 78050) of Chapter 1 of, Article 1 (commencing with Section 78200.5) of, and Article 6 (commencing with Section 78280) of Chapter 2 of, Article 2 (commencing with Section 78430) of, and Article 5 (commencing with Section 78460) of Chapter 3 of, Article 2 (commencing with Section 78920) of, and Article 3 (commencing with Section 78930) of Chapter 7 of, Article 1 (commencing with Section 79000) of, and Article 2 (commencing with Section 79010) of Chapter 8 of Part 48 of, Article 1 (commencing with Section 82500) of Chapter 8 of Part 49 of, Article 3 (commencing with Section 84050) of Chapter 1 of, Article 6 (commencing with Section 84370) of, and Article 8 (commencing with Section 84390) of Chapter 3 of, Article 5 (commencing with Section 84801) of Chapter 5 of, Article 1 (commencing with Section 85200) of Chapter 8 of, Article 1 (commencing with Section 85400) of Chapter 9 of, and Article 3 (commencing with Section 85420) of Chapter 9 of Part 50, to repeal Chapter 5.5 (commencing with Section 84900) of, Chapter 6 (commencing with Section 85000) of, and, Chapter 7 (commencing with Section 85100) of Part 50, to repeal and add Section 84040 of, and to repeal and add Chapter 4 (commencing with Section 84500) of Part 50 of, the Education Code, to amend Section 16417 of the Government Code, and to add Section 20660 to the Public Contract Code, relating to community colleges.

[Approved by Governor September 26, 1990. Filed with
Secretary of State September 28, 1990.]

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature hereby finds and declares that numerous provisions of the Education Code, including those provisions listed in subdivision (b), authorizing community colleges to conduct various activities are unnecessary in light of Section 14 of Article IX of the California Constitution. Section 14 of Article IX of the California Constitution authorizes community college districts to initiate and carry out any activity which is not in conflict with, or inconsistent with, or preempted by any law, and which is not in conflict with the purposes for which community college districts are established.

(b) The Legislature finds and declares that the purpose of this act is to repeal or make inapplicable to the community colleges numerous Education Code provisions which are no longer necessary in light of the authority of Section 14 of Article IX of the Constitution. In repealing or making inapplicable these provisions, the Legislature finds and declares that under the general authority of Section 14 of Article IX, community college districts shall continue to have the authority provided in the provisions that are repealed. The Legislature specifically declares this finding with regard to, but not limited to, the following Education Code sections which are repealed or amended by this act:

Sections 8080, 8081, 8084, 8085, 8091, 8322, 8329, 8760, 8761, 8762, 8763, 8764, 10504, 12400, 12401, 12402, 12404, 12405, 18110, 18111, 18120, 18131, 18134, 32371, 32372, 72241.5, 72244, 72320, 72321, 72412, 72419, 72419.5, 72420, 72421, 72422, 76400, 76470, 78001, 78010, 78011, 78050, 78051, 78208, 78230, 78240, 78270, 78280, 78281, 78286, 78302, 78303, 78409, 78440, 79022, 79028, 79032, 79121, 81009, 81839, 81931, 81953, 81954, 81957, 82305, 82305.5, 82500, 82501, 82535, 82541, 84035, 84050, 85201, 85260.5, 85266, 85267, 85410, 85420, and 85430, the second sentence of Section 32033, the second and third sentences of Section 76403, the first sentence of Section 78442, and the second and third sentences of Section 84041.

SEC. 3. Section 40 of the Education Code is amended to read:

40. (a) It is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses be conducted, without regard to the sex of the student enrolled in such classes and courses.

(b) No school district shall prohibit any student from enrolling in any class or course on the basis of the sex of the student, except a class subject to Section 51550.

(c) No school district shall require students of one sex to enroll in a particular class or course, unless the same class or course is also required of students of the opposite sex.

(d) No school counselor, teacher, instructor, administrator, or

not repaired, reconstructed, or replaced in accordance with this article, there shall be posted in a conspicuous place on the building a public notice stating that the building does not meet the structural standards imposed by law for earthquake safety.

SEC. 557. Section 81164 of the Education Code is repealed.

SEC. 558. Section 81165 of the Education Code is repealed.

SEC. 559. Section 81176 of the Education Code is repealed.

SEC. 560. Section 81177 of the Education Code is amended to read:

81177. (a) No member of the governing board of a community college district shall be held personally liable for injury to persons or damage to property resulting from the fact that a school building was not constructed under the requirements of Article 7 (commencing with Section 81130), if the governing board complies with this article. The limit on liability shall commence when the governing board initiates action to comply with Section 81162.

A licensed structural engineer or licensed architect employed by a governing board to examine any school building under this article shall not be held personally liable for injury to persons or damage to property as a result of the structural inadequacy and failure of a building, provided he or she has exercised normal professional diligence in carrying out his or her functions under Article 7 (commencing with Section 81130) and this article.

(b) Except as provided in subdivision (a), nothing in this article shall be construed as relieving any member of the governing board of a community college district of any liability for injury to persons or damage to property imposed by law.

SEC. 561. Section 81179 of the Education Code is amended to read:

81179. Notwithstanding any other provision of this article or Chapter 4 (commencing with Section 81800), whenever a community college district does not have funds available to repair, reconstruct, or replace the school buildings referred to in this article or Section 16320, the community college district shall apply for the funds as may be necessary to accomplish the repair, reconstruction, or replacement pursuant to Chapter 4. The community college district shall also accept the funds as are disbursed to the district pursuant to Chapter 4, whether or not the funds constitute the maximum amount applied for, and shall repay the funds in accordance with Chapter 4.

SEC. 562. Section 81801 of the Education Code is repealed.

SEC. 563. Section 81802 of the Education Code is repealed.

SEC. 564. Section 81803 of the Education Code is repealed.

SEC. 565. Section 81804 of the Education Code is repealed.

SEC. 566. Section 81805 of the Education Code is amended to read:

81805. This chapter shall be administered by the Board of Governors of the California Community Colleges, and for purposes of the administration the board of governors shall adopt all necessary

rules and regulations.

For purposes of this chapter, the board of governors shall assemble statewide data on facility and construction costs, and on the basis thereof formulate cost standards and construction standards. The formulation of standards shall include also the formulation of average ratios of equipment cost to total project costs, unit equipment costs per faculty or other staff measure, and unit costs related to floor areas.

SEC. 567. Section 81806 of the Education Code is repealed.

SEC. 568. Section 81807 of the Education Code is amended to read:

81807. Funds appropriated for a project of a community college district for purposes of this chapter shall be allocated and disbursed upon order of the Board of Governors of the California Community Colleges, and by warrants of the Controller issued pursuant thereto.

SEC. 569. Section 81809 of the Education Code is repealed.

SEC. 570. Section 81810 of the Education Code is repealed.

SEC. 571. Section 81820 of the Education Code is amended to read:

81820. The governing board of each community college district shall prepare and submit to the Board of Governors of the California Community Colleges a plan for capital construction for community college purposes of the district. The plan shall reflect capital construction for community college purposes of the district for the five-year period commencing with the next proposed year of funding. The five-year plan shall be subject to continuing review by the governing board and annually shall be extended one year, and there shall be submitted to the board of governors, on or before the first day of February in each succeeding year, a report outlining the required modifications or changes, if any, in the five-year plan.

SEC. 572. Section 81821.5 of the Education Code is repealed.

SEC. 573. Section 81822 of the Education Code is amended to read:

81822. The board of governors shall review and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the elements of the capital construction program specified in Section 81821, and shall, on the basis of the review and evaluation, make the revision and changes therein as are appropriate, and notify the district. A similar review and evaluation of continuing five-year plans for capital construction submitted by the governing board of each community college district shall be made. The board of governors shall, promptly after review, notify the governing board of each community college district of the content of the district's revised plan for capital construction.

SEC. 574. Section 81830 of the Education Code is repealed.

SEC. 575. Section 81831 of the Education Code is repealed.

SEC. 576. Section 81833 of the Education Code is repealed.

SEC. 577. Section 81836 of the Education Code is amended to

read:

81836. The Board of Governors of the California Community Colleges shall:

(a) Advise the governing board of each community college district on the acquisition of new college sites, and after a review of available plots, give the governing board of the district in writing a list of the approved locations in the order of their merit, considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction, and charge the governing board of the community college district a reasonable fee as determined by the board of governors for each 10 acres or fraction thereof of schoolsite reviewed.

(b) Establish standards for community college facilities.

(c) Review plans and specifications for all construction in those community college districts that have submitted plans and specifications therefor to the board of governors for approval.

(d) For services rendered for the review of plans and specifications of a proposed project, the board of governors shall charge a reasonable fee as established by it.

(e) Approve plans and specifications submitted by governing boards of community college districts, and return without approval and with recommendation for changes, any plans not conforming to established standards.

SEC. 578. Section 81837 of the Education Code is amended to read:

81837. The governing board of each community college district, before letting any contract or contracts totaling one hundred fifty thousand dollars (\$150,000), or more, in the erection of any new community college facility, or for any addition to, or alteration of, an existing community college facility, shall submit plans therefor to the Board of Governors of the California Community Colleges, and obtain the written approval of the plans by the board of governors. No contract for construction made by any governing board of a community college district contrary to this section is valid, nor shall any public money be paid for erecting, adding to, or altering any facility in contravention of this section.

SEC. 579. Section 81838 of the Education Code is repealed.

SEC. 581. Section 81900 of the Education Code is repealed.

SEC. 582. Section 81901 of the Education Code is amended to read:

81901. (a) The governing board of any community college district may issue revenue bonds pursuant to this chapter.

(b) The board, for the purpose of this chapter, has power and is hereby authorized, in addition to and amplification of all other powers conferred upon the board by the Constitution of the State of California or by any statute of the State of California:

(1) To acquire subject to the state law, by grant, purchase, gift, devise, or lease, or by the exercise of the right of eminent domain,

pursuant to this article shall immediately apportion the money by placing 50 percent to the credit of the road fund. The remaining 50 percent shall be divided between school and community college districts where the lands are located, with the division based on attendance. The portion attributable to school districts shall be placed to the credit of the county school service fund of the county. The portion attributable to community college districts shall be paid directly to the district.

SEC. 707. Section 20660 is added to the Public Contract Code, to read:

20660. Perishable food stuffs and seasonal commodities needed in the operation of cafeterias and food services may be purchased by a community college district in accordance with rules and regulations for the purchase adopted by the governing board of that district, notwithstanding any provisions of this code in conflict with the rules and regulations.

SEC. 708. (a) Prior to January 1, 1991, the Board of Governors of the California Community Colleges shall initially adopt and put into effect regulations which incorporate the text of the following Education Code provisions that have been repealed or amended by this act. The text of these sections, as they relate to community colleges, may be changed when initially adopted as regulations in accordance with the character of the California Community Colleges as a postsecondary education system, as specified in Section 70900 of the Education Code, and the responsibilities assigned to the Board of Governors of the California Community Colleges, as specified in the Education Code, including Sections 66700 and 70901. The changes shall not alter the requirements, rights, responsibilities, conditions or prescriptions contained in these statutes. Permitted initial changes include grammatical or technical changes, renumbering or reordering sections, removal of outdated terms or references to inapplicable or repealed statutory authorities, and the correction of gender references of the following sections of the Education Code:

Sections 8070, 8092, 17900, 17901, 17902, 17903, 18120, 18122, 71005, 71034, 72208, 72237, 72601, 72602, 72640, 72641, 72650, 74282, 74283, 76160, 76408, 78002, 78004, 78005, 78006, 78007, 78012, 78200.5, 78202, 78203, 78206, 78222, 78243, 78244, 78245, 78246, 78247, 78248, 78272, 78430, 78431, 78441, 78460, 78920, 79000, 79001, 81000, 81005, 81006, 81008, 81802, 81803, 81806, 81809, 81810, 81821.5, 81830, 81831, 81833, 81838, 82364, 84040.3, 84040.7, 84043, 84044, 84045, 84046, 84051, 84052, 84057, 84324, 84325, 84330, 84331, 84332, 84360, 84370, 84371, 84372, 84387, 84500, 84500.1, 84500.5, 84500.6, 84502, 84520, 84521, 84521.5, 84522, 84524.5, 84526, 84527, 84530, 84570, 84571, 84572, 84801, 84810, 84891, 84892, 84893, 84894, 84895, 85000, 85003, 85020, 85021, 85022, 85023, 85024, 85200, and 85210, and the second paragraph of Section 68090 of, the second sentence of Section 78205 of, the first sentence of Section 84041 of, and subdivision (b) of Section 84890. After initial adoption of the Board of Governors regulations specified by this

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section, all subsequent changes to those regulations shall be made in accordance with Section 70901.5 of the Education Code.

(b) It is the intent of the Legislature that there be no lapse in the requirements, rights, responsibilities, conditions, or prescriptions contained in the statutes. Should the board of governors fail to adopt and put into effect regulations in accordance with subdivision (a), the listed statutes shall remain operative until the effective date of the corresponding board of governors regulations.

(c) After the text of Sections 78460, 84500, 84500.1, 84500.5, 84500.6, 84502, 84520, 84521, 84521.5, 84524.5, 84526, 84527, 84530, 84570, 84571, 84801, and 84895 of the Education Code have been initially adopted as regulations, any changes to these regulations, other than purely technical changes approved by the Department of Finance, shall not become effective until the implementation of Section 84750 of the Education Code in accordance with the provisions of subdivision (e) of Section 70 of Chapter 973 of the Statutes of 1988.

(d) The Legislature hereby finds and declares that all statutes which it has directed the Board of Governors of the California Community Colleges to adopt as regulations meet the standards of necessity, authority, clarity, consistency, reference, and nonduplication as provided in Section 70901.5 of the Education Code.

SEC. 709. Sections 13, 14, 18, 21, 27, 31, 50, 119, 120, 260, and 433 of this act shall become effective January 1, 1992.

SEC. 710. If the provisions of this bill amending Section 22200 of the Education Code and the provisions of AB 2642 amending Section 22200 of the Education Code are both chaptered on or before January 1, 1991, the provisions of AB 2642 amending Section 22200 shall prevail over the provisions of this bill amending that section.

SEC. 711. If the provisions of this bill amending Section 69511.5 of the Education Code and the provisions of AB 3397 amending Section 69511.5 of the Education Code are both chaptered on or before January 1, 1991, the provisions of AB 3397 amending Section 69511.5 of the Education Code shall prevail over the provisions of this bill amending that section.

SEC. 712. If the provisions of this bill amending Section 78213 of the Education Code and the provisions of AB 3707 amending Section 78213 of the Education Code are both chaptered on or before January 1, 1991, the provisions of AB 3707 amending Section 78213 of the Education Code shall prevail over the provisions of this bill amending that section.

SEC. 713. The Legislature recognizes that the review of the necessity of amending or repealing appropriate sections of the Education Code, as embodied in this act, reflects the best efforts of the board of governors to implement Section 57 of Chapter 973 of the Statutes of 1988 within the time constraints afforded. The Legislature also recognizes that additional review will permit greater input of interested parties, securing of appropriate expertise in those technical areas which were not addressed in this act, and further refinement of the governance structure identified in Chapter 973.

Accordingly, the Board of Governors of the California Community Colleges shall continue its review of the Education Code related to the administration and operation of the California Community Colleges and shall recommend to the Legislature the amendment or repeal of those provisions affected by Chapter 973 of the Statutes of 1988 which have not been accomplished in this act.

SEC. 714. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 891

An act to amend Sections 81809, 81821, 81822, 81831, 81833, and 81837 of, and to repeal Section 81840 of, the Education Code, relating to community colleges.

[Approved by Governor September 27, 1981. Filed with
Secretary of State September 28, 1981.]

The people of the State of California do enact as follows:

SECTION 1. Section 81809 of the Education Code is amended to read:

81809. Upon completion of a project the governing board of the community college district shall submit to the chancellor, within 30 days after the closure of the current fiscal year, a final report on all expenditures in connection with the project and the sources of the funds expended. The district shall be subject to a state post-audit review of fund claims for all such projects.

SEC. 2. Section 81821 of the Education Code is amended to read:
81821. The five-year plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic and student services programs, and the effect on estimated construction

needs which may arise because of particular courses of instruction or subject matter areas or student services to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college and educational center within a district shall be made cooperatively by the Department of Finance and the community college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(d) District office, library, and supporting facility capacities as derived from the physical plant standards for office, library, and supporting facilities adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(e) An annual inventory of all facilities and land of the district using standard definitions, forms, and instructions adopted by the board of governors.

(f) An estimate of district funds which shall be made available for capital outlay matching purposes pursuant to Section 81838.

SEC. 3. Section 81822 of the Education Code is amended to read:

81822. The chancellor shall review and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the elements of the capital construction program specified in Section 81821, and shall, on the basis of such review and evaluation, make such revision and changes therein as are appropriate, and notify the district. A similar review and evaluation of continuing five-year plans for capital construction submitted by the governing board of each community college district shall be made on or before each succeeding first day of April. The chancellor shall, promptly after review, notify the governing board of each community college district of the content of the district's revised plan for capital construction.

SEC. 4. Section 81831 of the Education Code is amended to read:

81831. The chancellor shall review and evaluate each proposed project with reference to the elements of the capital construction program specified in Section 81821. Such review shall include the following elements:

(a) An architectural analysis to determine costs of the various phases of the project, with particular attention to be directed to the type of construction, unit costs, and the efficiency of particular buildings and facilities in terms of effective utilization of area.

(b) Determining the amount of federal funds available for the project, and taking appropriate measures to ensure that the project will qualify for the maximum amounts of federal funds practicable under the circumstances.

"Federal funds" means any construction and equipment moneys provided by the federal government to a community college district for the project or any part of the project, which are or will be available to the district for the project.

(c) Determining the total cost of the project, reducing the total cost by the amount of federal funds available therefor, and determining the remainder thereof to be borne by the state, or, if the district has matching funds, by the state and by the district.

The determination as to whether the district has funds to provide all or part of its matching share of the project shall be made on the basis of district ability. If the district ability, as determined by Section 81838, is sufficient to meet the matching costs of the project or its individual phases of planning, working drawings, construction, equipment, or land acquisition, the district shall bear its matching share of the cost of the project or one or more of its phases. If the district funds available are insufficient to provide the district's matching share for the cost of the project or one or more of its phases, computed pursuant to Section 81838, the district shall provide the moneys available, as defined by the board of governors, and state funds may be requested to provide the balance of funds required.

(d) Determining the total of funds required for the first phase of the project to be provided on a matching basis by the state and the district, and the total state appropriation required to be provided for the project or one or more of its phases.

SEC. 5. Section 81833 of the Education Code is amended to read:
81833. A proposed project submitted by the governing board of a community college district to the chancellor pursuant to Section 81830 prior to February 1st of each year shall be finally acted upon by the chancellor pursuant to Section 81831 on or before the next succeeding May 1st of each year.

SEC. 6. Section 81837 of the Education Code is amended to read:
81837. The governing board of each community college district, except districts governed by a city board of education, before letting any contract or contracts totaling one hundred fifty thousand dollars (\$150,000), or more, in the erection of any new community college facility, or for any addition to, or alteration of, an existing community college facility, shall submit plans therefor to the chancellor's office, and obtain the written approval of the plans by that office. No contract for construction made by any governing board of a community college district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to, or altering any facility in contravention of this section.

SEC. 7. Section 81840 of the Education Code is repealed.

CHAPTER 892

An act to amend Sections 19826, 19831, and 19832 of the Health and Safety Code, relating to building permits.

[Approved by Governor September 27, 1981. Filed with Secretary of State September 28, 1981.]

The people of the State of California do enact as follows:

SECTION 1. Section 19826 of the Health and Safety Code is amended to read:

19826. No city or county, whether general law or chartered, shall issue a building permit which does not contain all applicable declarations required by Section 19825 properly executed by the owner, applicant, contractor, or agent of the owner, contractor, or applicant. The properly executed declarations shall be a condition for issuance of the building permit. However, no city or county or its employees shall be responsible for determining the truth or accuracy of the declarations, and no monetary liability on the part of, and no cause of action for damages against them, shall arise from their failure to verify the truth or accuracy of the declarations.

SEC. 2. Section 19831 of the Health and Safety Code is amended to read:

19831. A city or county, which is required to give notice pursuant to Section 19830, shall attach to such notice, and, as a condition precedent to issuing a building permit, require the completion and require the return of, an owner-builder verification in substantially the following form:

“OWNER-BUILDER VERIFICATION

“Attention Property Owner:

“An ‘owner-builder’ building permit has been applied for in your name and bearing your signature.

“Please complete and return this information in the envelope provided at your earliest opportunity to avoid unnecessary delay in processing and issuing your building permit. No building permit will be issued until this verification is received.

1. I personally plan to provide the major labor and materials for construction of the proposed property improvement (yes or no)

2. I (have/have not) _____ signed an application for a building permit for the proposed work.

3. I have contracted with the following person (firm) to provide the proposed construction:

Name _____

Address _____ City _____

Phone _____ Contractors License No. _____

CHAPTER 470

An act to amend Sections 1256, 1257, 1264, 1265, 1330, 2400, 2509, 10401, 10407, 32020, 32030, 32040, 32044, 32211, 66803, 71060, 72002, 72020, 72030, 72122, 72126, 72129, 72237, 72280, 72300, 72330, 72331, 72332, 72400, 72401, 72408, 72533, 72601, 72602, 72670, 72673, 72682, 76000, 76001, 76002, 76130, 76160, 78005, 78008, 78030, 78031, 78032, 78033, 78204, 78409, 78907, 79000, 79020, 79021, 79022, 79023, 79024, 79025, 79026, 79027.5, 79028, 79030, 79031, 81000, 81006, 81031, 81033, 81033.5, 81035, 81036, 81038, 81144, 81179, 81452, 81457, 81640, 81648, 81657, 81658, 81821, 82530, 82531, 82535, 82536, 82537, 82538, 82541, 82542, 82543, 82544, 84300, 84362, 84370, 84373, 84500, 84520, 84528, 85000, 85003, 85022, 85200, 85201, 85266, 85442, 87032, 87036, 87039, 87212, 87274, 87408.5, 87409, 87422, 87423, 87424, 87428, 87454, 87455, 87456, 87457, 87458, 87484, 87708, 87732, 87733, 87735, 87744, 87745, 87801, 87808, 87828, 88000, 88240, and 88242 of, to amend the heading of Chapter 8 (commencing with Section 79000) of Part 48 of, to add Sections 8085, 71029, 78002, 78200.5, 78270, 78460, 81130.5, 87406.5, 87408.6, 88008, and 88010.5 to, to add Article 2 (commencing with

Section 78220) and Article 8 (commencing with Section 78310) to Chapter 2 of, and Chapter 4 (commencing with Section 78600) to, Part 48 of, to add an article heading to Chapter 3 of Part 51 of, to repeal Sections 2501, 10402, 10404, 10406, 66905, 66920, 68081, 68083, 68132, 71094, 71095, 72034, 72100, 72101.5, 72105, 72124, 72130, 72131, 72205, 72209, 72210, 72234, 72236, 72240, 72240.5, 72252, 72300.5, 72301, 72303, 72333, 72334, 72402, 72403, 72414, 72416, 72417, 72418, 72504, 72507, 72509, 72511, 72539, 72604, 72642, 74011.5, 74032, 74103, 76003, 76004, 76005, 76006, 76131, 76141, 76406, 76423, 76424, 76425, 76456, 76482, 78009, 78013, 78014, 78034, 78209, 78273, 78404, 78410, 78411, 78464, 78465, 78931, 78932, 78933, 79002, 79003, 79011, 81003, 81007, 81032, 81034, 81037, 81043, 81131.4, 81178, 81180.5, 81182, 81184, 81333, 81337, 81338, 81339, 81340, 81341, 81342, 81342.5, 81343, 81352, 81353, 81354, 81360.5, 81383, 81610, 81612, 81614, 81615, 81616, 81650, 81652, 81654, 82302, 82303, 82306, 82307, 82502, 82503, 82504, 82505, 82506, 82507, 82545, 82546, 82547, 84006, 84007, 84009, 84070, 84071, 84202, 84203, 84204, 84205, 84301, 84302, 84303, 84374, 84501, 84529, 85001, 85002, 87030, 87045, 87065, 87210, 87211, 87212.5, 87213, 87215, 87337, 87338, 87343, 87344, 87345, 87346, 87347, 87403, 87404, 87407, 87426, 87427, 87429, 87430, 87431, 87435, 87437, 87439, 87450, 87452, 87465, 87703, 87704, 87705, 87707, 87709, 87711, 87712, 87738, 87800, 87805, 87811, 87826, 87827, and 87830 of, to repeal Chapter 8 (commencing with Section 2100) of Part 2 of, Article 1 (commencing with Section 7000) of Chapter 1 of Part 5 of, Article 1 (commencing with Section 14200) of Chapter 2 of Part 9 of, Article 5 (commencing with Section 76100) of Chapter 1, Article 3 (commencing with Section 76440) of Chapter 3, and Article 7 (commencing with Section 76490) of Chapter 6, of Part 47 of, Article 4 (commencing with Section 78451) of Chapter 3, Article 2 (commencing with Section 79130), and Article 5 (commencing with Section 79160), of Chapter 9, of Part 48 of, Article 4 (commencing with Section 81060), Article 5 (commencing with Section 81080), and Article 6 (commencing with Section 81100), of Chapter 1 of, Article 2 (commencing with Section 81630) of Chapter 3 of, Chapter 5 (commencing with Section 81900) of, Article 2 (commencing with Section 82320) of Chapter 7 of, Part 49 of, and Article 4 (commencing with Section 84340) of Chapter 3 of, and Chapter 7 (commencing with Section 85100) of, Part 50 of, to repeal the article heading of Article 2 of Chapter 2 of Part 48 of, to amend and repeal Section 72035 of, to repeal and add Sections 72422, 72506, 76400, 76401, 78930, 79001, 81160, 87401, and 87714 of, and to repeal and add Article 2 (commencing with Section 72010) of Chapter 1 of Part 45 of, Article 3 (commencing with Section 76030) of Chapter 1 of, Chapter 2 (commencing with Section 76300) of, and Article 4 (commencing with Section 76450) of Chapter 3 of, Part 47 of, the Education Code, relating to education.

[Approved by Governor September 14, 1981. Filed with
Secretary of State September 14, 1981.]

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature in enacting this act to update and streamline the Education Code as it pertains to community colleges.

The Legislature finds and declares that government rulemaking which is unnecessary, overburdensome or confusing wastes resources which the state cannot afford to waste. The Legislature further finds that the Education Code, as it pertains to community colleges, continues to regulate closely community college districts in a manner similar to school districts, rather than as higher education entities.

This act repeals or amends provisions which are unnecessarily burdensome, repeals outdated provisions, repeals redundant provisions, and harmonizes conflicting provisions so as to make the Education Code more realistic, clear, up-to-date, and concise as it relates to community colleges. By making these changes, the Legislature intends to promote a more efficient utilization of resources within the community colleges. In addition, the Legislature also intends to increase local control and flexibility in the administration and governance of community colleges by reducing the number of statutes which unnecessarily dictate the specifics of college operations.

It is not the intent of the Legislature in enacting this act to divest any community college employee of any previously accrued rights which may have been obtained pursuant to any statutes which have been amended or repealed by this act.

SEC. 2. Section 1256 of the Education Code is amended to read:
1256. The county superintendent of schools shall, when there is sufficient money in the fund of any school district to maintain a free school in the district for 175 days of actual teaching, if the trustees neglect or refuse to employ a teacher, appoint a teacher, and open and keep the school. The county superintendent of schools may draw a requisition upon the county auditor, who shall draw a warrant upon the fund of the district for the expense incurred.

SEC. 3. Section 1257 of the Education Code is amended to read:
1257. In case of the failure of the governing board of any school district to employ a janitor as provided elsewhere in this code, the county superintendent shall appoint a janitor who shall be paid out of the school fund of the district.

If the governing board of any school district fails or refuses to issue an order for the compensation for services provided for in this section, the county superintendent shall issue a requisition upon the county fund apportioned to the district.

SEC. 4. Section 1264 of the Education Code is amended to read:
1264. The superintendent of schools of each county may require the governing board of any school district, except a district governed by a city or city and county board of education, to repair the school buildings or property or to abate any nuisance in or about the

dollars (\$250) per transaction for work done, compensation for employees or consultants, and purchases of equipment, supplies, or materials. Ratification by the governing board shall not be required with respect to transactions entered into pursuant to this section. In the event of malfeasance in office, the district official invested by the governing board with authority to act under this section shall be personally liable for any and all moneys of the district paid out as a result of such malfeasance.

SEC. 255. Section 81658 of the Education Code is amended to read:

81658. If any change or alteration of a contract governed by the provisions of this article is ordered by the governing board of the community college district, such change or alteration shall be specified in writing and the cost agreed upon between the governing board and the contractor. The board may authorize the contractor to proceed with performance of the change or alteration without the formality of securing bids, if the cost so agreed upon does not exceed the greater of:

(a) The amount specified in Section 81640 or 81649, whichever is applicable to the original contract; or

(b) Ten percent of the original contract price.

SEC. 256. Section 81821 of the Education Code is amended to read:

81821. The five-year plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic and student services programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas or student services to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college and educational center within a district shall be made cooperatively by the Department of Finance and the community college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(d) District office, library, and supporting facility capacities as derived from the physical plant standards for office, library, and supporting facilities adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(e) An annual inventory of all facilities and land of the district using standard definitions, forms, and instructions adopted by the board of governors.

(f) An estimate of district funds which shall be made available for capital outlay matching purposes pursuant to Section 81838.

SEC. 257. Chapter 5 (commencing with Section 81900) of Part 49 of the Education Code is repealed.

SEC. 258. Section 82302 of the Education Code is repealed.

SEC. 259. Section 82303 of the Education Code is repealed.

SEC. 260. Section 82306 of the Education Code is repealed.

SEC. 261. Section 82307 of the Education Code is repealed.

SEC. 262. Article 2 (commencing with Section 82320) of Chapter 7 of Part 49 of the Education Code is repealed.

SEC. 263. Section 82502 of the Education Code is repealed.

SEC. 264. Section 82503 of the Education Code is repealed.

SEC. 265. Section 82504 of the Education Code is repealed.

SEC. 266. Section 82505 of the Education Code is repealed.

SEC. 267. Section 82506 of the Education Code is repealed.

SEC. 268. Section 82507 of the Education Code is repealed.

SEC. 269. Section 82530 of the Education Code is amended to read:

82530. The governing board of any community college district may grant the use of college facilities or grounds for public, literary, scientific, recreational, educational, or public agency meetings, or for the discussion of matters of general or public interest upon such terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article.

The governing board of any community college district may grant the use of college facilities or grounds to any church or religious organization for the conduct of religious services for temporary periods where such church or organization has no suitable meeting place for the conduct of such services upon such terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article. Notwithstanding the provisions of Section 82542, the governing board shall charge the church or religious organization using such property for the conduct of religious services an amount at least sufficient to pay the cost to the district of supplies, utilities and salaries paid college district employees necessitated by such use of such property.

SEC. 270. Section 82531 of the Education Code is amended to read:

82531. No use shall be inconsistent with the use of the buildings or grounds for college purposes, or interfere with the regular conduct of instruction.

SEC. 271. Section 82535 of the Education Code is amended to read:

82535. The governing board of a community college district may grant the use of college facilities, grounds, and equipment without charge to public agencies for the purpose of holding examinations for the selection of personnel, and for the instruction of precinct board members.

required to change his or her workweek to include Saturday or Sunday, or both. No classified employee shall be assigned to perform services on a Saturday or Sunday if the classified employee objects in writing that the assignment would conflict with his or her religious beliefs or practices. Enactment of this section shall cause no change or disruption in existing work schedules which may already include Saturday or Sunday as regular workdays.

This section shall not be construed as limiting the power of any governing board of a community college district to govern the schools of the district, including the assignment of classified employees employed by the district.

This section shall not be construed as modifying or otherwise affecting in any way the provisions of Sections 88026, 88027, or 88030, or any other provisions of this code relating to employment of classified employees.

SEC. 406. Section 88240 of the Education Code is amended to read:

88240. This article may be cited as the Instructional Aide Act of 1968. The provisions of this article shall apply to personnel referred to in Section 72401 or any other section enacted before or after November 13, 1968, who perform the duties of instructional aides.

SEC. 407. Section 88242 of the Education Code is amended to read:

88242. Instructional aides shall not be utilized to increase the number of students in relation to the number of classroom instructors in any community college district.

All instructional aide positions in a community college district shall be assigned the basic title of "instructional aide" or other appropriate title designated by the governing board. To provide for differences in responsibilities and duties, additions to the basic title may be assigned such as "instructional aide I or II" or "instructional aide—volunteer," or other appropriate title.

SEC. 408. On January 1, 1982, any revenues remaining in a community college tuition fund established pursuant to Section 2104 of the Education Code shall revert to the general fund of the county from which they originated.

SEC. 409. Sections 257 and 310 of this act shall become operative July 1, 1982.

SEC. 410. Except for any act relating to the maintenance of the codes, any section of any act enacted by the Legislature during the 1981 portion of the 1981-82 Regular Session, which takes effect on or before January 1, 1982, and which amends, amends and renumbers, adds, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether that act is enacted prior or subsequent to this act.

SEC. 411. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the Legislature finds and declares that there

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are savings as well as costs in this act which, in the aggregate, do not result in additional net costs.

CHAPTER 910

An act to repeal, add, and repeal Chapter 4 (commencing with Section 81800) of Part 49 of the Education Code, relating to community colleges, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1980. Filed with Secretary of State September 17, 1980.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 81800) of Part 49 of the Education Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 81800) is added to Part 49 of the Education Code, to read:

CHAPTER 4. COMMUNITY COLLEGE CONSTRUCTION ACT OF 1980

Article 1. Definitions and General Provisions

81800. (a) This chapter shall be known and may be cited as the Community College Construction Act of 1980.

(b) The Legislature hereby declares that it is in the interest of the state and of the people thereof for the state to provide assistance to community college districts for the construction of community college facilities. The community college system is of general concern and interest to all the people of the state, and the education of community college students is a joint obligation and function of both the state and community college districts.

In enacting this chapter, the Legislature considers that there is a need to provide adequate community college facilities that will be

required to accommodate community college students resulting from growth in population and from legislative policies expressed through implementation of the Master Plan for Higher Education.

81801. As used in this chapter, "community college" means grades 13 and 14 of a community college; and "community college district" means any community college district.

81802. (a) As used in this chapter, the term "project" means the purpose for which a community college district has applied for assistance under this chapter for one or more institutions under its authority or for districtwide facilities. A project may include the planning, acquisition, and improvement of community college sites; the planning, construction, reconstruction, or remodeling of any permanent structure necessary for use as a classroom, laboratory, library, a performing arts facility, a gymnasium, the basic outdoor physical education facilities, and basic food service facilities; related facilities necessary for the instruction of students or for administration of the educational program; maintenance or utility facilities essential to the operation of the foregoing facilities; and the initial acquisition of equipment.

(b) A project may also include the reconstruction or remodeling of any facility leased or lease-purchased for educational purposes. The chancellor's office shall require transfer to the community college district of title or any other interest considered sufficient by the district, in and to facilities presently leased or to be leased in the future by the district, to the extent of the funds appropriated for reconstruction or remodeling of leased facilities. When sufficient title or interest has not been transferred, the term of the lease shall be of sufficient duration to completely amortize the reconstruction or remodeling cost. Such amortization shall be determined by utilizing current interest rates and normal accounting practices. If the lease is terminated prior to amortizing the reconstruction or remodeling costs the district shall repay the state for any unamortized state costs.

(c) The projects defined by subdivisions (a) and (b) of this section shall not be construed as a commitment by the Legislature as to the type or possible number of projects that may be considered during any fiscal year.

(d) A project shall not include the planning or construction of dormitories, student centers other than cafeterias, stadia, the improvement of sites for student or staff parking, or single-purpose auditoriums.

81803. As used in this chapter, "weekly student contact hours" means the product of the number of students and the scheduled class periods in which they are enrolled, in graded and ungraded community college classes convened prior to 10 o'clock p.m. during a census week. A class period is not less than 50 minutes and not more than 60 minutes.

81804. As used in this chapter, "chancellor" means the Chancellor of the California Community Colleges.

81805. This chapter shall be administered by the chancellor, and for purposes of such administration the board of governors may adopt all necessary rules and regulations.

For purposes of this chapter, the chancellor shall assemble statewide data on facility and construction costs, and on the basis thereof formulate cost standards and construction standards. The formulation of standards shall include also the formulation of average ratios of equipment cost to total project costs, unit equipment costs per faculty or other staff measure, and unit costs related to floor areas.

81806. Any action of the chancellor in administering this chapter may be appealed to the board of governors by the governing board of an affected community college district. The appeal shall be placed on the agenda of the board in accordance with the general agenda practices of the board. The decision of the board on such appeals shall be final.

81807. Funds appropriated for a project of a community college district for purposes of this chapter shall be allocated and disbursed upon order of the chancellor, and by warrants of the State Controller issued pursuant thereto.

81808. In the event an existing community college district is included in a newly formed community college district, any unused funds appropriated or authorized to be appropriated for a finally approved project of the included district pursuant to this chapter shall be transferred to the newly formed or including community college district on the date that such district is effective for all purposes, or prior to such effective date where the governing boards of the districts agree to such earlier transfer.

81809. Upon completion of a project the governing board of the community college district shall submit to the chancellor, within 30 days after the closure of the current fiscal year, a final report on all expenditures in connection with the project and the sources of the funds expended.

81810. As used in this chapter, "educational center" means an off campus location established and administered by an existing college or district which:

- (a) Is scheduled to operate for three or more years;
- (b) Is estimated to have enrolled an average daily attendance of 500 or more students by the third year of operations;
- (c) Has onsite administrative personnel; and
- (d) Offers courses in programs leading to certificates or degrees to be conferred by the parent institution.

Article 2. Plans for Capital Construction

81820. On or before February 1, 1981, the governing board of each community college district shall prepare and submit to the chancellor a plan for capital construction for community college purposes of the district. The plan shall reflect capital construction for

community college purposes of the district for the five-year period commencing with the next proposed year of funding. The five-year plan shall be subject to continuing review by the governing board and annually shall be extended one year, and there shall be submitted to the chancellor, on or before the first day of February in each succeeding year, a report outlining the required modifications or changes, if any, in the five-year plan.

81821. The five-year plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic and student services programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas or student services to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college and educational center within a district shall be made cooperatively by the Department of Finance and the community college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors.

(d) District office, library, and supporting facility capacities as derived from the physical plant standards for office, library, and supporting facilities adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(e) An annual inventory of all facilities and land of the district using standard definitions, forms, and instructions adopted by the board of governors.

(f) An estimate of district funds which shall be made available for capital outlay matching purposes pursuant to Section 81838.

81821.5. The governing board of any community college district shall meet with appropriate local government recreation and park authorities to review all possible methods of coordinating planning, design, and construction of new facilities and sites or major additions to existing facilities and recreation and park facilities in the community. Any community college district planning, designing, or constructing new facilities and sites or major additions to existing facilities shall report to the chancellor's office on plans to achieve:

(a) a greater use of any joint or contiguous recreation and park facilities by the district; and (b) possible use by the total community of such facilities and sites and recreation and park facilities.

81822. The chancellor shall review and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the elements of the capital construction program specified in Section 81821, and shall, on the basis of such review and evaluation, make such revision and changes

therein as are appropriate, and approve or disapprove the plan. A similar review and evaluation of continuing five-year plans for capital construction submitted by the governing board of each community college district shall be made on or before each succeeding first day of April. The chancellor shall, promptly after such approval or disapproval, notify the governing board of each community college district of the content of the district's plan for capital construction.

81823. (a) If a community college district maintains colleges, or one college and one or more educational centers, it may additionally submit the plan required by Section 81820 on the basis of each college or educational center maintained by the district, if either of the following circumstances is present such that students will be better served by evaluating the capital outlay program for the district on that basis: (1) the isolation of students within a district in terms of the distance of students from the location of an educational program, or inadequacy of transportation, and student financial inability to meet costs of transportation to an educational program; or (2) the inability of existing colleges and educational centers in the district to meet the unique educational and cultural needs of a significant number of ethnic students.

(b) If a district elects to submit such a plan, it shall include therewith justification and documentation for so doing.

(c) When a district so elects, the evaluation of the plan pursuant to Section 81822 shall include an evaluation of both of the following:

- (1) The justification and documentation for so doing, including enrollment projections for individual campuses and centers.
- (2) The plan as thus submitted.

Article 3. Project Proposals

81830. Any community college district may submit a proposed project to the chancellor for review and approval or disapproval. The proposed project shall be an element of the district's plan for capital construction. It shall be in such form and contain such detail, pursuant to rules and regulations of the board of governors, as will permit its evaluation and approval with reference to the elements of the capital construction program specified in Section 81821.

81831. The chancellor shall review and evaluate each proposed project with reference to the elements of the capital construction program specified in Section 81821. Such review shall include the following elements:

(a) An architectural analysis to determine costs of the various phases of the project, with particular attention to be directed to the type of construction, unit costs, and the efficiency of particular buildings and facilities in terms of effective utilization of area.

(b) Determining the amount of federal funds available for the project, and taking appropriate measures to ensure that the project will qualify for the maximum amounts of federal funds practicable

under the circumstances.

"Federal funds" means any construction and equipment moneys provided by the federal government to a community college district for the project or any part of the project, which are or will be available to the district for the project.

(c) Determining the total cost of the project, reducing the total cost by the amount of federal funds available therefor, and determining the remainder thereof to be borne by the state, or, if the district has matching funds, by the state and by the district.

The determination as to whether the district has funds to provide all or part of its matching share of the project shall be made on the basis of district ability. If the district ability, as determined by Section 81838, is sufficient to meet the matching costs of the project or its individual phases of planning, working drawings, construction, equipment, or land acquisition, the district shall bear its matching share of the cost of the project or one or more of its phases. If the district funds available are insufficient to provide the district matching share for the cost of the project or one or more of its phases, computed pursuant to Section 81838, the district shall provide the moneys available, as defined by the board of governors, and state funds may be requested to provide the balance of funds required.

(d) Determining the total of funds required for the first phase of the project to be provided on a matching basis, if the district has funds pursuant to Section 81838, by the state and the district, the total state funds required by appropriation, and the state funds required to be provided for the project or one or more of its phases.

81833. A proposed project submitted by the governing board of a community college district to the chancellor pursuant to Section 81830 prior to February 1st of each year shall be finally acted upon by the chancellor pursuant to Section 81831 on or before the next succeeding April 1st of each year.

81836. The chancellor shall:

(a) Advise the governing board of each community college district on the acquisition of new college sites, and after a review of available plots, give the governing board of the district in writing a list of the approved locations in the order of their merit, considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction, and charge the governing board of the community college district a reasonable fee as determined by the chancellor's office for each 10 acres or fraction thereof of school site reviewed.

(b) Establish standards for community college facilities.

(c) Review plans and specifications for all construction in those community college districts that have submitted plans and specifications therefor to the chancellor for approval.

(d) For services rendered for the review of plans and specifications of a proposed project pursuant to Section 81831, the chancellor's office shall charge a reasonable fee as established by the

board of governors.

(e) Approve plans and specifications submitted by governing boards of community college districts, and return without approval and with recommendation for changes, any plans not conforming to established standards.

81837. The governing board of each community college district, except districts governed by a city board of education, before letting any contract or contracts totaling one hundred thousand dollars (\$100,000), or more, in the erection of any new community college facility, or for any addition to, or alteration of, an existing community college facility, shall submit plans therefor to the chancellor's office, and obtain the written approval of the plans by that office. No contract for construction made by any governing board of a community college district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to, or altering any facility in contravention of this section.

81838. In determining a community college district's matching share, the chancellor's office shall do the following:

(a) Determine the average statewide ending balance per weekly student contact hour according to the following procedure:

(1) For each district divide the total prior year's net ending balance of all budget funds established and maintained, minus excluded funds as defined by subdivision (c), by that district's annual weekly student contact hours for the same fiscal year.

(2) Compute the mean average district ending balance per weekly student contact hour for the prior fiscal year by dividing the total of ending balances statewide by the total statewide weekly student contact hours for the same fiscal year.

(b) Determine the state-local matching shares for each community college district according to the following procedure:

(1) For each district compute a factor by dividing the amount calculated in paragraph (1) of subdivision (a) by the statewide average district ending balance per weekly student contact hour computed pursuant to paragraph (2) of subdivision (a).

(2) The district local matching share shall be equal to 50 percent of the project cost multiplied by the factor.

(c) As used in this chapter, "excluded funds" means any of the following:

(1) Moneys designated for specific projects included in the district's five-year plan, which were included in the Budget Act of 1980 or a prior Budget Act.

(2) Moneys designated for 100 percent locally funded projects which were approved by the chancellor's office prior to July 1, 1981.

(3) Restricted and committed revenues such as those moneys collected for community service programs, student health activities, food services, book stores, parking, district self-insurance, California State Teachers' Retirement System, Public Employees' Retirement System, and others as certified to by the district governing board and approved by the chancellor's office.

81839. The governing board of a community college district may include a proposed site in its plans for a project and may enter into an agreement with the owner of property constituting such proposed site whereby the district, for an annual consideration to be borne by the district, is given an option to purchase, or lease with an option to purchase such property at an unspecified future date, as a building site.

The existence of such an agreement shall in no way affect the determination of the share of the cost of the project to be borne by the state under this chapter, and the consideration paid by the district for such option or lease shall not be considered part of the cost of the project in determining the state's share of the funding thereof.

Such option or lease agreement shall constitute an obligation of the district and shall not be construed as in any way creating an obligation on the part of the state.

81840. This chapter shall remain in effect only until July 1, 1982, and as of such date is repealed unless a statute which is chaptered before July 1, 1982, deletes or extends such date.

SEC. 3. (a) There is hereby appropriated from the Capital Outlay Fund for Public Higher Education to the Board of Governors of the California Community Colleges the sum of four million four hundred seventy-three thousand two hundred fifty dollars (\$4,473,250) to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to community college districts for expenditure by such districts as set forth in the schedule below:

Imperial Community College District,	
Imperial Valley College:	
(1) Working drawings and construct removal of architectural barriers	135,700
Los Angeles Community College District,	
East Los Angeles College:	
(2) Working drawings and construct removal of architectural barriers	55,300
(2.5) Replacement of air conditioning system in the existing library provided that the district provides equivalent matching funds prior to the State Public Works Board allocation	80,500
Los Angeles Harbor College:	
(3) Working drawings and construct removal of architectural barriers	62,500

Los Angeles Southwest College:	
(4) Working drawings and construct removal of architectural barriers	38,700
Los Angeles Valley College:	
(5) Working drawings and construct removal of architectural barriers	46,200
Los Angeles City College:	
(6) Working drawings and construct removal of architectural barriers	83,800
West Los Angeles College:	
(7) Working drawings and construct removal of architectural barriers	18,500
San Mateo Community College Dis- trict,	
Skyline College:	
(8) Working drawings and construct removal of architectural barriers	33,500
Los Angeles Community College Dis- trict,	
Los Angeles Trade-Tech College:	
(9) Working drawings and construct removal of architectural barriers	56,500
San Mateo Community College Dis- trict,	
Canada College:	
(10) Working drawings and con- struct removal of architectural barriers	19,100
College of San Mateo:	
(11) Working drawings and con- struct removal of architectural barriers	18,400
Los Angeles Community College Dis- trict,	
East Los Angeles College:	
(12) Working drawings and con- struct remodel existing library	128,800
Saddleback Community College Dis- trict,	
Saddleback College:	
(13) Working drawings for general classroom building.....	208,400
Kern Community College District,	

Cerro Cosa College:	
(14) Working drawings for occupational laboratory building	74,800
Peralta Community College District, Feather River College:	
(15) Working drawings and construct vocational building	650,800
Foothill-De Anza Community College District, Foothill College:	
(16) Working drawings for library addition	42,200
Los Angeles Community College District, Los Angeles Pierce College:	
(17) Working drawings and construct removal of architectural barriers.....	62,600
West Los Angeles Airport Center:	
(18) Working drawings and construct removal of architectural barriers.....	5,900
Los Rios Community College District, Sacramento City College:	
(19) Construct removal of architectural barriers.....	207,100
Compton Community College District, Compton College:	
(20) Construct and improve outdoor lighting system.....	108,100
Systemwide:	
(21) For purposes of providing the additional funds necessary to fully fund projects (1) through (20) of this subdivision in accordance with subdivision (c) of Section 81831 of the Education Code, as added by this act, provided that prior to requesting the State Public Works Board allocation, the need for such funds shall, on a project by project basis, be certified by the Chancellor's office and approved by the Department of Finance	2,186,300
(22) Project programming and preliminary plans.....	150,000

provided, that funds appropriated in this paragraph shall be released only for those major capital outlay projects for working drawings and construction, in those districts that do not have district matching funds in accordance with Section 81838 of the Education Code and which are anticipated to be included in the 1981-82 fiscal year Governor's Budget.

(b) The funds appropriated by this section are appropriated for expenditure during the 1980-81, 1981-82, and 1982-83 fiscal years, except that appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1980-81 fiscal year. In addition, every appropriation made by this section for construction, or working drawings and construction, that has not been approved by the State Public Works Board on or before June 30, 1981, shall revert as of that date to the Capital Outlay Fund for Public Higher Education.

SEC. 4. (a) There is hereby appropriated from the Energy and Resources Fund to the Board of Governors of the California Community Colleges the sum of fifty thousand dollars (\$50,000) to be allocated to the Chancellor's Office of the California Community Colleges in accordance with the following schedule:

Schedule:

Systemwide, Energy Conservation Projects:

(1) Project programming and preliminary plans..... 50,000

(b) The funds appropriated by this section shall not be allocated prior to the approval by the Department of Finance of a statewide priority listing of the projects proposed to be funded in the 1981-82 Governor's Budget.

(c) Any funds appropriated by this section which are unallocated on June 30, 1981, shall revert as of that date to the Energy and Resources Fund.

SEC. 5. Section 4 of this act shall not take effect unless legislation is chaptered during the 1979-80 Regular Session establishing an Energy and Resources Fund.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the state share needed for community college construction projects not be underestimated in the 1980-81 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 911

An act to amend Section 15432 of the Government Code, and Section 436.2 of the Health and Safety Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1980. Filed with Secretary of State September 17, 1980.]

The people of the State of California do enact as follows:

SECTION 1. Section 15432 of the Government Code is amended to read:

15432. As used in this part, the following words and terms shall have the following meanings, unless the context clearly indicates or requires another or different meaning or intent:

(a) "Act" means this California Health Facilities Authority Act.
 (b) "Authority" means the California Health Facilities Authority created by this part or any board, body, commission, department or officer succeeding to the principal functions thereof or to which the powers conferred upon the authority by this part shall be given by law.

(c) "Cost," as applied to a project or portion thereof financed under the provisions of this part, means and includes all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements and interests acquired or used for a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period not to exceed one year following completion of such construction as determined by the authority, reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of engineering, reasonable financial and legal services, plans, specifications, studies, surveys, estimates, administrative expenses and other expenses necessary or incident to determining the feasibility of constructing any project or incident to the construction or acquisition or financing thereof.

(d) "Health facility" means any facility, place or building which is organized, maintained and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which such persons are admitted for a 24-hour stay or longer (except in the case of community clinics, as defined in paragraph (6)), and includes the following types:

(1) A general acute care hospital is a health facility having a duly

EXHIBIT 3
COPIES OF CODE SECTIONS CITED

§ 81663. Borrowing funds for design and construction costs to retrofit buildings to be energy efficient; limitations

(a) The governing board of any community college district may borrow funds from federal or state regulated financial institutions for design and construction costs associated with retrofitting buildings to become more energy efficient. The amount borrowed shall not exceed the amount that can be repaid from energy cost avoidance savings accumulated from the improvement of facilities.

(b) Any savings association may make loans or advances of credit pursuant to subdivision (a) in an amount not in excess of 5 percent of its total assets. This investment may be in addition to any other investment savings associations are permitted to undertake.

(Added by Stats.1991, c. 1038 (S.B.9), § 8, eff. Oct. 14, 1991.)

§ 81800. Short title; legislative declaration

(a) This chapter shall be known and may be cited as the Community College Construction Act of 1980.

(b) The Legislature hereby declares that it is in the interest of the state and of the people thereof for the state to provide assistance to community college districts for the construction of community college facilities. The community college system is of general concern and interest to all the people of the state, and the education of community college students is a joint obligation and function of both the state and community college districts.

In enacting this chapter, the Legislature considers that there is a need to provide adequate community college facilities that will be required to accommodate community college students resulting from growth in population and from legislative policies expressed through implementation of the Master Plan for Higher Education.

(Added by Stats.1980, c. 910, p. 2871, § 2, eff. Sept. 17, 1980.)

§ 81805. Administration

This chapter shall be administered by the * * * Board of Governors of the California Community Colleges, and for purposes of the administration the board of governors shall adopt all necessary rules and regulations.

For purposes of this chapter, the * * * board of governors shall assemble statewide data on facility and construction costs, and on the basis thereof formulate cost standards and construction standards. The formulation of standards shall include also the formulation of average ratios of equipment cost to total project costs, unit equipment costs per faculty or other staff measure, and unit costs related to floor areas.

(Amended by Stats.1990, c. 1372 (S.B.1854), § 566.)

EDUCATION CODE

§ 81807. Allocation and disbursement of funds

Funds appropriated for a project of a community college district for purposes of this chapter shall be allocated and disbursed upon order of the * * * Board of Governors of the California Community Colleges, and by warrants of the * * * Controller issued pursuant thereto.

(Amended by Stats.1990, c. 1372 (S.B.1854), § 568.)

§ 81808. Transfer of unused funds of district included in newly formed district

In the event an existing community college district is included in a newly formed community college district, any unused funds appropriated or authorized to be appropriated for a finally approved project of the included district pursuant to this chapter shall be transferred to the newly formed or including community college district on the date that such district is effective for all purposes, or prior to such effective date where the governing boards of the districts agree to such earlier transfer.

(Added by Stats.1980, c. 910, p. 2873, § 2, eff. Sept. 17, 1980.)

§ 81820. Preparation and submission; continuing review

* * * The governing board of each community college district shall prepare and submit to the * * * Board of Governors of the California Community Colleges a plan for capital construction for community college purposes of the district. The plan shall reflect capital construction for community college purposes of the district for the five-year period commencing with the next proposed year of funding. The five-year plan shall be subject to continuing review by the governing board and annually shall be extended one year, and there shall be submitted to the * * * board of governors, on or before the first day of February in each succeeding year, a report outlining the required modifications or changes, if any, in the five-year plan.

(Amended by Stats.1990, c. 1372 (S.B.1854), § 571.)

EDUCATION CODE

§ 81821. Contents of plan

The five-year plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic and student services programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas or student services to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college and educational center within a district shall be made cooperatively by the Department of Finance and the community college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(d) District office, library, and supporting facility capacities as derived from the physical plant standards for office, library, and supporting facilities adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(e) An annual inventory of all facilities and land of the district using standard definitions, forms, and instructions adopted by the board of governors.

(f) An estimate of district funds which shall be made available for capital outlay matching purposes pursuant to * * * regulations adopted by the board of governors.

(Amended by Stats.1995, c. 758 (A.B.446), § 121.)

§ 81822. Review, evaluation, and revision

The * * * board of governors shall review and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the elements of the capital construction program specified in Section 81821, and shall, on the basis of the review and evaluation, make the revision and changes therein as are appropriate, and notify the district. A similar review and evaluation of continuing five-year plans for capital construction submitted by the governing board of each community college district shall be made * * *. The * * * board of governors shall, promptly after review, notify the governing board of each community college district of the content of the district's revised plan for capital construction.

(Amended by Stats.1990, c. 1372 (S.B.1854), § 573.)

§ 81823. Submission of plan based on each college of district

(a) If a community college district maintains colleges, or one college and one or more educational centers, it may additionally submit the plan required by Section 81820 on the basis of each college or educational center maintained by the district, if either of the following circumstances is present such

§ 81823.

that students will be better served by evaluating the capital outlay program for the district on that basis: (1) the isolation of students within a district in terms of the distance of students from the location of an educational program, or inadequacy of transportation, and student financial inability to meet costs of transportation to an educational program; or (2) the inability of existing colleges and educational centers in the district to meet the unique educational and cultural needs of a significant number of ethnic students.

(b) If a district elects to submit such a plan, it shall include therewith justification and documentation for so doing.

(c) When a district so elects, the evaluation of the plan pursuant to Section 81822 shall include an evaluation of both of the following:

(1) The justification and documentation for so doing, including enrollment projections for individual campuses and centers.

(2) The plan as thus submitted.

(Added by Stats.1980, c. 910, p. 2875, § 2, eff. Sept. 17, 1980.)

§ 81836. Duties of board of governors

The * * * Board of Governors of the California Community Colleges shall:

(a) Advise the governing board of each community college district on the acquisition of new college sites, and after a review of available plots, give the governing board of the district in writing a list of the approved locations in the order of their merit, considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction, and charge the governing board of the community college district a reasonable fee as determined by the * * * board of governors for each 10 acres or fraction thereof of schoolsite reviewed.

(b) Establish standards for community college facilities.

(c) Review plans and specifications for all construction in those community college districts that have submitted plans and specifications therefor to the * * * board of governors for approval.

(d) For services rendered for the review of plans and specifications of a proposed project * * *, the * * * board of governors shall charge a reasonable fee as established by * * * it.

(e) Approve plans and specifications submitted by governing boards of community college districts, and return without approval and with recommendation for changes, any plans not conforming to established standards.

(Amended by Stats.1990, c. 1372 (S.B.1854), § 577.)

EDUCATION CODE

§ 81837. Approval by board of governors

The governing board of each community college district, * * * before letting any contract or contracts totaling one hundred fifty thousand dollars (\$150,000), or more, in the erection of any new community college facility, or for any addition to, or alteration of, an existing community college facility, shall submit plans therefor to the * * * Board of Governors of the California Community Colleges, and obtain the written approval of the plans by * * * the board of governors. No contract for construction made by any governing board of a community college district contrary to * * * this section is valid, nor shall any public money be paid for erecting, adding to, or altering any facility in contravention of this section.

(Amended by Stats.1990, c. 1372 (S.B.1854), § 578.)

§ 81839. Proposed site; option or lease

The governing board of a community college district may include a proposed site in its plans for a project and may enter into an agreement with the owner of property constituting such proposed site whereby the district, for an annual consideration to be borne by the district, is given an option to purchase, or lease with an option to purchase such property at an unspecified future date, as a building site.

The existence of such an agreement shall in no way affect the determination of the share of the cost of the project to be borne by the state under this chapter, and the consideration paid by the district for such option or lease shall not be considered part of the cost of the project in determining the state's share of the funding thereof.

Such option or lease agreement shall constitute an obligation of the district and shall not be construed as in any way creating an obligation on the part of the state.

(Added by Stats.1980, c. 910, p. 2878, § 2, eff. Sept. 17, 1980.)

Exhibit 4
Copies of Regulations Cited

which the loan is made under this section, the State Controller shall deduct from the second principal apportionment made from Section B of the State School Fund to the community college district an amount equal to one-third of the amount loaned to the district, and transfer the amount into the Community College Fund for Instructional Improvement.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

Subchapter 6. Underrepresented Students Special Project Fund

§ 56700. Underrepresented Students Special Project Fund.

(a) The purpose of the Underrepresented Students Special Project Fund is to develop and disseminate alternative learning and teaching strategies designed to:

- (1) prepare underrepresented students for college level work;
- (2) increase the enrollment, retention and transfer of underrepresented students; and
- (3) reduce underrepresentation of certain groups, particularly those with limited English proficiency and students with disabilities in vocational fields which prepare these students for employment.

(b) Projects funded under this section shall address one or more of the priorities established by the Board of Governors which include, but are not limited to:

- (1) enrollment, retention and transfer of underrepresented students in both vocational education and transfer education;
- (2) classroom-based research with an emphasis on collaborative learning methods and other teacher effectiveness strategies in working with underrepresented students;
- (3) dropout prevention for at-risk youth;
- (4) retention practices for students with disabilities; and
- (5) assessment of the impact of campus climate on the academic performance of underrepresented students.

(c) As used in this section:

(1) "underrepresented students" means students from groups which the Chancellor finds have been historically underrepresented or are currently underrepresented in the student bodies of community colleges with respect to their numbers in the general adult population. Such groups include, but are not limited to, African-Americans, Chicano/Latinos, American Indians, Alaskan Natives, Asian-Americans, students with disabilities, students receiving services through Extended Opportunity Programs and Services (EOPS), and students receiving instruction or support services for Limited-English Proficiency (LEP) or English as a Second Language (ESL).

(2) "classroom-based research" means the process of researching and evaluating various techniques which will enhance the learning of underrepresented, high risk students or improve the teaching effectiveness of faculty through the application of various activities and strategies in the classroom, such as curriculum course design, course content, process and resources intended to improve educational outcomes.

(3) "campus climate" means the environment on a college campus which affects the teaching, working and learning conditions of the community of students, faculty, administrators, and staff.

(4) "dropout prevention" means the strategies and activities which allow high school and college students to persist in a multicultural and gender equitable learning environment and succeed by completing a terminal degree (i.e., high school diploma or a GED).

(5) "retention" means assessing, changing, or adapting mainstream education for the purpose of preventing underrepresented or high risk students from dropping out.

(6) "transfer" means the outcome of students who engage in a prescribed course of study which leads to the students' eligibility for admissions to a four-year public or independent college or university.

NOTE: Authority cited: Section 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
2. New subchapter 6 heading filed 5-15-93; operative 6-14-93 (Register 93, No. 25).

Chapter 8. Construction

Subchapter 1. Community College Construction Act

§ 57000. General Provisions.

NOTE: Authority cited for Chapter 1: Sections 71020, 71024 and 81805, Education Code. Reference: Chapter 4 (commencing with Section 81800), Part 49, Division 7, Education Code.

HISTORY

1. Repealer of Chapters 1 and 2 (§ § 57000 through 57121, not consecutive) and new Chapter 1 (§ § 57000 through 57032, not consecutive) filed 11-2-73; effective thirtieth day thereafter (Register 73, No. 44).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Subchapter 1 heading and Section 57000 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 57001. Definitions.

For the purposes of this chapter:

(a) "A small community college" means a college with 35,000 or fewer weekly student contact hours (WSCH) in credit and noncredit courses and programs.

(b) "Leased or rented" means a building for which rental costs are paid, and the use of which will be discontinued upon the completion of the project for which application has been submitted.

(c) "Permanent building" means a building for which there is no plan for removal or demolition.

(d) "Temporary building" means a building of limited worth which, according to the capital construction master plan, is anticipated to be demolished or replaced within five years. All other buildings are to be considered permanent.

(e) As used in this chapter, "weekly student contact hours" means the product of the number of students and the scheduled class periods in which they are enrolled, in graded and ungraded community college classes convened prior to 10 o'clock p.m. during a census week. A class period is not less than 50 minutes and not more than 60 minutes.

NOTE: Authority cited: Sections 66700, 70901, and 81805 Education Code. Reference: Chapter 4 (commencing with Section 81800) of Part 49, Division 7, Education Code.

HISTORY

1. Repealer of subsections (i) and (j) filed 10-1-75; effective thirtieth day thereafter (Register 75, No. 40).
2. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
4. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
5. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
6. Editorial correction of printing error in subsection (e) (Register 91, No. 43).
7. Editorial correction of HISTORY 5 (Register 95, No. 23).

§ 57001.5. Project.

(a) As used in this chapter "project" means the purpose for which a community college district has applied for assistance under chapter 4 of

part 49 of the Education Code for one or more institutions under its authority or for district wide facilities. A project may include the planning, acquisition, and improvement of community college sites; the planning, construction, reconstruction, or remodeling of any permanent structure necessary for use as a classroom, a laboratory, a library, a performing arts facility, a gymnasium, the basic outdoor physical education facilities, the basic food service facilities, or child development centers, pursuant to section 79120 of the Education Code; related facilities necessary for the instruction of students or for administration of the educational program; maintenance or utility facilities essential to the operation of the foregoing facilities and the initial acquisition of equipment. A project may also include the initial furnishing of, and initial acquisition of equipment for, any facility leased or lease-purchased by a community college district as of August 1, 1987, for educational purpose or purposes.

(b) A project may also include the reconstruction or remodeling of any facility leased or lease-purchased for educational purposes. The Chancellor's Office shall require transfer to the community college district of title or any other interest considered sufficient by the district, in and to facilities presently leased or to be leased in the future by the district, to the extent of the funds appropriated for reconstruction or remodeling of leased facilities. When sufficient title or interest has not been transferred, the term of the lease shall be of sufficient duration to completely amortize the reconstruction or remodeling cost. Such amortization shall be determined by utilizing current interest rates and normal accounting practices. If the lease is terminated prior to amortizing the reconstruction or remodeling costs the district shall repay the state for any unamortized state costs.

A project consisting of the construction of any facilities listed in subdivision (a) on property that conforms to subdivision (b) of section 81530 of the Education Code shall be eligible for state funding. For any project that is constructed under this paragraph, the term of the lease shall be of sufficient duration to completely amortize the cost of the project and the governing board of the community college district shall provide in the lease agreement a hold harmless clause satisfactory to the lessor. The amortization shall be determined by utilizing current interest rates and normal accounting practices. If the lease is terminated prior to amortizing the project, the district shall pay the state for any unamortized state costs.

(c) The projects defined by subdivisions (a) and (b) of this section shall not be construed as a commitment by the Board of Governors as to the type or possible number of projects that may be considered during any fiscal year.

(d) A project shall not include the planning or construction of dormitories, student centers other than cafeterias, stadia, the improvement of sites for student or staff parking, or single-purpose auditoriums.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error in subsection (a) (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57001.7. Educational Center.

As used in this Chapter, "educational center" is defined as provided in Section 55827(b).

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57002. Federal Fund Proration.

When the physical detail and intent of a project subject to a federal grant differs materially from the physical detail and intent for which state funds are appropriated, the federal funds shall be prorated on the scope of the project subject to the federal grant and that prorated share be made applicable to the project subject to state matching funds.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Section 81805, Education Code.

HISTORY

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57003. Projecting Graded and Ungraded Enrollments.

HISTORY

1. Repealer filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).

§ 57010. Appeals from Administrative Actions.

Any action of the Chancellor in administering this chapter may be appealed to the Board of Governors by the governing board of an affected community college district. The appeal shall be placed on the agenda of the Board in accordance with the general agenda practices of the Board. The decision of the Board on such appeals shall be final.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57011. Expenditures; Final Report.

Upon completion of a project the governing board shall submit to the Chancellor, within 30 days after the closure of the current fiscal year, a final report on all expenditures in connection with the sources of the funds expended. The district shall be subject to a state post-audit review of fund claims for all such projects.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57013. Coordination of Planning with Recreation and Park Authorities.

The governing board of any community college district shall meet with appropriate local government recreation and park authorities to review all possible methods of coordinating planning, design, and construction of new facilities and sites or major additions to existing facilities and recreation and park facilities in the community. Any community college district planning, designing, or constructing new facilities shall report to the Chancellor's Office on plans to achieve:

(a) a greater use of any joint or contiguous recreation and park facilities by the district; and

(b) possible use by the total community of such facilities and sites and recreation and park facilities.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57014. Submission.

Any community college district may submit a proposed project to the Chancellor for review and approval or disapproval. The proposed project shall be an element of the district's plan for capital construction. It shall be in such form and contain such detail as will permit its evaluation and approval with reference to the elements of the capital construction program specified in section 81821 of the Education Code.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of printing error (Register 91, No. 43).
3. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57015. Chancellor's Review and Evaluation: Elements of Review.

The Chancellor shall review and evaluate each proposed project with reference to the elements of the capital construction program specified in Education Code, section 81821. The review shall include the following elements:

(a) An architectural analysis to determine costs of the various phases of the project, with particular attention to be directed to the type of construction, unit costs, and the efficiency of particular buildings and facilities in terms of effective utilization of area.

(b) Determining the amount of federal funds available for the project, and taking appropriate measures to ensure that the project will qualify for the maximum amounts of federal funds practicable under the circumstances.

"Federal funds" means any construction and equipment moneys provided by the federal government to a community college district for the project or any part of the project, which are or will be available to the district for the project.

(c) Determining the total cost of the project, reducing the total cost by the amount of federal funds available thereof, and determining the remainder thereof to be borne by the state, or, if the district has matching funds, by the state and by the district.

The determination as to whether the district has funds to provide all or part of its matching share of the project shall be made on the basis of district ability. If the district ability, as determined by section 57033.1, is sufficient to meet the matching costs of the project or its individual phases of planning, working drawings, construction, equipment, or land acquisition, the district shall bear its matching share of the cost of the project or one or more of its phases. If the district funds available are insufficient to provide the district's matching share for the cost of the project or one or more of its phases, computed pursuant to section 57033.1, the district shall provide the moneys available, as defined by the Board of Governors, and state funds may be requested to provide the balance of funds required.

Private funds available for specific projects may be used as a credit toward the district match.

(d) Determining the total of funds required for the first phase of the project to be provided on a matching basis by the state and the district, and the total state appropriation required to be provided for the project or one or more of its phases.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57016. Final Action; Time Limit.

A proposed project submitted by the governing board of a community college district to the Chancellor pursuant to section 57014 prior to February 1st of each year shall be finally acted upon by the Chancellor pursuant to section 57014 on or before the next succeeding May 1st of each year.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57020. Standards.

The computed existing and projected capacity and utilization standards listed in this article shall apply unless it is determined by the Chancellor in consultation with the Department of Finance that extraordinary conditions exist.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Section 81805, Education Code.

HISTORY

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57021. Classroom Use.

Classrooms and seminar room use shall be not less than 48 hours per 70-hour week for a campus of less than 140,000 weekly student contact hours per week, and not less than 53 hours per 70-hour week for a campus with 140,000, or more, weekly student contact hours.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Repealer and new section filed 6-26-74 as an emergency; effective upon filing (Register 74, No. 26).
2. Repealer and new section filed 9-27-74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 39).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Editorial correction of HISTORY 4 (Register 95, No. 23).

§ 57022. Laboratory Use.

Laboratory room use shall be not less than 27.5 hours per 70-hour week.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 10-1-75; effective thirtieth day thereafter (Register 75, No. 40).
2. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57023. Classroom Occupancy.

Classroom and seminar room station occupancy shall be not less than 66 percent of capacity.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

- 2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
- 3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57024. Laboratory Occupancy.

Laboratory room station occupancy shall be not less than 85 percent of capacity.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

- 1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
- 2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
- 3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57025. Classroom Space Per Station.

The computed average space per station in both existing and future classroom, seminar room, and service areas shall be 15 square feet per student station.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

- 1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
- 2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
- 3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57026. Small College, Sliding Scale Allowance.

HISTORY

- 1. Repealer filed 6-26-74 as an emergency; effective upon filing (Register 74, No. 26).
- 2. Repealer filed 9-27-74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 39).

§ 57027. Capacity of Future Assignable Space.

The formula for determining the assignable space for future classrooms and seminar rooms per projected 100 weekly student contact hours is as follows:

$$\frac{\text{Assignable square feet per station}}{\text{Room use standard} \times \text{station occupancy standard}} \times 100$$

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

- 1. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
- 2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
- 3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57028. Capacity of Future Laboratory and Service Areas.

In determining the computed capacity of future laboratory and service area facilities, the following space allocations by standard classification of subject matter shall be applied on a campus-wide basis:

ASSIGNABLE SQUARE FEET PER STATION AND PER 100 WEEKLY STUDENT CONTACT HOURS, CALIFORNIA COMMUNITY COLLEGES.

- 1. Classroom and Seminars (Including Classroom Service) 8 a.m. to 10 p.m.

Campus Weekly Student Contact Hours	ASF/100	WSCH*
Less than 140,000	15	47.3
140,000 or more	15	42.9

2. Teaching Laboratories (Including Teaching Laboratory Service) 8 a.m. to 10 p.m.

Classification of Instructional Disciplines	ASF/100 Subject Grouping	ASF/100	WSCH*
0100	Agriculture	115	492
0200	Architecture	60	257
0400	Biological Sciences	55	233
0500	Business and Mgmt.	30	128
0600	Communications	50	214
0700	Computer & Info. Sci.	40	171
0800	Education	75	321
0930	Diesel	200	856
0944	Air Conditioning	130	556
0945	Refrigeration	130	556
0946	Auto-Body & Fender	200	856
0947	Auto-Mechanic	200	856
0948	Auto-Technology	75	321
0949	Small Engine Repair	100	428
0950	Aviation Maint.	175	749
0954	Plastics	130	556
0955	Stationary Eng. (Engineering)	200	856
All other 0900's		75	321
1000	Fine & Applied Arts	60	257
1100	Foreign Language	35	150
1200	Health Services	50	214
1300	Home Economics	60	257
1500	Letters	35	150
1600	Library Science	35	150
1700	Mathematics	35	150
1900	Physical Sciences	60	257
2000	Psychology	35	150
2100	Pub. Affairs & Serv.	50	214
2200	Social Sciences	35	150
3000	Commercial Serv.	50	214
4900	Interdisciplinary	60	257
5330	Carpentry	175	749
5331	Electricity	175	749
5332	Plumbing	175	749
5333	Glazing	175	749
5334	Roofing	175	749
5335	Masonry	175	749
5336	Dry-Wall	175	749
5337	Plastering	175	749
5338	Painting	175	749
5339	Millwork	90	385
5340	Metal Trades	90	385
5341	Welding	90	385
5342	Machine Tools	90	385
5343, 5344	Heavy Equipment	200	856
5345	Auto-Mechanics	200	856
5346	Auto-Body & Fender	200	856
5347	Graphic Arts	80	342
5348	Stationary Eng.	200	856

*Based on following utilization components for space standards computation:

Classrooms and Seminars	Campus WSCH	Hrs./wks.	Stn. Occ. %	Stn. Use
Less than 140,000	48	X	.66	31.68
140,000 or more	53	X	.66	34.98
Laboratories:				
LD	27.5	X	.85	23.375

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

- 1. Amendment filed 6-26-74 as an emergency; effective upon filing (Register 74, No. 26).
- 2. Amendment filed 9-27-74 as an emergency; effective upon filing. Certificate of Compliance included (Register 74, No. 39).
- 3. Amendment filed 10-1-75; effective thirtieth day thereafter (Register 75, No. 40).
- 4. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
- 5. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
- 6. Editorial correction of printing error in heading (Register 91, No. 43).
- 7. Editorial correction of HISTORY 5 (Register 95, No. 23).

§ 57029. Office Space.

All office space (academic offices, administrative and clerical office service rooms, and conference rooms) shall be computed at 140 assign-

able square feet for each full-time equivalent instructional staff member. Office space for a small Community College district shall be computed at 160 assignable square feet for each full-time equivalent instructional staff member.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57030. Library Space.

All library space shall be computed by assignable square feet for library functions as specified in the subdivisions of this section. Square feet are "assignable" only if they are usable for the function described. Areas such as the main lobby (excluding card catalogue area), elevators, stairs, walled corridors, rest rooms, and areas accommodating building maintenance services are not deemed usable for any of the described functions.

- Stack Space** = $.1 \text{ ASF} \times \frac{\text{Number of Bound Volumes}}{\text{Number of Volumes}}$
 Initial Increment = 16,000 volumes
 Additional Increments
 (a) Under 3,000 DGE* = +8 volumes per DGS**
 (b) 3,000-9,000 DGE = +7 volumes per DGS
 (c) Above 9,000 DGE = +6 volumes per DGS
- Staff Space** = $(140 \text{ ASF} \times \frac{\text{Number of FTE Staff}}{\text{Number of FTE Staff}}) + 400 \text{ ASF}$
 Initial Increment = 3.0 FTE
 Additional Increments
 (a) Under 3,000 DGE = +.0020 FTE Staff per DGS
 (b) 3,000-9,000 DGE = +.0015 FTE Staff per DGS
 (c) Above 9,000 DGE = +.0010 FTE Staff per DGS
- Reader Station Space** = $27.5 \text{ ASF} \times \frac{\text{Number of Reader Stations}}{\text{Number of Reader Stations}}$
 Initial Increment = 50 Stations
 Additional Increments
 (a) Under 3,000 DGE = +.10 Stations per DGS
 (b) 3,000-9,000 DGE = +.09 Stations per DGS
 (c) Above 9,000 DGE = +.08 Stations per DGS
- Total Space** = Initial Increment = 3,795 ASF
 Additional Increments
 (a) Under 3,000 DGE = +3.83 ASF per DGS
 (b) 3,000-9,000 DGE = +3.39 ASF per DGS
 (c) Above 9,000 DGE = +2.94 ASF per DGS

For audio-visual and programmed instruction activities associated with library learning resource functions, additional areas sized for individual needs but not exceeding the following totals for the district as a whole.

- Total Space** = Initial Increment = 3,500 ASF
 Additional Increments
 (a) Under 3,000 DGE* = 1.50 ASF per DGS **
 (b) 3,000-9,000 DGE = 0.75 ASF per DGS
 (c) Above 9,000 DGE = 0.25 ASF per DGS

* Day-Graded Enrollment
 ** Day-Graded Student

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 10-1-75; effective thirtieth day thereafter (Register 75, No. 40).
2. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23).

Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57031. Abbreviations.

- ASF/STN = Assignable square feet per student station
Classrooms:
 Hrs./Wk. = Number of hours out of a 70-hour week, 8 a.m. to 10 p.m., a classroom, on the average, should be used
Class Laboratories:
 Hrs./Wk. = Number of hours out of a 70-hour week, 8 a.m. to 10 p.m., a class laboratory, on the average, should be used
 STN. Occ. = The percentage of expected student station occupancy when rooms are in use
 STN. Use = The number of hours per week (out of the 70-hour week for classrooms and class laboratories) which a student station, on the average, should be used
 WSCH = Weekly Student Contact Hours-8 a.m. to 10 p.m. WSCH for nonlaboratory (lecture) and laboratory hours.

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 10-1-75; effective thirtieth day thereafter (Register 75, No. 40).
2. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57032. Formula for Deriving the Standards.

$$\frac{\text{ASF/STN}}{\text{Hrs./Wk.} \times \text{STN. Occ.}} \times 100 = \text{ASF/100 WSCH}$$

Example A. For determining ASF/WSCH in Classrooms and Seminars on an 8 a.m. to 10 p.m. basis:

ASF/STN. = 15
 Hrs./Wk. = 53 15
 STN./Occ. = .66 53.0 x .66

Example B. For determining ASF/WSCH in Biological Science Laboratory on an 8 a.m. to 10 p.m. basis:

ASF/STN = 55
 Hrs./Wk. = 27.5 55
 STN./Occ. = .85 27.5 x .85

NOTE: Authority cited: Sections 66700, 70901, 81805 and 81836, Education Code. Reference: Sections 81805 and 81836, Education Code.

HISTORY

1. Amendment filed 10-1-75; effective thirtieth day thereafter (Register 75, No. 40).
2. New NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57033. District Matching Share.

NOTE: Authority cited: Sections 71020, 81805 and 81838, Education Code. Reference: Sections 81802, 81806, 81807, 81830, 81831 and 81838, Education Code.

HISTORY

1. New section filed 2-6-86; effective thirtieth day thereafter (Register 86, No. 6). For history of former section, see Registers 83, No. 18 and 78, No. 3.
2. Repealer filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57033.1. Determination of District's Matching Share; Adoption of Criteria; Chancellor's Recommendation; Review by Board in Forwarding Budget Request to Department of Finance.

The Chancellor shall adopt criteria for determining districts' matching shares of the cost of capital outlay projects. Pursuant to that criteria, the Chancellor shall recommend each district's match, which shall be reviewed by the Board in forwarding its annual budget request to the Department of Finance for determination by the Legislature.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57034. Waiver of District Matching Share.

NOTE: Authority cited: Sections 71020, 81805 and 81838, Education Code. Reference: Sections 81802, 81806, 81807, 81830, 81831 and 81838, Education Code.

HISTORY

1. New section filed 2-6-86; effective thirtieth day thereafter (Register 86, No. 6).
2. Repealer filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

Subchapter 1.5. Energy and Resource Conservation

§ 57050. General Provisions.

For the purposes of administration and implementation of Board of Governors Energy and Resources Policy under the Community College Construction Act, the provisions of this subchapter apply.

NOTE: Authority cited: Sections 66700, 70901 and 81805, Education Code. Reference: Sections 70901 and 81800-81839, Education Code.

HISTORY

1. New subchapter 2 (sections 57050-57055) filed 9-25-80; effective thirtieth day thereafter (Register 80, No. 39).
2. Redesignation of subchapter 2 as chapter 1.5 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57051. Definitions.

For the purposes of this subchapter:

(a) "Energy Conservation Project" means the acquisition, development, or modification of facilities and equipment which result in the conservation of energy; energy audits; energy conservation and operating procedures; energy conservation measures; water conservation measures; and redraft consisting of modifications made to existing equipment or structures.

(b) "Energy Conservation Program," means an organized activity approved and adopted by a community college district governing board in the form of a written summary of the activities by the district toward the conserving of energy sources.

(c) "Energy Audit (EA)," means the nontechnical review of a facility to ascertain the existing level of energy use efficiency.

(d) "Technical Audit" (TA), means a specialized study designed to identify and specify energy resource savings and related cost savings which may be realized as a result of modification of maintenance and operating procedures, acquisition and installation of one or more specified

energy conservation measures, or planning of specific remodeling, renovation, repair and replacement of facilities.

(e) "Technical Auditor" means a California registered engineer with energy conservation experience authorized by the California Energy Commission to conduct technical audits for all public building in the State of California.

(f) "Pay-back Period" is the length of time required for the flow of net cash proceeds or cash saving produced by an investment to equal the original cash outlay required by the investment.

(g) "Energy Conservation Measure" means an installation or modification of a system in a building or facility which is primarily intended to reduce energy consumption or allow the use of a more desirable energy source.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Sections 70901, and 81800-81839, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57052. Need for Energy Conservation Projects.

(a) For those districts requesting a state supported energy conservation project, a summary of the local district Energy Conservation program as adopted by the governing board shall be a part of the annual district Five-Year Construction Plan.

(b) A community college district submitting an energy conservation project for state aid under the capital outlay program of the Community College Construction Act of 1980 shall indicate the need for such assistance in the annual district Five-Year Construction Plan. Such need is to appear as a component part of the Statement of Educational Plans for the district.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Sections 70901, and 81800-81839, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57053. Identification of Energy Conservation Projects.

(a) When the need for state financial assistance for an energy conservation project (as defined in subsection (a) of section 57051) has been adequately established, it shall be submitted as a project planning guide in accordance with established format to the Chancellor's Office.

(b) The project planning guide shall contain evidence of an approved Energy Audit (EA) on file with the California Energy Commission.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Sections 70901, and 81800-81839, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57054. Evaluation of Energy Conservation Projects.

All projects submitted as energy conservation related shall be ranked on the basis of criteria developed by the Chancellor's Office and shall include but not be limited to:

(a) Level of energy use—those projects identified to correct conditions of higher energy use application shall receive higher priority evaluation.

(b) Pay-back period—those projects which by their design or proposed application demonstrate the shortest possible pay-back period shall receive higher priority evaluation.

(c) The extent to which the district has implemented an energy conservation program which meets the objectives specified in Board of Governors Policy Statement on Energy and Resource Conservation.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Sections 70901, and 81800-81839, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57055. Developmental Progression of Energy Conservation Related Capital Outlay Projects.

(a) Energy conservation related projects shall be evaluated and ranked for approval by the Chancellor following the existing procedures for the statewide capital outlay program.

(b) Upon securing approval of a proposed energy conservation project by all appropriate review agencies, the governing board of a community college may submit to the Chancellor for approval, or disapproval, preliminary plans for the project.

(c) Preliminary plans for energy related projects shall include:

(1) The results of a technical audit (TA) performed by an authorized Technical Auditor which describes in detail the energy conservation measures the project is to institute.

(2) The status of the project as related to the various federal and state aided programs for energy conservation.

(3) An architectural and/or engineering analysis setting forth the detailed costs of the various elements of the project.

NOTE: Authority cited: Sections 66700, 70901, and 81805, Education Code. Reference: Sections 70901, and 81800-81839, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57060. Legislative Findings, Declarations and Intent; Energy Conservation.

The Board of Governors finds and declares that it is in the interest of the state and of the people thereof for the state to aid community college districts in finding cost-effective methods of conserving energy in buildings maintained by the districts. The Board of Governors also finds that while many districts may desire to participate in energy conservation programs designed to reduce the steadily rising costs of meeting the energy needs of district buildings, that the costs involved in improving existing facilities to become more energy efficient are often prohibitive.

It is the intent of the Board of Governors in adopting this regulation to encourage community college districts to retrofit buildings so as to conserve energy and reduce the costs of supplying energy.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57061. Community College Districts, Borrowing; Retrofitting Buildings for Energy Conservation; Savings and Loan Investment.

(a) Community college districts may borrow funds from federal or state regulated financial institutions for the purposes of design and construction costs associated with retrofitting buildings to become more energy efficient. Community college districts shall only be authorized to borrow an amount which does not exceed that which can be repaid from energy cost avoidance savings accumulated from the improvement of school facilities.

(b) Any savings and loan association may make loans or advances of credit pursuant to the provisions of subdivision (a) in an amount not in excess of 5 percent of its total assets. This investment may be in addition to any other investment savings and loan associations are permitted to undertake under the provisions of section 6705.7 of the Financial Code.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57062. Pre-Audits and Post-Audits for Buildings.

To the extent that these services are available, community college districts shall arrange for the pre-audit and post-audit of buildings by investor-owned or municipal utility companies or by independent energy audit companies or organizations which are recognized by federal or state regulated financial institutions. The pre-audit shall identify the type and amount of work necessary to retrofit the buildings and shall include an estimate of projected energy savings. The post-audit shall be conducted upon completion of the retrofitting of the buildings to insure that the project satisfies the recommendations of the pre-audit.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57063. Contracts.

Community college districts taking action under this article shall contract with qualified businesses capable of retrofitting school buildings. To the extent that lists of qualified businesses are made available to community college districts by investor-owned or municipal utility companies or federal or state regulated financial institutions, community college districts may utilize the services of these businesses.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

Subchapter 2. Environmental Quality

§ 57100. General.

(a) The regulations adopted under this Chapter are pursuant to the California Environmental Quality Act of 1970 (division 13 commencing with section 21000 of the Public Resources Code) and Guidelines adopted by Secretary for Resources in Division 6, Title 14, California Administrative Code.

(b) The purpose of these regulations is to provide basic principles, objectives, criteria and definitions for use by the Chancellor of the California Community Colleges in reviews required by the Education Code of community college construction projects.

(c) It is the intent of the Board of Governors to adopt in substance the Guidelines adopted by the Secretary for Resources in division 6, title 14, California Administrative Code, section 15000 et seq.

NOTE: Authority cited: Sections 66700 and 70901, Education Code, and Section 21082, Public Resources Code. Reference: Division 13 (commencing with Section 21000), Public Resources Code.

HISTORY

1. New chapter 2 (sections 57100 through 57140, not consecutive) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of article 1 heading and amendment of section filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

5. Editorial correction of HISTORY 4 (Register 95, No. 23).

§ 57101. Purpose.

HISTORY

1. Repealer filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 57120. Basic Guidelines.

HISTORY

1. Repealer of Article 2 heading and Section 57120 filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

§ 57121. Application.

(a) When reviewing proposals from Community College districts for acquisition of land to be used as a site for college facilities, the Chancellor shall also review the Community College district's Initial Study (section 15080, title 14, California Administrative Code) of the development intended on the land and include the result of this review in a site review report.

(b) The Chancellor shall require that proposals for initial construction of facilities for a new campus be accompanied by a long-range plan for physical development approved by the district governing board which shows the intended use of all portions of the land and approximate location of buildings and facilities.

(c) The Chancellor shall require that an Initial Study, pursuant to section 15080, title 14, California Administrative Code, be submitted to the Chancellor's office concurrent with other required information.

(d) The Chancellor shall require that a copy of the (1) finding of Categorical Exemption (section 15023, title 14, California Administrative Code); Negative Declaration (section 15083, Title 14, California Administrative Code); or Notice of Completion (section 15085(c), title 14, California Administrative Code), whichever is appropriate, be submitted to his office concurrently with preliminary plans.

(e) The Chancellor shall require a copy of the findings of Categorical Exemption or Notice of Determination (section 15085(g), Title 14, California Administrative Code), whichever is appropriate, be submitted to the Chancellor's office concurrently with plans submitted for approval in accordance with section 81837 of the Education Code.

(f) The Chancellor shall withhold authorization of the use of state funds for construction until requirements of the California Environmental Quality Act of 1970 have been met.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Division 13 (commencing with Section 21000), Public Resources Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

§ 57140. Procedures.

NOTE: Authority cited: Sections 71020 and 71062, Education Code. Reference: Section 71091, Education Code; Division 13 (commencing with Section 21000), Public Resources Code.

HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Repealer of article 3 heading and new NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
4. Editorial correction of HISTORY 3 (Register 95, No. 23).

Subchapter 3. District Funded Construction Projects

§ 57150. Purpose.

The purpose of these regulations is to provide basic definitions, principles, and standards for use by the Chancellor of the California Community Colleges in considering any district-funded construction project subject to the requirements of section 81837 of the Education Code.

NOTE: Authority cited: Sections 66700, 70901, and 81836, Education Code. Reference: Sections 81836 and 81837, Education Code.

HISTORY

1. New chapter 3 (sections 57150-57158, not consecutive) filed 10-30-80; effective thirtieth day thereafter (Register 80, No. 44).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57152. Definitions.

(a) "Capital Outlay Project" includes purchase of land and costs related thereto, including court costs, condemnation costs, legal fees, title fees, etc.; construction projects, including working drawings; and equipment related to a construction project regardless of cost or timing.

(b) "Construction Project" includes new construction, alteration, and extension or betterment of existing structures.

(c) "State-Funded Project" means a capital outlay project qualifying as a project pursuant to section 81805 of the Education Code, and for which a district requests or receives State funding assistance.

(d) "District-Funded Project" means a capital outlay project subject to the provisions of section 81837 of the Education Code for which any funds, other than state funds, are paid or to be paid for erecting, adding to, or altering any community college facility.

(e) "Five-Year Construction Plans" means a plan for capital construction for community college purposes of a community college district for the five-year period commencing with the next proposed year of funding.

NOTE: Authority cited: Sections 66700, 70901 and 81836, Education Code. Reference: Sections 81836 and 81837, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57154. Application.

In each case, the application for approval of plans for a district-funded project shall be accompanied by the plans and full, complete and accurate take-off of assignable and gross square feet of space, which shall comply with any and all requirements prescribed by the Chancellor.

NOTE: Authority cited: Sections 66700, 70901, and 81836, Education Code. Reference: Sections 81836 and 81837, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57156. Review.

The review and evaluation of plans for a district-funded project by the Chancellor, shall include the following elements:

(a) Review and evaluate each district-funded project with reference to the elements of the capital construction program specified in Education Code section 81821.

(b) The review and evaluation shall be directed particularly to ascertain whether the locally funded project is of appropriate size, is appropriately timed and is justified in terms of the elements of the capital construction plans and where applicable, the standards as adopted by the Board of Governors.

NOTE: Authority cited: Sections 66700, 70901, and 81836, Education Code. Reference: Sections 81836 and 81837, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57158. Chancellor's Response to Request for Approval of Plans.

(a) When analysis by the Chancellor shows that approval of the plans for a proposed locally-funded construction of a community college facility would not result in facilities which would be substantially at variance with space and utilization standards adopted by the Board of Governors, the Chancellor shall approve the plans.

(b) When analysis by the Chancellor shows that approval of the plans would result in facilities which would be substantially at variance with space and utilization standards adopted by the Board of Governors, the Chancellor shall respond by:

- (1) Imposing conditions for the approval of the plans; or
- (2) Finding that despite the substantial variance with space standards, the plans, as submitted, are acceptable, and responding to the district with:

(A) Cautions, and/or

(B) Appraisal of the potential consequences of this variance.

NOTE: Authority cited: Sections 66700, 70901 and 81836, Education Code. Reference: Sections 81836 and 81837, Education Code.

HISTORY

1. Amendment of subsection (b) filed 1-16-81; effective thirtieth day thereafter (Register 81, No. 3).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

Subchapter 4. Deferred Maintenance

§ 57200. Purpose.

For the purposes of administration and implementation of the Community Colleges Facility Deferred Maintenance and Special Repair Program as required by Education Code section 84660, the provisions of this chapter shall apply.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. New chapter 4 (sections 57200-57205) filed 7-8-82; effective thirtieth day thereafter (Register 82, No. 28).
2. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
3. Editorial correction of HISTORY 2 (Register 95, No. 23).

§ 57201. General Requirements.

Each community college district applying to receive funds pursuant to this chapter shall:

(a) Prepare and submit to the Chancellor a current five-year maintenance plan. The plan shall be consistent with the district's five-year capital outlay plan, but shall not duplicate that plan. The plan shall provide for ongoing as well as deferred maintenance.

(b) Maintain a level of ongoing maintenance during the year for which funds are requested commensurate with the level of activity in prior years.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).

2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57202. Application for Funds.

Districts shall apply to the Chancellor's Office for funding for deferred maintenance in the form and manner specified by the Chancellor.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57203. Allocation of Funds.

The Chancellor shall allocate the funds appropriated by the Legislature as soon as such funds are available, and in accordance with the project priorities established, provided that ten percent (10%) of the funds may be held for contingencies that may occur during the year. Any such funds initially held for contingencies shall be allocated prior to the end of the fiscal year.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57204. Selection of Projects.

The Chancellor shall evaluate district applications and rank projects for funding. Projects shall be ranked for funding using the following criteria, which shall be ranked equally:

(a) Health and Safety. Priority shall be given to projects necessary to meet safety requirements and to correct hazardous conditions which, if uncorrected, would result in facility closure or danger to staff and students utilizing the facility.

(b) Prevention of Further More Costly Repairs. Priority shall be given to deferred maintenance for instructional facilities necessary to prevent substantially increased maintenance or replacement costs in the future.

(c) Disruption of Programs. Priority shall be given to projects necessary to prevent disruption of instructional programs.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).

§ 57205. District Match.

The Chancellor will allocate funds for only fifty percent of the costs for a deferred maintenance project. In accepting funds under this chapter, a district agrees to spend district funds necessary to complete the project.

The Chancellor may waive this requirement in whole or in part for projects for which the district demonstrates that it cannot make available fifty percent of the costs for the project from other sources.

The Chancellor shall waive this requirement only for projects with high priority for funding. Highest priority shall be given to those projects which the Chancellor determines are necessary to prevent a facility from being closed.

Where projects would otherwise be of equal rank, first priority shall be given to those projects for which the district provides matching funds.

NOTE: Authority cited: Sections 66700, 70901 and 84660, Education Code. Reference: Section 84660, Education Code.

HISTORY

1. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. Editorial correction of HISTORY 1 (Register 95, No. 23).