

## Assembly Bill No. 1240

### CHAPTER 390

An act to amend Sections 81361, 81367, 81370, 81372, and 81375 of, to add Section 81523.5 to, and to repeal Sections 81371 and 81373 of, the Education Code, relating to community colleges.

[Approved by Governor October 11, 2009. Filed with  
Secretary of State October 11, 2009.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1240, Davis. Community colleges: leasing of buildings: sale of district property.

(1) Existing law allows the governing board of a community college district to lease temporary-use buildings. Existing law provides that any lease of a temporary-use building that is for more than a total of three years, or is under a lease-purchase contract, is subject to compliance with existing law providing for the construction of school buildings under the supervision of the Department of General Services pursuant to specified standards.

This bill would allow the Los Angeles Community College District to lease a temporary use building that is 50,000 square feet or less for up to a total of 5 years without being subject to compliance with the above provisions of existing law regarding building standards. The bill would provide that this provision would not apply to leases with an effective date or effective renewal date that is after January 1, 2015.

This bill would make a legislative declaration regarding the need for a special statute regarding the Los Angeles Community College District.

(2) Existing law allows the governing board of a community college district to sell or lease any real property belonging to the district. Existing law requires the district to call for oral bids before accepting any written proposals to sell or lease district property. Existing law requires the board to accept an oral bid if it exceeds the highest written proposal by 5%.

This bill would repeal the provisions relating to oral bids.

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

SECTION 1. Section 81361 of the Education Code is amended to read:

81361. The governing board of a community college district that has by majority vote established a standard rate or rates for the lease pursuant to this article of its real property may by majority vote delegate to an officer or employee as the governing board may designate, the power to enter into leases, for and in behalf of the district, of any real property of the district, with respect to which real property the district has received only one sealed

proposal that conforms with the existing standard rate or rates, from a responsible bidder.

SEC. 2. Section 81367 of the Education Code is amended to read:

81367. If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the sealed proposal that is finally accepted the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

SEC. 3. Section 81370 of the Education Code is amended to read:

81370. (a) At the time and place fixed in the resolution for the meeting of the governing body, all sealed proposals that have been received shall, in public session, be opened, examined, and declared by the board. Except as provided in subdivision (b), of the proposals submitted that conform to all terms and conditions specified in the resolution of intention to sell or to lease and that are made by responsible bidders, the sealed proposal that is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless the board rejects all of these bids.

(b) Notwithstanding subdivision (a), the governing board of any community college district may apply to the Board of Governors of the California Community Colleges for a waiver of the requirement that the governing board accept the highest responsible bid for the sale or lease of real property. The board of governors may grant a waiver pursuant to this subdivision if it determines that the waiver is in the best interests of the community college district.

SEC. 4. Section 81371 of the Education Code is repealed.

SEC. 5. Section 81372 of the Education Code is amended to read:

81372. (a) The governing board by majority vote may adopt a rule delegating to an officer or employee of the district the authority to perform the duties required to be performed by the governing board under Section 81370. If a delegation rule is adopted pursuant to this subdivision, the resolution required in Section 81365 shall specify, in lieu of the public meeting of the governing board to be held at its regular place of meeting, the place at which the designated officer or employee will receive and open sealed proposals to purchase or lease.

(b) All other provisions of this article not in conflict with the delegation of this authority are applicable. However, the final acceptance of a bid, or rejection of all bids, shall be made by the governing board at a public meeting.

SEC. 6. Section 81373 of the Education Code is repealed.

SEC. 7. Section 81375 of the Education Code is amended to read:

81375. The governing body may at the session, if it deems it would be for the best public interest, reject any and all bids, and withdraw the property from sale or lease.

SEC. 8. Section 81523.5 is added to the Education Code, to read:

81523.5. (a) Notwithstanding subdivision (d) of Section 81523, in order to adequately assess long-term site viability, any temporary use building that is 50,000 square feet or less which the Los Angeles Community College District leases under one, or successive leases, for a total time of five years or less, and in which students or faculty are expected to enter, shall be exempt from the provisions of Article 7 (commencing with Section 81130) and Article 8 (commencing with Section 81160) of Chapter 1.

(b) This section does not apply to a lease with an effective date or effective renewal date that is on or after January 1, 2015.

SEC. 9. The Legislature finds and declares that due to unique circumstances regarding the Los Angeles Community College District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.