

AMENDED IN SENATE JUNE 12, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1906

Introduced by Assembly Member Wilk
(Coauthor: Assembly Member Hagman)

February 19, 2014

An act to amend, repeal, and add Section 82542 of the Education Code, relating to community college property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1906, as amended, Wilk. Community college property: direct costs for use.

Existing law provides that there is a civic center at every community college within the state, and authorizes the governing board of a community college district to grant the use of college facilities or grounds for specified purposes. Existing law limits the amount a community college may charge an entity to use the college facilities or grounds for those purposes to specified costs. Existing law, for use of college facilities or grounds for other purposes, authorizes the governing board of a community college to charge an amount not to exceed its direct costs or not to exceed fair rental value, as those terms are defined, of college facilities and grounds under its control.

This bill, until January 1, ~~2022~~, 2020, would expand the definition of direct costs to include, among other things, the share of costs for maintenance, repair, restoration, and refurbishment proportional to the entity's use of the college facilities or grounds. The bill would require the Chancellor of the California Community Colleges to develop, and the Board of Governors of the California Community Colleges to adopt, regulations to be used by a community college district in determining

the proportionate share and the specific allowable costs to be included as direct costs for use of its college facilities or grounds. The bill would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 82542 of the Education Code is amended
2 to read:

3 82542. (a) Except as provided in subdivision (b), the governing
4 board of a community college district shall grant without charge
5 the use of any college facilities or grounds under its control,
6 pursuant to the requirements of this article, when an alternative
7 location is not available, to nonprofit organizations and clubs and
8 associations organized for general character building or welfare
9 purposes, such as:

- 10 (1) Student clubs and organizations.
- 11 (2) Fundraising entertainments or meetings where admission
- 12 fees charged or contributions solicited are expended for the welfare
- 13 of the students of the district.
- 14 (3) Parent-teachers' associations.
- 15 (4) School-community advisory councils.
- 16 (5) Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
- 17 (6) Senior citizens' organizations.
- 18 (7) Other public agencies.
- 19 (8) Organizations, clubs, or associations organized for cultural
- 20 activities and general character building or welfare purposes, such
- 21 as folk and square dancing.
- 22 (9) Groups organized for the purpose specified in subdivision
- 23 (k).

24 (b) The governing board may charge those organizations and
25 activities listed in subdivision (a) an amount not to exceed the
26 following:

- 27 (1) The cost of opening and closing the facilities, if no college
- 28 employees would otherwise be available to perform that function
- 29 as a part of their normal duties.
- 30 (2) The cost of a college employee's presence during the
- 31 organization's use of the facilities, if the governing board

1 determines that the supervision is needed, and if that employee
2 would not otherwise be present as part of his or her normal duties.

3 (3) The cost of janitorial services, if the services are necessary,
4 and would not have otherwise been performed as part of the
5 janitor's normal duties.

6 (4) The cost of utilities directly attributable to the organization's
7 use of the facilities.

8 (c) The governing board may charge an amount not to exceed
9 its direct costs or not to exceed fair rental value of college facilities
10 and grounds under its control, and pursuant to the requirements of
11 this article, for activities other than those specified in subdivision
12 (a). A governing board that decides to levy these charges shall first
13 adopt a policy specifying which activities shall be charged an
14 amount not to exceed direct costs and which activities shall be
15 charged an amount not to exceed fair rental value.

16 (d) (1) As used in this section, "direct costs" to the district for
17 the use of college facilities or grounds includes all of the following:

18 (A) The share of the costs of supplies, utilities, janitorial
19 services, services of any other district employees, and salaries paid
20 to community college district employees to operate and maintain
21 college facilities or grounds that is proportional to the
22 organization's use of the college facilities and grounds of the
23 district under this section.

24 (B) The share of the costs for maintenance, repair, restoration,
25 and refurbishment, proportional to the use of the college facilities
26 or grounds by the organization using the college facilities or
27 grounds under this section. For purposes of this subparagraph,
28 "college facilities" shall be limited to only nonclassroom space,
29 and "grounds" shall include, but not be limited to, playing fields,
30 athletic fields, track and field venues, tennis courts, and outdoor
31 basketball courts.

32 (2) The share of the costs for maintenance, repair, restoration,
33 and refurbishment shall not apply to either of the following:

34 (A) Classroom-based programs that operate after school hours,
35 including, but not limited to, after school programs, tutoring
36 programs, or child care programs.

37 (B) Organizations retained by the college or community college
38 district to provide instruction or instructional activities to students
39 during school hours.

1 (3) Funds collected pursuant to this subdivision shall be
2 deposited into a special fund that shall only be used for purposes
3 of this section.

4 (e) By December 31, 2015, the Chancellor of the California
5 Community Colleges shall develop, and the Board of Governors
6 of the California Community Colleges shall adopt, regulations to
7 be used by a governing board of a community college in
8 determining the proportionate share and the specific allowable
9 costs that a community college district may include as direct costs
10 for the use of its college facilities or grounds.

11 (f) As used in this section, “fair rental value” means the direct
12 costs to the district, plus the amortized costs of the college facilities
13 or grounds used for the duration of the activity authorized.

14 (g) The governing board of a community college district that
15 authorizes the use of college facilities or grounds for the purpose
16 specified in subdivision (h) shall charge the church or religious
17 denomination an amount at least equal to the fair rental value of
18 the facilities or grounds.

19 (h) The governing board of a community college district may
20 grant the use of college facilities or grounds to any church or
21 religious organization for the conduct of religious services for
22 temporary periods where the church or organization has no suitable
23 meeting place for the conduct of these services upon the terms and
24 conditions as the board deems proper, and subject to the limitations,
25 requirements, and restrictions set forth in this article. The governing
26 board shall charge the church or religious organization using the
27 property for the conduct of religious services a fee as specified in
28 subdivision (g).

29 (i) For entertainment or a meeting where an admission fee is
30 charged or a contribution is solicited and the net receipts of the
31 admission fees or contributions are not expended for the welfare
32 of the students of the district or for charitable purposes, a charge
33 equal to fair rental value shall be levied for the use of the college
34 facilities, property, and grounds, as determined by the governing
35 board of the district.

36 (j) The governing board may permit the use, without charge,
37 by organizations, clubs, or associations organized for senior citizens
38 and for cultural activities and general character building or welfare
39 purposes, when membership dues or contributions solely for the
40 support of the organization, club, or association, or the

1 advancement of its cultural, character building or welfare work,
2 are accepted.

3 (k) The governing board of a community college district may
4 grant the use of college facilities, grounds, and equipment to public
5 agencies, including the American Red Cross, for mass care and
6 welfare shelters during disasters or other emergencies affecting
7 the public health and welfare, and may cooperate with these
8 agencies in furnishing and maintaining services deemed by the
9 governing board to be necessary to meet the needs of the
10 community.

11 (l) This section shall remain in effect only until January 1, ~~2022~~,
12 2020, and as of that date is repealed, unless a later enacted statute,
13 that is enacted before January 1, ~~2022~~, 2020, deletes or extends
14 that date.

15 SEC. 2. Section 82542 is added to the Education Code, to read:

16 82542. (a) Except as provided in subdivision (b), the governing
17 board of a community college district shall grant without charge
18 the use of any college facilities or grounds under its control,
19 pursuant to the requirements of this article, when an alternative
20 location is not available, to nonprofit organizations and clubs and
21 associations organized for general character building or welfare
22 purposes, such as:

- 23 (1) Student clubs and organizations.
- 24 (2) Fundraising entertainments or meetings where admission
25 fees charged or contributions solicited are expended for the welfare
26 of the students of the district.
- 27 (3) Parent-teachers' associations.
- 28 (4) School-community advisory councils.
- 29 (5) Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
- 30 (6) Senior citizens' organizations.
- 31 (7) Other public agencies.
- 32 (8) Organizations, clubs, or associations organized for cultural
33 activities and general character building or welfare purposes, such
34 as folk and square dancing.
- 35 (9) Groups organized for the purpose specified in subdivision
36 (g).

37 (b) The governing board may charge those organizations and
38 activities listed in subdivision (a) an amount not to exceed the
39 following:

1 (1) The cost of opening and closing the facilities, if no college
2 employees would otherwise be available to perform that function
3 as a part of their normal duties.

4 (2) The cost of a college employee’s presence during the
5 organization’s use of the facilities, if the governing board
6 determines that the supervision is needed, and if that employee
7 would not otherwise be present as part of his or her normal duties.

8 (3) The cost of janitorial services, if the services are necessary,
9 and would not have otherwise been performed as part of the
10 janitor’s normal duties.

11 (4) The cost of utilities directly attributable to the organization’s
12 use of the facilities.

13 (c) The governing board may charge an amount not to exceed
14 its direct costs or not to exceed fair rental value of college facilities
15 and grounds under its control, and pursuant to the requirements of
16 this article, for activities other than those specified in subdivision
17 (a). A governing board that decides to levy these charges shall first
18 adopt a policy specifying which activities shall be charged an
19 amount not to exceed direct costs and which activities shall be
20 charged an amount not to exceed fair rental value.

21 (1) As used in this section, “direct costs” to the district for the
22 use of college facilities or grounds means those costs of supplies,
23 utilities, janitorial services, services of any other district employees,
24 and salaries paid community college district employees necessitated
25 by the organization’s use of the college facilities and grounds of
26 the district.

27 (2) As used in this section, “fair rental value” means the direct
28 costs to the district, plus the amortized costs of the college facilities
29 or grounds used for the duration of the activity authorized.

30 (d) The governing board of a community college district that
31 authorizes the use of college facilities or grounds for the purpose
32 specified in subdivision (e) shall charge the church or religious
33 denomination an amount at least equal to the fair rental value of
34 the facilities or grounds.

35 (e) The governing board of a community college district may
36 grant the use of college facilities or grounds to any church or
37 religious organization for the conduct of religious services for
38 temporary periods where the church or organization has no suitable
39 meeting place for the conduct of these services upon the terms and
40 conditions as the board deems proper, and subject to the limitations,

1 requirements, and restrictions set forth in this article. The governing
2 board shall charge the church or religious organization using the
3 property for the conduct of religious services a fee as specified in
4 subdivision (d).

5 (f) For entertainment or a meeting where an admission fee is
6 charged or a contribution is solicited and the net receipts of the
7 admission fees or contributions are not expended for the welfare
8 of the students of the district or for charitable purposes, a charge
9 shall be made for the use of the college facilities, property, and
10 grounds, which charge shall not be less than the fair rental value
11 for the use of the college facilities, ~~property~~ *property*, and grounds,
12 as determined by the governing board of the district.

13 (g) The governing board may permit the use, without charge,
14 by organizations, clubs, or associations organized for senior citizens
15 and for cultural activities and general character building or welfare
16 purposes, when membership dues or contributions solely for the
17 support of the organization, club, or association, or the
18 advancement of its cultural, character building or welfare work,
19 are accepted.

20 (h) The governing board of a community college district may
21 grant the use of college facilities, grounds, and equipment to public
22 agencies, including the American Red Cross, for mass care and
23 welfare shelters during disasters or other emergencies affecting
24 the public health and welfare, and may cooperate with these
25 agencies in furnishing and maintaining services deemed by the
26 governing board to be necessary to meet the needs of the
27 community.

28 (i) This section is operative on and after January 1, ~~2022~~ 2020.