

AMENDED IN SENATE JUNE 23, 1998  
AMENDED IN ASSEMBLY MAY 14, 1998  
AMENDED IN ASSEMBLY APRIL 14, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1921**

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**Introduced by Assembly Member Scott**

February 17, 1998

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An act to amend and renumber the heading of Article 1 (commencing with Section 81300) of Chapter 2 of, to add the heading of Chapter 2 (commencing with Section 81250) to, to add Article 1 (commencing with Section 81250) to Chapter 2 of, and to repeal the heading of Chapter 2 (commencing with Section 81300) of, Part 49 of the Education Code, and to add Section 20651.5 to the Public Contract Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1921, as amended, Scott. Community colleges: real property of community college districts.

(1) Existing law authorizes the establishment of community college districts and their operation of community college campuses. Existing law prescribes procedures with regard to the sale, lease, use, gift, and exchange of real property by community college districts.

This bill would authorize the governing board of a community college district to request the Board of Governors of the California Community Colleges to waive, *insofar as*

*necessary to accomplish the purpose of the waiver request*, all or a portion of the procedures regulating the sale, lease, use, gift, or exchange of community college district real property, other than any provision of the bill. The bill would require that this waiver could be requested only after a noticed public hearing, and only if the waiver request demonstrates that the district has provided the required written notice, that the district was unable to reach agreement with any public agency that sought to acquire the property, that the waiver will not substantially increase state costs or decrease state revenues, and that the waiver will further the ability of the district to meet the educational needs of the community. The bill would provide that the Board of Governors of the California Community Colleges may approve a request for a waiver upon finding that the waiver would promote efficiency and further the public benefit. The bill would require the Chancellor of the California Community Colleges to annually report to the Governor and the Legislature on the number, types, and disposition of waiver requests submitted under the bill.

(2) Existing law requires the governing board of any community college district to let any contracts involving an expenditure of more than \$50,000 for the purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district; for services, except construction services; or repairs, including maintenance as defined, that are not a public project, as defined. Existing law also requires the governing board of a community college district to let any contract for a public project, as defined, involving an expenditure of \$15,000 or more to the lowest responsible bidder who gives security as the board requires, or else to reject all bids.

This bill would authorize a governing board of any community college district to require that each prospective bidder for a contract complete and submit to the district a standardized questionnaire and financial statement in a form specified by the district. This bill would impose a state-mandated local program by requiring that a governing board of a community college district furnish prospective



bidders for contracts subject to the bill with a standardized proposal form.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. The heading of Chapter 2 (commencing  
2 with Section 81250) is added to Part 49 of the Education  
3 Code, to read:

4  
5 CHAPTER 2. PROPERTY: SALE, LEASE, USE, GIFT, AND  
6 EXCHANGE  
7

8 SEC. 2. Article 1 (commencing with Section 81250) is  
9 added to Chapter 2 of Part 49 of the Education Code, to  
10 read:

11  
12 Article 1. General Provisions  
13

14 81250. (a) The governing board of a community  
15 college district may, after a public hearing on the matter,  
16 request the Board of Governors of the California  
17 Community Colleges to waive, *insofar as necessary to*  
18 *accomplish the purpose of the waiver request*, all or part  
19 of any section of this chapter, other than any provision of  
20 this article, or any regulation adopted by the Board of  
21 Governors that implements a provision of this chapter.



1 (b) If a waiver request involves the sale or lease of  
2 district real property, the governing board of a district  
3 requesting a waiver shall provide written notice of the  
4 public hearing conducted pursuant to subdivision (a), at  
5 least 30 days prior to the hearing, to any city, county, park  
6 or recreation district, regional park authority, or public  
7 housing authority within which the land may be situated.

8 81252. (a) The Board of Governors of the California  
9 Community Colleges may approve any request for  
10 waiver upon finding that the waiver would promote  
11 efficiency and further the public benefit. Waivers may be  
12 approved for purposes including, but not necessarily  
13 limited to, joint or shared use of property and facilities  
14 and for collaborative partnerships between colleges and  
15 other public and private entities.

16 (b) The Board of Governors of the California  
17 Community Colleges shall not approve any request for  
18 waiver of any provision of this chapter pursuant to  
19 Section 81250 unless the district seeking the waiver  
20 demonstrates all of the following:

21 (1) The district has provided the written notice  
22 required by subdivision (b) of Section 81250.

23 (2) The district, after making a good faith effort, was  
24 unable to reach agreement with any public agency that  
25 sought to acquire the site pursuant to Section 81363.5.

26 (3) The waiver will not substantially increase state  
27 costs or decrease state revenues.

28 (4) The waiver will further the ability of the district to  
29 meet the educational needs of the community.

30 81254. The Chancellor of the California Community  
31 Colleges shall annually report to the Governor and  
32 Legislature on the number, types, and disposition of  
33 waiver requests submitted pursuant to Section 81250.

34 SEC. 3. The heading of Chapter 2 (commencing with  
35 Section 81300) of Part 49 of the Education Code is  
36 repealed.

37 SEC. 4. The heading of Article 1 (commencing with  
38 Section 81300) of Chapter 2 of Part 49 of the Education  
39 Code is amended and renumbered to read:

40



1 Article 1.5. Conveyances

2  
3 SEC. 5. Section 20651.5 is added to the Public  
4 Contract Code, to read:

5 20651.5. (a) The governing board of any community  
6 college district may require each prospective bidder for  
7 a contract, as described under Section 20651, to complete  
8 and submit to the district a standardized questionnaire  
9 and financial statement in a form specified by the district,  
10 including a complete statement of the prospective  
11 bidder's financial ability and experience in performing  
12 public works. The questionnaire and financial statement  
13 shall be verified under oath by the bidder in the manner  
14 in which civil pleadings in civil actions are verified. The  
15 questionnaire responses of prospective bidders and their  
16 financial statements shall not be deemed public records  
17 and shall not be open to public inspection.

18 (b) Any community college district requiring  
19 prospective bidders to complete and submit  
20 questionnaires and financial statements, as described in  
21 subdivision (a), shall adopt and apply a uniform system  
22 of rating bidders on the basis of the completed  
23 questionnaires and financial statements, in order to  
24 determine the size of the contracts upon which each  
25 bidder shall be deemed financially qualified to bid. The  
26 prequalification of a prospective bidder shall neither  
27 limit nor preclude a district's subsequent consideration of  
28 a prequalified bidder's responsibility on factors other  
29 than the prospective bidder's financial qualifications.

30 (c) Each prospective bidder on any contract  
31 described under Section 20651 that is subject to this  
32 section shall be furnished, by the community college  
33 district letting the contract, with a standardized proposal  
34 form that, when completed and executed, shall be  
35 submitted as his or her bid. Bids not presented on the  
36 forms so furnished shall be deemed nonresponsive and  
37 shall be rejected. A proposal form shall not be accepted  
38 from any person who, or other entity which, is required  
39 to submit a completed questionnaire and financial  
40 statement for prequalification pursuant to subdivision

1 (a), but who or which has not done so at least five days  
2 prior to the date fixed for the public opening of sealed  
3 bids and has not been prequalified, pursuant to  
4 subdivision (b), at least one day prior to that date.

5 SEC. 6. Notwithstanding Section 17610 of the  
6 Government Code, if the Commission on State Mandates  
7 determines that this act contains costs mandated by the  
8 state, reimbursement to local agencies and school  
9 districts for those costs shall be made pursuant to Part 7  
10 (commencing with Section 17500) of Division 4 of Title  
11 2 of the Government Code. If the statewide cost of the  
12 claim for reimbursement does not exceed one million  
13 dollars (\$1,000,000), reimbursement shall be made from  
14 the State Mandates Claims Fund.

15 Notwithstanding Section 17580 of the Government  
16 Code, unless otherwise specified, the provisions of this act  
17 shall become operative on the same date that the act  
18 takes effect pursuant to the California Constitution.

