



**NOTICE OF PROPOSED RULEMAKING
CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING
DIRECT COSTS FOR USE OF COLLEGE FACILITIES & GROUNDS**

45-Day Notice published March 10, 2023

NOTICE IS HEREBY GIVEN, pursuant to Chapter 2 of the California Community Colleges Board of Governors (Board) Procedures and Standing Orders, that the Board proposes to adopt the regulatory action described below after a public hearing, and considering all comments, objections, or recommendations received regarding the proposed action during the public comment period.

PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on March 20, 2023. The March 20, 2023 Board of Governors meeting will be held in a hybrid format. Members of the public may participate in-person or via Zoom videoconferencing.

The meeting is scheduled from **9:00 a.m. to 5:00 p.m.**

Physical Location

Chancellor's Office
Sixth Floor, Board Chambers
1102 Q Street
Sacramento, CA 95811

Board of Governors Live Webinar and Zoom Information

Please use the Zoom link below and password to join the meeting:

[Join Zoom Meeting - Board of
Governors](https://cccconfer.zoom.us/j/381430034?pwd=TjF4TTJVSE03OUxvdHFrUDhOWnpDZz09) (cccconfer.zoom.us/j/381430034?pwd=TjF4TTJVSE03OUxvdHFrUDhOWnpDZz09)

Or join the meeting by phone: (669) 900 6833

Meeting ID: 381 430 034

Password: 234632

International numbers available [online](https://cccconfer.zoom.us/u/acIPAzrcGq) (<https://cccconfer.zoom.us/u/acIPAzrcGq>)

Captions are provided during the webinar.

Public Comment Submission Process

Public Comment: Members of the public wishing to comment on an agenda item or another topic within the jurisdiction of the Board of Governors will be given the opportunity to comment via Zoom or in-person at the location listed above. For any questions, please contact the board liaison at ccastro@cccco.edu. All comments will be limited to two minutes and the following policies:

1. In-person with a written request to address the Board shall be made on the form provided by staff at the meeting. Persons wishing to address the Board on a subject not on the agenda shall address the Board during the time listed for public forum.
2. Virtual attendees may use the Raise Hand feature on the Zoom platform to address the Board. A Chancellor's Office employee will announce your name and grant you the ability to speak. You are requested to identify yourself and present your public comment at that time. Persons wishing to address the Board on a subject not on the agenda shall address the Board during the time listed for public forum.
 - The Board of Governors reserves the right to limit the total amount of time allocated for public comment on particular issues and for each individual speaker. (Gov. Code 11125.7.)
 - For members of the public utilizing a translator or other translating technology, the Chancellor's Office shall provide twice the allotted time to ensure that non-English speakers receive the same opportunity to directly address the Board. (Gov. Code 11125.7.)

WRITTEN COMMENT PERIOD

Any interested person may also submit written comments relevant to the proposed regulatory action. To help ensure comments are understood as they are intended, we suggest that they clearly identify the proposed regulatory action that each comment addresses, with reference to specific section and subparagraph numbers where appropriate. Please arrange comments in the same order as in the proposed regulatory action. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549
regcomments@cccco.edu

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on April 24, 2023. All written comments received by Chancellor's Office staff during the public comment period are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulatory action substantially as described in this Notice or may modify the proposed regulatory action if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposed regulatory action will be available for 15 days prior to its adoption, and will be provided to those persons who have requested or are required to receive notification of regulatory actions, or who have provided written or oral comments relevant to the proposed regulatory action.

INFORMATIVE DIGEST

The governing board of a community college district is entrusted with the management, direction, and control of the public's use of community college facilities and grounds. The Education Code allows districts to recover fair rental value for the public use of college facilities and grounds. However, it also limits districts to the recovery of direct costs from specified nonprofit organizations. District governing boards must establish local policies governing their recovery of such costs, and the Board of Governors is required to adopt to be used by district governing boards to determine the proportionate share and the specific allowable costs that a community college district may include as direct costs for the use of its college facilities or grounds.

The proposed regulatory action would readopt regulations that allow community college districts to recover the direct costs or fair rental value of public use of college facilities and grounds. The prior version of these regulations sunset by its terms. However, the regulations were re-authorized by the extension of the

related statute in Assembly Bill 695 (Medina, 2019). The proposed regulatory action reflects the requirements of current law.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The regulatory action is intended to give effect to a statute enacted by the Legislature. Accordingly, estimated cost or savings of the proposed regulatory action are anticipated to be as follows:

Mandate on local agencies or community college districts: *None*.

Cost or savings to state agencies: *None*.

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: *None*.

Other non-discretionary cost or savings imposed on community college districts: *None*.

Cost or savings in federal funding to state agencies: *None*.

The proposed amendments to title 5 would result in no fiscal impact to local or state governments, nor will it have any fiscal impact on any federal funding.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to the Regulations Coordinator, at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the language of the proposed regulatory action, and all of the information upon which the proposal is based, may be obtained online at:

[**Office of General Counsel - Pending Regulatory Action**](#)

Those who receive the Board of Governors Agenda package for the March 20, 2023, meeting can find a further description of the proposal and the full text of the regulatory action. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.