





# The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS  
 DATE: July 8-9, 2013

SUBJECT: Transportation Services Fee Election (PUBLIC HEARING)		Item Number: 3.1	
		Attachment: Yes	
CATEGORY:	Legal	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Steven Bruckman, Executive Vice Chancellor	Consent/Routine	
		First Reading	X
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	
		Information	

**ISSUE:** Deleting obsolete regulations.

**BACKGROUND:** In 2009, Assembly Bill 774 amended Education Code section 76361.1 to expand the authority to implement transportation fees from several specific community college districts to all community college districts. That amendment rendered title 5, section 58520, to be obsolete.

**RECOMMENDATION:** It is recommended that the Board of Governors hold a public hearing for receipt of comments, both written and oral, which are offered concerning the proposed action. It is anticipated that the regulations will be presented to the board for consideration of adoption at the September 2013, meeting.

**ANALYSIS:** California Code of Regulations, title 5, section 58520, sets forth the requirements for Los Rios and Rio Hondo Community College districts to establish a mandatory transportation services fee. Prior to 2009, only the districts specifically mentioned in the Education Code were allowed to establish such a fee. The passage of Assembly Bill 774 in 2009, allowed for all community college districts to establish a mandatory transportation fee. Based on that change, title 5, section 58520, has been rendered obsolete and should be repealed.

The proposed regulation changes are included as attachment 1.

## ATTACHMENT 1

### BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES PROPOSED REVISIONS TO TITLE 5 REGULATIONS: Transportation Services Fee Election

1. Section 58520 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is repealed:

#### ~~§ 58520. Transportation Services Fee Election.~~

~~—If the governing board of the Los Rios Community College District or the governing board of the Rio Hondo Community College District seeks to establish a mandatory transportation services fee pursuant to subdivisions (b)(1) or (b)(2) of Education Code section 76361.1, that governing board shall adopt and publish procedures for elections conducted for the purpose of collecting a transportation services fee and shall call an election for such purpose. The election shall, at a minimum, meet the following criteria:~~

~~—(a) The governing board shall make available in its district office and the student government office of each affected college written information regarding election procedures. Such information shall be made available to the public upon request.~~

~~—(b) Adequate notice of the election shall be given by the governing board. Adequate notice is deemed to be notice at least ten school days prior to the election.~~

~~—(c) Each election shall be held on a day which counts toward the 175 day requirement as defined in section 58120. In instances where an election is conducted for more than one day, those days shall be consecutive and shall be limited to a maximum of five days.~~

~~—(d) The election shall be conducted in a manner that would allow equal opportunity for day, evening, and weekend students to participate.~~

~~—(e) Each election shall be held no more than 10 years prior to the date of the expiration of a contract proposed to be entered into for transportation services provided by a common carrier or a municipally owned transit system, or no more than 10 years prior to the date to which it is proposed that an existing contract be extended.~~

~~—(f) If the proposed transportation services fee is to be required of all students, other than those students who are exempt from the fees pursuant to paragraph (1) of subdivision (c) of section 76361.1, and of all employees of a campus of the Los Rios Community College District or a campus of the Rio Hondo Community College District, the fee may be imposed upon the favorable vote of the majority of the students and of a majority of the employees of that particular campus voting in an election on the question of whether or not the governing board should require all students and employees at that campus to pay a fee for transportation services for a period of time to be determined by the governing board of the district.~~

~~—(g) If the proposed transportation services fee is to be required of all students, other than those students who are exempt from the fees pursuant to paragraph (1) of subdivision (c) of section 76361.1, of a campus of the Los Rios Community College District or a campus of the Rio~~

~~Hondo Community College District, the fee may be imposed upon the favorable vote of a majority of the students of that particular campus voting in an election on the question whether or not the governing board should require all students at that campus to pay a fee for transportation services for a period of time to be determined by the governing board of the district.~~

~~—(h) Any transportation services fee election held by either the Los Rios Community College District or the Rio Hondo Community College District prior to the effective date of this section will be considered valid and binding if the election satisfies the requirements of this section.~~

~~Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 76361 and 76361.1, Education Code.~~