



# The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: September 9-10, 2013

SUBJECT: Transportation Services Fee Election (Second Reading)		Item Number: 1.3	
		Attachment: Yes	
CATEGORY:	Legal	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Steven Bruckman, Executive Vice Chancellor	Consent/Routine	X
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	
		Information	

**ISSUE:** Deleting obsolete regulations from title 5.

**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.

**RECOMMENDED ACTION:** It is recommended that the Board of Governors adopts the following resolution:

*Be it Resolved:*

The Board of Governors of the California Community Colleges, acting pursuant to Education Code sections 66700, 70901(c) and 70901.5, hereby:

- approves the proposed regulation changes;
- directs the chancellor to file the regulations with the Secretary of State and submit the regulations to the Office of Administrative Law for printing unless the Department of Finance determines the regulations would create a state-mandated local program cost and is unable to certify to the Board of Governors and the Legislature that a source of funds is available to reimburse that cost (see Education Code section 70901.5(a)(6));
- authorizes the chancellor to take any necessary ministerial action to process these regulations; and

- adopts the regulations effective thirty days after filing with the Secretary of State and submission of the regulations to the Office of Administrative Law.

The proposed regulations are presented to the Board of Governors for approval and adoption. The Board of Governors held a public hearing and received no comments on this proposed action in July.

**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.