

TITLE 5. EDUCATION

Division 6. California Community Colleges

Chapter 10. Community College Administration

Subchapter 10. Community College Property Direct Costs for Use

Article 1. Proportionate Direct Costs for Use of College Facilities and Grounds.

(Revised for CCC, track changes version)

Article operative until Jan. 2020.

§ ~~1403759601~~. Definitions.

(a) "Applicant" means the direct cost fee payer requesting use of college facilities or grounds (Education Code section 82537 et seq.).

(b) "Direct costs" are the estimated costs identified by a school-community college district as follows:

(1) "Capital direct costs" include the estimated costs for maintenance, repair, restoration, and refurbishment for use of the school-college facilities or grounds ~~under the Civic Center Act~~ pursuant to Education Code section 82542.

(A) For purposes of estimating capital direct costs, "school-college facilities" shall be limited to nonclassroom space, but may apply to specialty teaching spaces, including, but not limited to, dance studios, music practice or performance spaces, and theaters.

(B) Capital direct costs shall not apply to classroom-based programs that operate after school hours, including, but not limited to, after school programs, tutoring programs, or child care programs.

1. A program is defined as classroom-based for purposes of this subdivision if participants spend at least 50 percent of operational hours in a classroom.

(C) Capital direct costs shall not apply to organizations retained by the school college or school-community college district to provide instruction or instructional activities to pupils-students during school hours.

(2) "Operational direct costs" include the estimated costs of supplies, utilities, janitorial services, services of school-any other community college district employees and/or contracted workers, and salaries and benefits paid to school-community college

1 | district employees directly associated with the administration of the Civic Center Act
2 | direct cost user fees to operate and maintain school facilities or grounds.

3 | (c) The term "school-College grounds" shall include, but not be limited to, playing
4 | fields, athletic fields, track and field venues, tennis courts, and outdoor basketball
5 | courts.

6 | NOTE: Authority cited: Sections 3303182537 and 3813482542, Education Code.

7 | Reference: Sections 3813182537 and 3813482542, Education Code.

8 |
9 | **§ 1403859602. Determining Proportionate Share.**

10 | School-Community college districts electing to charge applicants for all direct costs,
11 | or either capital direct costs or operational direct costs, shall do the following:

12 | (a) Calculate the proportionate share, as a percent, that each school-college facility
13 | or grounds is available for use by applicants as follows:

14 | (1) Estimate the total annual hours a school-college facility or grounds is expected to
15 | be used by applicants.

16 | (2) Estimate the total annual hours a school-college facility or grounds is expected to
17 | be used by anyone, including applicants and the school-community college district.

18 | (3) Divide the number of hours in subdivision (a)(1) by the number of hours in
19 | subdivision (a)(2).

20 | (b) In the alternative, school-community college districts may elect to determine
21 | proportionate share by categorizing like school-college facilities or grounds (e.g., all high
22 | school-football fields, all gymnasiums) and performing the same calculation as outlined
23 | in subdivisions (a)(1) through (a)(3).

24 | NOTE: Authority cited: Sections 3303182537 and 3813482542, Education Code.

25 | Reference: Sections 3813182537 and 3813482542, Education Code.

26 |
27 | **§ 1403959603. Determining Specific Allowable Capital Direct Costs.**

28 | Specific to each school-college facility and grounds (or like school-college facilities
29 | and grounds as described in section 1403859602(b)), the school-community college
30 | district shall quantify annual capital direct costs as follows:
31 |

Attachment 3

1 (a) Determine the useful life in years from the initial date of occupancy or use.

2 (b) Estimate the expected cost to maintain, repair, restore, or refurbish the ~~school~~
3 college facility or grounds at the end of its useful life. Substitute the estimated cost to
4 replace a ~~school-college~~ facility or grounds when maintenance, repair, restoration or
5 refurbishment would not be practicable or cost effective.

6 (c) Divide the cost in subdivision (b) over the number of years in subdivision (a) to
7 reflect the annual cost.

8 NOTE: Authority cited: Sections 3303182537 and 3813482542, Education Code.

9 Reference: Sections 3813182537 and 3813482542, Education Code.

10
11 **§1404059604. Determining Specific Allowable Operational Direct Costs.**

12 Specific to each ~~school-college~~ facility and grounds (or like ~~school-college~~ facilities
13 and grounds as described in section 4403859602(b)), the ~~school-community college~~
14 district shall quantify annual operational direct costs by estimating the following costs:

15 (a) The annual cost of salaries and benefits for all community college district
16 employee labor or contracted services required to operate, clean, and maintain the
17 school facility or grounds, which may include janitorial services, setup and teardown
18 time, and security.

19 (b) The annual cost of supplies required to operate and maintain the ~~school-college~~
20 facility or grounds, including all ~~school-community college~~ district equipment used by
21 applicants.

22 (c) The annual cost of utilities required to operate the ~~school-college~~ facility or
23 grounds, including any ~~school-community college~~ district or applicant-provided
24 equipment.

25 (d) The prorated annual salaries and benefits paid to ~~school-community college~~
26 district employees directly associated with the administration of direct cost user fees for
27 time spent administering such fees authorized under this article.

28 NOTE: Authority cited: Sections 3303182537 and 3813482542, Education Code.

29 Reference: Sections 3813182537 and 3813482542, Education Code.

30
31 **§1404159605. Establishing a Fee Schedule.**

Attachment 3

1 (a) When electing to charge fees pursuant to ~~the Civic Center Act~~ Education Code
2 82542, a school-community college district governing board shall adopt a fee schedule
3 that includes the hourly fee for each specific school facility and grounds (or like ~~school~~
4 college facilities and grounds as described in section 1403859602(b)), calculated as
5 follows:

6 (1) If charging for capital direct costs only, multiply the capital direct costs quantified
7 in section 1403959603(c) by the proportionate share as determined in section
8 1403859602(a)(3). Divide the product by the total number of hours of applicant use as
9 set forth in section 1403859602(a)(1) to arrive at the hourly rate.

10 (2) If charging for operational costs only, add the operational costs identified in
11 sections 1404059604(a) through (c) and multiply the sum by the proportionate share as
12 determined in section 1403859602(a)(3). Divide the product by the total number of
13 hours of applicant use as set forth in section 1403859602(a)(1) to arrive at an hourly
14 rate. Add to this amount the hourly rate to administer direct cost user fees calculated by
15 dividing the cost identified in section 1404059604(d) by the total number of hours of
16 applicant use set forth in section 1403859602(a)(1).

17 (3) If charging for all direct costs, add the hourly rates calculated in subdivisions
18 (a)(1) and (a)(2).

19 (b) A school-community college district governing board may elect to discount direct
20 cost fees charged ~~pursuant to the Civic Center Act~~ based on the type or category of
21 applicant, including, but not limited to, those with tax-exempt status. All such discounts
22 shall be contained in the adopted fee schedule.

23 NOTE: Authority cited: Sections 3303182537 and 3813482542, Education Code.

24 Reference: Sections 38131-82537 and 3813482542, Education Code.

25
26 **§ 1404259606. Expending Capital Fees.**

27 Funds collected by a school-community college district as capital direct costs shall
28 be deposited into a special fund that shall only be used for capital maintenance, repair,
29 restoration, ~~and~~-refurbishment, or replacement.

30 NOTE: Authority cited: Sections 3303182537 and 3813482542, Education Code.

31 Reference: Sections 3813182537 and 3813482542, Education Code.

Attachment 3

1
2