

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 1151 (McKinnor) – As Amended March 23, 2023

**SUBJECT:** Community colleges: civic centers: uses: insurance

**SUMMARY:** Provides that there is a civic center at each community college within the state, and authorizes the governing board of a community college district (CCD) to authorize the use by the community and organizations of any civic center, or other properties under the control of the governing board of the community college district, as provided. Specifically, **this bill:**

- 1) Provides that there is a civic center at each community college within the state and the governing board of a CCD may authorize the use, by organizations, of any civic center or other properties under their control, as provided.
- 2) Establishes that the governing board of a community college district (CCD) may grant without charge the use of any college facilities or grounds under its control, as specified, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for athletic activities for youth, charitable purposes, educational purposes, or the civic well-being of the community.
- 3) Authorizes the governing board of a CCD to permit the use of college facilities and grounds, without charge, by organizations, clubs, or associations organized for youth or senior citizens and for cultural activities, without regard to whether membership dues are accepted.
- 4) Authorizes the governing board of a community college district to require a certificate of insurance for the grant of use for any purpose, and would raise the minimum coverage amount to \$1,000,000.
- 5) Makes various technical and non-substantive changes.

**EXISTING LAW:**

- 1) Provides that there is a civic center at each and every community college within the state where the citizens, Camp Fire Girls, Boy Scout troops, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions that in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. (Education Code (EDC) Section 82537)
- 2) Authorizes the governing boards of the community college districts to authorize the use, by citizens and organizations, of any other properties under their control, for supervised recreational activities. (EDC Section 82537)
- 3) Requires the governing board of a CCD to grant without charge, except as otherwise provided, the use of any college facilities or grounds under its control, when an alternative

location is not available, to nonprofit organizations and clubs and associations organized for general character building or welfare purposes, as specified. (EDC Section 82542)

- 4) Authorizes the governing board of a CCD to permit the use, without charge, by organizations, clubs, or associations organized for senior citizens and for cultural activities and general character building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its cultural, character building, or welfare work, are accepted. (EDC Section 82542)
- 5) Authorizes the governing board of a CCD to require a person, group, or organization granted the use of community college property for purposes of athletic activities to obtain a certificate of insurance from a liability insurance carrier and to submit that certificate to the district for approval, as provided, and also requires the certificate to evidence a minimum coverage of \$300,000 for liability for injury or damage to property which may arise out of that use of community college property and authorizes the governing board to require more than that minimum coverage, as specified. (EDC Section 82548)

**FISCAL EFFECT:** This bill is keyed non-fiscal.

**COMMENTS:** *Purpose.* According to the author, “AB 1151 would give community college governing boards the ability to allow communities to lease out their facilities at a fair market price, giving an option for those community groups that are often priced out of surrounding facilities”

*Facilities fee schedule.* Title 5 regulations authorize community college districts to establish a fee schedule for the use of their facilities that may include: 1) capital direct costs, which can include the estimated costs for maintenance, repair, restoration, and refurbishment for use of the college facilities or grounds, and 2) operational costs, which can include personnel to open or close the facility, personnel at event, and janitorial services. Community college districts that elect to charge applicants for all direct costs must calculate a “proportionate share,” based on the annual number of hours the facility will be in use by the applicant and the community college district. The regulations also specify that the district governing board may elect to discount fees based on the type or category of the applicant, include those with tax-exempt status. Other than this potential exemption, the regulations do not specify the entities that districts are specifically prohibited from recovering direct costs.

The Civic Center Act was enacted in 2014, with a five-year sunset date that was set to expire on January 1, 2020. The Board of Governors adopted regulations in 2015 but also included a five-year sunset. The Civic Center Act was extended for an additional five years through AB 695 (Medina, 2019); however, the Board of Governors did not update its regulations on facilities use based on the new sunset date. These regulations are now currently in the process of being renewed.

*Arguments in support.* The Los Angeles Community College District (LACCD), the sponsors of AB 1151 (McKinnor), note that “Community colleges are currently required to offer the use of non-educational facilities to a variety of organizations using a “fair rental value” methodology that is outdated and often cost-prohibitive to community-based organizations, such as nonprofit youth athletic leagues. Furthermore, the current statute only permits governing boards of community colleges to enter lease agreements with specified types of organizations that are not

affiliated with the colleges. The LACCD supports the intent of the bill that will make the use of the noneducational facilities affordable to nonprofit, community-based organizations, particularly in low-income and urban areas where greenspace is limited.”

LACCD concluded that, “AB 1151 would update the education code and raise the minimum requirement for liability coverage for external entities using non-educational facilities from \$300,000 to the current practice and policy of \$1 million. Current liability requirements have not been updated since 1990, and the low coverage amount is not sufficient for most if not all, existing campus policies. This adjustment would ensure that both the community colleges and the external entities are fully covered for the use of the facilities.”

**REGISTERED SUPPORT / OPPOSITION:****Support**

Los Angeles Community College District

**Opposition**

None on file.

**Analysis Prepared by:** Kevin J. Powers / HIGHER ED. / (916) 319-3960