Proposed Marin Community College Administrative  
Procedure  

No. 6500  

Business and Fiscal Affairs  

AP 6500  PROPERTY MANAGEMENT  

References:  
Education Code Sections 70902 and 81300 et seq.  

The Chief Business Officer shall be responsible for supervising acquisitions of real property, including appraisals and valuations of real property and improvements; securing title insurance policies; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property.  

From current College of Marin Policy 8.0028 titled Criteria for Lease or Sale of College Land  

(EC 81360-81380)  

According to Sections 81360-81380 of the California Education Code, the Board of Trustees of the District has the power to acquire, buy, sell, or lease real property belonging to the District. Before an action is taken by the Board of Trustees on the lease or sale of College-owned land, the following criteria must be met:  

1. No obvious academic, athletic, or administrative need must exist for the property under consideration;  

2. The proposed lease or sale must generate positive educational and/or financial benefits for the College, or make possible improvements to its physical facilities;  

3. The proposed use of the leased or sold property must be supportive or at least compatible with the activities of the College;  

4. The proposed use must comply with local government land use all applicable procedures statutes and regulations;  

5. The principal leasing or purchasing the property must identify itself;  

6. The process must allow for a full public hearing or workshop before any action is taken by the Board of Trustees.

From current College of Marin Policy 8.0026 titled Environmental Evaluation of MCCD Property

The Governing Board hereby adopts the procedures and guidelines set forth here and in the Environmental Quality Handbook for the environmental evaluation of projects which it may undertake. These procedures augment the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq. and the Regulations of the California Resources Agency Establishing Guidelines for Implementation of the California Environmental Quality Act (Division 6, Title 14, California Administrative Code). The objective of these procedures and guidelines is to provide the District with a means of orderly compliance with the requirements of CEQA, thereby furthering the protection of environmental quality in California.

The Board shall review and consider all final Environmental Impact Reports and Negative Declarations prior to approving any project not exempt from the requirements of the California Environmental Quality Act, and shall make such findings as are required by law. (Public Resources Code SS21000 et seq.; 14 Cal. Adm. Code SS15000 et seq.; SS15055.)

Office of Primary Responsibility: College Operations

NOTE: The underlined bold language signifies suggested as good practice language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The wording in black ink is from current College of Marin Policies 8.0026 titled Environmental Evaluation of MCCD Property adopted on 2/2/84 and 8.0028 titled Criteria for Lease or Sale of College Land adopted on 5/9/89 revised on 12/12/00. The underlined italics language was added by Maintenance and Operations. The Policy and Procedure Task Force reviewed this procedure on September 17, 2008. The Task Force recommends this procedure move forward to College Council.

Date Approved:
(Replaces current College of Marin Policies 8.0026 and 8.0028)
Legal Citations for Policy/Procedure 6500 Property Management

Education Code Sections 70902 and 81300 et seq.

CALIFORNIA CODES  
EDUCATION CODE  
70902

70902. (a) Every community college district shall be under the control of a board of trustees, which is referred to herein as the "governing board." The governing board of each community college district shall establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established.

The governing board of each community college district shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district.

(b) In furtherance of the provisions of subdivision (a), the governing board of each community college district shall do all of the following:

(1) Establish policies for, and approve, current and long-range academic and facilities plans and programs and promote orderly growth and development of the community colleges within the district. In so doing, the governing board shall, as required by law, establish policies for, develop, and approve, comprehensive plans. The governing board shall submit the comprehensive plans to the board of governors for review and approval.

(2) Establish policies for and approve courses of instruction and educational programs. The educational programs shall be submitted to the board of governors for approval. Courses of instruction that are not offered in approved educational programs shall be submitted to the board of governors for approval. The governing board shall establish policies for, and approve, individual courses that are offered in approved educational programs without referral to the board of governors.

(3) Establish academic standards, probation and dismissal and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the board of governors.

(4) Employ and assign all personnel not inconsistent with the minimum standards adopted by the board of governors and establish employment practices, salaries, and benefits for all employees not inconsistent with the laws of this state.

(5) To the extent authorized by law, determine and control the district's operational and capital outlay budgets. The district governing board shall determine the need for elections for override tax levies and bond measures and request that those elections be called.

(6) Manage and control district property. The governing board may contract for the procurement of goods and services as authorized by law.

(7) Establish procedures not inconsistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right to participate effectively in district and college governance, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

(8) Establish rules and regulations governing student conduct.
(9) Establish student fees as it is required to establish by law, and, in its discretion, fees as it is authorized to establish by law.

(10) In its discretion, receive and administer gifts, grants, and scholarships.

(11) Provide auxiliary services as deemed necessary to achieve the purposes of the community college.

(12) Within the framework provided by law, determine the district's academic calendar, including the holidays it will observe.

(13) Hold and convey property for the use and benefit of the district. The governing board may acquire by eminent domain any property necessary to carry out the powers or functions of the district.

(14) Participate in the consultation process established by the board of governors for the development and review of policy proposals.

(c) In carrying out the powers and duties specified in subdivision (b) or other provisions of statute, the governing board of each community college district shall have full authority to adopt rules and regulations, not inconsistent with the regulations of the board of governors and the laws of this state, that are necessary and proper to executing these prescribed functions.

(d) Wherever in this section or any other statute a power is vested in the governing board, the governing board of a community college district, by majority vote, may adopt a rule delegating the power to the district's chief executive officer or any other employee or committee as the governing board may designate; provided, however, that the governing board shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.

CALIFORNIA CODES EDUCATION CODE SECTIONS 81300-81301

81300. The governing board of a community college district shall receive in the name of the district conveyances for all property received and purchased by it, and shall make in the name of the district conveyances of all property belonging to the district and sold by it.

81301. The governing board of a community college district shall have the power to execute and deliver quitclaim deeds, either with or without consideration to the owners of real property adjacent to any real property owned by the district, for the purpose of removing defects in and otherwise clearing up the title to such adjacent real property.