

July 25, 1978

TO: Dr. James F. Cowan, County Superintendent of Schools
FROM: James Thonis, Assistant County Counsel
RE: PROCEDURE FOR FORMATION OF NEW COMMUNITY COLLEGE DISTRICT
ATTENTION: Dr. Wilmar Grossbach
Assistant Superintendent, Business Services

In Dr. Grossbach's memorandum of July 20, 1978, it was requested that this office provide you with the procedure for the formation of a new community college district within the current boundaries of the Ventura County Community College District.

The provisions of Education Code section 74160, et seq., require that the following actions be taken in order to form a new community college district from an existing community college district:

1. A petition seeking the formation of the new community college district must be filed with the County Superintendent of Schools. The petition must be signed either by 25 percent of the registered voters residing within the territory proposed to be included in the new district, or by a majority of the members of the governing board of each high school district or unified school district whose boundaries would wholly or partially be included within the new community college district (see Education Code sections 4003 and 74161). Although the statutory procedure does not contain a required form for the petition, a review of the code provisions indicates that the petition for the formation of a new community college district from an existing district should contain, at a minimum, a statement of the petition's purpose, a legal description of the boundaries of the existing district and the proposed district and a map showing the location of the present district's boundaries and the proposed district's boundaries, and the names and addresses of the "chief petitioners" (see Education Code sections 74161 and 74163).

2. After such a petition has been filed with the County Superintendent of Schools, the County Superintendent of Schools must examine the petition to determine if it was properly signed by the requisite number of registered voters or by the majority of board members of component school districts. This review must be completed within 20 days after the filing of the petition and,

within that time frame, the County Superintendent of Schools must simultaneously transmit the petition, if it finds it to be sufficient and signed as required by law, to the County Committee on School District Organization and to the Board of Governors of the California Community Colleges (Education Code section 74161.4). The petition is transmitted to the Board of Governors by sending the petition to the Office of the Chancellor of the California Community Colleges (Education Code sections 74163, 71090).

3. The County Committee on School District Organization must consider the petition and make recommendations concerning the petition (Education Code sections 4320, et seq.; 74162). The Education Code contains no time limitation after the receipt of the petition from the Superintendent of Schools in which the County Committee must consider the petition and make a report and recommendation. The statute merely indicates that the County Committee may consider the petition at a regular or special meeting. Once the County Committee has reviewed the petition and rendered its report and recommendation, the County Superintendent of Schools must, within 30 days following the meeting at which the report and recommendation was made, transmit the Committee's report and recommendation to the Office of the Secretary of the Board of Governors of the California Community Colleges (Education Code section 74162).

4. The petition is also considered by the Board of Governors of the California Community Colleges. The approval of the Board of Governors must be obtained prior to any formation of a new college district (Education Code section 74000). When the petition is received in the Office of the Chancellor from the County Superintendent of Schools, the matter will be set for hearing and, at least 30 days prior to the hearing, notices will be sent to the involved school districts, the County Superintendent of Schools and County Committee on School District Organization, and the persons designated in the petition as "chief petitioners" (Education Code section 74163).

5. The County Superintendent of Schools and other county officers, as well as the district superintendents of all school districts affected by the proposed formation, must supply the statistical information requested by the Board of Governors necessary to complete its evaluation of the petition (Education Code section 74163.5).

6. At the hearing conducted by the Board of Governors to consider the petition, interested parties may speak concerning the petition, and recommendations and findings of the Chancellor's office will be received (Education Code section 74164). The Board will consider the standards for formation of community colleges contained in Education Code section 74100, et seq., and will determine whether the prior express approval of the governing board of the existing district has been obtained prior to effecting

any withdrawal of territory from such an existing district maintaining three or more community colleges if the withdrawal involves removal of community college land, buildings, or facilities owned by the existing district (Education Code section 74030). The Board will then either approve or disapprove of the formation of the proposed new community college district. If the formation is approved by the Board, the Board will determine whether the required election seeking voter approval of the formation will be held only in the territory proposed to be included in the new district or whether the election will be held in the district from which territory will be removed to form the new district (Education Code section 74164).

7. If the formation petition is approved by the Board of Governors, their approval statement and recommendation will include provisions for the division of real and personal property from the proposed new district from the existing district, and otherwise provide for the use of such property, and the allocation of funds, indebtedness and student body organization funds (Education Code sections 74162.3, 74162.5, and 74162.7).

8. If the Board of Governors approves the formation, the secretary of the Board will immediately notify the County Superintendent of Schools. Within 20 days after receiving notification, the County Superintendent of Schools must call an election to be conducted at the next regular election in the territory designated by the Board of Governors seeking approval of the formation of the proposed new district by the voters of the territory as determined by the Board of Governors (Education Code section 74165).

9. The Chancellor must prepare a statement of official information and statistics relating to the proposed new community college. This statement, upon approval of the Board of Governors, will be distributed to each registered elector in the territory in which the election is to be held (Education Code section 74166). The County Superintendent of Schools must provide certain financial information to the Chancellor's office for use in this statement of official information and statistics (Education Code section 74168).

10. Prior to the election, the County Superintendent of Schools must cause to be prepared and distributed a statement setting forth the arguments for and against the proposed formation. The respective arguments cannot exceed 500 words. The argument in favor of the measure must be prepared by an elector who signed the petition or by a member of the majority of the governing board, whichever is applicable in terms of the qualification of the petition. The County Superintendent of Schools must designate a person opposing the proposed formation to prepare the argument against the measure.

11. If approved by the majority of the qualified voters voting at the election, the formation of the new district will

commence on the date indicated in the ballot measure (Education Code section 74165). The County Superintendent of Schools may provide for the election of a governing board of the newly formed district pursuant to either Education Code section 72027 or 72029.

It does not appear that LAFCO approval of any boundary change to the existing community college district or of the formation of a new community college district is necessary (see Government Code sections 54775(m) and 54790).

Please contact me if you have any questions with respect to this procedure or the role your office plays in it.

JT:sh

cc: Dr. Tsujiro Kato) Support Oxnard
Mrs. Jane Tolmach) College Committee