

# AP 6700 Civic Center and Other Facilities Use

## Reference:

*Education Code Sections 82537 & 82542;*

*Public Resources Code Section 42648.3;*

*Clark v. Community For Creative Non-Violence (1984) 468 U.S. 288, 104*

*S. Ct. 3065, 82 L.Ed.2d 221*

## General Provisions

District facilities identified as Civic Centers or as designated public forums are available for community use when such use does not conflict with District programs and operations. Facility use shall be limited to places and times identified by the Superintendent/President, but shall be sufficiently frequent, and available on specific dates and times, so as to allow meaningful use by outside groups. Except as provided in these procedures, or as authorized by law, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken during the use.

The Chief Fiscal Officer is responsible for the coordination and implementation of these procedures and shall determine all applicable fees to be charged.

Outside the designated public forum areas, the following shall apply: All user groups shall be required to provide the District with a hold harmless and indemnification agreement acknowledging that they will be financially responsible for any losses, damages or injuries incurred by any person as a result of their use of the facilities. All user groups shall also be required to provide a certificate of insurance with limits acceptable to the District and/or other proof of financial responsibility acceptable to the District.

## Civic Centers

Eligible persons or groups may use District buildings or grounds designated as the Civic Center for public, literary, scientific, recreational, or educational meetings, or public agency meetings, or for discussion of matters of general or public interest, subject to this procedure.

The groups identified in Education Code Section 82542 subdivision (a) will be permitted "when an alternative location is not available," as described in the statute, to use District facilities upon payment only of the following:

1. The cost of opening and closing the facilities, if no District employees would otherwise be available to perform that function as a part of their normal duties.
2. The cost of a District employee's presence during the organization's use of the facilities if it is determined that the supervision is needed, and if that employee would not otherwise be present as part of his or her normal duties.
3. The cost of custodial services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties.
4. The cost of utilities directly attributable to the organization's use of the facilities.

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs or not to exceed the fair rental value of District facilities and grounds under its control. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees and contracted workers, and salaries and benefits paid to District employees necessitated by the organization's use of District facilities. Additionally, except for classroom-based programs that operate after school hours and organizations retained by the District to provide instruction or instructional activities to students during school hours, direct costs shall also include the costs for maintenance, repair, restoration and refurbishment of District facilities and grounds used by the group.

The District shall maintain a fee schedule adopted by the Board that includes the hourly fee for each specific school facility and grounds.

The following shall be charged fair rental value for the use of District facilities:

1. Any church or religious organization for the conduct of religious services, which may be conducted for temporary periods where the church or organization has no suitable meeting place for the conduct of such services.
2. Entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or

contributions are not expended for the welfare of the students of the District or for charitable purposes.

The American Red Cross or other public agencies may use District facilities, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and the District will cooperate with these agencies in furnishing and maintaining services deemed by the Board of Trustees to be necessary to meet the needs of the community.

### **Rules for Facilities Use**

Requests for use of District's Civic Center must be made at least 30 days in advance of the first date of use being requested. Requests shall be to the Vice President of Administrative Services, or designee, on forms provided by the District. Authorization to use the Civic Center shall be based on a reservation system and the priorities for student and other use detailed at the end of this section.

Permission to use District facilities shall not be granted for a period to exceed one fiscal year. No person or organization may be granted a monopoly on any facility.

Overnight camping on District facilities, including in the designated public forum areas, is prohibited. No person or organization may use any District facility for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping, or doing any digging or earth breaking, or carrying on cooking activities.

All charges for the use of District facilities are payable seven (7) days in advance.

Any persons applying for use of District property on behalf of any groups shall be a member of the groups and, unless he or she is an officer of the group, must present written authorization to represent the group. Each person signing an application shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to District property.

The District may require security personnel as a condition of use whenever it is deemed to be in the District's best interests.

No person applying for use of District property shall be issued a key to District facilities.

Future facility requests may be denied on grounds including, but not limited to, abuse or misuse of District property and failure to pay promptly for any damage to District property.

No alcoholic beverages, intoxicants, or controlled substances, or tobacco in any form shall be brought onto the property of the District. Persons under the influence of alcohol, intoxicants or controlled substances shall be denied participation in any activity.

No structures, electrical modifications or mechanical apparatus may be erected or installed on District property without specific written approval by the Director of Maintenance and Operations.

All decorative materials, including, but not limited to, draperies, hangings, curtains, and drops shall be made or treated with flame-retardant processes approved by the State Fire Marshall.

### **Priority for the Use of District Facilities**

Priority for the use of District facilities will be given to nonprofit organizations and clubs and associations organized for general character building or welfare purposes, such as:

1. Student clubs and organizations.
2. Fundraising entertainments or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District.
3. Parent-teachers' associations.
4. School-community advisory councils.
5. Camp Fire Girls, Girl Scout troops, and Boy Scout troops.

6. Senior citizens' organizations.
7. Other public agencies.
8. Organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes, such as folk and square dancing.
9. Other groups and public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

All requests for use of buildings and facilities by on-campus groups must be filed through the Office of Administrative Services using an Application and Permit for Use of Facilities Form.

### **Procedures for Off Campus Groups**

In accordance with Education Code Sections 82537, 82542, 82544, and 82548, and officially adopted Board Policies, a fee schedule of rental rates for District facilities has been established. This schedule is reviewed on a yearly basis by the Office of Administrative Services and any changes are reviewed and approved by the Vice President.

Parking fees will be determined by the Vice President of Student Services and approved by the Chief Fiscal Officer.

Fees charged for the use of District facilities other than those indicated on this schedule will be determined on an individual basis by the Vice President of Administrative Services. Negotiated rates will be in conformance with Education Code Sections 82542 and 82544.

Salaries of personnel required to operate, maintain, and supervise facilities are included in the base facility fee charged by the District. All District equipment must be operated by District employees. The District retains all concession rights.

All groups renting District facilities are required to obtain liability insurance naming the District as also insured.

Persons or organizations using District premises are not permitted to remove or displace furniture or apparatus, except with the permission of the District

and under the supervision of the Office of Administrative Services. Smoking is prohibited within all District facilities. Intoxicants and narcotics are expressly prohibited on the District campus. Profane or sexist language, quarreling, fighting, and gambling are prohibited. Violations of this rule by the organization during occupancy is sufficient cause for the District to terminate the event in progress and deny future use of the campus to the offending group or organization.

The rules and conditions for use of each facility listed in the approved fee schedule are hereby incorporated in this regulation even though these rules and conditions are not here duplicated. All use of facilities by outside organizations must have the prior approval of the Superintendent/President or designee(s) at least thirty (30) days in advance of the first date of use being requested before they will be permitted to occur on District property. District facilities may be made available for use by organizations conducting public educational, research, cultural, civic or community activities as limited by this policy and provided that these activities do not interfere with the educational priorities of the institution. No group or organization may use District property for purposes that discriminate on the basis of race, color, religion, ancestry, national origin, disability, sex (i.e. gender), or sexual orientation, or the perception that a person has one or more of the foregoing characteristics.

All requests for campus facilities must be submitted to the Office of Administrative Services. Any organization wishing to hold a meeting/event on the District campus must complete an Application and Permit for Use of Facilities Form. All requests should be made at least 30 days prior to the date of the planned activity to insure adequate scheduling of space and services.

Requests for facilities do not become effective until after the appropriate administrator approves the requested contract. No publicity is to be released until a signed copy of the contract is returned to the user. Publicity for all non-District sponsored events must include the name of the sponsoring organization. This publicity must not be structured so as to imply Taft College sponsorship.

## **Rental Regulations and Procedures**

Facilities are rented to qualified individuals and organizations on a time-and-space available basis. In order to prevent conflict among groups that

seek to use the facilities at the same time, the following priority system and classification of users has been established:

1. District groups including student, faculty and administrative organizations.
2. Public School Districts.
3. Community groups qualifying as educational research and/or non-profit organizations supported by communities in the College Service District.
4. All other groups including local professional associations, private organizations and individuals.

Neither the District, nor its agents accept responsibility for the goals or beliefs of any user organization. Authorization for use of District facilities shall not be considered as endorsement of or approval of any group or organization nor the purposes they represent.

The District reserves the right to deny use of facilities to any individual or group dependent on time and space availability, and regulations which govern user priority determination and limitations of use. In addition to these constraints, the District may, at any time, deny the use of facilities to any individual or group based upon any of the following reasons:

1. The requested facilities and/or the necessary personnel to operate them or to set up for the event are unavailable for use or exempt from use at the requested time.
2. The applicant and the District are unable to reach agreement on terms and conditions for the requested use.
3. Supervision is not sufficient to safeguard District properties, students, and/or participants, or if in the opinion of the VP of Administrative Services or designee, the requested use would be likely to substantially disrupt the normal operations of the District.
4. The requesting group or individual has, in the judgment of the District, previously abused or failed to meet the conditions of a facilities use agreement.

5. The activities of the individual or group requesting use of the facilities are inconsistent with the purposes and objectives of the District or are incompatible with previously scheduled activities.
6. The activities of the individual or group requesting use of the facilities are inconsistent with the designed use of those facilities for District purposes. For example, certain types of activities that could result in damage to the gym floor may be excluded.
7. If actions resulting from such application or permission constitute unlawful activities, violate District policy, or if in the judgment of the administration of the District, actions resulting from such application or permission present imminent danger of unlawful activity.
8. If the individual or group requesting facilities, advocate changes of the government by unlawful means not meeting District criteria.
9. If a prospective user discriminates in selecting its members or employees or restricts attendance on the basis of race, religion, gender, creed, sexual orientation, age or national origin.
10. If a prospective user plans to use the facilities on a continuous basis which places limitations on the use of public property to support religious activities.

## **Arrangement and Conditions**

### **General Provisions**

1. Outside organizations or individuals using campus facilities on weekends and District holidays will be charged facilities/technical staff services at current hourly rates of time and one-half for a minimum of four hours.
2. If special clean-up and/or set-up services are required, the user organization will be billed for the special services.
3. Each user organization shall designate a contact person to be responsible for any theft or damage to equipment and/or facilities.

This same person will also be responsible for confirming set up and equipment requirements and initiating rental fee payment.

4. Reservation commitments are not final until approved by the appropriate administrator.
5. Financial negotiations regarding facilities, staff and rental expenses shall be governed by policy guidelines.

### **Supervision**

1. Facilities staff, security person or other authorized representative of the District must be on duty and in the building when facilities are being used by a non- college organization. Before scheduling events, District personnel shall confirm supervision of said events by District employees. Supervision for each event will be identified on the facility rental agreement form.
2. The District may hire one of its faculty or staff members to supervise a meeting or event. The charge for such services may be added to the facilities use contract.
3. Exempt Facilities – Some facilities, such as the art laboratory, the learning resource center, science labs, vocational shops, etc., because of their specialized nature, may not be available for non-college groups.

*The District does not rent or lease facilities for public dances.*

### **Violation of Responsibilities**

District officials shall have the right to terminate a contract immediately and without notice upon its discovery of a violation of any term, condition or provision of this policy or in the judgment of the administration, present imminent danger exists or unlawful activity is practiced by the using organization.

### **Rental Fee Categories**

1. Rental fees include routine facilities staff services during normal working hours. Any facilities staff/security/technical services required in addition to the routine service normally provided shall be paid by

the user at current rates which may include overtime. If the user requests a room set-up that is other than the standard arrangement for the room, the user shall reimburse the District for services rendered.

2. Interactive video facilities may be used only for approved teleconference activities. The fee for use of such facilities must include the cost for services of a District technician.
3. Use of the gymnasium may be classified into the following three categories.

These classifications will qualify users for a particular rate on the rental schedule. The District shall have the option to charge rates that, at their determination, are consistent with rental policies.

The Superintendent/President or designee may, at his or her discretion, waive any or all facilities usage fees if he or she feels the organizations proposed activity will provide beneficial community service to the citizens of the West Kern Community College District.

#### Type I – District

Shall apply to activities sponsored by the District or the Taft College Foundation. Fees will not be charged to the District or the Taft College Foundation. However, special functions and staffing may be charged for use of the computer support and for any extra custodial services required.

#### Type II – Public Service Use

Shall apply to local public agencies and local and federal government agencies. Shall also include organizations that charge fees or solicit contributions to be used for the welfare of the students in the District or for charitable purposes that are sponsored by established organizations in the community, i.e. churches, civic and service organizations. This classification shall also be applied to non-profit special interest groups and to faculty or staff who wish to use the facilities for private purposes.

## Rental Rates

Facility	1-4 Hours	Full Day
Cafeteria	\$100	\$200
Cougar Room	\$75	\$150
Conference Room	\$25	\$50
Student Center	\$150	\$250
Gymnasium	\$150	\$250
Classrooms	\$25	\$50

### Type III – Commercial Use

Shall apply to organizations that charge admission fees or soliciting contributions where the net proceeds are destined for other than welfare or charitable purposes.

A deposit of 50% of the agreed rental fees may be requested to accompany a facilities rental form. This deposit will be refunded if a cancellation notice is received at least two working days prior to the scheduled event.

## Rental Rates

Facility	1-4 Hours	Full Day
Cafeteria	\$200	\$350
Cougar Room	\$150	\$300
Conference Room	\$50	\$100
Student Center	\$250	\$400
Gymnasium	\$250	\$400
Classrooms	\$50	\$100
Library	\$250	\$400

1. Additional charges for facilities staff/technical/security/equipment, etc. used during rental of District facilities.
2. Charges for weekend and holiday use will include the services of at least one District employee to open the facility, stay on duty during the period of use, and close the facility.
3. If additional technical, security or custodial services are required in the opinion of the administration or at the request of the using organization, additional charges shall be made.

## Liability

1. The posting of an adequate bond or deposit as determined by the administration or a certificate of insurance will be required. Organizations will be required to furnish evidence of proper liability and property damage insurance before any rental agreement is consummated.
2. The amount of the insurance for liability and property damage is at the discretion of the Vice President of Administrative Services and proof of coverage will be presented to the Vice President at least (7) seven days prior to the date of the event. The District will be named as an additional insured on such liability insurance policy or certificate.
3. In consideration for the permission granted to the user for use of District facilities and in consideration of the fee charged by the District for use of its facilities, the user shall release the District and its agents, employees or officers, from all debts, claims, demands, damages, actions and causes of action whatsoever, which may occur as the result of the use of District facilities. The user shall further agree to protect, indemnify, and hold harmless the district, college, and its agents, employees and officers from any claims, demands, actions, damages or causes of action directly or indirectly arising out of the use of the facilities or premises. Any group or individual applying for the use of a District facility shall accept financial responsibility and liability. Application for a District facility shall constitute acceptance by said group/individual of the responsibility stated above and willingness to comply with all rules and regulations regarding the use of District facilities.

## Damages

The user organization is responsible for and shall be liable for any repairs or replacement occasioned or made necessary by the negligence of or misuse of the facility. In some cases, a guarantee deposit may be required and placed with the District. Damage to District equipment, including state, audiovisual, or lighting equipment during and by reason of the occupancy of the premises by the user, shall be paid from this guaranteed deposit. The balance, if any, shall be returned to the organization making the deposit. If the guaranteed

deposit is not sufficient to cover the damage, the group using the facilities will be billed for the difference.

### **Payment**

1. Payment of all fees will be made to Taft College.
2. Users shall make payment of rental and/or technician fees seven (7) days in advance of scheduled events or the event will be cancelled.