

CIVIC CENTER AND OTHER FACILITIES USE

*Reference: Education Code Sections 82537, 82542, 82544, and 82548
Public Education Code Section 42648.3*

A. General Provisions:

Southwestern Community College District facilities are available for community use when such use does not conflict with College District programs and operations. Facility use shall be limited to places and times identified by the Vice President for Business and Financial Affairs and the Director of Civic Center and Facilities Use. Except as provided in these procedures, policies set by the District, and within the law, no organizations shall be denied the use of College District facilities because of the content of the speech to be undertaken during the use.

The Vice President for Business and Financial Affairs and the Director of Civic Center and Facilities Use are responsible for the coordination and implementation of these procedures. The Vice President for Business and Financial Affairs and the Director of Civic Center and Facilities Use shall approve all applicable fees to be charged.

All user groups must comply with, adhere to and sign the College District's Civic Center and Facility Use Agreement prior to the use of District facilities.

Eligible persons or groups may use College District buildings or grounds for public, private, literary, scientific, recreational, training, or educational/organizational/business/community meetings, or for discussion of matters of general or public interest, subject to these procedures and Education Code compliance.

The groups identified in Education Code Section 82542(a) will be permitted to use College District facilities upon payment of the following:

- The cost of application fee.
- The cost of opening and closing the facilities, if no College District employees would otherwise be available to perform that function as a part of their normal duties.
- The cost of a College 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.
- The cost of janitorial/custodial services for pre-event set up and post-event clean up services.
- The cost of utilities directly attributable to the organization's use of the facilities.

Except as provided herein, groups shall be charged an amount not to exceed the direct costs of College District facilities. Direct costs shall include costs of supplies, utilities, equipment rental, janitorial services, services of any other College District employees, and

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salaries paid to College District employees necessitated by the organization's use of College District facilities.

- Pursuant to Education Code, the following shall be charged fair rental value for the use of College facilities:
 - o Any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of such services.
 - o Renters requesting facilities for 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 College District or for charitable purposes.

The American Red Cross or other public agencies, upon prior approval, may use College District facilities, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies which affect the public health and welfare, and the College District will cooperate with these agencies in furnishing and maintaining services mutually deemed necessary to meet the needs of the community.

No alcoholic beverages, intoxicants, or controlled substances in any form shall be brought onto the property of the College District. Persons under the influence of alcohol, intoxicants or any other controlled substances shall be denied participation in any activity and will be reported to the law and safety enforcement authorities of the College District for detainment. Alcoholic beverages may be permitted for special events as permitted by applicable federal or state statute and with prior approval by the Governing Board.

No structures, electrical modifications or mechanical apparatus may be erected or installed on College District property without specific written approval by the Director of Facilities, Operations, and Planning. All decorative materials, including, but not limited to, draperies, hangings, curtains, banners and drops of any kind shall be made or treated with flame-retardant processes approved by the State Fire Marshall and may be used only with prior approval of the College District

At its sole discretion, the College District may permit without charge the use of any District facilities and grounds under its control when an alternative location is not available to Classification I Non- Profit Organizations and clubs and associations organized for general character building and welfare purposes as stated under Education Code §82542(a) as follows:

- a. Student clubs and organizations (Non College District).
- b. Fundraising entertainment or meetings where admission fees are charged or contributions solicited are expended for the welfare of the students of the College.
- c. Local parent-teachers' associations.

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- d. Local school-community advisory councils.
- e. Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
- f. Local senior citizens' organizations.
- g. Other public agencies: local organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes (such as folk and square dancing).
- h. Public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.
- i. Non-College District agencies, groups, athletic associations, etc. as requested.

In accordance with Education Code Sections 82537, 82542, 82544, and 82548, and officially adopted Board Policies, a fee schedule of rental rates for College District facilities has been established. This schedule is reviewed on a yearly basis by the Vice President for Business and Financial Affairs. Fees charged for the use of College District facilities other than those indicated on this schedule will be determined on an individual basis and approved by the Vice President for Business and Financial Affairs. Negotiated rates will be in conformity 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 College District.

Persons or organizations using College District premises are not permitted to remove or displace furniture or apparatus, except with the permission of the College District and under the supervision of the Director of Civic Center and Facilities Use.

Prohibitions:

- a. Violation of College District Policies and Procedures and local, State, or Federal laws.
- b. Smoking is prohibited within all College District facilities.
- c. Intoxicants and narcotics are expressly prohibited on the College District premises.
- d. Fire Arms, Pyrotechnics, highly inflammable material are strictly prohibited anywhere in the College District premises.
- e. Profane or sexist language, quarreling, fighting, lewd behavior and gambling are prohibited on all District Premises.

Violations of the above rules by the organization during occupancy is sufficient cause for the College District to immediately terminate the event in progress, void any existing Agreement and deny future use of the College District facilities 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.

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B. Specific Provisions:

1. MONOPOLIZATION

No use of facilities shall be granted in such a manner as to constitute a monopoly for the benefit of any person or organization (Ed. Code Sec. 82537c). Requests for use of facilities for regularly scheduled rehearsals and practices will be reviewed by the Vice President for Business and Financial Affairs and Director of Civic Center and Facilities Use and is subject to approval if the request is for weekend use and or subject to availability and appropriate fee structure.

Statutes prohibit monopolization of any facility. The College District has defined monopolization to be the use of a given facility more than five (5) times in one year. Application for use of facilities for more than one date must be received two (2) months prior to first day of usage.

2. REQUESTS FOR ADVANCE DATES

Applications for the use of facilities for dates in the following academic year may be made at any time during the current year but may not be confirmed until three (3) weeks after the start of each semester.

3. APPLICATION FEES

All requests for facilities use require the completion and submission of an application to the Facilities Leasing and Special Events Office for processing and approval. An application is considered complete when the form is completed and the related application fee is paid to the College District. The College District will provide a receipt along with the confirmation of application received. Under no circumstances will the application fee be refunded unless the requested facility is deemed unavailable on the date and time requested.

4. CIVIC CENTER AND FACILITIES USE AGREEMENT

No request for Facility use is complete unless the Civic Center and Facilities Use Agreement is signed and the terms and conditions specified in the agreement are accepted and agreed to. All payments per the agreement are due at the time of signing the Agreement. The terms and conditions set forth in the agreement are nonnegotiable and must be strictly adhered.

Once the Civic Center and Facilities Use Agreement is signed and fully executed, the reservation at that point is officially confirmed to the renter and will be honored regardless of any subsequent internal or external request for the same facility for the same date and time.

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5. CANCELLATION

The College District maintains the right to cancel any confirmed event at any time. The cancellation clause contained in the Civic Center and Facilities Use Agreement applies to all events and venues.

6. DAMAGE TO FACILITIES

The provisions for Damage to the College District's Facilities are set forth in the Civic Center and Facilities Use Agreement and renter compliance is mandatory.

7. KEYS

Keys are not issued to organizations or individuals using College District facilities under Policy & Procedure 6700.

8. MERCHANDISE CONCESSIONS

Concession privileges are reserved by the College District. Sale of souvenirs, programs, DVDs, CDs, records, clothing, books, etc., relative to the event is permitted with advance approval. The College District will charge a buyout determined on fixed per cap spending based on ticket sales or 25% if the College District provides the service. Renter will be responsible for payment of all state, county, federal, or local taxes incurred from such sales. Payment of royalties and copyright fees is the responsibility of the Renter.

9. FOOD CONCESSIONS

Food concessions are reserved to the College District. In the event the College District is not able to accommodate food concession needs, the Renter may operate their own concessions by paying the College District a buyout determined on fixed per cap spending based on ticket sales. Renter will be required to provide additional Insurance as deemed necessary by the College District to manage their own concessions and must provide a copy of worker's compensation coverage. Renter will be solely responsible for securing any and all city/state licensing permits deemed necessary in order to operate the concessions.

No exceptions will be made regarding food concessions.

10. CATERING

Catering services are reserved by the College District and may include, but are not limited to, breakfast, lunch, dinner, snacks, beverages, etc. In the event the College District's catering service is not available, other external arrangements may be made. The College District will charge a fixed sum as catering buyout determined based on the size of the event and the number of participants. No exemptions will be made to waive the College District's Catering services for external arrangements should the College District be able to provide catering services.

11. AUDIO VISUAL SERVICES

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The College District provides all Audio Visual (AV) related services as required and requested. The College District makes all the arrangements to accommodate requests for specialized AV needs. All AV charges will be billed at actual cost to the Renter. No exemptions will be made to allow the Renter to obtain their own AV services.

12. PERSONNEL

The College District reserves the right to employ, at Renter's expense, such College District personnel as it deems necessary to secure its property and facilities and to operate its equipment or specialized venues. Such personnel are authorized to enforce all College District regulations and or obligated to report any violations.

13. CERTIFICATE OF INSURANCE

The College District's insurance requirements are as stated in the Civic Center and Facilities Use Agreement; however, the College District reserves the right to, at its discretion, determine that additional coverage is required due to the nature of the event (concert, soccer match, larger conference events etc.).

14. INDEMNIFICATION

The District's indemnification requirements are set forth in the Civic Center and Facilities Use Agreement and compliance is required.

15. FACILITIES AVAILABILITY

Facilities are available during vacation periods and other times when the College District is closed only if their use does not conflict with College District policy, construction, scheduled maintenance, and program activities. Necessary personnel must be available for supervision. The use of all facilities is subject to availability and are available on a first-come/first-served basis.

16. TICKETING SERVICES

The District will manage all Ticket Sales and Ticketing Related Services. The District has a ticket window/booth to meet renter ticket needs. Renters selling reserved-seat tickets are required to use the District's ticketing services. Tickets purchased using credit cards will be available. Renter will be charged for any bank fees related to all ticket sales charged to credit cards, whether the sale is in person, over the phone, or via internet. The ticket charge will be based on the current bank fee percentage multiplied by the gross credit card charges. Tickets will be available for sale via the internet.

The District will charge a flat rate of 20% for all ticket sales. This rate will include all ticket handling charges such as:

- Ticket Printing.
- Labor charges on the day of the event.

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- Set up of a ticket office four (4) weeks prior to the first date of the use of the facility.
- In the event of cancellation after tickets have gone on sale, the renter will be charged an additional \$1.25 per ticket for refunds issued to the patrons.

17. COLLEGE DISTRICT LOGO

Use of the College District logo or name is reserved to the College District and may not be used in any advertising or promotional materials.

18. PROMOTIONAL AND ADVERTISING MATERIALS

Promotional and advertising materials used or distributed on campus for confirmed Civic Center and Facilities Use events must be approved and stamped in advance by the Civic Center and Facilities Use Office. These promotional materials must be removed by the Renter at the end of the rental period. Cost may be assessed to Renter if such advertising or promotional materials are not removed in accordance with this section. The office of Student Services has the right to refuse approval of any promotional and advertising materials. If the College District handles ticket sales, all advertising materials must be reviewed and approved by the Civic Center Office prior to distribution of materials.

Displays may be located in the lobbies or use area only with advance approval of the Civic Center Office. Such displays must be in good taste and may not be fastened to any part of the building. These displays may be limited and must be located so as not to interfere with crowd movement, fire regulations, or in such a manner as to cause the lobbies or areas to appear cluttered.

19. POLICE/SECURITY PERSONNEL

The College District Police Department reserves the right to determine the number of police officers needed for any event. If it is determined that police officers are required for any event, only officers employed by the College District Police Department may be used. Should the College District not have enough officers on staff, the College District will use the services of the local Police Departments and cost of those officers will be directly passed through to the event organizers. In addition, the College District's Chief of Police may approve the use of "private" security officers employed by an outside security firm contracted by the College District. All such costs for additional security will be directly passed through to the event organizers.

20. PARKING FACILITIES

The College District Police Department reserves the right to determine the parking areas for all events and the cost associated with the use of these parking areas. Parking is not free and parking fees will not be waived. The use of the District's parking facilities is subject to one of the following charges:

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- a. A lump sum parking fee buyout paid by the user renting District's facilities through the Civic Center Office.
- b. Daily parking permits may be purchased in the parking lots by visitors using the College Facilities as part of the event organized by contracted renter.

If neither of the above parking options are paid, cars parked at the College District facility in use will be subject to a written citation.

21. RIGHT TO WAIVE

Pursuant to Education Code Sections 82537 and 82542, fee waivers must be approved by the Governing Board in advance of the event.

22. MAJOR EVENTS

Major events include, but are not limited to, sports or exhibitions, movie taping, concerts, carnivals, fairs, etc., or when the complexity of the rental is such that unusual preparation occurs (i.e. Presidential debate, Campus wide facility use). Alternative fee options in lieu of the standard rental fees will occur.

23. OVERNIGHT USE OF FACILITIES

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

24. CO-SPONSORSHIP PROCESS

All Co-Sponsorships will adhere to the Classifications (see table below) as defined by the Civic Center statute and provision. There will be no waiver of fees for any group or entity through the co-sponsorship if the entity is a Classification II or III.

25. GOVERNING BOARD CONTRACT APPROVAL

All of the following are subject to approval by the Southwestern Community College District Governing Board:

- Civic Center and Facilities Use Agreement.
- Request for rental waivers for entities that are subject to Classification II and III rentals.
- Alcoholic Beverage use.

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C. Civic Center Rental Classifications:

In accordance with District Policy No. 6700 and consistent with Education Codes §82530, §82537 and §82542, Southwestern Community College District is available for public, private, for-profit and not-for-profit use as a Civic Center rental pursuant to the definitions and classifications noted below:

<u>CLASSIFICATION I</u> Non-Profit Organizations which promote youth and school activities within the District service area. [Must provide proof of non-profit tax status.]	<u>CLASSIFICATION II</u> Other Non-Profit Organizations and other Public Agencies [Must provide proof of non-profit tax status.]	<u>CLASSIFICATION III</u> Commercial and/or Profit-making Groups [Churches, retail, for-profit]
RENTAL FEE: None	RENTAL FEE: Non-Profit Rental Fee rate	RENTAL FEE: Fair Market Rental Value rate
OTHER FEES: Charges for labor, direct costs (custodial, maintenance, etc.), technical staff, equipment, supplies, etc.	OTHER FEES: Charges for labor, direct costs (custodial, maintenance, etc.), technical staff, equipment, supplies, etc.	OTHER FEES: Charges for labor, direct costs (custodial, maintenance, etc.), technical staff, equipment, supplies, etc.
The Governing Board shall grant, without charge, the use of school facilities or grounds under its control when an alternative location is not available, to non-profit organizations, clubs or associations which are located and operated within the boundaries of the District and are organized to promote youth and school activities; provided that the use of school property for fund-raising activities shall be of benefit to the youth or public school activities of the District, as determined by the Board. Groups in this category include, but are not limited to: ♦ girl scouts, boy scouts, explorer scouts, camp fire girls	The Governing Board shall charge an amount not to exceed its direct costs for activities where the user group is located and operates within or outside the boundaries of the District and is a non-profit organization organized for purposes other than to promote youth and school activities. Users which shall be charged an amount not to exceed direct costs include: (1) other public agencies (2) elementary school districts	The Governing Board shall charge at least the fair market rental value or commercial rate to all other groups not otherwise qualified under the provisions of Classifications I or II for use of the College District's facilities or grounds. Users within this category include, but are not limited to: ♦ Purpose of entertainment or meetings where admission fees are charged or contributions are solicited and the net

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♦parent-teachers associations ♦school/district/community advisory councils and or task forces ♦ booster groups ♦ educational foundations ♦ community substance abuse groups and/or school core teams.	(3) artistic and cultural groups (4) colleges and universities; (5) youth sports leagues and programs.	receipts are not expended for the welfare of the pupils of the District. ♦ Functions such as dances as profit-making ventures, dealers' exhibits, concerts, sporting shows, commercial sales, promotional activities, and religious/church groups.
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