

Approved
January 27, 2009
Revised
September 29, 2016

AP 6700 CIVIC CENTER AND OTHER FACILITIES USE

References:

Education Code Sections 76120, 82537, and 82542;
Public Resources Code Section 42648.3;
Title 5 Sections 59601 et seq.;
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 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 Chief Business Officer, but shall be sufficiently frequent, and available on specific dates and times, so as to allow meaningful use by outside groups. District employees and Board members, or their relatives/friends, may not use District facilities for personal or business purposes without complying with the procedures specified here for other parties, including insurance and payment of rent. Except as provided in these regulations, 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 Business Officer or designee is responsible for the coordination and implementation of these procedures, and shall determine all applicable fees to be charged.

All user groups shall be required to provide the District with a hold harmless and indemnification agreement acknowledging that they shall 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. All user groups shall complete the Facility Use Request Form and comply with all facility use requirements.

Civic Centers

Upon approval of the Chief Business Officer or designee, eligible persons or groups may use District buildings or grounds as the Civic Center for public, literary, scientific, recreational, or educational meetings, or for discussion of matters of general or public interest, subject to these rules and regulations.

The groups identified in Education Code Section 82542(a) shall be permitted to use District facilities upon payment of the following according to a fee schedule established by the Chief Business Officer and approved by the Board:

- 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.
- 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.
- The cost of custodial and grounds services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties.
- The cost of utilities directly attributable to the organization's use of the facilities.
- All other associated costs incurred during the organization's use of the facilities.

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs of District facilities. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees necessitated by the organization's use of District facilities.

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

Additionally, except for classroom-based programs that operate after school hours and organizations retained by the College or 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 College facilities and grounds used by the group.

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

- 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.
- 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.

Before rental fees (not direct costs) may be waived or reduced below the amount required by the fee schedule, the Chief Business Officer or designee shall determine that the following conditions exist:

1. The activity relates directly to the District's mission of education and training and shall obtain a specific benefit from the activity.

2. The activity is not political.
3. The value or benefit received by the District is approximately equivalent to the amount being waived.
4. The activity will encourage and develop beneficial community partnerships.

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 affect the public health and welfare, and the District shall cooperate with these agencies in furnishing and maintaining services mutually deemed necessary to meet the needs of the community.

The San Jose/Evergreen Community College District Foundation is permitted to use District property in accordance with a master agreement approved by the Foundation's Board of Directors and the Board of Trustees.

Recycling: Large Venues and Events

"Large venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the District per day of operation of the venue facility.

"Large event" means an event that charges an admission price or is operated by a local agency and serves an average of more than 2,000 individuals per day of operation of the event.

A District with a large venue or large event shall, on or before July 1, biennially thereafter, meet with recyclers and with the solid waste enterprise that provides solid waste handling services to the large venue or large event to determine the solid waste reduction, reuse, and recycling programs that are appropriate for the large venue or large event. In determining feasible solid waste reduction, reuse, and recycling programs, the operator may do any of the following:

- Develop solid waste reduction, reuse, and recycling rates and a solid waste reduction, reuse, and recycling plan that would achieve those solid waste reduction, reuse, and recycling rates.
- Determine a timeline for implementation of the solid waste reduction, reuse, and recycling plan and solid waste reduction, reuse, and recycling rates.

Rules for Facilities Use

Requests for use of District facilities shall be made at least ten business days in advance of the first date of use being requested. Requests shall be on the Facilities Use Request Form provided by the District. Permission to use facilities shall be granted by the College President or designee for campus facilities and the Chief Business Officer for District Office facilities. 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.

All charges for the use of District facilities are payable five business days in advance of scheduled use. Notification of cancellation shall be received 48 hours before the scheduled use or a cancellation fee shall be assessed.

Any persons applying for use of District property on behalf of any groups shall be a member of the groups and, unless he/she is an officer of the group, shall 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 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 Chief Business Officer or designee.

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 and removed after the scheduled event has been concluded.

Priority for the Use of District Facilities

Priority for the use of District facilities shall be as follows:

1. College educational programs and college events.
2. Student clubs and organizations.
3. Fundraising entertainment or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District.
4. Parent-teachers' associations.

5. School-community advisory councils.
6. Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
7. Senior citizens' organizations.
8. Other public agencies.
9. Organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes (such as folk and square dancing).
10. Private organizations and religious groups for religious purposes.

Priority consideration shall also be given to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

Organizations within District boundaries shall have priority over those outside the District.

Priorities shall be maintained in a manner ensuring that no group monopolizes use of the facility.