

AP 6700 Civic Center and Other Facilities Use

Reference

Education Code Sections 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

1.0 **General Provisions**

- 1.1 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 authorized individuals according to Section 1.1 of Administrative Procedure 6150, Designation of Authorized Signatures. Except as provided in this procedure, or as authorized by law, no organizations shall be denied the use of District facilities because of the content of speech to be undertaken during the use. The authorized individuals are responsible for the coordination and implementation of these procedures and shall determine all applicable fees to be charged.
- 1.2 Outside the designated public forum areas (as defined in BP/AP 5550, Speech: Time, Place, and Manner), 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 and separate endorsement with limits acceptable to the District and/or proof of financial responsibility acceptable to the District.

2.0 **Civic Centers**

- 2.1 Eligible persons or groups may use District buildings or grounds for public, literary, scientific, recreational, or educational meetings, or for discussion of matters of general or public interest, subject to these rule and regulations.
- 2.2 The District may charge the groups identified in Education Code Section 82542(a) an amount not to exceed the following:
 - 2.2.1 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.
 - 2.2.2 The cost of necessary college employees' presence during the organization's use of the facilities if it is determined that the supervision is needed, and if those employee(s) would not otherwise be present as part of their normal duties.
 - 2.2.3 The cost of custodial services and security services, if those services are deemed necessary and would not have otherwise been performed as part of their regular duties.

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- 2.2.4 The cost of utilities directly attributable to the organization's use of the facilities.
- 2.2.5 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.
- 2.3 Except as provided herein, for other civic center events that do not qualify in Section 2.2, and where no charge or solicitation is made to participants, minimum fees shall apply in addition to necessary direct costs. Direct costs shall include supplies, equipment, utilities, custodial services, services of any other District employees, and salaries paid to District employees necessitated by the organization's use of District facilities.
- 2.4 Other non-college sponsored groups including for-profit companies shall be charged fair rental value at double the minimum charge for the use of District facilities including:
 - 2.4.1 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.
 - 2.4.2 Entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts of the fees or contributions are not expended for the welfare of the students of the District or for charitable purposes.
- 2.5 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.
- 2.6 The American Red Cross or other public agencies may use the 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 mutually deemed necessary to meet the needs of the community.

3.0 Rules for Facilities Use

- 3.1 Requests for use of District facilities must be made at least fourteen (14) business days in advance of the first date of use being requested. Requests shall be in the application format required by the District. Permission to use facilities shall be granted by those authorized individuals according to Section 1.1 of Administrative Procedure 6150, Designation of Authorized Signatures and includes the following:
 - 3.1.1 Chancellor
 - 3.1.2 Vice Chancellors

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- 3.1.3 College Presidents
- 3.1.4 Provost
- 3.1.5 Vice President, Administrative Services
- 3.1.6 Director, Fiscal Affairs
- 3.1.7 Director, Administrative Services
- 3.1.8 Manager, Campus Accounting
- 3.2 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.
- 3.3 All charges for the use of District facilities are payable prior to usage.
- 3.4 Any persons applying for use of District property on behalf of any groups shall be a member of the groups and, unless they are 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.
- 3.5 The District may require security personnel as a condition of use whenever it is deemed to be in the District's best interest.
- 3.6 No person applying for the use of District property shall be issued a key to District facilities.
- 3.7 Future facility requests may be denied on grounds including, but not limited to, abuse or misuse of District property, failure to follow any of the rules of use as identified in the Application and Agreement of Use of Facilities, and failure to pay promptly for any damage to District property.
- 3.8 No alcoholic beverages, intoxicants, controlled substances, or tobacco in any forms 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.
 - 3.8.1 Allowable exceptions are limited to those outlined in Sections 3.3, 3.4, and 3.5 of Administrative Procedure 3560, Alcoholic Beverages.
- 3.9 No structures, electrical modifications, or mechanical apparatus may be erected or installed on District property without specific written approval by authorized individuals according to Section 1.1 of Administrative Procedure 6150, Designation of Authorized Signatures.
- 3.10 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.

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3.11 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.

4.0 Minimum Fees

4.1 Facilities use fees vary from site to site and from room to room. Each site establishes and maintains a fee schedule, which includes weekday rates and weekend rates.

4.2 Fees are charged with a minimum use of four hours and per hour afterward.

4.3 If multiple locations are being rented simultaneously, the most expensive location will be rented at the regular fee and the additional location(s) may be rented at fifty percent (50%) of the regular fee.

4.4 Fees cover operating costs including utilities except for the telephone, set-up according to approved usage authorization, normal clean-up, and attendant on duty.

4.5 Additional operating costs may be assessed at an hourly or applicable timed rate for incurred usage charges, required personnel, and special equipment.

4.6 Rehearsal usage will be charged at one-half the regular fee in instances where there is no technical equipment or support needed.

4.7 When applicable, booking deposits shall be equal to twenty-five percent (25%) of the four (4) hours minimum rate. Booking fees are applicable toward cumulative rental fees incurred. If a cancellation of reserved facilities occurs within seventy-two (72) hours of the scheduled event date, said booking fees will be retained to cover administrative expenses.

4.8 A two-hour minimum charge may be applied toward any incurred charges for on-site support IT or AV technical staff.

4.9 Lease Tenants of the Anaheim Campus shall be charged rental fees based on fifty percent (50%) of the Anaheim Campus standard rental schedule.

5.0 Sherbeck Field Usage

5.1 No Fullerton College football games shall be played on Friday evening.

5.2 No high school football games shall be played at Sherbeck Field.

5.2.1 Exceptions may be made for temporary use during extenuating circumstances.

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- 5.3 Field lighting shall not be used for any outside groups at any time on Saturday and Sunday.
- 5.4 No field rentals for the purpose of musical performances or concerts by outside groups or individuals will be permitted.
- 5.5 The public address system is only for use by Fullerton College. Outside groups using the field are prohibited from using any public address or sound amplification systems.

See Board Policy 6700, Civic Center and Other Facilities Use; Administrative Procedure 6150, Designation of Authorized Signatures; and Administrative Procedure 3560, Alcoholic Beverages.

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