

ADMINISTRATIVE REGULATION

6700

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

BUSINESS AND FISCAL AFFAIRS

CIVIC CENTER AND OTHER FACILITIES USE

I. GENERAL PROVISIONS

- A. District facilities are available for community use when such use does not conflict with District programs and operations. Use by the District or any of its colleges, property, or facilities includes scheduled and unscheduled events and activities that are directly in support of District/college goals and objectives and primarily benefits students and/or staff. Typically, such activities are planned, organized, administered, and directly supervised for the duration of the event or function by District/college staff members in their official capacity as employees. Examples of District/college uses include, but are not limited to the following:
1. Instructional uses for classes, laboratories, and co-curricular activities required for, or in conjunction with, requirements of credit or noncredit courses offered by the colleges.
 2. Other uses for non-instructional meetings, events, or activities that support District/college programs and services, such as: college-operated sports camps, approved meetings, special events of officially recognized clubs, and community services programs.
- B. Non-District facility uses include all activities that are not described above. Non-District users shall be charged a fee according to the published facilities rental rate schedule. Facility use shall be limited to places and times identified by the Vice President for College Administrative Services or designee. Except as provided in these regulations, 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. (See Board Policy and Administrative Regulation 3900 *Speech and Advocacy* related to the use of District facilities and grounds).
- C. The Vice President for College Administrative Services, or designee, is responsible for the coordination and implementation of these regulations and shall determine the applicable fees to be charged.

Any exceptions granted to the rental fee schedule for Categories A, B or C shall be approved by the college president or designee. The college president, or designee, shall not waive or discount the rental fees for any activity or event which generates revenue (e.g. from admission fees, participation fees, or sponsorships). The college president, or designee, may only waive or discount the rental fees for events that primarily benefit the District/college mission and students.

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- D. The District shall maintain a fee schedule adopted by, and reviewed regularly by, the Board, which includes the hourly fee for each specific facility or grounds. The Board has authorized future annual adjustments to the rates, not to exceed the State COLA or 8%, whichever is higher.

The schedule will be published on the college website.

- E. 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 that affect the public health and welfare, and the District will cooperate with these agencies in furnishing and maintaining services deemed necessary by the Chancellor to meet the needs of the community.

II. FEE CATEGORIES

Eligible persons or groups may use District buildings or grounds designated as 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 Board has adopted the following fee categories:

- Category A – Nonprofit organizations and clubs and associations organized for athletic activities for youth, charitable purposes, educational purposes, or the civic well-being of the community as well as organizations, clubs, or associations organized for youth or senior citizens and for cultural activities.
- Category B – Nonprofit organizations and activities not listed in Categories A and D.
- Category C – For profit organizations and activities not listed in Categories A and D.
- Category D – Church and religious organization meetings; activities for entertainment or a meeting where an admission fee is charged or a contribution is solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the community college district or for charitable purposes.

III. FEE CALCULATIONS

A. Category A fees consist of an amount not to exceed the following costs:

1. The cost of opening and closing the facilities, if no college employees would otherwise be available to perform that function as a part of normal duties;
2. The cost of a college employee’s presence during the organization’s use of the facilities if it is determined that supervision is required, and if that employee would not otherwise be present as part of normal duties;
3. All costs directly associated with the event, including but not limited to the cost of custodial services, security, supervision, and waste removal/hauling, if the services are

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necessary and would not have otherwise been performed as part of normal District/college operations; and

- 4. The cost of utilities directly attributable to the organization’s use of the facilities.
- B. Category B and C fees consist of an amount not to exceed the direct costs or not to exceed the fair rental value of District facilities and grounds as allowable. Direct costs shall include:
 - 1. Costs of supplies; utilities; waste removal/hauling; and compensation paid to District employees for custodial, security, supervision, and other services necessitated by the organization’s use of District facilities, and
 - 2. 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, the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of the college facilities or grounds by the organization using the college facilities or grounds under this section. For purposes of this subparagraph, “college facilities” shall be limited to only non-classroom space, and “grounds” shall include, but not be limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts.

Fair rental value means the direct costs to the District, plus the amortized costs of the college facilities or grounds used for the duration of the activity authorized.

- C. Category D fees are no less than the fair rental value for the use of District facilities or grounds.

IV. RULES FOR FACILITIES USE

- A. District/college facilities may be used by persons or individuals pursuant to provisions of the Civic Center Act during the hours of normal facility operation.
- B. Requests for use of District facilities must be made at least thirty (30) days in advance of the first date of use being requested. Requests shall be on forms provided by the District. Permission to use facilities shall be granted by the Vice President for College Administrative Services or designee.
- C. Normal facility operating hours are Monday through Friday, 7:00 a.m. to 10:00 p.m., with weekend and summer operating hours being determined by the individual colleges.
- D. Generally, the maximum daily time allowed for the use of District/college property or facilities shall be eight (8) consecutive hours. This limit includes the time required for setting up, practice, performance, games, setting and removal of equipment, release of personnel, etc. If more than one (1) performance or game is held, a separate charge may be made for each. Time will be counted from the moment of initial use under a use permit until the moment that use of the facility is no longer required. Use permits shall be issued

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for specified hours and dates. Users shall not arrive before the time authorized and shall leave the college premises at the permit expiration time.

- E. Permits for use of any District/college facility shall be revoked when the use interferes with regular college use, when facilities are misused, or when District/college rules and regulations are violated. Permits may not be renewed when revoked for misuse.
- F. Long-term usage (five or more times) by community service programs may be subject to negotiations with appropriate college personnel. Permission to use District facilities shall not be granted for a period to exceed one fiscal year without a special fully executed license to use agreement approved by the Board. No person or organization may be granted a monopoly on any facility.
- G. All charges for the use of District facilities are payable at 50 percent upon reservation of the facility with signed permit, or no less than 30 days in advance of the event, with the remaining balance due at least ten (10) days in advance of the event date. If additional fees or reimbursements are due to the District as a result of approved changes to the original terms, an invoice will be submitted to the user for immediate payment.
- H. Any persons applying for use of District property on behalf of any group shall be a member of the group 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.
- I. The District may require security personnel, at the user's costs, as a condition of use whenever it is deemed to be in the District's best interests. The District may also require the user to submit a security plan for approval at least twenty (20) days prior to the date scheduled for the activity.
- J. No person applying for use of District property shall be issued a key to District facilities.
- K. Future facility requests may be denied on grounds including, but not limited to, abuse or misuse of District property and failure to pay promptly any fees associated with the facility use and for damage to District property.
- L. No alcoholic beverages, intoxicants, controlled substances, marijuana, or tobacco in any form shall be brought onto the property of the District. Smoking, vaping, and the use of tobacco or marijuana is prohibited on all District/college property. Smoking is defined as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or other product intended for inhalation, in any matter or in any form. Smoking also includes the use of e-cigarettes. An e-cigarette is any oral device that provides a vapor of nicotine or any other substance for inhalation. Persons under the influence of alcohol, intoxicants, marijuana, or controlled substances shall be denied participation in any activity.
- M. Users are responsible for all expenditures necessary for the removal of all waste and debris and for the restoration of property to the condition that existed prior to its use by permittee. The permittee is responsible for any costs incurred by the District/college to restore the facility to the condition that existed prior to use.

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- N. Users must comply with the District/college recycling and waste management program.
- O. No modifications to facilities may be made without prior express written approval by the Vice President for College Administrative Services or designee.
- P. College furniture, apparatus, and/or equipment shall not be removed, altered, or displaced without permission from an authorized District/college employee. All furniture and equipment must be left in the same configuration and condition as prior to the event.
- Q. 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.
- R. District/college names shall not be used by the sponsoring or promoting organization without prior approval by the District/college president or designee.
- S. Users shall be required to obtain all necessary permits from other agencies (e.g. fire, health departments).
- T. Users approved to bring food to a facility shall be responsible for compliance with all health and safety regulations.
- U. Users shall be required to carry appropriate insurance coverage as determined by the District. In addition, all users shall indemnify, defend, and hold harmless the District, its trustees, officers, agents, and employees of and from and against any and all claims, including, but not limited to, demands, liens, judgments or otherwise, attorney fees, for death of, or injury to, any persons or damage to any property whatsoever occurring on, in, or about the facility or the adjacent parking areas owned or occupied by the District during the term of use that arises out of, results from, or occurs during the operations of permittees, its officers, directors, agents, or employees. Users must obtain insurance coverage for the event as required in the use permit. Insurance documents shall be submitted to the designated application submittal office at the District/college at least ten (10) working days prior to the scheduled event for all District/college facilities. Certificates of insurance must name the District as an additional insured. Users shall provide a separate endorsement naming the District as an additional insured.
 - 1. If an entity applying for use of a District/college facility does not have insurance coverage, which satisfies the requirements set forth above, the entity may purchase Special Event Insurance coverage, which may be facilitated through the District/college. Such coverage must be obtained at least fifteen (15) working days prior to the event. The premium assessed for the Special Event Insurance coverage will be determined by District Risk Services. The District may charge a processing fee for insurance services.
- V. 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 structures for sleeping, or doing any digging or earth breaking, or carrying on cooking activities.

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V. PARKING FACILITIES

The college reserves the right to determine the parking areas for all events and the cost associated with the use of these parking areas. All applicable parking fees shall be charged unless exempted by the college president or designee. The college president, or designee, shall not waive or discount the parking fees for any activity or event which generates revenue from admission or participation fees, sponsorships, etc. The college president, or designee, may only waive or discount the rental fees for events that primarily benefit the District/college mission and students. The use of the District's parking facilities is subject to one of the following charges:

- A. A lump sum parking fee buyout paid by the user renting the District's facilities through the college Facilities Department.
- 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 District facility in use will be subject to a written citation.

References:

California Education Code, Section 82537 and 82542

California Code of Regulations, Title 5 Sections 59601 et. seq.