

FINANCE AND ADMINISTRATIVE SERVICES

AP 6700 OTHER FACILITIES USE (CIVIC CENTER ACT)

References:

Education Code Sections 82537 and 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 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 Vice President for Finance and Administrative Services, so as to allow meaningful use by outside groups. 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 the speech to be undertaken during the use.

The Vice President for Finance and Administrative Services is responsible for the coordination and implementation of these procedures. The Vice President for Finance and Administrative Services shall determine all applicable fees to be charged.

Reservations

All user groups having submitted a reservation request through Facilitron 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.

Eligible persons or groups (as defined in BP 6700) 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 this procedure.

The groups identified in Education Code Section 82542(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:

- 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/her normal duties;
- 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; and

- 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 of District facilities. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees, and salaries paid 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 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.

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 Governing Board to be necessary to meet the needs of the community.

Rules for Facilities Use

Requests for use of District facilities should be made a minimum of 21 days in advance of the first date of use being requested. Requests made less than 21 days in advance will be processed on a case by case basis. Requests shall be submitted through Facilitron. Authorization to use facilities shall be granted by the Vice President for Finance and Administrative Services, or designee.

This request requirement does not apply to groups intending to use available designated public forums for expressive activities. In those circumstances, only three business days' notice is required, as described in AP 3900 titled Speech: Time, Place, and Manner.

Others areas on the campuses may be utilized as free speech areas in special circumstances if approved in writing by the Vice President of Student Services.

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 will be billed accordingly after the conclusion of the event.

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, must present written authorization to represent the group. Each person submitting the request 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, 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.

No structures, electrical modifications, or mechanical apparatus may be erected or installed on District property without specific written approval by the Vice President for Finance and Administrative Services.

Priority for the Use of District Facilities

Priority for the use of District Civic Center facilities will be as follows:

- Instructional programs
- District-sponsored events, including student clubs and organizations and fundraising
- Community use or events sponsored by external organizations

Recycling

The Palomar Community College District provides recycling services for District operations and any events under the Civic Center Act through the Facilities Office.

Office of Primary Responsibility: Finance and Administrative Services