

CIVIC CENTER AND OTHER FACILITIES USE

AP No. 6700

Board Reviewed: 6/13/12; 12/12/12

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I. General Provisions

District facilities identified as Civic Centers or as designated public forums are available for community use when such use does not conflict with District programs and operations. Facility use shall be limited to places and time identified by the Director of Facilities, but shall be sufficiently frequent, and available on specific dates and times, so as to allow meaningful use by outside groups. Except as provided in these procedures, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken during the use.

The Director of Facilities is responsible for the coordination and implementation of these procedures. The Director of Facilities shall determine all applicable fees to be charged.

Outside the designated public forum areas, 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 with limits acceptable to the District and/or other proof of financial responsibility acceptable to the District.

II. Civic Centers

Eligible persons or groups may use District buildings or grounds designated as the Civic Center 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.

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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; and
- Entertainment 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 Board of Trustees to be necessary to meet the needs of the community.

III. Rules for Facilities Use

Requests for use of the District's Civic Center 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. A non-refundable \$500 deposit is required at time of request. (District practice) Permission to use facilities shall be granted by the Director of Facilities.

Note: 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 the procedure for Speech: Time, Place, and Manner.

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.

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, making preparations to sleep (including the laying down of bedding for the purpose of sleeping), 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.

All charges for the use of District facilities are payable ten (10) business days in advance.

Any persons applying for use of District property on behalf of any group 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 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.

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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 intoxicants, controlled substances, or tobacco 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.

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is for use during a non-college event at a performing arts facility built on district property and leased to a nonprofit public benefit corporation.
- The alcoholic beverage is possessed, consumed, or sold, during a special event held at the facilities of a public community college, where the principal attendees are members of the general public or invited guests and not students of the public community college.
- The alcoholic beverage is for use during a fundraiser held to benefit a nonprofit corporation that has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed, or used at other athletic contest sponsored by the District (AP 3560).

Smoking of cigarettes is permitted only in designated smoking areas.

No structures, electrical modifications, or mechanical apparatus may be erected or installed on District property without specific written approval by the Director of Facilities.

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.

IV. 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.

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A District with a large venue or large event shall, on or before July 1, 2005, and 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.

V. The District may require parking fees as a condition of use whenever it is deemed appropriate. (RHC practice)

VI. References:

Education Code Sections 82537 and 82542;

Public Resources Code Section 42648.3

Clarke v. Community For Creative Non-Violence (1984) 468 U.S. 288, 104 S.Ct. 3065, 82 L.Ed.2d 221