

**Kern Community College District
Administrative Procedure**
Chapter 6 – Business and Fiscal Services

AP 6700 Civic Center and Other Facilities Use

References:

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

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 times identified by the Chancellor or College President or designee, 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, 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 Chancellor or College President or designee is responsible for the coordination and implementation of these procedures. The Chancellor or College President or designee shall determine all - fees allowed or required by law 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.

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

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, which may be conducted for temporary periods where the church or organization has no suitable meeting place for the conduct of such services.
- 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.

Fair Rental Value shall include the direct 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, Fair Rental Value shall include the amortized costs of the college facilities or grounds used for the duration of the activity authorized.

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.

Rules for Facilities Use

Requests for use of the District's Civic Center must be made at least 30 days in advance of the first date of use being requested. Requests shall be made to the District Chancellor or College President or designee on forms provided by the District. Authorization to use the Civic Center shall be based on a reservation system and the priorities for student and

other use detailed at the end of this Section.

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 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.

All charges for the use of District facilities are payable 24 hours in advance.

Any persons applying for use of District property on behalf of any groups shall be a member of the groups and, unless he/she/they 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.

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 form shall be brought onto the property of the District, unless applicants requesting to serve alcoholic beverages on campus have submitted an Alcohol Serving Event form to the Facilities Scheduling Office at least 30 days prior to the scheduled event and; provided proof of compliance with any applicable subsections of Business and Professions Code section 25608. 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 [District](#) Chancellor or College President 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.

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, biennially on or before July 1, 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.

Priority for the Use of District Facilities

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

1. Student clubs and organizations
2. Fundraising entertainment or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District
3. Parent-teachers' associations
4. School-community advisory councils
5. Fair Rental Value uses such as churches and other religious organizations; fundraising entertainment or meetings where admission fees charged or contributions solicited are not expended for the welfare of the students of the District

Guidelines for Use of District/College Property/Facilities

- 1) First priority for property/facilities use is reserved for the College instructional programs.
- 2) Second priority for use of property/facilities will be given to College student organizations.
- 3) Third priority will be given to public agencies, schools and colleges, youth groups, civic and service organizations, and other applicants organized for cultural, educational or recreational activities.
- 4) Applications for use by commercial, for-profit entities and other applicants not covered by the law will be considered on an applicant basis as provided by law, Board Policy, and the effect upon the District's operations.
- 5) In-District applicants will have priority over non-District applicants.
- 6) No applicant will be allowed to monopolize a facility, equipment, or services. The use of a District/College facility will not be granted for a period exceeding one semester.
- 7) Once the District/College approves a request for use and enters into an agreement to

furnish facilities, equipment or services, that request shall have priority over any other requests except where need of the property for District/College purposes has subsequently developed, or in the case of an emergency as determined by the appropriate administrator.

Application and Agreement for Use of College Property/Facilities

1) Application for use of District/College facilities, equipment or services may be obtained from the appropriate office on the District/College site. On-line applications may be used where available.

2) Application for use of District/College property must be fully completed and filed with the facilities coordinator at least 30 working days in advance of planned use. Normally the District/College will not schedule use of facilities more than three months in advance or until the class schedule for the academic term covering the period of requested use has been published. When on-line applications are used, a signed Application and Agreement for Use of District Property form must be completed. The applicant is not to assume that the application is approved until notification is received from the District/College facilities coordinator. Upon approval, the District/College facilities coordinator will tentatively reserve the dates. If additional information stipulated by the District/College facilities coordinator is not received by the due date, the Chancellor, College President, or designee will release the dates without notice. All required information/documentation such as a signed application, deposit, insurance coverage, security arrangements, crowd control, and necessary agreements must be received no later than ten working days prior to an event.

3) The applicant must include a description of all requested property. Applications shall be approved for specified hours and dates. The applicant shall not arrive before the time authorized and shall leave the District/College premises at the agreement expiration time. Facilities will not be accessible later than midnight, except by special permission granted prior to the use date.

4) An estimate of charges will be available prior to approval of any agreement. Appropriate administrative staff will determine when District/College personnel must be present and will assess appropriate charges. The estimated expenses will be based on the information provided by the applicant. Estimate subject to change if additional services, not part of original agreement, are made available.

5) If another applicant should request the dates in question or a portion thereof; the initial applicant will be required to execute a contractual agreement and submit the required deposit within 72 hours of notification.

6) Prior outstanding event charges to the District/College must be paid in full before any subsequent requests by the liable applicant for use of facilities will be approved.

7) A damage deposit may be required by an applicant that carries equipment, brings a stage crew for purposes of staging a show or presentation or activity, or other cases determined by the District/College. This guaranteed deposit, in an amount to be determined by the District/College and depending upon the facility used, shall be held by the College. Damage to District/College equipment and/or property, which occurs during

the event and by reason of the use and/or occupancy of the premises, shall be paid from this damage deposit. The balance, if any, shall be returned to the organization. If the guaranteed deposit is not sufficient to cover damage, the applicant shall be liable for the difference.

The applicant utilizing District/College facilities will be liable for any damage to or destruction of District property beyond that is caused by ordinary wear and tear as determined by the District. In addition, future consideration for use of facilities may be denied.

The applicant is responsible for all expenditures necessary for the removal of all waste and debris and for the restoration of the property to the condition that existed prior to its use.

An initial facility(ies) inspection will be conducted within 24 hours after the event has vacated the facility to determine the extent of damage, if any. A secondary inspection may be required if event equipment or structure required additional time to be removed from District premises. [This inspection will be completed within 24 hours of equipment/structure removal.] The refund of this deposit will be assessed after the event and will be released once all parties are satisfied with the condition of the facility.

The District/College will charge the applicant at the time of settlement for any damages, and it will be the responsibility of the applicant to recover such charges from the applicant's insurance carrier.

The use of a District/College property may not take place during the facilities peak season or if damage based on wear and tear might be caused to the facility or property as a result of its use. The event may not interfere with normal operation of the District/College activities or instruction including the activities in the facilities adjacent to the venue.

8) The use of District/College facilities may not take place on Thanksgiving, Christmas, New Year's, or any other holiday or scheduled District/College closures when the Chancellor/College President or designee has determined that necessary personnel are not available for supervision.

9) The use of District/College facilities may not take place during vacation periods if the use conflicts with cleaning, renovating activities, and if necessary personnel are not available for supervision.

10) Proof of insurance is required for authorized public agencies, schools and colleges, youth groups, civic and service organizations, and other applicants organized for cultural, educational or recreational activities. Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance evidencing liability coverage with limits of not less than \$1,000,000. The certificate must identify Kern Community College District as additional insured and be accompanied by an endorsement.

Government agencies which have self-insured programs must provide a hold harmless statement along with proof of self-insurance for all events.

11) The District/College will assume no obligation in the event that a change of day or time is requested once an application has been approved. The District/College reserves the right to cancel prior to the event as a result of extenuating circumstances.

12) Applications shall originate with the established and responsible organizations. An officer or official representative of the organization must sign the agreement.

13) Application for use of District property by applicants not covered by the law will be considered on an applicant basis as provided by law, Board Policy, and the effect upon the District's operations.

Classification of Groups for Fee Assessment

Instructional Use: Facility uses for (or in conjunction with) requirements of classes, approved by the appropriate supervisor, are not to be charged.

1) Group I (College Program--excess costs only) authorized District/College staff, students, and foundations which support the mission of the District, will be afforded the highest priority and shall be granted use of District/College property without charge, except if any use requires excess costs. A charge for such services may be made. A request from a District/College staff member or student organization may be charged for services when the use of facility is for events or functions which are not part of a class or instructional program.

Excess costs may include opening and closing a facility if no District/College employee is available to perform that function as a part of his/her normal duties; supervision if that employee would not normally be present as part of his/her normal duties; custodial services that would not have otherwise been performed as part of the normal custodial work cycle; outside normal operating hours; and cost of utilities directly attributed to the organizations use of the facilities.

If an event is co-sponsored by a group not associated with the Kern Community College District, proof of insurance shall be required by such applicants providing the Kern Community College District with a Certificate of Insurance. This Certificate of Insurance will provide liability coverage with limits of not less than \$1,000,000. The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.

2) Group II (Rental charge, actual costs, plus excess costs) applicants for authorized public agencies and nonprofit organizations organized for cultural, educational or recreational activities. (Proof of nonprofit status may be required.) Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance provide liability coverage with limits of not less than \$1,000,000. The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.

Facility rental includes opening and closing of facility, light custodial work and supervision. The custodial and grounds department will determine charges for extraordinary custodial set-up or clean-up.

Events for non-profit organizations whose purposes are to improve the general welfare of the local community and charge no fees or admission for such events will fall under the Group I category.

3) Group III--Commercial, for-profit entities and other applicants not covered by the law, will be charged Group II rates (rental charge, and actual costs, plus excess costs). College and District business officers are also authorized to negotiate with these applicants' agreements which have Group II rates as a minimum and allow for a percentage of gross revenue. Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance provide liability coverage with limits of not less than \$1,000,000. The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.

Facility rental includes opening and closing of facility, light custodial work and supervision. The custodial and grounds department will determine charges for extraordinary custodial set-up or clean-up.

Events for non-profit organizations whose purposes are to improve the general welfare of the local community and charge no fees or admission for such events will fall under the Group I category.

Fees for commercial photography and motion picture filming are not limited to the above fee schedule and may include overall campus use fees as negotiated with the applicant based upon overall impact on the District/College.

Regulations Pertaining to Use of District/College-Managed Property

1) The official representative must be an officer of the group I or II or present written authority from the organization making application for use of District/College property and shall be responsible for all damage or loss of District/College property.

2) All applicants are expected to observe District/College regulations, policies, and procedures.

3) All applicants shall provide supervision sufficient to assure compliance with law and District/College regulations. These applicants are also responsible for providing law enforcement officers when required to ensure crowd, parking, and traffic control. When required, an applicant must submit two copies of a proposed facility plan to the facilities coordinator at least 30 working days prior to the scheduled event date. Upon receipt of the floor plan, the District/College and the Fire Marshal will review it and make necessary recommendations if necessary. All proposed floor plans must be to scale. Applicants are not to assume that the facility plan is acceptable until they have received an approved copy of the plan.

All events that expect more than 50 in attendance must be reviewed by the security office for security arrangement recommendations. The applicant may be required to submit a security plan for approval at least 20 days prior to the date scheduled for the activity and may be required to furnish and/or pay for security personnel, depending on the type of event and number of attendees. All security-staffing requirements are subject to the

approval of the security office and will be set in a manner, which is fair and reasonable to the applicant but protects the interests of District/College.

These applicants are also required to provide ticket takers & ushers to properly staff each event. The applicant shall provide all badges for all personnel. Any sporting event, concert, or large gathering may require ambulatory services.

If management determines that a search is necessary for the given event, the applicant of that event will be required to pay for additional staffing. The security office will determine the exact number of staff that will be used as well as the costs.

Applicants are responsible for payment of all parking fees and must observe all parking regulations

Any vehicles that are not designated campus vehicles are required to have a security issued permit to drive on campus.

The District/College is not responsible for articles left on District/College property. The applicant should secure valuable items, or the applicant should provide additional 24-hour security. All security arrangements must be approved by the security office.

Immediately call 911 for all medical emergencies and, along with any damages to facilities and property, must be reported to the security office.

4) A District/College employee shall be on duty on campus whenever a facility is being used and shall have full charge of the property being used.

5) All organizations on-campus or off-campus must have a responsible adult sponsor/advisor sign as the official representative, and this representative must be present during the use to provide supervision. This regulation applies to student applicants.

6) Any request by a non-District/College applicant, or any event generating revenue for a non-District/College purpose will be categorized as a non-District Use (Group II). In the case of co-sponsored events the following applies: all applicants generating revenue for non-District/College programs: Group II fees apply:

For co-sponsored events where all revenues go directly to District/College programs then Group I fees apply.

No facility rental fee will be charged when college programs are fund-raising for college operations, and will be considered as a Group I. The details of such arrangements; including handling of cash; must be communicated in writing prior to the event and approved by the Chancellor, College President, or designee. An additional requirement of this classification is that all gross revenues are deposited in the college or foundation accounts.

Stadium user maintenance fees; including excess costs still apply for these Group I activities such as the cost of utilities and additional labor for such events.

No facility rental fee will be charged, when reciprocal arrangements for facility use have been worked out with other applicants. The details of such arrangements must be communicated in writing and approved by the Chancellor, College President, or designee.

7) The use of tobacco products is prohibited in all District/College buildings and only in designated outside areas. Possession of alcohol, drugs, firearms, fireworks, and other weapons are not permitted in or on District/College property. It is the agreement holder's responsibility to enforce this provision. No person, while in or on District/College facilities or property shall possess, consume, give, or deliver to any other person any alcoholic beverage, other intoxicants or narcotics. Alcoholic beverages may be served if approved by the District/College or its authorized representative. Fireworks may be used if coordinated, provided and discharged by licensed pyrotechnic entities and approved by the District/College or its authorized representative.

Applicants requesting to serve alcoholic beverages on campus must submit an Alcohol Serving Event form to the Facilities Scheduling Office at least 30 days prior to the scheduled event. District/College policies on serving alcoholic beverages on site must be adhered to at all times.

8) District/College recognizes that its image and reputation are part of what makes renting the Kern Community College District's facilities desirable to community organizations and others. To protect that image and reputation, the Kern Community College District or its designee reserves the right to approve the content of all events or programs and any publications, signage and advertising related to those events or programs held in the District/College facilities or on its property. Likewise, any use of the District/College logo in conjunction with an event or program requires the consent and approval of District/College Public Relations office. Promotional and advertising materials used on campus must be removed immediately after the event by the person sponsoring the event or by the District/College at the sponsoring organization's expense.

No advertisement, printing, or sale of tickets is permitted prior to approval of the application and receipt of deposit for the facility.

9) No alterations or physical changes shall be permitted in any building or on any landscaped areas. Decorations must meet fire safety regulations and shall be erected and removed in a manner not destructive to the property. Fire Department regulations prohibit the use of lighted candles, torches with open flame or fire of any type on District/College premises. A California State Fire Marshal flame-retardant certificate will be required for any questionable materials.

When determined by the Fire Marshal, stand-by personal may be required and the District/College will invoice the cost for stand-by personal to the applicant.

All electrical cords must be hung or displayed in a safe manner. Electrical wiring must be grounded and UL listed. Extension cords may be used provided they are plugged directly into an outlet or an approved power strip. Extension cords shall not be plugged into another extension cord. Cords shall be taped down to prevent them from becoming a trip hazard. No extension cords will be provided.

No structures may be erected, attached to or assembled on District/College premises or

may any electrical mechanical or other equipment be brought thereon unless authorized by the Chancellor, College President, or designee. Equipment used for events is subject to inspection and approval by District/College personal. Safe working conditions must be observed.

Decorations are not permitted on ceilings, painted surfaces, columns, fabrics, portable folding partitions, decorative walls, or fire sprinklers.

All physical arrangements and set-up information must be presented to the facilities coordinator when the application is submitted. Any changes or additions must be approved and submitted no later than a minimum of ten (10) working days prior to the event. The applicant is encouraged to provide this information as far in advance as possible in order to help ensure maximum efficiency and economy.

The facilities coordinator will determine if additional equipment will require ordering from an outside company: such as tables/chairs, etc.

No goods or services may be sold on the District/College sites without prior approval.

Keys to facilities shall be assigned only to employees of the District/College and only such employees shall open a building and facilities. Within a building, authorization is only given for entrance to specific areas and use of specific facilities.

Performance material content is subject to review. Applications may be denied based on information gathered from other sources regarding performers on-stage and back-stage practices.

All persons using District/College facilities must comply with local ordinance code on amplified sound. The person signing the agreement for the sponsoring organization is responsible for controlling sound to those standards. Amplified sound must cease between the hours of 10:00 p.m. through 9:00 a.m.

Amplified sound on campus during normal instructional hours should not exceed 80 decibels. The level of amplified/or sound must be limited to reach only the immediate audiences. Sound checks must be conducted only during the hours amplified/or sound is allowed and approved for.

Speakers must be positioned carefully in order to prevent sound from disturbing persons not in the immediate area. Atmospheric conditions, buildings and the surrounding terrain can greatly influence the effect of amplification. The set-up should be carefully checked before each event and monitored occasionally during the event by the applicant.

10) All events at the field level of the College Stadium will provide a portable accessible toilet and lavatory accommodations per code for nondisabled persons and individuals with disabilities. This accommodation will be provided at your expense.

Minimum levels of heat, air conditioning, and lighting following prevailing safety codes will be in effect in all common areas during set-up, event and clean-up.

All applicants are financially responsible to the District/College for all electrical and

utility services provided to the applicant.

11) The District/College will provide all on-site food and beverage services on an exclusive basis for all scheduled activities. Catering services can also be provided for exhibitors, staff, etc.

The Food Services Director reserves the right to utilize reasonable available space for the sale of concession items. The Food Services Director reserves the right to determine the number of food or alcohol concession stands/booths that will be operating.

Food and beverage may not be brought onto the premises of the District/College for the purpose of distribution to patrons without the expressed written permission of the Food Services Director. Applicants bringing food to a facility shall be responsible for compliance with all health and safety regulations.

Coolers and or similar containers are prohibited.

12) The College reserves the right to deny any application or revoke any agreement at any time if actions resulting from such application or permission may be harmful to the best interest of the District/College or if there is a conflict with any previously scheduled event. The District/College, at its discretion, has the right to cancel and terminate an agreement immediately and without notice upon its discovery of a violation of any term, condition, or provision of the agreement on the part of the applicant. Should any such violation occur, the District/College, at its discretion, shall have the right to deny any future requests by the applicant for the use of any other District/College property or facilities.

The Chancellor, College President, or designee reserves the right to deny use if, in its judgment, such use would cause disturbance in or annoyance to the surrounding neighborhood.

13) Clearance for the use of District/College property must be obtained from the Chancellor/College President or designee.

14) All references to the "appropriate District/College administrator" in the use of property policy and procedures shall mean the Chancellor/College President or his/her designee.