

Administration Procedure 6700

Civic Center and Other Facilities Use

I. Responsibilities

Each President is responsible for the Civic Center Program at their college and the Deputy Chancellor and Chief Operating Officer is responsible for the Civic Center Program at the District Service Center (DSC) by:

- A. Identifying those Civic Center Facilities which may be used by the public when such use does not conflict with District programs and operations. A Civic Center is defined as a public-school facility or community college campus that can be used by organizations and the public for meetings and activities.
- B. Directing public use of those facilities
- C. Administering appropriate charges as defined in District policy. At the close of each academic year, the college presidents shall review the facility use rate schedule and provide recommended revisions for the next school year to the Chancellor.

II. Delegation

Each president shall designate the business manager to administer the facility use program under their authority. The business manager (or the Chief Operating Officer at the DSC) so designated shall:

- A. Provide information to prospective users of the facilities;
- B. Review applications, establish all related costs and maintain financial records for accountability purposes for each facility use;
- C. Obtain all necessary documentation related to each facility use;
- D. Coordinate scheduled uses of facilities with other appropriate campus/District offices involved;
- E. Prepare annual reports of all campus facilities uses.

III. Regulations

- A. The Colleges or the District reserve the right to deny an 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 College or District or if there is a conflict with any previously scheduled event. The College or District, 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 College or District, at its discretion, shall have the right to deny any future requests by the applicant for the use of any other College or District property or facilities.
- B. Except as provided by Board Policy or Administrative 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.

- C. Alcoholic beverages and controlled substances are prohibited on all Peralta Community College District property and within the District's facilities. Alcoholic beverages and controlled substances are prohibited on all Peralta Community College District property and within the District's facilities. As provided by state law and pursuant to Administrative Procedures 3560, permission may be requested for an exemption to the prohibition against alcoholic beverages if authorized by the Chancellor or College President.
- D. The completed Civic Center application must include a certificate of insurance and a hold harmless and indemnification agreement by the user group accepting financial responsibility for any losses, damages, or injuries incurred as a result of their use of the facilities. The approved permit must be available for inspection by security and district personnel during the event.

IV. APPLICATION AND APPROVAL PROCESS

Application fee: A \$25.00 application fee must be paid for each request before processing begins. If a Nonprofit User renter is granted free use of the facilities, the application fee will be waived or refunded. If a Nonprofit User renter is eligible for Nonprofit User charges, the application fee will be applied to the charges incurred. A facility use application is not considered approved until all of the following steps have been completed.

- A Obtain an Application for Use of College Facilities form from the Business Manager at the appropriate college or the Chief Operating Officer at the DSC.

Berkeley City College (510) 981-2840
 College of Alameda (510) 748-2211
 Laney College (510) 464-3232
 Merritt College (510) 434-3947
 District Service Center (510) 466-7346

- B. Pay the \$25.00 application fee at the time the completed application form is submitted. **The completed application should specify services, equipment, and facilities setup or preparation being requested.**
- C. Pay a \$200.00 security deposit if appropriate. This deposit may or may not be charged to Nonprofit Users, depending on the nature and scope of the event and the facility requested. All other Users are required to pay this security deposit. If a security deposit is made, it will be refunded, or applied to total charges, if, after inspection at the conclusion of the use, it is determined that the facility is in its original condition. College presidents may increase the amount of the security deposit for profit-making activities if the number of expected attendees exceeds 200.
- D. Provide a copy of appropriate insurance certification or purchase appropriate insurance through the college where the facility is to be used.
- E. Obtain written confirmation of facility availability from the appropriate college. **Renters should not publicize their event until written confirmation is received.**
- F. Pay all applicable charges in full at least ten (10) working days prior to the scheduled event. This includes all personnel, rental and equipment fees.

V. REFUND POLICY

All fees except the \$25.00 application fee are refundable if the event is canceled more than ten (10) working days before the scheduled event. The application fee is not refundable. If an event is canceled less than ten (10) working days before it is scheduled to occur, 75 percent of the fees will be refunded. Security deposits are fully refundable if the event is canceled, regardless of the date of cancellation.

Nonprofit Users will be refunded all charges paid. Refunds will be paid within three (3) weeks of written notice of cancellation.

VI. SCHEDULE OF PERSONNEL SERVICES CHARGES

Users may be charged for personnel services when the personnel are not regularly on duty. If the event is scheduled at a time when personnel are not normally on duty (such as evenings and weekends), the user shall be charged only for personnel necessary to open and close the facility, supervision, and janitorial service. The charge for such personnel shall be that necessary to cover anticipated costs of the normal hourly rate paid for the job classification, plus overtime and benefits if applicable. A minimum of four hours of work for each employee must be charged in accordance with contractual agreements with employees if the schedule of work involves a "call-back" (requiring the employee to report for work at a time not within or contiguous to his or her regularly scheduled shift).

Even if a user of facilities does not request District personnel, the college president may deem it necessary to have District personnel at the event, in which case the user will still be responsible for the costs incurred. Charge for each employee per hour is a flat \$25.00 for any type of service provided.

Direct costs for rentals shall include costs of supplies, utilities, custodial services, and services of any other District employees' salaries paid to 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, shall also include the costs for maintenance, repair, restoration, and refurbishment of college facilities and grounds used by the group.

Nonprofit Users Rate (NPU): Public agencies, colleges, non-profit private organized community groups such as youth track club.

Fair Rental Value Rate (FRV): Any group that is not part of the groups referenced above and for-profit groups.

References:

Education Code Section 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

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