



1000 - Use of District Facilities

Policy

The Board of Trustees permits community use of District and College facilities when such use does not interfere with District or College activities.

Although the use of District/College facilities will normally be limited to recognized nonprofit organizations, which have or are eligible for Internal Revenue Service tax exempt status, the Board of Trustees may approve the use of District/College facilities for private profit-making purposes on a case-by-case basis.

No person while in or on District/College buildings or grounds shall possess, consume, give or deliver to any other person any alcoholic beverage, other intoxicants or narcotics. Exceptions may be granted to serve wine in conjunction with events (fundraisers) sponsored by the Modesto Junior College Foundation and/or the Columbia College Foundation as provided in the Business and Professions Code, Section 25608. These exceptions require prior approval of the College President and the District Chancellor.

Reference: *Education Code Section 10900-10902, 82537, 82548, Business and Professions Code Sections 24045.4, 24045.6, and 25608*

Adopted: June 28, 2004

Revision Adopted: August 9, 2006; October 14, 2009

Procedure

I. Priorities For Use of Facilities

Groups qualifying for use shall adhere to policy of the Yosemite Community College District Board of Trustees and to established regulations. In order to prevent conflict among groups which seek to use facilities at the same time, the following priority system has been established:

- A. College groups, including student and employee organizations
- B. Public Schools, including recognized parent organizations
- C. Nonprofit in-district groups
- D. Nonprofit out-of-district groups
- E. Commercial enterprises (when approved by the Board of Trustees).

Use of facilities is denied to individuals and organizations which advocate overthrow of the government by unlawful means.

Use of facilities shall be consistent with designed use of facilities for District/College purposes.

II. Facility Fees

A. Facility Use Without Charge

In accordance with the Civic Center Act, no charge will be made for the use of facilities when an alternative location is not available by the following groups: Parent Teacher Associations, Camp Fire Girls, Boy Scout and Girl Scout Troops, or school-community advisory councils.

All meetings or events qualifying under these provisions shall be nonexclusive, open to the public, and free of charge (no admission fee, contribution, or membership fee shall be solicited).

Special equipment or services required (such as technicians) will be charged at actual cost.

For students and/or employees organizations, there may be a custodial/security/utility fees.

III. Fees for Educational Users

A fee schedule is in effect to cover facility rental by public and private educational users (such as service area high schools, elementary schools and four-year institutions).

IV. Fees for Nonprofit Use

A charge for the use of facilities will be made to nonprofit organizations with current IRS tax exempt status. A copy of the facility fee schedule is available from the College Facilities/Events Coordinator or designee.

V. Fees for Fair Rental Charge

A fair rental fee will be charged to organizations not qualifying for nonprofit status. Such event must be of an educational, cultural, or recreational nature which otherwise would not be available in the community.

VI. Denial of Permits

- A. Activities prohibited by law.
- B. Denial because of Violation of District Regulations.

The District and/or College, at its discretion, shall have the right to cancel and terminate a permit immediately and without notice upon its discovery of a violation of any term, condition, or provision of the permit on the part of the permittee. Should any such violation occur, the District and/or College, at its discretion, shall have the right to deny any future requests by the permittee for the use of any other District and/or College property or facilities.

VII. Schedule of Charges

Charges shall include services of at least one District/College employee to open the facility, be available during the period of use, and to close the facility. Charges also shall include time to prepare the facility and clean up after usage.

If, in the opinion of the District/College or at the request of the using organization, additional services such as technical, security, etc., are required, an additional charge for each employee shall be made. A schedule of rates is available from the College Facilities/Events Coordinator or designee.

Payment of all fees will be made to the appropriate college business office upon receipt of statement. Billing questions should be directed to the College Facilities/Events Coordinator or designee.

A certificate of insurance naming the Yosemite Community College District as an additional insured in the amount of One Million Dollars single limit, including a “hold harmless” clause for “any acts or omissions” in favor of the Yosemite Community College District is required and shall be presented to the College Facilities/Events Coordinator or designee at least seven days prior to the date of such property use. Organizations may obtain liability insurance coverage through the district according to the event. This information is available from the College Facilities/Events Coordinator or designee and the District Fiscal Services office.

In a case of a company or show which carries stage scenery and equipment and/or which brings a stage crew for purposes of staging a show, and in other cases determined by the District/College, a guarantee deposit in an amount to be determined by the District/College, depending upon the facility used, shall be placed with the District/College. Damage to District/College equipment, and/or property occurring during and by reason of the use and/or occupancy of the premises, shall be paid for from this guarantee deposit. The balance, if any, shall be returned to the organization. If the guarantee deposit is not sufficient to cover the damage, the group shall be liable for the difference.

Damages. Permittee and/or lessee shall be responsible for and shall pay for any repairs or replacement of any character whatsoever which are occasioned or made necessary by reason of the negligence or misuse of said premises. Damage occasioned by acts of God is excepted.

Cancellation by Permittee. Facilities shall be held available for the permittee until one-half hour after the time designated in the permit for the meeting to begin. Notification of cancellation of usage must be received at least 36 hours prior to the time for scheduled use. All cancellations shall be reported to the permit-issuing office.

VIII. Leases

District/college buildings, grounds, and facilities may be leased from the Board of Trustees as long as such property is not needed for District/College purposes during the term of the lease. Rental for property leased shall be the fair rental value as determined by a rental schedule adopted by the Board of Trustees.

Applications for leases shall be made to the Yosemite Community College District Fiscal Services after lessee ascertains from the College President or designee that the facility is available.

All general terms for use of facilities apply to leases except the requirement for meetings to be open to the public.

Lessee agrees to take out and keep in force during the life hereof at lessee’s expense public liability and property damage insurance against any liability to the public, incidental to the use of or resulting from any accident occurring in or about said premises, in the amount of ONE MILLION DOLLARS (\$1,000,000) single limit. Said policy shall name the Yosemite Community College District as an additional insured and be placed on file with lessor, and lessee is to obtain a written obligation on the part of the insurance carriers to notify lessor in writing prior to any cancellation thereof, and lessee agrees if lessee does not keep such insurance in full force and effect, that lessor may take out the necessary insurance and pay the premium and the repayment thereof shall be deemed to be part of the rental and payable at once.

The District, at its discretion, shall have the right to cancel and terminate a lease immediately and without notice upon its discovery of a violation of any term, condition, or provision of the lease of the part of the lessee. Should any such violation occur, the District, at its discretion, shall have the right to deny any future requests by the lessee for the lease of the District/college property which is the subject of this lease, or for any other District/college property of facilities.

IX. Requirements and Conditions (For Use by Permit or Lease)

- A. Applications under the Civic Center Act shall originate with established and responsible organizations in the District.
- B. All meetings under the Civic Center Act shall be open to the public.
- C. No use will be inconsistent with the purpose for which the facility was designed nor inconsistent with use of facilities for school purposes nor interfere with regular school work.
- D. No use shall be granted in such a manner as to constitute a monopoly for benefit of any person or organization.
- E. No usage or entertainment shall be permitted which reflects in any adverse way on any persons because of race, color, age, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, religion, sex, gender, or national origin.
- F. District/college premises shall not be used as political campaign headquarters.
- G. Facility use permits shall not be issued for a period exceeding one semester or quarter. Long-term facility use permits are not valid on holidays unless specified when the request is made.
- H. Applications for use shall be filed at least two weeks in advance of the proposed usage.
- I. Any facility or equipment usage is limited to that listed on the application and contract. Special requirements must be requested in writing at least two weeks prior.
- J. A District employee shall be fully in charge of any facility being used.
- K. No promotional or advertising materials shall be sold without prior approval.
- L. No goods or services may be sold on the college campus without prior approval.
- M. Concession operation approval must be obtained from the college.
- N. Organizations shall not use the name of the District or any of its Colleges, facilities, or equipment to sell a commercial product or to promote personal service to gain financial or material advantage.
- O. No group may use a College swimming pool unless an approved lifeguard(s) (holder of a Red Cross Life Saving Certificate) is on duty. Red Cross water safety regulations shall be observed.
- P. The user at all times during the use and occupancy of the premises shall thoroughly comply with all ordinances, laws, and regulations affecting the use and occupancy thereof, including all state and local fire, health, and safety laws, ordinances, and regulations.
- Q. Smoking is prohibited in all District facilities.
- R. Lighted candles and any devices having any form of open flame are prohibited; any material or device which constitutes a fire hazard is expressly prohibited.
- S. The possession and carrying of firearms and weapons of any kind on District/College premises shall be subject to Procedure 2530 – Weapons on Campus.

- T. No person while in or on District/College buildings or grounds shall possess, consume, give or deliver to any other person any alcoholic beverage, other intoxicants or narcotics. A person convicted of a violation of this section, in addition to the penalty imposed for the misdemeanor, shall be barred from further use of the facilities. (Business and Professional Code, Section 25608)
 - U. No structures may be erected or assembled on District/college premises nor may any electrical, mechanical, or other equipment be brought thereon unless authorized.
 - V. No activity shall be conducted which constitutes a violation of any federal, state, or local law.
 - W. The District/College is not responsible for articles left on school property.
 - X. Use of facilities for dances shall be restricted to events sponsored by the colleges.
 - Y. The District/College reserves the right to cancel facility use permits at any time without notice.
 - Z. The District/College reserves the right to reject at any time an application for use of District/College facilities from any organization which proposes an activity which could cause potential damage or which the District/College determines would not be in the best interests of the District or the community.
- AA. No food or drink will be allowed in classrooms.

X. Procedure for Requesting Facility Use

A. Columbia College

Application is to be made with the Facilities Rental staff, Instructional Materials Center (IMC), 11600 Columbia College Drive, Sonoma, CA 95370.

B. Modesto Junior College (College Avenue and Blue Gum Avenue Campuses)

Application is to be made in the Facilities Office, C. S. Morris Memorial Administration Building, East Campus, 435 College Avenue, Modesto, CA 95350.

C. Yosemite Community College District

Application is to be made in the Chancellor's Office, District Office, 2201 Blue Gum Avenue, P.O. Box 4065, Modesto, CA 95352.

Procedure Last Revised: 04/11/07, 8-13-09