

USE OF COLLEGE FACILITIES

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, college Presidents or their designees, 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 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 Chancellor is responsible for the coordination and implementation of this procedure. The Chancellor or his/her designee 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.

USE UNDER THE CIVIC CENTER ACT

(Education Code Sections 82537 through 82548)

Eligible persons or groups 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 these rules and regulations.

The groups identified in Education Code Section 82542(a) (see page 9) 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 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, 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.

Pursuant to Education Code 82542, 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 mutually deemed necessary to meet the needs of the community.

USE OF FACILITIES BY EMPLOYEE ORGANIZATIONS

Employee organizations may distribute organizational literature on District property exclusive of work areas provided there is no interference with District business. No one shall be allowed to distribute materials in a manner which distracts employees while performing their duties. Literature and similar materials may be distributed only in site locations(s) designated by the Chancellor or college President.

Posting of organizational recruiting notices, posters and similar materials will be permitted only on designated bulletin boards or other appropriate areas as determined by the Chancellor or college President. Space and time limitations may be invoked if necessary.

Employee organizations may use designated bulletin boards to announce meetings.

Advance requests for use of District facilities must be made, in accordance with established District procedure, whenever an employee organization wishes to schedule a District facility to conduct organizational meetings and related activities. No rental charge will be made for use of District facilities immediately before or after the work day. After 5:00 p.m., any additional cost to the District for services shall be charged to the employee organization using the facility.

PRIORITIES FOR USE OF FACILITIES

To provide maximum use of college facilities and to minimize the potential for conflict, the following priorities are established:

1. First priority is reserved for the college's educational program and for college events.
2. Second priority will be given to youth groups, civic and service groups, and other groups organized for cultural, educational or recreational activities.
3. Third priority will be given to public agencies and schools and colleges when the purpose of the use is educational.
4. Last priority will be given to private organizations.
5. Organizations within the District will have priority over those from outside the District.
6. In order to present a diversified program of community services, it may be necessary to give priority to requests from groups which have not previously used college facilities.
7. Priorities shall be maintained in such a way that no group will monopolize the use of a facility.
8. Once an application has been approved, the use shall not be preempted by another applicant with higher priority.

SCHEDULING OF FACILITIES

1. Applications for use of college facilities may be obtained from the office designated by the college President (Exhibit A).
2. The college President or designee shall be empowered to approve or disapprove the application based on the appropriateness of the activity and the availability of the facilities for the specified

- dates and times and to issue the permit.
3. Applications for use of college facilities should be filed at least thirty calendar days in advance of the time the use of the premises is desired. Unless unusual scheduling problems are involved, the college will not schedule use of facilities for more than three months in advance and applications shall not be accepted more than six months in advance of use. Use permits shall not be issued for a period exceeding one fiscal year.
 4. Organizations wishing to use facilities during the summer months may make application at any time during the year but these applications will not be processed before April 1 of each year.
 5. The date of payment established on the permit for facility, equipment or labor rental fees shall be honored by the applicant.
 6. The applications must include all requested facilities and equipment. The designated office will make arrangements for personnel to operate equipment requiring skilled operators. Facilities and equipment not listed on the permit are not to be used, except rest rooms.
 7. Permits to use facilities are for the dates and time specified. The college assumes no obligation in the event that a change of either dates or times is requested. The users shall not arrive before the time authorized on the permit and shall leave the college premises at the permit expiration time. Rental costs shall cover the specified hours, except there shall be no hourly rental charge for set-up time approved in advance of the specified hours or clean-up time following use.

SPECIAL REQUIREMENTS AND CONDITIONS FOR USE OF FACILITIES

1. Any persons applying for use of District property on behalf of any club, organization, corporation, association or other group shall be a member of same and, unless he or she is an officer of the club, organization, corporation, association or group, must present written authorization to represent the same with respect to the application. 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 the District or present evidence (certificate of insurance, organizational articles of incorporation, meeting minutes etc.) that such person has the authority to bind the club, organization, corporation, association or other group to an agreement to be held financially responsible in the case of loss or damage to the District.
2. No Group or organization may use District property to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, military or veteran status, disability, gender, gender identity, gender expression, or sexual orientation, or perception that a person has one or more of the foregoing characteristics, or because a person associates with a person or group with one or more of these actual or perceived characteristics, or on any basis prohibited by law.
3. The group using college facilities understands and agrees that it will not exclude the general public from its meetings or recreational activities. However, if interference by nonmembers is more than minimal, as determined by the person in charge of the meeting or recreational activity, the organization may take appropriate steps through the use of law enforcement officers or other legal remedies to eliminate such interference.
4. Whenever a college facility is being used, a college employee shall be on duty and shall be responsible for supervision of the facility.
5. The use or possession of narcotics, dangerous drugs, alcoholic beverages or gambling equipment on college property is expressly prohibited. Any person under the influence of intoxicating liquor, narcotics or drugs shall be denied opportunity to participate in any way.
6. Groups using college facilities shall conform to all city and county ordinances and fire regulations.
7. Decorations must be flame-proof and shall be erected and taken down in a manner not destructive to property. The use of any material or device which constitutes a hazard, as determined by the college, is expressly prohibited. All decorative materials, including but not limited to draperies, curtains, and drops shall be made or treated with flame-retardant processes approved by the State Fire Marshall.
8. Display materials used or distributed on campus must be approved by the designated office and

- must be removed immediately after the event.
9. Restrictions regarding smoking, eating, and drinking in particular rooms and buildings must be observed.
 10. Groups with minors in attendance shall provide their own chaperons. The number required shall be determined by the college.
 11. The college may require as a condition for approval of an application that the applicant cover cost of security officers as are determined necessary by the designated office.
 12. The college reserves the right not to provide heat or air conditioning for any facility. If the college agrees to provide heating or air conditioning service, the user shall be assessed costs equal to the actual or estimated costs incurred in starting up or shutting down that facility.
 13. No structure, electrical modifications or mechanical apparatus may be erected or installed on college property without specific written approval by the college President. The user is liable for the care and protection of college property and facilities and will be charged for any damages sustained to the premises, furniture or equipment because of the occupancy of the college premises.
 14. The user shall be held responsible for any and all loss, accident, neglect, injury or damage to person, life or property which may be the result of, or may be caused by the user's occupancy of the facilities or premises, and for which the District might be held liable. The user shall protect and indemnify the District, the Board and/or any officer, agent or employee of the District and save them harmless in every way from all suits or actions at law for damage or injury to persons, life or property that may arise or be occasioned in any way because of the occupancy of the facilities or premises, regardless of responsibility or negligence.
The District shall require the furnishing of a certificate of liability insurance by the user in an amount of no less than one million dollars for all uses other than small group meetings or dinners, naming the District as an additional insured during the use of the facility by the user.
 15. Keys to facilities shall not be issued to any group not officially connected with the college.
 16. Cancellation of requests for use of college facilities should be made at least forty eight hours prior to the scheduled use. Failure to provide this notice of cancellation will be considered when future requests for use of facilities are made.
 17. The college President may cancel or revoke any permit for any of the following:
 - a. if there is a conflict with a college function.
 - b. if the group fails to comply with rules and regulations established by the college.
 - c. if the conduct of the group is unsatisfactory.
 - d. if any youth group meets without satisfactory adult supervision.
 - e. if there are any overdue fees for rental labor costs or damages.
 - f. if incorrect or misleading information has been given on the application.
 18. No employee of the District may accept any gift or gratuity of any kind from any group using college facilities under any circumstances.

REGULATIONS GOVERNING SPECIFIC FACILITIES

Smoking, food and beverages are prohibited in the locker buildings, gymnasium, the pool area and the physical education multi-purpose building.

All uses of the following facilities shall be under the supervision of a college employee or employees.

1. Swimming Pool
 - a. Users shall be required to pay the salary cost of any additional employees in accordance with the schedule of fees.
2. Baseball Field
 - a. The use of the baseball field by community groups is limited to the period between May 15 and September 15 of each year.

- b. The main diamond can be used for league or tournament games only; practice sessions will be scheduled on other athletic playing fields.
 - c. Public toilets will be opened for scheduled games only.
 - d. Specialized facilities, such as batting cages, press box and scoreboard are not available except for championship games.
 - e. Users will be required to pay the labor cost for infield preparation.
 - f. All scheduled use must recognize the need to maintain and water the facility.
 - g. Only games using 90-foot base lines will be permitted.
3. Football Stadium and Track
- a. The use of facilities involving spectators for football, track and soccer will be limited to the stadium and track.
 - b. The use of the stadium playing surface will be limited to activity participants. Spectators will not be permitted on the playing surface.
4. Gymnasium
- a. The use of the gymnasium for other than basketball games during the college basketball season between November 1 and March 1 shall be limited.
 - b. Community events, such as dances, light shows, jazz festivals, folk festivals, circuses or similar events should not be held in the gymnasium.
 - c. Nothing shall be used on any floor which will mar the playing surfaces in any way.
 - d. There shall be a minimum of 25 participants to qualify for community use of any part of the gymnasium.
5. Physical Education Multi-Purpose Building
- a. This building has specialized rooms for dance, weight training, gymnastics and combatives and the use of the building will be limited primarily to these activities.
6. Locker Buildings
- a. The locker building hourly rental fee includes the cost of the salary of the supervising employee.
 - b. Users shall be required to pay the salary cost of any additional employees in accordance with the schedule of fees.
7. Tennis Court and Archery Range
- a. These facilities will be limited to use for tennis or archery only. Bicycle riding and roller skating are expressly prohibited.
 - b. Only regular target archery equipment will be permitted (no hunting equipment, broadheads or blunts may be used).
 - c. Drop-in use is permitted. Children under 16 years, however, must be accompanied by an adult.
8. Other Playing Fields
- a. These fields are for activities such as touch football, softball, soccer, and field hockey and are primarily available for practice sessions or contests not involving spectators. Use will be limited generally to the above activities.
 - b. Golf practice and model airplane flying will not be permitted.
9. Cafeteria
- a. A cafeteria employee shall be present at all times the kitchen facilities are used by a non-college group. Use of kitchen facilities will be granted as follows:
 - (1) Special meals by cafeteria staff
The college President is authorized to have meals served to groups authorized to use college facilities under the terms of the Civic Center Use as outlined in this policy. The charge for food shall be made in accordance with the schedule established by the college President which shall include the costs of labor, food and operating expenses. In addition the group will be charged for rental and other fees in accordance with the schedule of fees.
 - (2) Limited Use--Light Refreshments: When the kitchen is used for light refreshment

service (coffee, tea, punch, cookies or doughnuts), the group will be charged for the supplies used and for rental and other fees as appropriate.

10. Performing Arts Center
 - a. Facilities use charges will be assessed according to the hours requested on the facilities use application. Any additional hours of use will be charged at the hourly rate, providing the facility is available.
 - b. Additional hours may be arranged based upon facility availability.
 - c. The college theater technicians must be on duty the entire time the facility is in use, for which the user will be charged the labor fee per the schedule of fees.
 - d. Users shall be required to pay the salary cost of any additional employees in accordance with the schedule of fees.
 - e. Eating, drinking and smoking shall be limited to designated areas upon special request.
 - f. An adequate number of ushers must be provided, the exact number to be based on expected attendance, type of event, etc.
11. Dance Policy
 - a. Requests must be made at least one month prior to dance and all paper work must be completed three weeks prior to dance. (The college President or designee will be the only person allowed to make an exception to this policy.)
 - b. In the case of all dances, a pre-dance planning meeting will be held with the Campus Police, Club Advisor or designee, Student Club representative, and musical representative. No flyers, leaflets or tickets will be distributed or sold until after this meeting.
 - c. Only students with a college identification or 18 years of age or older will be allowed to attend dance events. Identification will be checked at the door by members of the sponsoring group for all dances.
 - d. All attendees are subject to search for harmful objects or inappropriate items. Metal detectors may be used.
 - e. Club advisor(s) will be in attendance for the entire event. In addition, the advisor will be required to be present two hours prior to and two hours after dance.
 - f. Police will monitor vehicle and foot traffic at dance locations.
 - g. No in-and-out privileges.

GUIDELINES TO DETERMINE FEES FOR USE OF COLLEGE FACILITIES
(See next page)

GUIDELINES TO DETERMINE FEES FOR USE OF COLLEGE FACILITIES

CLASSIFICATION OF USER	RECREATIONAL USE	NON-RECREATIONAL USE	
		If No Money Collected	If Money Collected
1. Religious organizations include the following: Churches if use includes any religious activity Church-affiliated groups if use includes any religious activity	Fair rental value Equipment cost Labor cost	Fair rental value Equipment cost Labor cost	Fair rental value Equipment cost Labor cost
2. Community non-profit: Non-profit organizations Community agencies Clubs other than folk and square dancing Associations Auxiliaries Chamber of Commerce Alumni associations Political parties Church-affiliated groups if use excludes religious activity March of Dimes American Red Cross Boy Scouts Girl Scouts Camp Fire Girls Parent-Teacher Association Folk or Square Dancing Clubs Y.M.C.A. American Diabetes American Cancer Society Grey Panthers Retired Senior Volunteer Program	Usage cost Equipment cost Labor cost	Usage cost* Equipment cost* Labor cost	Fair rental value Equipment cost Labor cost*
3. Public agencies include the following: School districts University of California State Colleges and Universities Cities Counties State of California U.S. Government Special districts Legislators (for official functions) Other governmental units	Usage cost Equipment cost Labor cost	Usage cost* Equipment cost* Labor cost	Fair rental value Equipment cost Labor cost*
4. Private organizations include the following: Labor unions Private schools Private colleges and universities Commercial firms Private institutes	Fair rental value Equipment cost Labor cost	Fair rental value Equipment cost Labor cost	Fair rental value Equipment cost Labor cost

*May be waived by college President or location Business Officer.

Education Code 81378, 82537, 82542-82548

CONTRA COSTA COMMUNITY COLLEGE DISTRICT

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500 Court Street, Martinez California 94553
(925) 229-1000

CONTRA COSTA COLLEGE

2600 Mission Bell Drive
San Pablo, CA 94806
(510) 235-7800
www.contracosta.edu

DIABLO VALLEY COLLEGE

321 Golf Club Road
Pleasant Hill, CA 94523
(925) 685-1230
www.dvc.edu

LOS MEDANOS COLLEGE

2700 East Leland Road
Pittsburg, CA 94565
(925) 798-3500, (925) 439-2181
www.losmedanos.edu

APPLICATION FOR USE OF COLLEGE FACILITIES

I hereby make application for use of District facilities on behalf of the below named organization.

TYPE OF ORGANIZATION

Name of Organization _____

Religious

Address of Authorized Agent _____

Community Non-profit

Telephone Number/Email _____

Community Serv. Contractor

Person in charge (if different from above) _____

Private

Purpose of Meeting _____

Will an admission charge or collection of funds of any type be made as prerequisite to participation? Yes No

Yes No

If "Yes", what will the proceeds be used for? _____

Amount per person \$ _____

DATES DESIRED	HOURS		FACILITIES REQUESTED LOCATION/BUILDING	ROOM
	FROM	TO		

Number of Chairs _____ Number of Tables _____ Expected Attendance _____

SPECIAL SERVICES OR EQUIPMENT. Complete the schedule of fees form (Business Procedure 6.03 Exhibit A or B) if special services and/or equipment are needed. If special services and/or equipment are needed for persons with disabilities, please attach requests to the schedule of fees on a separate piece of paper.

I understand that the use of college facilities must be in accordance with the rules and regulations of the Governing Board of the Contra Costa Community College District including possibility of cancellation should the facilities be needed for the educational program. I further understand that in connection with the use of the facilities the organization named above is to pay the contra Costa Community College District as stipulated.

The above named organization and its members shall be held responsible for any and all loss, accident, neglect, injury or damage to person, life or property which may be the result of, or may be caused by the organization's occupancy of the facilities or premises, and for which the District might be held liable. The organization shall defend, save harmless and indemnify the District and its officers, agents and employees against all liabilities and claims for damages for death, sickness or injury to persons or property, including without limitation, all consequential damages, from any cause whatsoever arising from or connected with the organization's use of District facilities or equipment provided under this agreement resulting from the conduct, negligent or otherwise, of the organization, its agents or employees or their guests.

The County Assessor of Contra Costa County has invoked a possessory interest tax on all rentals of and other possessory interests in DISTRICT and other publicly -owned properties. This tax is mandatory by law and is levied on the Organization and not the property. (California Revenue and Taxation Code § 107 et seq.)

ORGANIZATION recognizes and understands that in accepting this rental agreement that his or her interest may be subject to a possible possessory interest tax that the County Assessor may legally impose on such possessory interest held by the ORGANIZATION, that such tax payment shall not reduce any rent due the DISTRICT, and that such tax shall be the liability of and be paid by the ORGANIZATION.

Signature of Authorized Agent

Date

An approved application is the permit to use the named facilities. The organization's representative in charge should bring the permit to each scheduled use.

FOR COLLEGE USE ONLY

Charges as indicated on the attached listing

Cancellation of approved applications should be made at least 48 hours prior to the scheduled use. Use of facilities charges will be invoiced if this notice is not provided.

____ Payment: _____ in advance by (date) _____ Or within seven (7) days of receipt of invoice

____ Certificate of insurance naming the District as an additional insured in the _____ Certificate of insurance waived
amount of (at least) **\$1,000,000.00** is on file with the college.

APPROVED DISAPPROVED

Signature of college President or Authorized Representative

Date