



AP 6700 Civic Center and Other Facilities Use

References: Education Code Sections 82537 - 82548;
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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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 Director of Facilities Planning and Management 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 or materials to be undertaken during the use.

The Director of Facilities Planning and Management or designee is responsible for the coordination and implementation of these procedures. The Director of Facilities Planning and Management shall determine all applicable fees to be charged in accordance with the current Facility, Equipment and Service Fee Schedule.

Outside the designated public forum areas (as defined in BP/AP 3900, Speech: Time, Place, and Manner), 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 to use District facilities, when an alternative location is not available, as described in the statute, upon payment not to exceed the following:

1. 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;
2. 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;
3. 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
4. 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 for the use of District facilities or grounds includes all of the following:

1. The share of the costs of supplies, utilities, custodial services, services of any other District employees, and salaries paid District employees to operate and maintain college facilities or grounds that is proportional to the organization's use of the college facilities and grounds of the District under the Civic Center Act.
2. The share of the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of the college facilities or grounds by the organization using the college facilities or grounds under the Civic Center Act. For the purposes of this paragraph, "college facilities" shall be limited to only non-classroom space, and "grounds" shall include, but not be limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts. The costs defined in this paragraph shall not apply to (1) Classroom-based programs that operate after school hours, including, but not limited to, after school programs, tutoring programs, or child care programs; or (2) Organizations retained by the District to provide instruction or instructional activities to students during school hours.

The following shall be charged fair rental value for the use of District facilities:

1. 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.
2. 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.

Co-Sponsored Activity Exception

A District organization, (e.g., department, office, program, club, etc.), may wish to co-sponsor an activity with an outside party or parties. The term "co-sponsor" means a non-commercial activity of an educational or community nature activity for which: the District is an announced and publicized co-sponsor with another organization or organizations; District personnel actively participate in the planning and management of the activity; and the District's Superintendent/President or designee, through the President's Leadership Team has approved.

When the District provides its name and resources to an activity, the District also takes on responsibilities and potential liability relating to it. It is critical that District employees have a

significant involvement with the activity planning and management from the beginning of the planning, so that they can actively reduce risks to the District.

Note that the exception applies only to rental fees and insurance requirements. If the event requires the District to incur other costs, for instance, such as the assistance of District maintenance or technology staff, those charges should be paid by the organization sponsoring the event.

Rules for Facilities Use

Requests for use of the District's Civic Center must be made at least 10 days in advance of the first date of use being requested. Requests shall be made to the Director for Facilities Planning and Management on forms provided by the District, Application and Agreement for Use of District Facilities. 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 Administrative Procedure.

This request requirement does not apply to groups intending to use available designated public forum areas for expressive activities. Rules applicable to those areas are described in Administrative Procedure 3900 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, 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 immediately upon receipt of the invoice from District.

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

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, or controlled substances, in any form shall be brought onto the property of the District, except as permitted by Board Policy and Administrative Procedure 3560 – Alcoholic Beverages. 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 Director of Facilities Planning and Management 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.

All advertising materials, signs, and placards must be approved by the Director for Facilities Planning and Management and/or the Executive Director for Institutional Advancement prior to posting.

Posting of signs, flyers, placards, or any similar printed material is prohibited on trees or other plants or objects in the landscape, lamp posts, exterior or interior walls, sidewalks, benches, windows or other surfaces not specifically designed for posting printed material.

College Police Review

The District may require College Police personnel as a condition of use whenever it is deemed to be in the District's best interests.

The Facilities Planning and Management Office shall forward the requests to the College Police liaison for review to determine public safety needs and staffing. The College Police Chief, or designee, shall have the final decision to the public safety staffing levels for specific events.

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, on or before July 1, 2005, and on or before July 1, biennially thereafter, meet with recyclers and with the solid waste enterprise "operator(s)" that provide 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:

1. 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.
2. 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 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 groups

Further Information

Questions should be directed to the Facilities Planning and Management Department, 530.895.2381, <http://www.butte.edu/fpm/>.

Exhibits

1. Application and Agreement for Use of District Facilities
2. Facility, Equipment, and Service Fee Schedule