

## 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 superintendent/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 superintendent/president is responsible for the coordination and implementation of these procedures. The superintendent/president shall determine all applicable fees to be charged, in accordance with the districts Facility Use Fee Schedule (Exhibit A).

Outside the designated public forum areas, the following shall apply: all non-district (as defined in Education Code sections 82537 and 82542) user groups shall be required to complete an [Application and Agreement for Use of College Facilities](#) available on the district website, including the district's prescribed hold-harmless and indemnification agreement acknowledging financial responsibility for any losses, damages, or injuries incurred by any person as a result of the use of the facilities. At the discretion of the district, user groups may 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. The Risk and Safety Manager furnish additional information and resources to assist with the necessary insurance requirements.

All facility-use applications shall be reviewed and approved by at least the appropriate site campus coordinator unless otherwise specifically designated below in the special priorities listings. The campus coordinator may forward the applications to the Director of Facilities, Risk and Safety Manager, and College Police Chief, or their designees, based on the request and type of event being scheduled. These additional reviewers shall be responsible to also identify any requirements and reimbursable costs related to the events. Any exceptions to the civic-center procedures and any long-term commitments must be approved by the appropriate site administrator.

### MiraCosta Community College District

Page 1 of 7

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Effective Date:	2/16/10, 3/12/13, 5/12/15, 2/10/22, 4/04/24
References:	Education Code §§82537, 82542 Public Resources Code §42648.3 Clark v. Community for Creative Nonviolence (1984) 468 U.S. 288, 104 S. Ct 3065, 82 L.Ed.2d 221 Title V §§59601 et seq.
CCLC Update:	#8, 2/05, #11, 8/06, #16, 4/09, #17, 2/10, #21, 9/12, #25, 11/14, #26, 4/15, #28, 4/16, #43, 10/23
Reference Update:	4/16, 5/15
Steering:	VPAS / N/A

The site coordinators are:

Oceanside Campus – Facilities Assistant

San Elijo Campus – Administrative Assistant to the Dean-San Elijo Campus

Community Learning Center – Admissions and Records Specialist-CLC

The site administrators are:

Oceanside Campus – Assistant Superintendent/Vice President, Administrative Services

San Elijo Campus – Dean

Community Learning Center – Dean

Listed below are the general and site-specific priorities that apply to the MiraCosta College civic centers.

### **General Priorities for All Campuses**

- A. Credit classes.
- B. Activities directly in support of credit classes (e.g., open lab hours).
- C. Community education and community services classes.
- D. Student life activities and club meetings (approved by the Student Life and Leadership Office).
- E. Other college departmental activities or college-sponsored activities.
- F. College-affiliated groups (e.g. MiraCosta College Foundation, Friends of the Library, MiraCosta Horticulture Club).
- G. Community nonprofits as defined in Education Code section 82542.
- H. Other community organizations and businesses.

### **Special Priorities Unique to the Oceanside Campus**

- A. Student Center Aztlan A/B: Ongoing classes of any type are not to be scheduled in these rooms. Community room is restricted, exceptions must be approved by the assistant superintendent/vice president, Student Services or their designee.
- B. Student Center Temescal: Only approved student life activities, sponsored by the Associated Student Government, its student organizations, and/or the Student Life and Leadership Office, shall be booked on an ongoing basis in Temescal. Bookings are scheduled through the Student Life and Leadership Office.
- C. Student Center Club Room: Reserved solely for club use. Bookings are scheduled through the Student Life and Leadership Office.

## **Special Priorities Unique to the San Elijo Campus**

- A. Student Center Conference Room(s) A/B: The San Elijo Campus is unique in that it only has two conference rooms that must be shared by all campus users in addition to community groups. These facilities are the only meeting rooms where faculty, staff, students, or community users are allowed to have food. Because of these campus limitations the priorities for Conference Room(s) A/B are the following:
1. College departmental activities or college-sponsored activities.
  2. Student life activities and club meetings (approved by the Student Life and Leadership Office).
  3. College-affiliated groups (e.g. Women's Advisory Committee, Friends of the Library, MiraCosta College Foundation).
  4. Community nonprofits as defined in Education Code section 82542.
  5. Other community organizations and businesses.
  6. Ongoing community education and community services classes.

## **Civic Centers**

Eligible persons or groups may use district buildings or grounds designated as the civic center for public, literary, scientific, recreational, educational meetings, or public agency meetings, or for discussion of matters of general or public interest, subject to this procedure.

The groups identified in Education Code section 82542 subdivision (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:

- A. 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.
- B. 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 their normal duties.
- C. 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.
- D. 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 or not to exceed the fair rental value of district facilities and grounds under its control. Direct costs shall include costs of supplies, utilities, custodial services, services of any other district employees and contracted workers, and salaries and benefits paid to district employees necessitated by the organization's use of district facilities and grounds of the district. 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.

If the district deems that use by a civic-center group poses substantial risk of damage of loss to the district property, a deposit will be required. Any portion of the deposit not so used will be refunded to the applicant.

All athletic events and other events that the district deems may pose a substantial risk are required to provide proof of insurance by means of a certificate of insurance evidencing liability coverage in a minimum amount of \$1,000,000 and containing an endorsement naming the district as additional insured. This certificate must be received by the district at least one week prior to the event.

The following shall be charged at least the fair rental value\* for the use of district facilities or grounds. The district specifically reserves the right to charge an amount in excess of the fair rental value as permitted by statute and regulation:

- A. 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 these services.
- B. Entertainments, events, 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 means the direct costs to the district, plus the amortized costs of the district facilities or grounds used for the duration of the activity authorized.

Board approved [Facilities Use Fees](#) are posted on the district's website. There are three organization classifications:

**Classification I:** Organizations listed in Education Code section 82542 (a).

**Classification II:** Organizations not listed in Education Code section 82542 (a) but that are not conducting an event where fees are charged or contributions are solicited and the net receipts of the revenues are expended for the welfare of the students of the districts or a charitable purpose.

**Classification III:** Organizations conducting events where fees are charged or contributions are solicited and the net receipts of the revenues are not expended for the welfare of the students of the districts or a charitable purpose. Refer to Education Code section 82542 (f), revised 01/01/2019.

### **General Rules for Facilities Use**

The district, at its sole discretion, reserves the right to determine which spaces may be designated as applicable to being a civic center. Application requests for use of district facilities must be made at least thirty (30) days in advance of the first date of use being requested. Any exceptions to the thirty-day requirement are at the sole discretion of the appropriate site coordinator. Requests shall be on forms provided by the district. Permission to use facilities shall be granted by the site coordinator of the affected site. Specific rules apply to specialty district civic-center spaces (e.g. performance space, gymnasium, athletic fields, etc.) in which

required procedures will need to be followed. The venue-specific procedures shall be in writing, on file in the room-scheduling office, and given to each applicant for a venue in advance of the event. As a part of the application process, the applicant must acknowledge in writing the venue-specific requirements.

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.

If the nature of the use of facilities is such that there may be loss and/or damage to district property or at any other time requested by the district, a deposit shall be required to cover loss and/or damage. Any portion of the deposit not used to cover loss and/or damage will be refunded to the applicant.

The district may require at its sole discretion, based on the size and nature of the event, additional district security and custodial services at the sole expense of the applicant.

All grounds, buildings, and equipment must be returned to their original condition and location after use, unless other arrangements are approved in the application.

District activities shall have priority in use of district facilities. Use of district facilities by off-campus groups shall not interfere with scheduled district activities.

Only those facilities approved in the application shall be used.

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 procedure. No person or organization may be granted a monopoly on any facility.

All charges for the use of district facilities are payable 48 weekday, non-holiday hours in advance.

Specialized equipment shall not be used unless a district-qualified instructor or other qualified district employee is present.

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.

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

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.

All grounds, buildings, and equipment must be returned to their original condition and location after use, unless other arrangements are approved in this application.

No alcoholic beverages, intoxicants, controlled substances, or tobacco in any forms shall be brought onto the property of the district except as permitted by applicable statute and in accordance with the current district procedures (Administrative Procedure 3550, 3560, 3570). Persons under the influence of alcohol, intoxicants, or controlled substances shall be denied participation in any activity.

Food and drink are prohibited for consumption or sale unless specifically approved in advance as part of the application.

Minors using district facilities must be under adult supervision at all times.

No structures, electrical modifications, or mechanical apparatus, equipment, or vehicles may be erected, installed, used, or operated on district property without specific written approval by the superintendent/president or designee.

The dates and hours of use approved in the application must be observed.

An authorized district employee must be present to open and close the facilities. No person applying for use of district property shall be issued a key, pass card, or key fob to any district facilities or grounds unless approved by the superintendent/president or designee.

Parking regulations must be followed. Parking is restricted to marked parking lots. All activities shall be in accordance with district health-and-safety requirements. (Board Policy/ Administrative Procedure 6800)

All decorative materials, including but not limited to draperies, hangings, curtains, signage, drops, etc., shall be approved as part of the application process. If approved, materials must be made or treated with flame-retardant processes approved by the district's Director of Facilities and/or the local jurisdiction fire marshal.

### **Use of District Facilities**

At its sole discretion, the district may permit without charge the use of any district facilities or grounds under its control when an alternative location is not available, to nonprofit organizations and clubs and associations organized for general character building or welfare purposes as stated under Education Code section 82542(a) as follows:

- A. Student clubs and organizations.
- B. Fundraising entertainments or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the district.
- C. Parent-teacher associations.
- D. School-community advisory councils.
- E. Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
- F. Senior-citizen organizations.
- G. Other public agencies.

- H. Organizations, clubs, or associations organized for cultural activities and general character-building or welfare purposes.
- I. Public agencies or nonprofit agencies, such as the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and may 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.

**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