
**Kern Community College District
Board Policy**
Chapter 6 – Business and Fiscal Affairs

BP 6700 CIVIC CENTER AND OTHER FACILITIES USE

References:

Education Code Sections 82537 and 82542

NOTE: The language in **red ink** is **legally required**. The Policy & Procedure Service issued legal updates to this document (reflected in the language in red ink below) in **February 2010, September 2012, and November 2014**. This policy and the related procedure are continually and carefully monitored/vetted by Liebert Cassidy Whitmore.

There is a Civic Center at each of the colleges. Use of the Civic Center shall be granted as provided by law. The District Chancellor shall establish procedures regarding the use of District property and facilities, including property designated by the District as a Civic Center, by community groups, outside contractors, and others.

The administrative procedure shall reflect the requirements of applicable law, including Education Code Section 82537, regarding Civic Centers. The procedures shall include reasonable rules regarding the time, place, and manner of use of District facilities. They shall assure that persons or organizations using District property are charged such fees as are authorized by law. Public use of District property shall not interfere with scheduled instructional programs or other activities of the District on behalf of students.

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 the 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.

Use of the District's Civic Centers will be only for the purposes described by the California Legislature in Education Code Section 82537(a). These purposes include use by associations "formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts" in order to "engage in supervised recreational activities" or "meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they

reside” (Education Code Section 82537(a)). In granting permission to use the Civic Centers, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.

❖ **From current KCCD Policy 3A10 titled College-Sponsored Events**

NOTE: Consider placing this detailed information regarding college-sponsored events in a Facilities Use Manual or in Student Affairs Guidelines available on the District’s website for employees and others to access as needed.

~~3A10A College-sponsored events are those events which are funded in whole or in part by the College or are associated with the College name by permission of the College President. College-sponsored events, including athletic events, shall be under the supervision of the College Presidents. Operational responsibilities may be delegated to appropriate officers of the respective Colleges.~~

~~3A10B Extra-curricular activities are those activities which enhance but may not directly relate to the instructional program. Extracurricular activities determined by the College President or designee to not be a part of the regular College program shall be self-supporting.~~

~~3A10C Net proceeds generated from College-sponsored events, including College-operated and gate receipts, shall be used to fund the co-curricular programs. Co-curricular programs are those activities which occur outside of the classroom but which support the instructional program. Each College shall adopt procedures for allocating all College-sponsored event net proceeds to its co-curricular programs. The income and expense allocations shall be incorporated into the respective College budgets to be approved and adopted by the Board of Trustees.~~

~~3A10D Every effort shall be made to make student body or other extracurricular activities self-supporting.~~

~~3A10D1 If there is income from gate receipts or other sources sufficient to pay part but not all of the costs of any of the equipment as listed above, the College may make up the deficit. Such requests must be estimated in advance and must be included in the budget. (see Board Policy 3A2C1 for information on recording income and expenses).~~

NOTE: The language in current KCCD Policy 3B1 **varies greatly** with the language reflected in the Policy & Procedure Service’s template on Civic Center and Other Facilities Use. Careful review by local District legal counsel is recommended.

❖ **From current KCCD Policy 3B1 titled Use of Facilities**

NOTE: Consider placing this detailed information regarding use of properties/facilities in a Facilities Use Manual available on the District's website for employees and others to access as needed.

~~The public use of the facilities, equipment and services, (hereinafter sometimes referred to as property) of the Kern Community College District should be made available for community purposes when under the supervision of responsible persons. Public use must be within the policy guidelines adopted by the Board of Trustees, provided that such use does not interfere with the educational program of the College(s). Procedures shall be developed which include priorities for use, application, a fee schedule, and the method of payment for the use of District/College-managed facilities, grounds, and equipment. See Procedure 3B1(a) of this Manual for Guidelines for Use of District/College Property/Facilities. See Appendix 3B1(a) of this Manual for the Application and Agreement for Use of District Property form and Appendix 3B1(b) of this Manual for Kern Community College District Facility, Equipment, and Service Fee Schedule.~~

~~3B1A Request for use of District/College facilities, equipment, and services for public use must be submitted on the Application and Agreement for Use of District Property form by the applicant [see Appendix 3B1(a)]. The request application form, fees, if applicable, estimated attendance, and the name of the official representative/contact person must be submitted to the District/College thirty (30) working days prior to the requested dates for use of the facility. A District/College representative will respond within ten (10) working days of receipt of a completed application for use of facilities, equipment, and services.~~

~~3B1B These purposes include use by associations "formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts" in order to "engage in supervised recreational activities" or "meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside". In granting permission to use the property, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.~~

~~3B1C Use and occupancy of College property shall be primarily for the educational programs of the District. Any authorized use or occupancy of the property for other than College purposes shall be secondary and subordinate to this primary purpose.~~

~~3B1D No group or organization may use District property to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, disability, gender, gender identity, gender expression, or sexual orientation, or the 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.~~

~~3B1E Any permit may be revoked without previous notice where conflicting days have resulted or where need of the property for District/College purposes have subsequently developed. Permits may be revoked for other causes at any time upon reasonable notice. Permits are not transferable.~~

~~3B1F District/College furniture or apparatus may not be removed or displaced by any applicant without permission from and under the supervision of the District/College employee in charge.~~

~~3B1G When a facility is to be used, full details of services and equipment must be furnished in advance. A District/College supervisor will be required. Personnel may be furnished by the District/College, and in some circumstances, District/College personnel will be required. All other personnel used by the applicant are to be employed and paid by the applicant.~~

~~3B1H There shall be no intoxicants or narcotics used, including tobacco and non-tobacco vapor products, in the District/College buildings or District vehicles, nor shall profane language or gambling be permitted. Alcoholic beverages are prohibited except as provided for in the law, state regulations, and sections within this policy.~~

~~3B1H1 There shall be no smoking, including use of tobacco and nontobacco vapor products, in the District/College buildings. Colleges that decide to have a tobacco or smoke free campus, or designated areas for tobacco use or smoking, may do so. The restrictions on tobacco or smoking at each college shall be found in AP 3B1H1.~~

~~3B1H2 Violations of 3B1H, 3B1H1, 3B1H2, or any other regulation of this type during occupancy shall be sufficient cause for:~~

- ~~• immediate revocation of permit,~~
- ~~• immediate suspension of the activity,~~
- ~~• removal of all participants from the facility, and~~
- ~~• the denial of further use of District/College premises to the applicant.~~

~~3B1I Programs offered on District/College premises shall at no time contain matter, which might tend to cause a breach of the peace.~~

~~3B1J Proof of adequate supervision for any event must be provided by facility use applicant. The Chancellor, College President, or designee shall judge adequacy.~~

~~3B1K The District/College employee in charge of facilities is to preserve order, protect the District/College property, and carry out the provisions, intents, and purposes of this policy.~~

~~3B1L If free use is granted the meeting shall be non-exclusive and shall be open to the public.~~

~~3B1M The Chancellor or College President may deny the use of District/College facilities if the meeting or event is deemed to be an interference with the educational functions of the District/College.~~

~~3B1N The use of campus facilities for fund-raising by a community group or special promoter must be approved by the Chancellor, College President or designee. The request for use of these facilities must include plans for parking, security, and supervision.~~

~~3B1O District/College-managed equipment may be removed from District/College property by students or staff members only when such equipment is necessary to accomplish tasks arising from their District/College-approved activities or job responsibilities. In all cases where equipment is removed from the campus, prior approval must be secured from the appropriate administrator. Use of District/College equipment, both on and off campus, for personal use is prohibited.~~

Legal Citations for BP 6700

Education Code Sections 82537 and 82542

82537. (a) There is a civic center at each and every community college within the state where the citizens, Camp Fire Girls, Boy Scout troops, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. Governing boards of the community college districts may authorize the use, by citizens and organizations of any other properties under their control, for supervised recreational activities.

(b) The governing board of any community college district may grant the use of college facilities or grounds for public, literary, scientific, recreational, educational, or public agency meetings, or for the discussion of matters of general or public interest upon terms and conditions which the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article.

(c) No use shall be granted in a manner that constitutes a monopoly for the benefit of any person or organization.

(d) The use of any community college facility and grounds for any meeting is subject to reasonable rules and regulations as the governing board of the district prescribes, and shall not interfere with the use and occupancy of the community college facilities and grounds, as is required for the purposes of the community colleges of the state.

(e) The management, direction, and control of the civic center is vested in the governing board of the community college district.

(f) The governing board of the community college district shall make all needful rules and regulations for conducting the civic meetings and for such recreational activities as are provided for in this chapter and which aid, assist, and lend encouragement to the activities.

82542. (a) Except as provided in subdivision (b), the governing board of any community college district shall grant without charge the use of any college facilities or grounds under its control, pursuant to the requirements of this article, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for general character building or welfare purposes, such as:

- (1) Student clubs and organizations.
- (2) Fundraising entertainments 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.
 - (5) Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
 - (6) Senior citizens' organizations.
 - (7) Other public agencies.
 - (8) Organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes (such as folk and square dancing).
 - (9) Groups organized for the purpose specified in subdivision (g).
- (b) The governing board may charge those organizations and activities listed in subdivision (a) an amount not to exceed the following:
- (1) The cost of opening and closing the facilities, if no college employees would otherwise be available to perform that function as a part of their normal duties.
 - (2) The cost of a college employee's presence during the organization's use of the facilities, if the governing board determines that the supervision is needed, and if that employee would not otherwise be present as part of his or her normal duties.
 - (3) The cost of janitorial services, if the services are necessary, and would not have otherwise been performed as part of the janitor's normal duties.
 - (4) The cost of utilities directly attributable to the organization's use of the facilities.
- (c) The governing board may charge an amount not to exceed its direct costs or not to exceed fair rental value of college facilities and grounds under its control, and pursuant to the requirements of this article, for activities other than those specified in subdivision (a). Each governing board which decides to levy these charges shall first adopt a policy specifying which activities shall be charged an amount not to exceed direct costs and which activities shall be charged an amount not to exceed fair rental value.
- (1) As used in this section, "direct costs" to the district for the use of college facilities or grounds means those costs of supplies, utilities, janitorial services, services of any other district employees, and salaries paid community college district employees necessitated by the organization's use of the college facilities and grounds of the district.
 - (2) As used in this section, "fair rental value" means the direct costs to the district, plus the amortized costs of the college facilities or grounds used for the duration of the activity authorized.
- (d) The governing board of any college district which authorizes the use of college facilities or grounds for the purpose specified in subdivision (e) shall charge the church or religious denomination an amount at least equal to the fair rental value of the facilities or grounds.
- (e) The governing board of any community college district may grant the use of college facilities or grounds to any church or religious organization for the conduct of religious services for

temporary periods where the church or organization has no suitable meeting place for the conduct of these services upon the terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article. The governing board shall charge the church or religious organization using the property for the conduct of religious services a fee as specified in subdivision (d).

(f) In the case of entertainments 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, a charge shall be made for the use of the college facilities, property, and grounds, which charge shall not be less than the fair rental value for the use of the college facilities, property and grounds, as determined by the governing board of the district.

The governing board may, however, permit the use, without charge, by organizations, clubs, or associations organized for senior citizens and for cultural activities and general character-building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its cultural, character-building or welfare work, are accepted.

(g) The governing board of a community college district may grant the use of college facilities, grounds, and equipment to public agencies, including 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 governing board to be necessary to meet the needs of the community.

Kern Community College District
Administrative Procedure
Chapter 6 – Business and Fiscal Affairs

AP 6700 CIVIC CENTER AND OTHER FACILITIES USE

References:

Education Code Sections 82537 and 82542:

Public Resources Code Section 42648.3:

Clark v. Community For Creative Non-Violence (1984) 468 U.S. 288, 104 S.Ct. 3065, 82 L.Ed.2d 221

NOTE: Except as noted, this procedure is **legally required**. Local practice may be inserted, but **must contain the elements** below. The Policy & Procedure Service provided seven legal updates (since the creation of the template in 2000) to this document in February 2005, August 2006, April 2009, February 2010, September 2012, November 2014, and April 2015.

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 Chancellor or 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 Chancellor or President or designee is responsible for the coordination and implementation of these procedures. The Chancellor or President or 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.

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, "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 a 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.

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.

NOTE: The following section is legally advised.

Rules for Facilities Use

Requests for use of the District's Civic Center must be made at least 30 days in advance of the first date of use being requested. Requests shall be made to Chancellor or President or designee on forms provided by the District. 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 Section.

NOTE: This request requirement does not apply to groups intending to use available designated public forums for expressive activities. Rules applicable to those areas are described in the procedure for 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.

NOTE: The following paragraph is **optional**. The District may include the following provision to prevent overnight use, including demonstrations, so long as the District's purpose is unrelated to the content of any expected speech or other expression.

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 within 30 days of receipt of invoice.

Any persons applying for use of District property on behalf of any groups shall be a member of the groups and, unless he/she is 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.

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, controlled substances, or tobacco in any form shall be brought onto the property of the District. 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 Chancellor or President 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.

NOTE: The following section is **legally advised**. Public Resources Code Section 42648.3 applies only “upon request by the local agency,” but does not specifically require the local agency to so request.

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 that provides 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:

- 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.
- Determine a timeline for implementation of the solid waste reduction, reuse, and recycling plan and solid waste reduction, reuse, and recycling rates.

❖ From current KCCD Procedure 3B1(a) Guidelines for Use of District/College Property/Facilities

NOTE: Consider placing this detailed information regarding use of properties/facilities in a Facilities Use Manual available on the District’s website for employees and others to access as needed.

Priorities

- 1) ~~First priority for property/facilities use is reserved for the College instructional programs.~~

- ~~2) Second priority for use of property/facilities will be given to College student organizations.~~
- ~~3) Third priority will be given to public agencies, schools and colleges, youth groups, civic and service organizations, and other applicants organized for cultural, educational or recreational activities.~~
- ~~4) Applications for use by commercial, for-profit entities and other applicants not covered by the law will be considered on an applicant basis as provided by law, Board Policy, and the effect upon the District's operations.~~
- ~~5) In-District applicants will have priority over non-District applicants.~~
- ~~6) No applicant will be allowed to monopolize a facility, equipment, or services. The use of a District/College facility will not be granted for a period exceeding one (1) semester.~~
- ~~7) Once the District/College approves a request for use and enters into an agreement to furnish facilities, equipment or services, that request shall have priority over any other requests except where need of the property for District/College purposes has subsequently developed, or in the case of an emergency as determined by the appropriate administrator.~~

Application and Agreement for Use of College Property/Facilities

- ~~1) Application for use of District/College facilities, equipment or services may be obtained from the appropriate office on the District/College site. On-line applications may be used where available.~~
- ~~2) Application for use of District/College property must be fully completed and filed with the facilities coordinator at least thirty (30) working days in advance of planned use. Normally the District/College will not schedule use of facilities more than three (3) months in advance or until the class schedule for the academic term covering the period of requested use has been published. When on-line applications are used, a signed Application and Agreement for Use of District Property form must be completed. The applicant is not to assume that the application is approved until notification is received from the District/College facilities coordinator. Upon approval, the District/College facilities coordinator will tentatively reserve the dates. If additional information stipulated by the District/College facilities coordinator is not received by the due date, the Chancellor, College President, or designee will release the dates without notice. All required information/documentation such as a signed application, deposit, insurance coverage, security arrangements, crowd control, and necessary agreements must be received no later than ten (10) working days prior to an event.~~

- ~~3) The applicant must include a description of all requested property. Applications shall be approved for specified hours and dates. The applicant shall not arrive before the time authorized and shall leave the District/College premises at the agreement expiration time. Facilities will not be accessible later than midnight, except by special permission granted prior to the use date.~~
- ~~4) An estimate of charges will be available prior to approval of any agreement. Appropriate administrative staff will determine when District/College personnel must be present and will assess appropriate charges. The estimated expenses will be based on the information provided by the applicant. Estimate subject to change if additional services, not part of original agreement, are made available.~~
- ~~5) If another applicant should request the dates in question or a portion thereof; the initial applicant will be required to execute a contractual agreement and submit the required deposit within seventy-two (72) hours of notification.~~
- ~~6) Prior outstanding event charges to the District/College must be paid in full before any subsequent requests by the liable applicant for use of facilities will be approved.~~
- ~~7) A damage deposit may be required by an applicant that carries equipment, brings a stage crew for purposes of staging a show or presentation or activity, or other cases determined by the District/College. This guarantee deposit, in an amount to be determined by the District/College and depending upon the facility used, shall be held by the College. Damage to District/College equipment and/or property, which occurs during the event and by reason of the use and/or occupancy of the premises, shall be paid from this damage deposit. The balance, if any, shall be returned to the organization. If the guarantee deposit is not sufficient to cover damage, the applicant shall be liable for the difference.~~

~~The applicant utilizing District/College facilities will be liable for any damage to or destruction of District property beyond that is caused by ordinary wear and tear as determined by the District. In addition future consideration for use of facilities may be denied.~~

~~The applicant is responsible for all expenditures necessary for the removal of all waste and debris and for the restoration of the property to the condition that existed prior to its use.~~

~~An initial facility(ies) inspection will be conducted within twenty-four (24) hours after the event has vacated the facility to determine the extent of damage, if any. A secondary inspection may be required if event equipment or structure required additional time to be removed from District premises. [This inspection will be completed within twenty four (24) hours of equipment/structure removal.] The~~

~~refund of this deposit will be assessed after the event and will be released once all parties are satisfied with the condition of the facility.~~

~~The District/College will charge the applicant at the time of settlement for any damages, and it will be the responsibility of the applicant to recover such charges from the applicant's insurance carrier.~~

~~The use of a District/College property may not take place during the facilities peak season or if damage based on wear and tear might be caused to the facility or property as a result of its use. The event may not interfere with normal operation of the District/College activities or instruction including the activities in the facilities adjacent to the venue.~~

~~8) The use of District/College facilities may not take place on Thanksgiving, Christmas, New Year's, or any other holiday or scheduled District/College closures when the Chancellor/College President or designee has determined that necessary personnel are not available for supervision.~~

~~9) The use of District/College facilities may not take place during vacation periods if the use conflicts with cleaning, renovating activities, and if necessary personnel are not available for supervision.~~

~~10) Proof of insurance is required for authorized public agencies, schools and colleges, youth groups, civic and service organizations, and other applicants organized for cultural, educational or recreational activities. Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance evidencing liability coverage with limits of not less than one million dollars (\$1,000,000). The certificate must identify Kern Community College District as additional insured and be accompanied by an endorsement.~~

~~Government agencies which have self-insured programs must provide a hold harmless statement along with proof of self-insurance for all events.~~

~~11) The District/College will assume no obligation in the event that a change of day or time is requested once an application has been approved. The District/College reserves the right to cancel prior to the event as a result of extenuating circumstances.~~

~~12) Applications shall originate with the established and responsible organizations. An officer or official representative of the organization must sign the agreement.~~

~~13) Application for use of District property by applicants not covered by the law will be considered on an applicant basis as provided by law, Board Policy, and the effect upon the District's operations.~~

Classification of Groups for Fee Assessment

~~**Instructional Use:** Facility uses for (or in conjunction with) requirements of classes, approved by the appropriate supervisor, are not to be charged.~~

- ~~1) Group I (College Program excess costs only) authorized District/College staff, students, and foundations which support the mission of the District, will be afforded the highest priority and shall be granted use of District/College property without charge, except if any use requires excess costs. A charge for such services may be made. A request from a District/College staff member or student organization may be charged for services when the use of facility is for events or functions which are not part of a class or instructional program.~~

~~Excess costs may include opening and closing a facility if no District/College employee is available to perform that function as a part of his/her normal duties; supervision if that employee would not normally be present as part of his/her normal duties; custodial services that would not have otherwise been performed as part of the normal custodial work cycle; outside normal operating hours; and cost of utilities directly attributed to the organizations use of the facilities.~~

~~If an event is co-sponsored by a group not associated with the Kern Community College District, proof of insurance shall be require by such applicants providing the Kern Community College District with a Certificate of Insurance. This Certificate of Insurance will provide liability coverage with limits of not less than one million dollars (\$1,000,000). The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.~~

- ~~2) Group II (Rental charge, actual costs, plus excess costs) applicants for authorized public agencies and nonprofit organizations organized for cultural, educational or recreational activities. (Proof of nonprofit status may be required.) Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance provide liability coverage with limits of not less than one million dollars (\$1,000,000). The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.~~

~~Facility rental includes opening and closing of facility, light custodial work and supervision. The custodial and grounds department will determine charges for extraordinary custodial set-up or clean-up.~~

~~Events for non-profit organizations whose purposes are to improve the general welfare of the local community, and charge no fees or admission for such events will fall under the Group I category.~~

- ~~3) Group III Commercial, for-profit entities and other applicants not covered by the law, will be charged Group II rates (rental charge, and actual costs, plus excess costs). College and District business officers are also authorized to negotiate with~~

~~these applicants agreements which have Group II rates as a minimum and allow for a percentage of gross revenue. Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance provide liability coverage with limits of not less than one million dollars (\$1,000,000). The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.~~

~~Facility rental includes opening and closing of facility, light custodial work and supervision. The custodial and grounds department will determine charges for extraordinary custodial set-up or clean-up.~~

~~Events for non-profit organizations whose purposes are to improve the general welfare of the local community, and charge no fees or admission for such events will fall under the Group I category.~~

~~Fees for commercial photography and motion picture filming are not limited to the above fee schedule and may include overall campus use fees as negotiated with the applicant based upon overall impact on the District/College.~~

Regulations Pertaining to Use of District/College-Managed Property

- ~~1) The official representative must be an officer of the group I or II or present written authority from the organization making application for use of District/College property and shall be responsible for all damage or loss of District/College property.~~
- ~~2) All applicants are expected to observe District/College regulations, policies, and procedures.~~
- ~~3) All applicants shall provide supervision sufficient to assure compliance with law and District/College regulations. These applicants are also responsible for providing law enforcement officers when required to ensure crowd, parking, and traffic control. When required, an applicant must submit two (2) copies of a proposed facility plan to the facilities coordinator at least thirty (30) working days prior to the scheduled event date. Upon receipt of the floor plan, the District/College and the Fire Marshal will review it and make necessary recommendations if necessary. All proposed floor plans must be to scale. Applicants are not to assume that the facility plan is acceptable until they have received an approved copy of the plan.~~

~~All events that expect more than fifty (50) in attendance must be reviewed by the security office for security arrangement recommendations. The applicant may be required to submit a security plan for approval at least twenty (20) days prior to the date scheduled for the activity, and may be required to furnish and/or pay for security personnel, depending on the type of event and number of attendees. All security-staffing requirements are subject to the approval of the security office~~

~~and will be set in a manner, which is fair and reasonable to the applicant but protects the interests of District/College.~~

~~These applicants are also required to provide ticket takers & ushers to properly staff each event. The applicant shall provide all badges for all personnel. Any sporting event, concert, or large gathering may require ambulatory services.~~

~~If management determines that a search is necessary for the given event, the applicant of that event will be required to pay for additional staffing. The security office will determine the exact number of staff that will be used as well as the costs.~~

~~Applicants are responsible for payment of all parking fees and must observe all parking regulations (see Parking Rules & Regulations pg). [Appendix 3B1(a)]~~

~~Any vehicles that are not designated campus vehicles are required to have a security issued permit to drive on campus.~~

~~The District/College is not responsible for articles left on District/College property. The applicant should secure valuable items, or the applicant should provide additional twenty-four (24) hour security. All security arrangements must be approved by the security office.~~

~~Immediately call 911 for all medical emergencies and, along with any damages to facilities and property, must be reported to the security office.~~

- ~~4) A District/College employee shall be on duty on campus whenever a facility is being used and shall have full charge of the property being used.~~
- ~~5) All organizations, on-campus or off-campus, must have a responsible adult sponsor/advisor sign as the official representative, and this representative must be present during the use to provide supervision. This regulation applies to student applicants.~~
- ~~6) Any request by a non-District/College applicant, or any event generating revenue for a non-District/College/purpose will be categorized as a non-District Use (Group II). In the case of cosponsored events the following applies: all applicants generating revenue for non-District/College programs: Group II fees apply:~~

~~For co-sponsored events where all revenues go directly to District/College programs then Group I fees apply.~~

~~No facility rental fee will be charged when college programs are fund-raising for college operations, and will be considered as a Group I. The details of such arrangements; including handling of cash; must be communicated in writing prior~~

~~to the event and approved by the Chancellor, College President, or designee. An additional requirement of this classification is that all gross revenues are deposited in the college or foundation accounts.~~

~~Stadium user maintenance fees; including excess costs still apply for these Group I activities such as the cost of utilities and additional labor for such events. [see Appendix 3B1(b)] of this Manual for the Facility, Equipment, and Service Fee Schedule.~~

~~No facility rental fee will be charged, when reciprocal arrangements for facility use have been worked out with other applicants. The details of such arrangements must be communicated in writing and approved by the Chancellor, College President, or designee.~~

- ~~7) The use of tobacco products is prohibited in all District/College buildings and only in designated outside areas. Possession of alcohol, drugs, firearms, fireworks, and other weapons are not permitted in or on District/College property. It is the agreement holder's responsibility to enforce this provision. No person, while in or on District/College facilities or property shall possess, consume, give, or deliver to any other person any alcoholic beverage, other intoxicants or narcotics. Alcoholic beverages may be served if approved by the District/College or its authorized representative. Fireworks may be used if coordinated, provided and discharged by licensed pyrotechnic entities and approved by the District/College or its authorized representative.~~

~~Applicants requesting to serve alcoholic beverages on campus must submit an Alcohol Serving Event form to the Facilities Scheduling Office at least thirty (30) days prior to the scheduled event. [see Procedure 3B1(b)] of this Manual for this form.) District/College policies on serving alcoholic beverages on site must be adhered to at all times.~~

- ~~8) District/College recognizes that its image and reputation are part of what makes renting the Kern Community College District's facilities desirable to community organizations and others. To protect that image and reputation, the Kern Community College District or its designee reserves the right to approve the content of all events or programs and any publications, signage and advertising related to those events or programs held in the District/College facilities or on its property. Likewise, any use of the District/College logo in conjunction with an event or program requires the consent and approval of District/College Public Relations office. Promotional and advertising materials used on campus must be removed immediately after the event by the person sponsoring the event or by the District/College at the sponsoring organization's expense.~~

~~No advertisement, printing, or sale of tickets is permitted prior to approval of the application and receipt of deposit for the facility.~~

~~9) No alterations or physical changes shall be permitted in any building or on any landscaped areas. Decorations must meet fire safety regulations and shall be erected and removed in a manner not destructive to the property. Fire Department regulations prohibit the use of lighted candles, torches with open flame or fire of any type on District/College premises. A California State Fire Marshal flame-retardant certificate will be required for any questionable materials.~~

~~When determined by the Fire Marshal, stand-by personal may be required and the District/College will invoice the cost for stand-by personal to the applicant.~~

~~All electrical cords must be hung or displayed in a safe manner. Electrical wiring must be grounded and UL listed. Extension cords may be used provided they are plugged directly into an outlet or an approved power strip. Extension cords shall not be plugged into another extension cord. Cords shall be taped down to prevent them from becoming a trip hazard. No extension cords will be provided.~~

~~No structures may be erected, attached to or assembled on District/College premises or may any electrical mechanical or other equipment be brought thereon unless authorized by the Chancellor, College President, or designee. Equipment used for events is subject to inspection and approval by District/College personal. Safe working conditions must be observed.~~

~~Decorations are not permitted on ceilings, painted surfaces, columns, fabrics, portable folding partitions, decorative walls, or fire sprinklers.~~

~~All physical arrangements and set-up information must be presented to the facilities coordinator when the application is submitted. Any changes or additions must be approved and submitted no later than a minimum of ten (10) working days prior to the event. The applicant is encouraged to provide this information as far in advance as possible in order to help ensure maximum efficiency and economy.~~

~~The facilities coordinator will determine if additional equipment will require ordering from an outside company: such as tables/chairs, etc. No goods or services may be sold on the District/College sites without prior approval.~~

~~Keys to facilities shall be assigned only to employees of the District/College and only such employees shall open a building and facilities. Within a building, authorization is only given for entrance to specific areas and use of specific facilities.~~

~~Performance material content is subject to review. Applications may be denied based on information gathered from other sources regarding performers on-stage and back-stage practices.~~

~~All persons using District/College facilities must comply with local ordinance code on amplified sound. The person signing the agreement for the sponsoring organization is responsible for controlling sound to those standards.~~

~~Amplified sound must cease between the hours of 10:00 p.m. through 9:00 a.m. Amplified sound on campus during normal instructional hours should not exceed eighty (80) decibels. The level of amplified/or sound must be limited to reach only the immediate audiences. Sound checks must be conducted only during the hours amplified/or sound is allowed and approved for.~~

~~Speakers must be positioned carefully in order to prevent sound from disturbing persons not in the immediate area. Atmospheric conditions, buildings and the surrounding terrain can greatly influence the effect of amplification. The set-up should be carefully checked before each event and monitored occasionally during the event by the applicant.~~

- ~~10) All events at the field level of the College Stadium will provide a portable accessible toilet and lavatory accommodations per code for nondisabled persons and individuals with disabilities. This accommodation will be provided at your expense.~~

~~Minimum levels of heat, air conditioning, and lighting following prevailing safety codes will be in effect in all common areas during set-up, event and clean-up.~~

~~All applicants are financially responsible to the District/College for all electrical and utility services provided to the applicant.~~

- ~~11) The District/College will provide all on-site food and beverage services on an exclusive basis for all scheduled activities. Catering services can also be provided for exhibitors, staff, etc.~~

~~The Food Services Director reserves the right to utilize reasonable available space for the sale of concession items. The Food Services Director reserves the right to determine the number of food or alcohol concession stands/booths that will be operating.~~

~~Food and beverage may not be brought onto the premises of the District/College for the purpose of distribution to patrons without the expressed written permission of the Food Services Director. Applicants bringing food to a facility shall be responsible for compliance with all health and safety regulations. Coolers and or similar containers are prohibited.~~

- ~~12) The College reserves the right to deny any 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 District/College or if there is a conflict with any previously scheduled event. The District/College, 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 District/College, at its discretion, shall have the right to deny any future requests by the applicant for the use of any other District/College property or facilities.~~

~~The Chancellor, College President, or designee reserves the right to deny use if, in its judgment, such use would cause disturbance in or annoyance to the surrounding neighborhood.~~

~~13) Clearance for the use of District/College property must be obtained from the Chancellor/College President or designee.~~

~~14) All references to the "appropriate District/College administrator" in the use of property policy and procedures shall mean the Chancellor/College President or his/her designee.~~

Daily Parking Fees

The parking fees for the Kern Community College District campuses are as follows:

- ~~• **Bakersfield College** -- \$5/day and \$40/Semester and \$20/Summer Intercession.~~
- ~~• **Cerro Coso Community College** -- \$1/Day and \$20/Semester and \$10/Summer Intercession~~
- ~~• **Porterville** -- \$1/Day and \$20/Semester and \$10/Summer Intercession~~

❖ From current KCCD Procedure 3B1(c) Security Matrix

NOTE: *Consider placing this Matrix and related details on the District's website for employees and others to access as needed.*

Also see BP/AP 3560 titled Alcoholic Beverages, BP/AP 3570 titled Smoking on Campus, and the Facilities Use Manual available on the District's website.

Legal Citations for AP 6700

Education Code Sections 81550-81553, 82537 and 82542

EDUCATION CODE - EDC

TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]

(Title 3 enacted by Stats. 1976, Ch. 1010.)

DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]

(Division 7 enacted by Stats. 1976, Ch. 1010.)

PART 49. COMMUNITY COLLEGES, EDUCATION FACILITIES [81003 - 82548]

(Part 49 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 2. Property: Sale, Lease, Use, Gift, and Exchange [81250 - 81553]

(Heading of Chapter 2 repealed (by Sec. 3) and added by Stats. 1998, Ch. 657, Sec. 1.)

ARTICLE 16. Leasing of Equipment [81550 - 81553]

(Article 16 enacted by Stats. 1976, Ch. 1010.)
81550.

A community college district may, as lessee, enter into a lease or lease-purchase agreement for equipment or service systems with any person, firm, corporation or public agency. As used in this article "equipment" includes (1) schoolbuses, (2) other motor vehicles, (3) test materials, educational films, and audiovisual materials, and (4) all other items defined as equipment or service systems in the Community College Budget and Accounting Manual.

(Enacted by Stats. 1976, Ch. 1010.)

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81551.

Before a lease or lease-purchase agreement may be entered into, the lessee shall comply with all applicable provisions for bids and contracts prescribed by Article 3 (commencing with Section 81641) of Chapter 3 and by Section 20651 of the Public Contract Code. Each contract shall show the total price for an outright purchase of any item and also its total cost for the entire specified term of the contract.

(Amended by Stats. 1995, Ch. 758, Sec. 119. Effective January 1, 1996.)

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81552.

The term of any lease or lease-purchase agreement shall not exceed the estimated useful life of the item but in no event shall the term exceed 10 years. A lease, but not a lease-purchase agreement, may be renewable at the option of the lessee and the lessor, jointly, at the end of each term at a rate not more than 7 percent annually above the rate set pursuant to the existing agreement. In no event shall the combined period of the original lease and renewals or extensions exceed 10 years. Any contract for the

lease or lease-purchase of equipment or service systems which was in existence prior to the effective date of this act shall remain in effect and such terms are hereby ratified.

(Enacted by Stats. 1976, Ch. 1010.)

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(Article 16 enacted by Stats. 1976, Ch. 1010.)
81553.

As a lessor, a community college district governing board is authorized to let, or let with option to purchase, any land, buildings, or equipment it determines is not needed for school purposes for a term extending to the end of the expected nonuse of the land, buildings, or equipment and under any conditions it deems reasonable. All such leases and leases with options to purchase to nonpublic agencies or individuals shall comply with the provisions of Sections 81450, 81452, 81453, and 81454.

(Enacted by Stats. 1976, Ch. 1010.)

82537. (a) There is a civic center at each and every community college within the state where the citizens, Camp Fire Girls, Boy Scout troops, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. Governing boards of the community college districts may authorize the use, by citizens and organizations of any other properties under their control, for supervised recreational activities.

(b) The governing board of any community college district may grant the use of college facilities or grounds for public, literary, scientific, recreational, educational, or public agency meetings, or for the discussion of matters of general or public interest

upon terms and conditions which the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article.

(c) No use shall be granted in a manner that constitutes a monopoly for the benefit of any person or organization.

(d) The use of any community college facility and grounds for any meeting is subject to reasonable rules and regulations as the governing board of the district prescribes, and shall not interfere with the use and occupancy of the community college facilities and grounds, as is required for the purposes of the community colleges of the state.

(e) The management, direction, and control of the civic center is vested in the governing board of the community college district.

(f) The governing board of the community college district shall make all needful rules and regulations for conducting the civic meetings and for such recreational activities as are provided for in this chapter and which aid, assist, and lend encouragement to the activities.

82542. (a) Except as provided in subdivision (b), the governing board of any community college district shall grant without charge the use of any college facilities or grounds under its control, pursuant to the requirements of this article, when an alternative location is not available, to nonprofit organizations and clubs and associations organized for general character building or welfare purposes, such as:

- (1) Student clubs and organizations.
- (2) Fundraising entertainments 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.
- (5) Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
- (6) Senior citizens' organizations.
- (7) Other public agencies.
- (8) Organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes (such as folk and square dancing).
- (9) Groups organized for the purpose specified in subdivision (g).

(b) The governing board may charge those organizations and activities listed in subdivision (a) an amount not to exceed the following:

- (1) The cost of opening and closing the facilities, if no college employees would otherwise be available to perform that function as a part of their normal duties.
- (2) The cost of a college employee's presence during the organization's use of the facilities, if the governing board determines that the supervision is needed, and if that employee would not otherwise be present as part of his or her normal duties.
- (3) The cost of janitorial services, if the services are

necessary, and would not have otherwise been performed as part of the janitor's normal duties.

(4) The cost of utilities directly attributable to the organization's use of the facilities.

(c) The governing board may charge an amount not to exceed its direct costs or not to exceed fair rental value of college facilities and grounds under its control, and pursuant to the requirements of this article, for activities other than those specified in subdivision (a). Each governing board which decides to levy these charges shall first adopt a policy specifying which activities shall be charged an amount not to exceed direct costs and which activities shall be charged an amount not to exceed fair rental value.

(1) As used in this section, "direct costs" to the district for the use of college facilities or grounds means those costs of supplies, utilities, janitorial services, services of any other district employees, and salaries paid community college district employees necessitated by the organization's use of the college facilities and grounds of the district.

(2) As used in this section, "fair rental value" means the direct costs to the district, plus the amortized costs of the college facilities or grounds used for the duration of the activity authorized.

(d) The governing board of any college district which authorizes the use of college facilities or grounds for the purpose specified in subdivision (e) shall charge the church or religious denomination an amount at least equal to the fair rental value of the facilities or grounds.

(e) The governing board of any community college district may grant the use of college facilities or grounds to any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of these services upon the terms and conditions as the board deems proper, and subject to the limitations, requirements, and restrictions set forth in this article. The governing board shall charge the church or religious organization using the property for the conduct of religious services a fee as specified in subdivision (d).

(f) In the case of entertainments 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, a charge shall be made for the use of the college facilities, property, and grounds, which charge shall not be less than the fair rental value for the use of the college facilities, property and grounds, as determined by the governing board of the district.

The governing board may, however, permit the use, without charge, by organizations, clubs, or associations organized for senior

citizens and for cultural activities and general character-building or welfare purposes, when membership dues or contributions solely for the support of the organization, club, or association, or the advancement of its cultural, character-building or welfare work, are accepted.

(g) The governing board of a community college district may grant the use of college facilities, grounds, and equipment to public agencies, including 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 governing board to be necessary to meet the needs of the community.

EDUCATION CODE - EDC

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(Title 3 enacted by Stats. 1976, Ch. 1010.)

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(Division 7 enacted by Stats. 1976, Ch. 1010.)

PART 49. COMMUNITY COLLEGES, EDUCATION FACILITIES [81003 - 82548]

(Part 49 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 8. Miscellaneous [82537 - 82548]

(Chapter 8 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 2. Use of School Property, Public Purposes [82537 - 82548]

(Article 2 enacted by Stats. 1976, Ch. 1010.)

82548.

The governing board of any community college district may require any person, group, or organization granted the use of community college property pursuant to this article for the purposes of athletic activities to obtain a certificate of insurance from a liability insurance carrier and to submit such certificate to the district for approval prior to using any district property. The certificate shall evidence a minimum coverage of three hundred thousand dollars (\$300,000) for any liability for injury or damage to property which may arise out of such use of community college property. The governing board of any community college may require more than such minimum coverage.

(Added by Stats. 1978, Ch. 1283.)

Public Resources Code Section 42648.3

42648.3. On or before July 1, 2005, and on or before July 1 annually thereafter, each operator of a large venue or large event shall submit to the local agency, upon request by the local agency, written documentation of waste reduction, reuse, recycling, and diversion programs, if any, implemented at the large venue or large event, and the type

and weight of materials diverted and disposed at that large venue or large event. If the operator of a large venue or large event cannot implement a program as provided in the solid waste reduction, reuse, and recycling plan, the operator shall include a brief explanation for the delay as part of its report to local agency. The operator of the large venue or large event shall submit the requested information to the local agency, no later than one month from the date the operator receives the request.

Clark v. Commun. for Nonviolence - 468 U.S. 288 (1984)

U.S. Supreme Court

Clark v. Commun. for Nonviolence, 468 U.S. 288 (1984)

Clark v. Community for Creative Nonviolence

No. 82-1998

Argued March 21, 1984

Decided June 29, 1984

468 U.S. 288

Syllabus

In 1982, the National Park Service issued a permit to respondent Community for Creative Non-Violence (CCNV) to conduct a demonstration in Lafayette Park and the Mall, which are National Parks in the heart of Washington, D.C. The purpose of the demonstration was to call attention to the plight of the homeless, and the permit authorized the erection of two symbolic tent cities. However, the Park Service, relying on its regulations -- particularly one that permits "camping" (defined as including sleeping activities) only in designated campgrounds, no campgrounds having ever been designated in Lafayette Park or the Mall -- denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents. CCNV and the individual respondents then filed an action in Federal District Court, alleging, *inter alia*, that application of the regulations to prevent sleeping in the tents violated the First Amendment. The District Court granted summary judgment for the Park Service, but the Court of Appeals reversed.

Held: The challenged application of the Park Service regulations does not violate the First Amendment. Pp. [468 U. S. 293-299](#).

(a) Assuming that overnight sleeping in connection with the demonstration is expressive conduct protected to some extent by the First Amendment, the regulation forbidding sleeping meets the requirements for a reasonable time, place, or manner restriction of expression, whether oral, written, or symbolized by conduct. The regulation is neutral with regard to the message presented, and leaves open ample alternative methods of communicating the intended message concerning the plight of the homeless. Moreover, the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of the Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping would be totally inimical to these purposes. The validity of the regulation need not be judged solely by reference to the demonstration at hand, and none of its provisions are unrelated to the ends that it was designed to serve. Pp. [468 U. S. 293-298](#).

(b) Similarly, the challenged regulation is also sustainable as meeting the standards for a valid regulation of expressive conduct. Aside from

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its impact on speech, a rule against camping or overnight sleeping in public parks is not beyond the constitutional power of the Government to enforce. And as noted above, there is a substantial Government interest, unrelated to suppression of expression, in

conserving park property that is served by the proscription of sleeping. Pp. [468 U. S. 298](#)-299.

227 U.S.App.D.C.19, 703 F.2d 586, reversed.

WHITE, J., delivered the opinion of the Court, in which BURGER, C.J., and BLACKMUN, POWELL, REHNQUIST, STEVENS, and O'CONNOR, JJ., joined. BURGER, C.J., filed a concurring opinion, *post*, p. [468 U. S. 300](#). MARSHALL, J., filed a dissenting opinion, in which BRENNAN, J., joined, *post* p. [468 U. S. 301](#).