



Reference: *Education Code Sections 82537; 82542;*  
*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*

### 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 Deputy Chancellor, 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 Deputy Chancellor is responsible for the coordination and implementation of these procedures. The Deputy Chancellor 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 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.

A copy of all finalized agreements and certificates of insurance must be filed with the office of the Deputy Chancellor. No event sponsored by an external group can be held unless an authorized facilities use agreement is on file.

### Civic Centers

Eligible persons or groups may use District buildings or grounds identified in Appendix A and 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 college or District employees would otherwise be available to perform that function as a part of their normal duties;
- The cost of a college or 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 or 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 District shall maintain a fee schedule adopted by the Board of Trustees that includes the hourly fee for each specific school facility and grounds (see Appendix A).

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.
- 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.

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.

### Rules for Facilities Use

1. Requests for use of District facilities must be made at least thirty (30) days in advance of the first date of use being requested. Requests shall be made on forms provided by the District (see Appendix B). Authorization to use District facilities shall be granted by the Deputy Chancellor and the College President for the particular location at which the facilities are to be used.

2. 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.
3. All charges for the use of District facilities are payable five (5) working days prior to use.
4. Any person applying for use of District property on behalf of any group shall be a member of the group and, unless he or 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.
5. The District may require security personnel as a condition of use whenever it is deemed to be in the District's best interests.
6. No person applying for use of District property shall be issued a key to District facilities.
7. 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.
8. No alcoholic beverages, intoxicants, controlled substances, or tobacco in any form shall be brought onto the property of the District with the exception of functions endorsed by or through the West Hills Community College Foundation and approved prior to the event by the Board of Trustees. Persons under the influence of alcohol, intoxicants, or controlled substances shall be denied participation in any activity.
9. No structures, electrical modifications or mechanical apparatus may be erected or installed on District property without specific written approval by the Deputy Chancellor.
10. 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.
11. With the exception of West Hills Community College District educational programs and sponsored events, facilities may not be reserved more than eight (8) months in advance of the event date.
12. Other rules and regulations for the use of District facilities are set forth in Appendix B.

### 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.

Biennially, on or before July 1, District representatives will 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.

### Priority for the Use of District Facilities

Priority for the use of District facilities will be as follows:

1. Academic program/direct instruction
2. Student clubs and organizations
3. Fundraising entertainment or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District
4. Parent-Teachers' associations
5. School-Community advisory councils
6. Camp Fire Girls, Girl Scout troops, and Boy Scout troops
7. Senior citizens' organizations
8. Other public agencies
9. Organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes (such as folk and square dancing)
10. Public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

### Fee Categories

The following organizations will be charged fair rental value rates identified in Appendix A:

- Non-Profit Organizations (Community or non-District)
- Commercial Organizations
- Religious Organizations and Churches

#### Facility/Equipment Rental Fees

A signed Application and Agreement for Use of District Property must be submitted to request the use of District facilities. Upon receipt of the application, the requestor will be sent a quotation for the facility/equipment rental. Once agreed to, the quotation must be signed by the requestor and submitted to the college with a 25% deposit to secure the facility/equipment rental. The balance must be received in the District's business office five (5) working days prior to use. The actual cost of any required setup or cleanup costs related to the use of facilities for custodial and/or maintenance workers, or for any other special equipment setup shall be charged to the facilities use requestor.

Cancellations require 72 hour notification. All expenses incurred by the District or college related to the facilities use request prior to cancellation are non-refundable and these charges are due and payable upon invoicing by the District.

See Appendix A for applicable rental fees.

#### Collection of Fees for Use of Facilities

The amount of fees collected shall be determined in accordance with the schedule of fees.

The college shall ensure the District Office has a copy of the approved Application and Agreement for Use of District Property and provide the District Office with the amount to be invoiced. The approved application must contain the name of the organization, name of responsible party, address, date(s) of use, facilities requested, and the fees to be charged. An invoice will be prepared by the District Office based on this information.

Board approval date: 5/21/02  
Revised: 10/26/10; 11/22/10; 9/27/16

**Facility/Equipment Rental Fees**

**West Hills College Coalinga**

<b>Facility/Equipment</b>	<b>Daily Minimum</b>
Barbecue Pit (delivery and pickup by WHC staff)	\$100.00
Baseball Field	\$400.00
Chairs	\$1 per chair
Custodial	\$50 per hour/per custodian
Dance Studio	\$560.00
Dining Hall Seating Area (no kitchen) (178 maximum occupancy)	\$800.00
Everett Hall (0-60 maximum occupancy)	\$200.00
Food Service/Catering	Per quotation
Football Practice Field	\$400.00
Large Classroom (50-100 maximum occupancy)	\$175.00
Large Conference Room (50-100 maximum occupancy)	\$450.00
Media Staff	\$50 per hour/per employee
Portable Stage	\$400.00
Public Address System	\$240.00
Residence Halls	Per quotation
Rodeo Arena (plus mandatory staff supervision at actual cost)	\$2,500.00
Security (required of events of 500 people or more)	\$50 per hour/per security guard
Small Classroom (0-49 maximum occupancy)	\$100.00
Small Conference Room (0-49 maximum occupancy)	\$200.00
Softball Field	\$400.00
Tables	\$10 per table
Tennis Courts	\$200.00
Theatre (300 maximum occupancy)	\$750.00
Theatre with Stage and Dressing Rooms	\$1,500.00
Video Conference Room	\$280.00
Wellness Center Gymnasium (1,500 maximum occupancy)	\$2,300.00
Wellness Center Gymnasium with Locker Rooms	\$3,000.00
Wellness Center Weight Room	\$1,000.00

**West Hills College Lemoore**

<b>Facility/Equipment</b>	<b>Daily Minimum</b>
Aerobics/Weight Room (70 maximum occupancy)	\$560.00
Amphitheatre Area	\$120.00
Chairs	\$1 per chair
Custodial	\$50 per hour/per custodian
Extra Large Conference Room (101-150 maximum occupancy)	\$600.00
Food Service/Catering	Per quotation
Large Classroom (50-100 maximum occupancy)	\$175.00
Large Conference Room (50-100 maximum occupancy)	\$450.00
Media Staff	\$50 per hour/per employee
Multi Use Sports Complex Concession Stand	\$500.00
Multi Use Sports Complex Lobby (only)	\$500.00
Multi Use Sports Complex Gymnasium (2,626 maximum occupancy)	\$5,000.00
Multi Use Sports Complex Gymnasium with Locker Rooms (2,626 maximum occupancy)	\$6,000.00
Public Address System	\$240.00
Security (required of events of 500 people or more)	\$50 per hour/per security guard
Small Classroom (0-49 maximum occupancy)	\$100.00
Small Conference Room (0-49 maximum occupancy)	\$200.00
Soccer Field	\$400.00
Student Union	\$3,500.00
Tables	\$10 per table
Video Conference Room	\$280.00

**North District Center, Firebaugh**

<b>Facility/Equipment</b>	<b>Daily Minimum</b>
Small Classroom (0-49 maximum occupancy)	\$100.00
Video Conference Room	\$280.00

**District Office**

<b>Facility/Equipment</b>	<b>Daily Minimum</b>
Board Room	\$280.00
Video Conference Room	\$280.00

**Note:** The actual cost of any required setup or cleanup costs related to the use of facilities for custodial and/or maintenance workers, security guards, and/or media personnel will be determined based on the type of event, hours of the event, and the number of attendees.

Computer labs and collaboratories are not rented out due to potential damage that may be incurred.



APPLICATION AND AGREEMENT  
FOR USE OF DISTRICT PROPERTY

Event/Activity Title: \_\_\_\_\_

Name of Organization or Requestor: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Type of Organization: \_\_\_\_\_

Name of Responsible Party: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Type of Event/Activity:

- Civic Use/Non-Profit       College Activity       Commercial       Dance
- Lecturer/Speaker       Meeting       Performance/Concert       Sport Event
- Other: \_\_\_\_\_

Date(s) of Event/Activity: \_\_\_\_\_ Day(s) of Use:  M  T  W  Th  F  Sa  Su

Event/Activity Access Time: \_\_\_\_\_ am/pm      Start Time: \_\_\_\_\_ am/pm      Vacate Time: \_\_\_\_\_ am/pm

Attendance Expected: \_\_\_\_\_ Entry Fee (if any): \$ \_\_\_\_\_ Is the event/activity open to the public?  Yes  No

Will anything be offered for sale?  Yes  No      Will there be any paid participants?  Yes  No

How will proceeds be used? \_\_\_\_\_

- Facility Location:       West Hills College Coalinga       West Hills College Lemoore
- North District Center, Firebaugh       District Office

Facility/Room Requested:

West Hills College Coalinga:

- Barbecue Pit
- Baseball Field
- Chairs: How many? \_\_\_\_\_
- Custodial
- Dance Studio
- Dining Hall Seating Area (no kitchen)
- Everett Hall
- Food Service/Catering
- Football Practice Field
- Large Classroom
- Large Conference Room
- Media Staff
- Portable Stage
- Public Address System
- Residence Halls
- Rodeo Arena
- Security
- Small Classroom
- Small Conference Room
- Softball Field
- Tables: How many? \_\_\_\_\_
- Tennis Courts
- Theatre
- Theatre with Stage and Dressing Rooms
- Video Conference Room
- Wellness Center Gymnasium
- Wellness Center Gymnasium with Locker Rooms
- Wellness Center Weight Room

West Hills College Lemoore:

- Aerobics/Weight Room
- Amphitheatre Area
- Chairs: How many? \_\_\_\_\_
- Custodial
- Extra Large Conference Room
- Food Service/Catering
- Large Classroom
- Large Conference Room
- Media Staff
- Multi Use Sports Complex Concession Stand
- Multi Use Sports Complex Lobby (only)
- Multi Use Sports Complex Gymnasium
- Multi Use Sports Complex Gymnasium with Locker Rooms
- Public Address System
- Security
- Small Classroom
- Small Conference Room
- Soccer Field
- Student Union
- Tables: How many? \_\_\_\_\_
- Video Conference Room

North District Center, Firebaugh

- Small Classroom
  - Video Conference Room
- District Office
- Board Room
  - Video Conference Room

Special arrangement or setup requirements (attach description if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CANCELLATIONS require 72 hour notification. All expenses incurred by the West Hills Community College District prior to cancellation are non-refundable. Payment of total amount due must be received in the District Business Office five (5) working days prior to use.

<b><u>FOR DISTRICT USE ONLY</u></b>		
Deposit Due Date: _____	Deposit Amount Due: \$ _____	Total Amount to be Billed: \$ _____

CERTIFICATE OF INSURANCE: One million dollars (\$1,000,000) minimum liability required. The certificate must identify the West Hills Community College District as additional insured and be accompanied by an endorsement.

<b><u>FOR DISTRICT USE ONLY</u></b>	
Date Certificate Received: _____	Name of Insurance Agency: _____

RESPONSIBLE PARTY ENTERING INTO AGREEMENT: *I have read and understand the rules, regulations and policies of the West Hills Community College District and assume responsibility for adherence. I hereby certify that I shall be personally responsible, on behalf of my organization, for any damage sustained by the District premises, furniture, or equipment because of the occupancy of said premises by my organization. I agree to hold the college and the West Hills Community College district, its Governing board, the individual members thereof, and all District officers, agents, and employees free and harmless from any loss, liability, cost, or expense that may arise during, or be caused in any way by, such use or occupancy of District property.*

Responsible Party Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b><u>FOR DISTRICT USE ONLY</u></b>	
College President Approval: _____	Approval Date: _____
Deputy Chancellor Approval: _____	Approval Date: _____



## RULES AND REGULATIONS GOVERNING THE USE OF DISTRICT PROPERTY

1. All users are expected to observe district/college regulations, policies, and procedures. Statutes in Education Code Sections 82537, 82542, 82544 and 82548 are policy as set forth herein.
2. Use and occupancy of district/college property shall be primarily for the educational programs of the district. Any authorized use or occupancy of the property for other than district/college purposes shall be secondary and subordinate to this primary purpose. Final approval for use of district/college facilities shall not be granted more than three (3) months in advance. The Vice Chancellor of Business Services 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. 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, as a result of extenuating circumstances.
3. Any permit may be revoked without previous notice where conflicting days have resulted or where need of the property for district/college purposes has subsequently developed. Permits may be revoked for other causes at any time upon reasonable notice. Permits are not transferable.
4. District/College furniture or apparatus may not be removed or displaced by any permittee without permission from and under the supervision of the district employee in charge. No alterations or physical changes shall be permitted in any buildings or landscape. Decorations must meet fire safety regulations and shall be erected and removed in a manner so as not to disturb or destroy the property.
5. FIRE & SAFETY – At no time shall there be more persons admitted to the auditorium, gymnasium or other assembly room than the legal seating capacity permits. No device which produces flame, sparks, smoke, or explosions, shall be used in the auditorium, gymnasium or other assembly room without the approval of the Fire Chief. Large facilities such as auditoriums and gymnasiums may require ushers to the exits. The applicant shall contact the person in charge ten (10) days before the event to ascertain the number of ushers required, if any.
6. When a facility is 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 organization in staging its event are to be employed and paid by the organization.
7. Smoking is prohibited inside district/college buildings and prohibited within 20 feet of a main exit, entrance, or operable window of all district owned, occupied or leased buildings. No intoxicants or narcotics shall be used, nor profane language, quarreling, or gambling will be permitted. Violations of this policy 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;
  - The denial of further use of district or college premises to the organization.
8. Programs and events presented on district property shall at no time contain matter which tends to cause a breach of the peace, or which constitutes subversive doctrine or seditious utterances, or which agitates for changes in our form of government or social order by violence or unlawful methods. Permits for the use of district facilities at which there will be a discussion of civic and or political problems shall be open to all who desire to attend.
9. Facility use applicant must provide proof of adequate supervision for any event. The Vice Chancellor of Business Services or College President or designee shall judge adequacy. Applicants are also responsible for providing law enforcement officers when required by district/college representative to ensure crowd, parking, and traffic control.
10. If free use of the facilities is granted to the applicant, the event shall be non-exclusive and shall be open to the public.
11. Permits will be granted for use of college and district facilities on Saturdays, Sundays, and holidays, although use of district property on holidays is discouraged and subject to the ability of the district to schedule required personnel.
12. No permits will be issued for longer than one college semester (18 weeks). At the expiration of any permit, a new written application must be made for any renewal.
13. The College President must approve the use of a campus stadium, gymnasium, or auditorium used for fundraising by a community group or special promoter before the Vice Chancellor of Business Services shall approve the use.
14. Should an organization desire to cancel a permit, the Vice Chancellor of Business Services must be notified at least three (3) working days prior to the time for which the permit has been granted. Failure to give this notice will result in the refusal or revocation of permits for future use as well as deposit or payment being non-refundable.
15. Any and all regular college and district organizations, whether operating during day or evening in any district facility, have the right-of-way to use the rooms in such building. No permit will be granted which can in any way interfere with the program of regular college work. Any meeting for which a permit has been granted must give way to the regular college activities.
16. It shall be the duty of the college or district representative in charge to see that there are no violations on the part of any individual or group of these regulations. The college representative shall report to the Vice Chancellor of Business Services all such violations.
17. The lessee agrees to indemnify and hold the West Hills Community College District harmless against all liability, responsibility, damages, loss, cost, and expense of any nature whatsoever, arising out of injury to or the death of any person, or damage to the property of the West Hills Community College District or any other person resulting in whole or in part from the acts of the lessee, his agents or employees or arising out of the lessee's operations.
18. Prior written approval must be obtained from the appropriate administrator before any district/college owned equipment is removed from the campus. Use of district/college equipment, both on and off site, for personal use is prohibited.