C.1.3.3 (Procedure) Facilities Use
Responsible Department: Vice Chancellor for Finance and Administration
Based on Board Policy: C.1.3 - Appropriations and Revenue Sources
Approved: 8-18-09
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The following procedures address types of users and related fees (if any) for use of College District facilities. Types of activities permitted are further defined in Policy G.1.4 "Use of and Access to College District Facilities."

College Community Use of College District Facilities

The grounds and facilities of the College District shall be made available to members of the College District community, including students and their respective registered organizations, when such use does not conflict with normally scheduled activities, or any College District policies or procedures.

Each college shall develop guidelines which cover only the times, places, or means of expression that are basically incompatible with normal activity at a particular time and place. Such guidelines shall not restrict expression because of its message, its ideas, its subject matter, or its content, and shall clearly inform what is required or prohibited.

General Community Use of College District Facilities

In keeping with the role of the community college as a public, community institution, the College District desires that college facilities under its jurisdiction be used to help meet general educational, cultural, and recreational needs of the community, and to defray in part its cost of facility ownership. Such facilities will be made available whenever such use does not interfere with the instructional program and is not inconsistent with the educational and community service objectives, policies and procedures of the College District. "Community" is defined as the College District (presently Bexar County) and the College District's service area of Atascosa (excluding Pleasanton ISD), Bandera, Comal, Guadalupe (excluding San Marcos ISD), Kendall, Kerr and Wilson counties. Facility users from outside the College District community may also be accepted to defray in part the cost of facility ownership.

These procedures cover rentals of 30 successive days or less for the exclusive use of all or a designated portion of a particular College District facility. Longer-term rentals should be negotiated as leases rather than as facility use agreements. Generally, facilities are not available for rental when Alamo Colleges is closed, except for certain facilities such as Koehler House and PAC Natatorium.

Community facility use may also consist of admission of community members (i) on a non-exclusive basis; *e.g.*, use of a gymnasium by a member of the public during a period of open use by students, or (ii) exclusive use of all or a portion of a gymnasium to the exclusion of others. Permitted access, if any, costs and charges may vary by facility. Each college may develop guidelines which cover the times, places and fees for any such nonexclusive use.

Fee Categories for Permitted Users of Facilities:

Group 1: No Rental Fees. Groups that are integral parts of the College District such as student government, faculty, and/or staff may use facilities without charge by the College District for matters relating to the College District business. Use by faculty and/or staff unrelated to College District business will be charged the Group 3 rate. For example, should the District Staff Council use a conference room for a meeting there would be no charge or cost recovery. Groups formally recognized by the College District, such as registered student organizations, will be charged only for incremental costs for housekeeping, technology, security and/or other. The execution of a Facility Use Agreement containing insurance requirements is not required for Group 1 users.

Group 2 - At cost: Use by groups that are organized for general civic improvement or welfare and exempt from federal taxation under 501(c)(3) and public officials or entities engaged in non-political activities may use the College District facilities for meetings open to the public at a rate which covers the direct cost to the College District, such as those of security, housekeeping, support personnel, set up fees, extra utilities, etc. The execution of a Facility Use Agreement containing insurance requirements is mandatory for Group 2 users.

Group 3 - Commercial use charge: This classification shall include all other users, including, without limitation, commercial users, Group 1 users engaged in activities unrelated to College District business, non-501(c)(3) nonprofits and individuals, groups or entities engaged in political activities. Such users shall be charged the greater of a market rate or the direct cost of the use to the College District. The execution of a Facility Use Agreement containing insurance requirements is mandatory for Group 3 users.

Group 4 – Certain users and/or facilities qualify for use without any charge in furtherance of the legitimate interests of the College District with a frequency sufficient to be authorized without resort to the fee exception process hereinafter set forth, as follows. A facility may be used (other than for large events which would generate a significant housekeeping and/or security burden) by neighborhood associations, chambers of commerce, similar associations or small local governmental units within its vicinity with the written permission of the Chancellor, the President or Vice-Chancellor responsible for the facility or the Associate Vice-Chancellor for Facilities. Rare facilities such as San Antonio Colleges' Eco Centro which have as a core purpose the attraction of Community members for demonstration or Community education purposes may be used with the written permission of the Chancellor, or the President or Vice-Chancellor

responsible for the facility. Facility use agreements shall not be required for authorized Group 4 uses, and such users shall designate the College District as an additional insured with waiver of subrogation on any available user liability insurance, but shall not be required to purchase insurance which they do not already carry.

General Policies Governing Uses of College District Facilities:

1. Educational programs have priority in the use of College District facilities at all times. No use shall be permitted that interferes in any way with a College District instructional program or activity, whether daytime or evening school.
2. An upfront deposit may be charged if deemed prudent by the College or department.
3. The use of any College District property shall be under the direction of an authorized member of the College District staff, and pursuant to a fully executed facility use agreements based upon College District forms complying with any applicable College District approval requirements for Group 2 and Group 3 uses.
4. Requests for use of facilities should be submitted to the Vice President College Services/Associate Vice Chancellor Facilities or designee(s) as appropriate, at least three weeks in advance of the proposed use. Shorter timeframes may jeopardize the rental.
5. In general, requests submitted by College District residents shall have precedence over those from residents of the reminder of its service area, which in turn shall have precedence over those from residents of other areas.
6. Facility Use Agreements shall specify hours, dates, locations, number of persons anticipated to attend and equipment needs. The user shall not arrive before the time authorized and shall leave the College District facility at the time specified and in the same condition as it was at the commencement of the rental.
7. Keys to College District buildings shall be assigned only to College District employees, and buildings shall be opened only by such employees.
8. Smoking and the use of tobacco and nicotine consumption products, including vapor or e-cigarettes are prohibited in all classrooms, laboratories, offices, conference rooms, hallways, and all other rooms in all buildings of the College District, and on all property which is owned, leased, rented, or otherwise under the control of the College District. *See Policy C.2.13.*
9. Possessing, drinking, or being under the influence of alcohol is prohibited on College District property, other than as specifically authorized on a limited basis pursuant to other procedures. Any service of alcohol by a facility user requires special permission and the use of an alcohol-authorizing special Facility Use Agreement. Security is required for all such events.

10. Youth or children's groups shall be supervised by responsible adults provided by the sponsoring organization. Security is required.
11. College District furniture, apparatus, and/or equipment shall not be removed, altered, or displaced.
12. Materials used for decorations shall be flameproof. Decorations must be removed and the facility left in the same condition as before the event.
13. Organizations using College District buildings shall safeguard and care for the facilities and equipment and shall assume responsibility for payment of any damages resulting from their use of the facilities under the Facility Use Agreement.
14. Authorization shall be given only for use of specific facilities using specific entrances to specific areas.
15. Permission for use of any College District facility shall be revoked when the use interferes with regular College District use, when facilities are misused, or when applicable rules are violated. Organizations or persons with a history of misuse of College District facilities may be barred from future facility use.
16. Facility use shall require reimbursement for additional security officers determined necessary for such activity. (See Security section below for guidelines)
17. The College District shall require proof of liability insurance by the Group 2 and Group 3 users based on the risks involved in the intended use, subject to self-insurance or restricted-scope insurance by governmental entities. See Facility Use Form for requirements.
18. In the event a substitution of rooms occurs:
    A. Due to building maintenance, repairs, or necessary to support other College District activities – user will not be assessed a fee great than originally agreed if a larger facility is provided.
    B. Due to customer reduced requirements – the lower room rate will be applied as long as College District is given 2 weeks' notice in advance.
    C. Due to customer increased need – the higher fee will be assessed and collected.
19. Refunds:
    A. If customer paid via Marketplace, the VPCS should send a request with the original function information (who, what, when, where, amount) to the Business Office. A credit will be applied via Marketplace to refund the monies.
    B. If customer paid via Direct Invoice, the VPCS or AVC Facilities Operation should create a Direct Pay to reimburse the customer.

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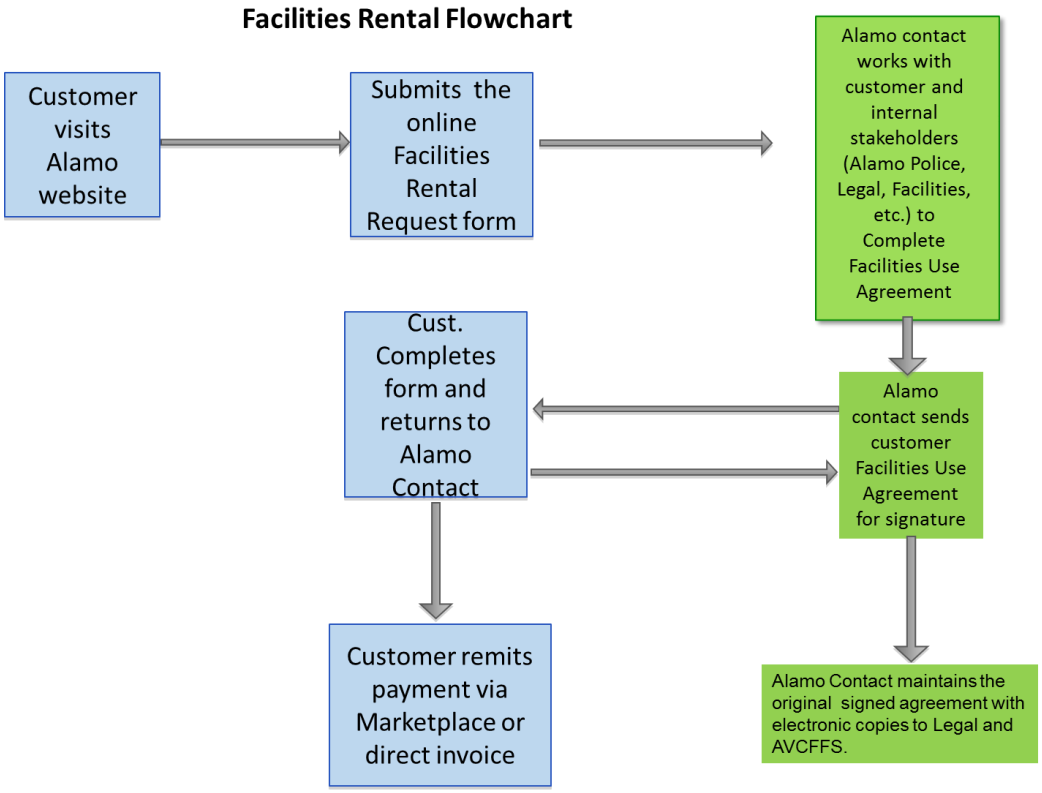

<u>Facilities, Equipment and Support for Rental (Based on availability)</u>

1. Facilities:
   - A. Classrooms/Lecture Halls/Labs
   - B. Conference/Meeting Rooms/Board Rooms
   - C. Dining Facilities
   - D. Performing Arts Facilities
   - E. Athletic Facilities
   - F. Parking Lots

2. Equipment
   - A. Audio Visual
   - B. Computers
   - C. Tables/chairs/risers
   - D. Other – see fee schedule

3. Support Services (see Fee Schedule for rates)
   - A. Maintenance/Custodial (required 4 hours minimum)
   - B. Security (Required 4 hours minimum)
   - C. Technical Support (AV or Computer Technicians)

D. Theatre Technicians/Event Managers
E. Gymnasium Staff

Fee Schedule

The detailed standard schedule of fees for use of College District facilities shall be maintained by the Office of the Associate Vice Chancellor of Finance and Fiscal Services and approved by general facility category by the Board.

Fee Schedule may be found at:
https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=36713553

Guidelines/Procedures for Use of College Facilities Request for Fee Exceptions

Upon approval by the Chancellor or appropriate Vice Chancellor/College President, rental rates or requirements unnecessary for a particular use may be reduced. A request for reduction must be completed by the Group or user requesting the fee exception. The department will complete the Rental Agreement Fee Exemption Form and submit to the Vice Chancellor/College President.

Criteria for Fee Reduction

A. Co-Sponsorship: No Fee Required

- Any activity/event in which the College District is an announced and publicized co-sponsor with another organization.
- College District personnel must actively participate in the planning and managing of the activity.
- Co-sponsorship waiver of facility fees must be approved by the VC/ President or designee.

B. Professional Organization: May qualify for a reduced fee. A College District employee or Board member may use facilities for an event without complying with the rent or insurance requirements where the event meets the following limited conditions:

- The employee or Board member actively participates in the event and is responsible for managing it; and

- The event is for a professional organization in which the employee or Board member actively participates, and whose objectives directly relate to the

- employee's work at the College District or to the Board member's College District responsibilities.

C. Special Cases: College District facilities may be used for an event without fully complying with the rent requirement in special cases where the event meets the following limited conditions:

- The user has a special relationship with the College District or a Board member which is directly related to the College District mission or key Community objectives recognized by the Board and the exception is specifically approved in writing by the Chancellor; or
- The user offers consideration in kind in lieu of rent; or
- The facility is an outdoor venue and rent is reduced or waived for a Community service event.

To obtain a Fee Exemption for the above, the following conditions must be met:

- Facilities Use Agreement and all requirements within are compulsory.
- Value or benefit to College District must be demonstrated in writing.
- Request must be renewed each fiscal year.
- Exceptions from the published fee schedule must be approved by the Vice Chancellor/President or Vice Chancellor of Facilities Operation & Construction Management.

Taxes: Certain facilities rentals, if combined with the sale of a taxable item (such as food,) become subject to sales taxes per the Texas Comptroller of Public Accounts.

Renting a hall, ballroom, pavilion, patio or similar facility for holding a party, banquet or other event is not taxable if:

- facility is not located in a building that has sleeping accommodations;
- rental is not connected to the sale of a taxable item such as prepared food; or
- rental does not include or constitute access to an amusement service.
- **If the renting organization or user provides the food, etc. the facilities rental is NOT subject to sales tax.**

For example, renting the atrium at a campus is NOT taxable if the renter provides the refreshments.

In the event that the rental will be subject to taxes, the requestor must provide a tax exempt certificate or be subject to appropriate state sales taxes.
Procedures for Submitting Request and Payment for Facilities Rentals (see Flowchart)

- Requestor submits Facilities Rental Request form. This form describes the dates, times, purpose, projected attendance, equipment needs, support personnel, etc. of the event. Upon receipt, the college/receiving organization will contact College District's police department to assess security requirements for input into the rental pricing, determine availability of audio/visual or other equipment needs, etc. The College District coordinator will then contact the requestor to confirm date availability, clarify request, provide pricing, etc.
- If the event meets the College District use guidelines and the dates are available, complete the Facilities Use Form and provide to the requestor.
- Upon return from requestor, VPCS/AVC Facilities must review for completeness and compliance. Form will be submitted to and reviewed pursuant to contracting Procedure C.2.11.2.
- Upon completion of Procedure C.2.11.2, form will be returned to VPCS for final approval and notification to requestor.
- Provide FOAP for support services and send to Support Department for proper completion of internal paperwork.
- Payment should be made using Alamo Marketplace or direct invoicing by the Finance and Fiscal Services department.
- Original Facilities Use Agreement is retained by the department responsible for the rental in accordance with Local Schedule GR 1000-25.

Attachment: Facilities Rental Fee Exception

Legal Reference - TACC Policy Reference Manual
CAN(LEGAL) - Appropriations and Revenue Sources: Rentals and Services Charges
GF(LEGAL) - Community Use of College District Facilities
Texas Comptroller of Public Accounts