

Foothill College Facility Use Policy (2019-2020)

Pursuant to Educational Code 82537-82548, 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.

Facility Use Authorization

Pursuant to Foothill-De Anza Community College District Board Policy 3205, the use of college facilities by outside groups shall be for short term, temporary needs. Short term is defined as no longer than one academic quarter. No possessory interest is intended by any permitted use of a college facility. No use shall be permitted under the authorization of this policy that constitutes a monopoly for the benefit of any person or organization. The District strives toward fair and equitable treatment of all persons and will revoke any contract should discrimination of fundamental human rights be evidenced.

In conjunction with District Board Policy 3205, it is the policy of Foothill College to accept reservation applications from community groups and organizations for the use of its facilities on a first come, first served basis, only when that use does not interfere with, infringe on, or impede the educational process.

Categories of Rental

Category 1: Student Clubs and Organizations, and Campus Sponsored Events

Student clubs and organizations are encouraged to utilize facility resources at Foothill College. Facility requests must be made by club advisors. Club advisors must be present in the building when the facilities are in use. Student clubs and organizations that are approved by the governing board of the District, and campus sponsored events are exempt from charges as stipulated below.

- Facility application processing fee
- Hourly facility rental fee
- Specialized equipment usage fee

Student clubs and organizations, and campus sponsored events are responsible for the following fees:

Direct costs for all labor including but not limited to, custodial and grounds personnel, pool technicians, lifeguards, Audio Visual, ETS, theatre support, and campus police.

Category 2: Non-Profit Organizations

Organizations (excluding churches and religious groups), clubs, associations, and other public agencies organized for general character building or welfare purposes.

Documentation of legal non-profit status from the Internal Revenue Service must be provided to qualify. The following must be paid:

- \$50 application fee
- Hourly nonprofit rental fee
- Utility usage fee
- Use of specialized equipment
- Direct fees for custodial, grounds, on-site supervisor, pool technicians, lifeguards, Audio Visual, ETS, theatre support, and campus police will be applied.

Category 2: Conditions of Non-Profit Discount

Non-profit organizations having fundraising entertainment or meetings where admission fees are charged or contributions, or any type of donation, are solicited must be for the benefit of the students of the Foothill-De Anza Community College District, otherwise the for-profit fee schedule applies to the rental contract.

Category 3: Religious Organizations and Private or Commercial (for Profit) Groups

The governing board may charge an amount not to exceed its direct labor costs and fair rental value of college facilities and grounds under its control for activities other than those specified above. The following must be paid:

- \$50 application fee
- Hourly for profit rental fee
- Utility usage fee
- Use of specialized equipment
- Direct fees for custodial, grounds, on-site supervisor, pool technicians, lifeguards, Audio Visual, ETS, theatre support, and campus police will be applied.

Who may Apply for Facilities

The Applicant – Requestor - Responsible Person

- The person applying for facilities use must be over 21 years of age and the requestor is responsible for all charges if mutually agreed upon per the ensuing contract and invoice. This person or a designated representative of the applicant will be on site for the entire event and will be responsible for compliance with applicable laws, facilities rental policies and procedures.
- Applicants who are sponsored by a Foothill College department or division are responsible for filling out the online application and are responsible for all direct costs as per contract and invoice and not the division or department.
- Assignment of a campus representative is for the express safety of the college and client; assignment of a faculty or staff person other than from the Office of Finance and Administrative Services is in addition to onsite supervisor charges.

Campus Representation

An authorized employee of Foothill College Finance and Administrative Services must be assigned to each event and shall act as the campus representative for that event.

Onsite supervision is required for the entirety of each event at the expense of the

requestor. The campus representative for the event is responsible for assuring the conditions of the contract are carried out as well as checking and verifying the condition of the facility. This verification shall constitute authoritative proof for any damage incurred by the authorized requestor or any of its participants of the event. Additional campus staff may be assigned based the needs of the event. The campus representative may not be assigned to the event if already engaged in any other campus activity which coincides with the event. If the campus representative cannot work the event, the Facilities Rental Office must be contacted.

Summary of Charges and Fees

The following direct costs will be assessed to all outside organizations or groups renting facilities at Foothill College. All fees are listed in Exhibit A.

- Open/close facility
- Onsite Supervisor/ campus representative
- Specialized equipment
- Special event or room set up and takedown
- Custodial services
- Grounds services and pool technicians
- Utility usage fee (Stadium lights)
- Specialized support staff (e.g. AV technician, electrician, IT specialist, theatre support)
- Campus Police

Parking

Parking permits are required at all times at Foothill College. **Parking is not included in the use of college facilities and participants of a scheduled event wishing to park their vehicles must pay for a daily parking permit.** If an outside group or organization is interested in securing prepaid parking for their event, the requestor must notify the Campus Police. Any request for a fee waiver or reduction must be Board approved a minimum of two (2) weeks prior to the event. Requests for parking permit waivers must be submitted in writing to the Facilities Rental Coordinator at least 60 days in advance which allows enough time for the request to be forwarded to the College President for submission to the Board of Trustees for approval.

Insurance

All outside groups and organizations must provide the college with a Certificate of Insurance for \$1 million dollars per each occurrence, listing Foothill-De Anza Community College District as additionally insured. Vendors and caterers must provide evidence of general liability. Evidence of workmen's compensation insurance must be additionally provided if there are employees on site. Food trucks must provide evidence of general liability and auto liability. Evidence of workmen's compensation insurance must be additionally provided if there are employees on site.

Deposits and Billing

In accordance with Educational Code 82540, all fees are due and payable prior to the event. A \$50.00 application fee will be included on the invoice for all rental contracts. Completion of the online application does not constitute an agreement. After conferring with the Facilities Rental Coordinator, a contract is constructed and agreed upon. A signature is required on the contract within ten (10) days of submitting an application and a **deposit of \$500 is required for all Smithwick and Lohman Theatre rental**

requests to reserve the requested date(s). Failure to pay the deposit and sign the contract within the stated time period may cancel reservations. Final payment is due two weeks prior to the start date of the scheduled event. All payments must be remitted in person or by mail to: Foothill College, 12345 El Monte Road, Los Altos Hills, CA 94022, Attention: **Facility Rentals**, in the form of a check, cashier's check, or money order.

College Closures

Foothill College facilities are closed on all legal school holidays listed below and on other holiday or recess periods declared by the President or by the Governor that provides for community colleges to be closed as approved by the Board of Trustees. College closures are designated each academic year.

Independence Day
Cesar Chavez Day (Friday before Labor Day)
Labor Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day
Day after Christmas
December Holidays (per the academic calendar of the current year)
New Year's Eve
New Year's Day
Dr. Martin Luther King, Jr. Day
Lincoln's Day
Washington's Day
Easter Sunday
Memorial Day

Event Cancellations and Rescheduling

By the requester, non-theatre events

If it is necessary to cancel a rental event, the Campus Facilities Rental Coordinator must be notified in writing no less than one week prior to the scheduled event. If the minimum notification is received and acknowledged by the Campus Facilities Coordinator, all monies except for the \$50 facility application fee will be refunded. Refunds will not be given for events cancelled with less than one week's notice of the event. Refunds will not be given to groups or organizations that fail to show for scheduled events.

By the requester, theatre events

If it is necessary to cancel a Smithwick or Lohman theatre rental event, the Campus Facilities Rental Coordinator must be notified in writing no less than one month prior to the scheduled event. If the minimum notification is received and acknowledged by the Campus Facilities Coordinator, all monies except for the \$50 facility application fee will be refunded. Refunds will not be given for events cancelled with less than one month's notice of the event. Refunds will not be given to groups or organizations that fail to show for scheduled events.

Request for rescheduling of event

If it is necessary to reschedule an event, the Campus Facilities Rental Coordinator must be notified no less than one week for general rentals and one month for theatre rentals prior to the scheduled event. Each request for rescheduling will incur a \$50.00 change fee.

By the College

Foothill College reserves the right to cancel any event scheduled by a community group, organization or individual if the scheduled facility is needed for a college program. Although rare, if it is necessary for the college to cancel an event, the college will make every effort to notify the group of the cancellation at least one week in advance of the scheduled event. In the case of cancellation by the college, all monies collected will be refunded for each application processed, including the \$50 application fee.

Cancellation due to Inclement Weather

Reservations are made rain or shine and cancellations due to weather are not refundable unless the area is deemed unusable by local weather service or authority.

Timeline for placing a Facilities Application

All general rental requests should be filed at least one month in advance of the proposed event, and all theatre rental requests should be filed at least six weeks in advance of the proposed event. Due to academic scheduling requirements, we can schedule events, but not provide a definitive confirmation regarding availability more than one academic quarter in advance.

Classroom, Lecture, Theatre, and Indoor Physical Education Spaces

Food and beverages are not allowed in classrooms, lecture halls, theatres, and indoor Kinesiology and Athletic spaces without express permission. Food and beverages served in any of these facility types will require custodial support to be on staff for the entirety of the event with no less than a four (4) hour minimum at the renter's expense. Amplified music is prohibited in all parking areas and requires permission in quads and other indoor or outdoor spaces within the campus. The posting of any signage over existing college signs are prohibited.

Reasons for denial of application or cancellation of a reservation

Foothill College strives to accommodate all applicants yet there are times when an application cannot be accommodated. The following list offers some examples:

- The application request could not be filled due to
 - unavailability of the date/space requested
 - designated campus holiday
 - capacity restrictions
 - conflict with other events on campus
 - perimeter road closure needs
 - lack of required documentation as requested by the Facilities Rental Office (signed contract, certificate of insurance, environmental health permits, etc.)
 - lack of payment

Food Consumption and Vending Policy and Allowable Options

Pacific Dining:

Foothill College catering is made possible by Pacific Dining and whenever possible, an outside party should contact Pacific Dining for a non-binding food services quote. The Facilities Rental Coordinator will notify Pacific Dining of any upcoming events that require food service or the requestor may contact them directly by calling Richard McMahon at:

Pacific Dining - Food Service Management
P.O. Box 6789
San Mateo, CA 94403
408-406-8487
rick@pacific-dining.com

Outside Catering

Unless the food is “pre-boxed” and is sealed for distribution, in order to adhere to the procedures defined in the California Retail Food Code, a licensed caterer must be onsite for the event to serve. To minimize food contamination, all caterers are required to provide the following documentation two weeks prior to the event start date.

Truck Caterers

- 1) Evidence of a current Environmental Health Inspection Certificate
- 2) General liability insurance certificate in the amount of \$1 million per occurrence and \$2 million in the aggregate
- 3) Auto liability insurance certificate in the amount of \$1 million per occurrence and \$2 million in the aggregate
- 4) If employees are on site instead or in addition to the owner of the catering company, statutory limits for workmen’s compensation insurance must be provided in the amount of \$1 million stating it is the employer’s liability

Food Trucks must receive approval of their parking location from the Facilities Rental Coordinator and Police Records Specialist a minimum of five (5) days prior to the event start date.

Non-Truck Caterers

- 1) Evidence of a current Environmental Health Inspection Certificate
- 2) General liability insurance certificate in the amount of \$1 million per occurrence and \$2 million in the aggregate
- 3) If employees are on site instead of the owner, workmen’s compensation insurance must be provided.

Other Food Vending Options

In accordance with California Retail Food Code, if a renter wants to vend food, all items must be pre-packaged and fully sealed by the food manufacturer.

Alcoholic Beverages (2019-2020)

Alcoholic beverages are not allowed to be consumed on campus without a permit and are not allowed to be served at Foothill College without written permission. Should you want to have alcoholic beverages at your event the following procedures are required.

The District's primary concern is to protect the health and welfare of all guests. Only beer and or wine are allowed on campus. All requestors who are permitted to serve beer and or wine at their event are expected to promote responsible consumption.

Type of Event

Issuance of a **Beer and/or Wine Permit** is dependent on the purpose of the proposed event, such as weddings, celebratory events, fundraisers, etc.

- The application must clearly state the purpose of the event and describe the program or activity with the stated purpose.
- Participants under 21 years of age may not be served, so requestors will be required to describe the group and their guests for consideration.
- The permitted requestor must demonstrate how the number of attendees of the private event will be monitored.
- A minimum of 45 days is required to process a permit and the request must prove sufficient planning has occurred to avoid potential problems.

Hours of Events with Beer and/or Wine

Requests for Permits will only be approved if they fall within the following time periods:

- There are no instructional or student activities in the facility
- After 5 pm on weekdays, 4 pm on Fridays
- After 10 am on Saturday and Sunday
- Serving cannot exceed a four-hour time limit, the event can be longer
- If a full meal is served and there is a dancing component following, a longer time may be negotiated

Designated Responsible Person

- The person seeking permission to provide beer and/or wine at Foothill College must be the same person who applies for the facility. If permission is granted, appropriate supporting documents will be provided by the Office of Administrative Services and Finance to the requester and their caterer who holds the necessary California State licensing which authorizes the dispensing of beer and or wine at temporary sites (supplemental license ABC58). This person, in addition to Foothill campus representation, will be on site for the entire event and will be responsible for compliance with applicable laws, facilities rental policies and procedures.

Serving the Beer and/or Wine

- Beverages must be served by a licensed caterer
- Equal amounts of non-alcoholic beverages must be available for consumption
- There shall be no sale of alcoholic beverages; exchanging any consideration for alcoholic beverages constitutes a sale
- Caterer is required to check identification to insure proper age

Fees, Security, and Approval

- Pursuant to Board Policy AP 3500 Alcohol on Campus, approval to serve alcohol must be granted no less than 45 days prior to the event.
- Additional security personnel will be required
- A \$200.00 application fee per permit request date is required

Any violations of these policies may result in forfeiture of future rental privileges of Foothill College facilities, and additional fees.

We reserve the right to amend these policies as deemed necessary without advance notice.

Included in this policy are the following exhibits:

Exhibit A: 2019 – 2020 Facility Rental Rates

Exhibit B: 2019 – 2020 Parking Waiver Document

Exhibit C: 2019 – 2020 Insurance Requirements

Exhibit D: 2019 – 2020 Guidelines for Food Related Events and Food Sales

Exhibit A

2019-2020 Foothill College Facility Rental Rates

* Three hour minimum

** Four hour minimum

| | For-Profit | Non-profit |
|--|----------------------|----------------------|
| | Per Hour Rate | Rate Per Hour |
| Smithwick Theatre** | \$500.00 | \$400.00 |
| Smithwick Theatre overtime rate (for events going past their scheduled/contracted rental period) | \$750.00 | \$600.00 |
| Lohman Theatre** | \$250.00 | \$200.00 |
| Lohman Theatre overtime rate (for events going past their scheduled/contracted rental period) | \$375.00 | \$300.00 |
| Appreciation Hall | \$175.00 | \$140.00 |
| | | |
| Room Capacity | | |
| 50 and under* | \$75.00 | \$60.00 |
| 51-100* | \$80.00 | \$64.00 |
| 101-180* | \$125.00 | \$100.00 |
| 181-325* | \$150.00 | \$120.00 |
| | | |
| Dance Studio* | \$125.00 | \$100.00 |
| Library Central Garden* | \$110.00 | \$88.00 |
| Campus Center Conference Rooms and Patios* | \$150.00 | \$120.00 |
| PSEC Quad* | \$110.00 | \$88.00 |
| Dining Room* | \$200.00 | \$160.00 |
| Dental Clinic* | \$150.00 | \$120.00 |
| | | |
| Athletic Facilities | | |
| Main Gymnasium | \$160.00 | \$128.00 |
| Small Gymnasium | \$120.00 | \$96.00 |
| Football Stadium | \$160.00 | \$128.00 |
| Futsal Field | \$75.00 | \$60.00 |
| Pool | \$150.00 | \$120.00 |
| Soccer Field | \$225.00 | \$180.00 |
| Softball Field | \$115.00 | \$92.00 |
| Softball Field Batting Cages | \$90.00 | \$72.00 |
| Tennis Court (Each) | \$30.00 | \$24.00 |
| Track | \$60.00 | \$48.00 |
| | | |
| Direct Costs | | |
| AV Technician** | \$85.00 | \$85.00 |
| Custodian** | \$74.00 | \$74.00 |
| Electrician | \$90.00 | \$90.00 |
| Grounds Maintenance Personnel and Pool Technicians** | \$74.00 | \$74.00 |
| Sergeant | \$100.00 | \$100.00 |

| | | |
|---|----------|----------|
| Police Officer | \$90.00 | \$90.00 |
| Community Service Officer | \$65.00 | \$65.00 |
| IT Technician** | \$95.00 | \$95.00 |
| Life guard (1per each15) | \$50.00 | \$50.00 |
| On Site Supervisor | \$90.00 | \$90.00 |
| Stadium Lights | \$80.00 | \$80.00 |
| Table and Chair set up/take down | \$74.00 | \$74.00 |
| | | |
| Other | | |
| 6 ft. Table (each) | \$6.00 | \$5.50 |
| Folding Chairs (each) | \$1.50 | \$1.25 |
| | | |
| Additional Services/Special Fees | | |
| Beer and/or Wine Use Fee | \$200.00 | \$200.00 |
| Theatre Rental Deposit | \$500.00 | \$500.00 |
| Application Fee | \$50.00 | \$50.00 |
| Contract Change/Reschedule Fee | \$50.00 | \$50.00 |

Exhibit B

Foothill College Parking Waiver Policy

According to the October 2013 update of the District Police Department Parking & Traffic Regulations, Chapter 8, both internal and external requests for parking fee waivers must be ratified by the Board of Trustees.

External “No Fee” Parking Waiver Request Procedure

If a request for a parking fee waiver from an external company, please forward the requesting party directly to the President’s Office. If a “no fee” parking waiver is granted, the President’s Office will place this item on the Board of Trustees agenda for ratification.

Exhibit C

Foothill College Insurance Requirements 2019-2020

All outside groups and organizations must provide the college with a Certificate of Insurance for \$1 million dollars per occurrence and \$2 million in the aggregate listing Foothill-De Anza Community College District as additionally insured. The policy must be on file two weeks prior to the event start date, the same date as final payment is due.

1. A minimum of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate of general liability coverage is required of all renters who are not affiliated with Foothill-De Anza Community College District.
2. On a separate piece of paper, with the heading "Additional Insured", the certificate must contain the following additional insured statement worded in its entirety and exactly as follows:

"Foothill-De Anza Community College District its Board of Trustees, and the individual members thereof, all District officers and servants are named as additional insured." must be named as additionally insured."

3. The certificate holder is:
Foothill-De Anza Community College District
12345 El Monte Road
Los Altos Hills, CA 94022

Exhibit D

Guidelines for Food Related Events and Food Sales

To comply with the Santa Clara County Health Department's regulations related to the preparation, handling, and distribution of food on campus, as well as to guarantee the health and safety of all campus constituencies, the following guidelines for food sales have been established for students, employees, and renters at Foothill College:

- Food items must be prepackaged. Prepackaged items are food items packaged at a licensed bakery, restaurant, or grocery store, **OR**
- Food items must be prepared by a licensed food service provider and a current Environmental Health Permit must be provided to the Facilities Rental Coordinator in order to receive event authorization.
- No foods or perishable beverages can be prepared or stored in a private home due to possible contamination.
- All food and perishable beverages shall be protected at all times from unnecessary handling and possible contamination (i.e. gloves must be worn by servers and items refrigerated)

Additional Points of Clarification

- Pizza can be sold by the slice if purchased from a licensed food service provider and is distributed by the slice to the public, by a certificated Food Handler, and that the pizza is protected at all times from unnecessary handling and possible contamination (i.e. gloves must be worn by servers and items refrigerated as needed). The food handler's certificate must be on file with the Facilities Rental Coordinator.
- Baked goods be separated in single servings for sale if they are purchased from a licensed food service provider and are distributed individually to the public, by a current certificated Food Handler, provided the baked goods are protected at all times from unnecessary handling and possible contamination (i.e. gloves must be worn by servers and items refrigerated as needed).
- The food policy applies to food in baskets assembled for fundraising unless the food items are prepackaged.

Internal Potlucks

Potlucks are permissible for internal events ONLY and must meet the following guidelines:

- The meeting or event must be closed to the general public. Instead, the event is open to a specific target population,
- There can be no charge for the event
- The event cannot be advertised to the general public