



SOUTHWESTERN COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD

NORMA L. HERNANDEZ, GOVERNING BOARD PRESIDENT
 HUMBERTO PERAZA, GOVERNING BOARD VICE PRESIDENT
 TIM NADER, GOVERNING BOARD MEMBER
 JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER
 TERRI VALLADOLID, GOVERNING BOARD MEMBER
 JUAN LUIS ESPINOZA, STUDENT GOVERNING BOARD MEMBER
 MELINDA NISH, ED.D., SECRETARY TO THE GOVERNING BOARD AND
 SUPERINTENDENT/PRESIDENT

AGENDA

**SPECIAL MEETING OF THE GOVERNING BOARD
POLICY COMMITTEE**

HUMBERTO PERAZA, GOVERNING BOARD VICE PRESIDENT
 TIM NADER, GOVERNING BOARD MEMBER

Written notice is hereby given in accordance with Government Code Section 54956 that a special meeting of the Governing Board of the Southwestern Community College District will be held as noted below:

DATE: Wednesday, June 27, 2012
 TIME: 6:30 p.m.
 LOCATION: Southwestern College
 900 Otay Lakes Road
 Building 100, Conference Room A
 Chula Vista, CA 91910

Compliance with Americans With Disabilities Act

Southwestern Community College District, in compliance with the American Disabilities Act (ADA), requests individuals who may need special accommodation to access, attend, and/or participate in Board meetings to contact Mary Ganio at (619) 482-6301 in advance of the meeting for information on such accommodation.

	ITEM
<i>Call to Order</i>	<p>1. CALL TO ORDER (Peraza) 6:30 p.m., Conference Room A</p> <p>Attendance at this special meeting (Board members arriving after meeting commences will be noted as "present" at point in this suggested order of business at which they arrive).</p> <p>Present: Staff Present:</p>
<i>Oral Communication</i>	<p>2. ORAL COMMUNICATION (Peraza)</p> <p>Persons wishing to address the Governing Board under this item should fill out a yellow request card (available at the reception table) and indicate on the card if they wish to be called under Oral Communication, or when a specific agenda item is considered.</p> <p>An oral presentation to the Board does <i>not</i> constitute an open discussion on the presentation topic, unless that topic is on the posted agenda. Pursuant to the Brown Act (Government Code Section 54954.2(a)): "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may <i>briefly</i> respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3."</p>

	ITEM
Action	3. ACCEPTANCE OF MINUTES (ENCLOSURE) (Peraza) Policy Committee Meeting, May 1, 2012
Action	4. CAMPAIGN CONTRIBUTIONS POLICY NO. 2020 (ENCLOSURE) (Peraza) The Policy Committee will discuss with Legal Counsel possible enforcement mechanism for the campaign contribution limits policy and will also discuss development of potential procedures. The Superintendent/President will provide an update as follow-up to the last Policy Committee meeting. (This item is continued from the Policy Committee discussion on May 1, 2012.)
Discussion	5. LOCAL JOBS POLICY (Peraza) The Policy Committee will discuss the possibility of a local preference for contracts.
Action	6. REVIEW OF PROPOSED NEW PROCEDURES (Peraza) The Policy Committee will review and discuss the following new proposed procedures to be forwarded to the Board for consideration: 6A. Procedure No. 2110 Vacancies on the Governing Board (ENCLOSURE) (This item was tabled at the Policy Committee on May 1, 2012) 6B. Procedure No. 2435 Evaluation of the Superintendent/President (ENCLOSURE) 6C. Procedure No. 2610 Presentation of Initial Collective Bargaining Proposals (ENCLOSURE)
Information	7. POLICIES FOR INFORMATION (Nish) The Superintendent/President will provide the following policies, will be reviewed by the Shared Consultation Council and then forwarded to the Board for consideration: 7A. Policy No. 6210 General Fund Reserves – Revised Policy (ENCLOSURE) 7B. Policy and Procedure No. 6700 Civic Center & Facilities Use – New Policy & Procedure (ENCLOSURE)
Adjournment	8. ADJOURNMENT (Peraza)

Humberto Peraza
Governing Board Vice President

ITEM #3



SOUTHWESTERN COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD

- NORMA L. HERNANDEZ, GOVERNING BOARD PRESIDENT
- HUMBERTO PERAZA, GOVERNING BOARD VICE PRESIDENT
- TIM NADER, GOVERNING BOARD MEMBER
- JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER
- TERRI VALLADOLID, GOVERNING BOARD MEMBER
- CLAUDIA DURAN, STUDENT GOVERNING BOARD MEMBER
- MELINDA NISH, ED.D., SECRETARY TO THE GOVERNING BOARD AND SUPERINTENDENT/PRESIDENT

MINUTES

**SPECIAL MEETING OF THE GOVERNING BOARD
POLICY COMMITTEE**

- HUMBERTO PERAZA, GOVERNING BOARD VICE PRESIDENT
- TIM NADER, GOVERNING BOARD MEMBER

Written notice is hereby given in accordance with Government Code Section 54956 that a special meeting of the Governing Board of the Southwestern Community College District will be held as noted below:

DATE: Tuesday, May 1, 2012
 TIME: 7:00 a.m.
 LOCATION: Southwestern College
 900 Otay Lakes Road
 Building 100, Conference Room A
 Chula Vista, CA 91910

Compliance with Americans With Disabilities Act

Southwestern Community College District, in compliance with the American Disabilities Act (ADA), requests individuals who may need special accommodation to access, attend, and/or participate in Board meetings to contact Mary Ganio at (619) 482-6301 in advance of the meeting for information on such accommodation.

	ITEM
Call to Order	<p>1. CALL TO ORDER (Peraza) 7:02 a.m., Conference Room A</p> <p>Attendance at this special meeting (Board members arriving after meeting commences will be noted as "present" at point in this suggested order of business at which they arrive).</p> <p>Present: <i>Humberto Peraza, Tim Nader</i> Staff Present: <i>Melinda Nish, Ed.D., Joe Quarles, Ed.D.</i></p>
Oral Communication	<p>2. ORAL COMMUNICATION (Peraza)</p> <p>Persons wishing to address the Governing Board under this item should fill out a yellow request card (available at the reception table) and indicate on the card if they wish to be called under Oral Communication, or when a specific agenda item is considered.</p> <p>An oral presentation to the Board does <i>not</i> constitute an open discussion on the presentation topic, unless that topic is on the posted agenda. Pursuant to the Brown Act (Government Code Section 54954.2(a)): "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may <i>briefly</i> respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3."</p> <p><i>No speakers.</i></p>

	ITEM
Action (Carried)	<p>3. ACCEPTANCE OF MINUTES (ENCLOSURE) (Peraza) Policy Committee Meeting, June 15, 2011 (Reviewed and approved by Board Member Roesch, former Policy Committee member)</p> <p>Policy Committee Meeting, January 24, 2012</p> <p><i>Motion by Nader, seconded by Peraza, to approve the minutes.</i></p>
Action	<p>4. CAMPAIGN CONTRIBUTIONS POLICY NO. 2020 (ENCLOSURE) (Peraza) The Policy Committee will discuss with Legal Counsel possible enforcement mechanism for the campaign contribution limits policy.</p> <p><i>The Committee discussed enforcement of the policy.</i></p> <p><i>At 8:05 a.m., Legal Counsel Ernest Bell joined the meeting via telephone. The Committee asked if the Board had the authority to levy a fine for violating a Board policy. Counsel advised that Elections Codes applies to all elections including community colleges. He indicated that community colleges have the authority to impose a fine.</i></p> <ul style="list-style-type: none">• <i>Refer to Counsel to draft policy to address:</i><ol style="list-style-type: none">1. <i>Fines.</i>2. <i>Board member recusal from voting on items to benefit contributors who have violated the policy.</i>• <i>It was suggested that CV City Attorney Glen Googins may be interested in acting as the enforcement agency. Nish will contact him regarding conditions and terms for acting as enforcement agency.</i>• <i>Bring back policy to Policy Committee.</i>• <i>Slated for June Board meeting.</i> <p><i>Peraza inquired about the status of a committee for Campaign Reform. The Superintendent/President will identify committee members and call a meeting of the committee in August or September after faculty return.</i></p>
Action	<p>5. LOCAL CONSTRUCTION JOBS POLICY (Nader)</p> <ul style="list-style-type: none">• The Policy Committee will review and discuss a draft policy for Local Construction Jobs.• Final draft to be forwarded to the Board. <p><i>After discussion, it was determined that the proposed policy would be placed on the May 9 closed session agenda for full Board discussion. The S/P will obtain a legal opinion. Nader requested an opinion on what sections of the proposed policy may be discussed in closed session. Peraza requested an opinion on the entire proposed policy. Nader will discuss with the other member on the subcommittee, Terri Valladolid, regarding pulling Section 3 (after the first sentence) and Section 4 (other than heading).</i></p> <p><i>It was determined that the proposed resolution would be placed on the May 9 Board agenda. The subcommittee report will be on the agenda as a separate item.</i></p>

	ITEM
Action	6. REVIEW OF PROPOSED NEW PROCEDURES (Peraza) The Policy Committee will review and discuss proposed new procedures:
<i>(Approved by Consensus)</i>	6A. Procedure No. 2740 – Board Education (ENCLOSURE) <ul style="list-style-type: none">• The Governing Board, at its April 11 Regular meeting, referred Procedure No. 2740 back to the Policy Committee. The procedure is slated to be brought back to the Governing Board for first reading again for the May 9 Regular Board meeting.
	<i>There was consensus to delete the section/language as suggested by Board President Hernandez during April 11 Board meeting. It was determined that the procedure would be placed on the May 9 Board agenda.</i>
<i>(Approved by Consensus)</i>	6B. Procedure No. 2205 – Governing Board Attorney List <ul style="list-style-type: none">• Review draft to include input from last meeting of the Policy Committee held on January 24, 2012.
	<i>After discussion, there was consensus to leave the procedure as is and move forward and place on the May 9 Board agenda.</i>
<i>(Approved by Consensus)</i>	6C. Procedure 2745 - Governing Board Self-Evaluation (ENCLOSURE) <ul style="list-style-type: none">• Legally required procedure to accompany Policy 2745.• Policy Committee will review and select self-evaluation tool to be recommended to the Board.
	<i>After discussion, there was consensus to move forward with the same evaluation tool used last year and previous years. The evaluation tool will be revisited again next year.</i> <i>It was determined that the procedure would be placed on the May 9 Board agenda.</i>
<i>(Tabled)</i>	6D. Procedure 2110 Vacancies on the Governing Board (ENCLOSURE) <ul style="list-style-type: none">• Review draft. Final draft to be forwarded to the Board. <i>The procedure was tabled for next Policy Committee meeting.</i>
Adjournment	7. ADJOURNMENT (Peraza) <hr/> <p>Melinda Nish, Ed.D. Governing Board Secretary</p> <p style="text-align: right;"><hr/>Humberto Peraza Governing Board Vice President</p>

ITEM #4

CAMPAIGN CONTRIBUTIONS

Reference: Government Code Sections 81000, et seq.; 82015; 84200, et seq.; 85201

No person shall make a contribution in excess of \$1,000.00 to a candidate seeking election to the Governing Board of Southwestern Community College District for a single election. No candidate shall solicit or accept a contribution in excess of \$1,000.00 from a person for a single election. All contributions made by a person whose contribution activity is financed, maintained or controlled by another person shall be deemed to be made by that other person. A candidate may contribute in excess of \$1,000.00 to his or her own campaign. This contribution limit shall be reviewed by the Governing Board biannually.

No organization shall make a contribution to any candidate seeking election to the Governing Board of Southwestern Community College District or candidate-controlled campaign committee. All contributions made by a person whose contribution activity is financed, maintained or controlled by an organization shall be deemed to be made by that organization. If the contribution is deemed made by an organization, it is prohibited.

This prohibition shall not apply to contributions made to a committee that is organized solely for the purpose of supporting or opposing any ballot measure.

Definitions

- A. "Candidate" means any individual seeking election to the Governing Board of Southwestern Community College, the candidate's campaign committee, committee(s) controlled by the candidate, and agents of the candidate.
- B. "Contribution" is defined in a manner identical with the definition found in Government Code Section 82015, contained within the Political Reform Act, and any related provisions in the California Code of Regulations.
- C. "Organization" means a proprietorship, labor union, firm, partnership, joint venture, syndicate, business, trust, company, corporation, association, or committee, including a political action committee. "Organization" does not include political party committees, as that term is defined in California Government Code Section 85205.
- D. "Person" means a natural individual.

ITEM #6 A

VACANCIES ON THE GOVERNING BOARD

References: Education Code Sections 5090 et seq.;
 Government Code Sections 1770 and 6061

When the Governing Board determines to fill a vacancy by appointment, the Superintendent/President shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting in three public places in the District and publication in a newspaper of general circulation. (Note: This publication, which is required by Section 6061 of the Government Code, is only required to be published once. If there is no newspaper of general circulation published in the District, notice need not be published.)

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Governing Board.

Persons applying for appointment to the Governing Board shall receive a letter from the Superintendent/President containing information about the District and the Governing Board, and including a [candidate information sheet] to be completed and returned by a specific date.

The Governing Board [may/shall] request personal interviews with candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Governing Board member will review all [candidate information sheets], with final selection made by a majority vote of the Governing Board members at a public meeting called for that purpose.

Whenever a provisional appointment is made, the Governing Board shall, within 10 days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation. (Note: This publication, which is required by Section 6061 of the Government Code, is only required to be published once. If there is no newspaper of general circulation published in the District, notice need not be published.)

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the Governing Board, the date of appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools

Date:

VACANCIES ON THE GOVERNING BOARD

within 30 days of the date of the provisional appointment, it shall become an effective appointment.

A provisional appointment confers all powers and duties of a Governing Board member upon the appointee immediately following his or her appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for Governing Board members. An election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

ITEM #6 B

EVALUATION OF THE SUPERINTENDENT/PRESIDENT

Reference: Accreditation Standard IV.A

Evaluation of the Superintendent/President is to be based upon performance of the duties outlined in the job description for that position and upon the strategic goals established for the District as approved by the Governing Board.

1. The Governing Board shall review and assess, in writing, the performance of the Superintendent/President once each year during the month of August for the preceding June 30 to July 1.
2. No later than July 15, the Superintendent/ President will submit a written report to the Governing Board stating his/her accomplishments as the chief administrative officer of Southwestern Community College District. The criteria for this written report shall be based on Board Policy No. 2430, "Delegation of Authority to the Superintendent/President." The report shall provide space for Governing Board members to make commendations, recommendations and general comments. Each Governing Board member shall submit his/her written comments to the Board President at least ten (10) business days prior to the scheduled evaluation date. The Board President shall consolidate the commendations, recommendations and general comments of Board members. This consolidated report shall be attached to a copy of the Superintendent/President's written report and reviewed in closed session with the Superintendent/President at the time of the evaluation.
3. Upon completion of the Superintendent/President's evaluation, the Governing Board may, at its discretion, take action to amend the Superintendent/President's salary, or extend the employment contract for an additional period of time.
4. The consolidated report shall be preserved in the Superintendent/President's permanent personnel file. The Governing Board President shall be responsible to provide the evaluation to Human Resources for filing.

ITEM #6 C

PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALS

Reference: *Government Code Section 3547*

Whenever an initial collective bargaining proposal is received from an exclusive representative of College District employees, or whenever the College District's own negotiator presents an initial proposal, the following actions must be taken at public meetings of the Governing Board:

1. The exclusive representative or the College District must present the initial collective bargaining proposal orally or in writing to the Governing Board at a public meeting.
2. The public shall have an opportunity to respond to the initial proposal at a subsequent public Governing Board meeting. The opportunity for public response shall appear on the Governing Board's regular agenda. Public response shall be taken in accordance with the Governing Board's policies regarding speakers.
3. After the public has an opportunity to respond to an initial proposal presented by the College District, the Governing Board shall, at the same meeting or a subsequent meeting, adopt the College District's initial proposal. The adoption shall be indicated as a separate action item on the Governing Board agenda. There shall be no amendment of the College District's initial proposal unless the public is again afforded a reasonable opportunity to respond to the proposed amendment at a public meeting. (No Governing Board action is required in response to an initial proposal by an exclusive representative.)
4. If new subjects for meeting and negotiating arise after the presentation of initial proposals, the following procedure shall be followed: all new subjects of meeting and negotiating, whether proposed by the exclusive representative or the College District, shall be posted by the College District in the same public place it posts its agendas within twenty-four (24) hours after the new subjects are presented in negotiations.
5. When a request to reopen a collective bargaining agreement is received from an exclusive representative, or is made by the College District, the public notice process outlined in items 1-4 of this procedure shall be followed.

When the College District and the exclusive representative agree to amend an executed collective bargaining agreement, the following procedure shall be followed:

- The amendment shall appear on the agenda as a notice item, for action at a subsequent Governing Board meeting.

PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALS

- The public shall have an opportunity to respond to the amendment at a subsequent Governing Board meeting. The public response shall be indicated on the agenda.

ITEM #7 A

GENERAL FUND RESERVE

The District shall maintain a general fund reserve of not less than ~~7%~~ 5% of expenditures to provide for economic uncertainties. Expenditures from this reserve require the approval of the Governing Board. The policy shall be reviewed annually.

ITEM #7 B

CIVIC CENTER & FACILITIES USE

Reference: Education Code Sections: 82530, 82537, 82542

In accordance with Education Codes §82530, §82537 and §82542, Southwestern College is available for public, private, for-profit and not-for-profit use as a Civic Center rental. Use of identified college facilities available as a Civic Center rental may be granted as provided by law. Scheduled instructional, student support services, student activities, or other District activities or operational use shall take precedence over Civic Center rentals and use of District property for non-district events or activities shall not interfere with scheduled instructional programs or other District activities.

The Superintendent/President shall establish procedures regarding the rental of college property, including but not limited to facilities, outside space, equipment, and/or supplies.

The Civic Center Rental Administrative Procedures shall reflect the requirements of applicable law regarding Civic Centers including Education Code Section 82537 that states that 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. The regulations shall include reasonable rules regarding the time, place and manner of use of identified District facilities. Persons, groups, businesses, or organizations using college property shall be charged fees as authorized by law. They shall assure that persons or organizations using College property are charged such fees as are authorized by law. Public use of College property shall not interfere with scheduled instructional programs or other activities.

No group or organization may use District property for purposes that discriminate on the basis of race, color, religion, ancestry, national origin, disability, medical condition, gender, veteran status, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics.



CIVIC CENTER AND OTHER FACILITIES USE

Reference: Education Code Sections 82537, 82542, 82544, and 82548

I. General Provisions:

Southwestern College facilities are available for community use when such use does not conflict with College programs and operations. Facility use shall be limited to places and time identified by the Superintendent/ President. Except as provided in these regulations and within the law , no organizations shall be denied the use of College facilities because of the content of the speech or program content to be undertaken during the use.

The _____ is responsible for the coordination and implementation of these procedures. The Chief Fiscal Officer shall approve all applicable fees to be charged.

All user groups shall be required to provide the College 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 College and/or other proof of financial responsibility acceptable to the College.

Eligible persons or groups may use College buildings or grounds for public, private, literary, scientific, recreational, training, or educational/organizational/business/community meetings, or for discussion of matters of general or public interest, subject to these rules and regulations and Education Code compliance.

The groups identified in Education Code Section 82542(a) will be permitted to use College facilities upon payment of the following:

- 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.
- The cost of a College employee's presence during the organization's use of the facilities if it is determined that the supervision is need, and if that employee would not otherwise be present as part of his or her normal duties.
- The cost of janitorial/custodial services if the services are necessary and would not have otherwise been performed as part of the janitor's normal duties.
- The cost of utilities directly attributable to the organization's use of the facilities.
- Except as provided herein, groups shall be charged an amount not to exceed the direct costs of College facilities. Direct costs shall include costs of supplies, utilities, janitorial services, services of any other College employees, and salaries paid Southwestern College employees necessitated by the organization's use of College facilities.

CIVIC CENTER AND OTHER FACILITIES USE

- Per Education Code, the following shall be charged fair rental value for the use of College facilities:
 - 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 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 College or for charitable purposes.

The American Red Cross or other public agencies may use College facilities, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affect the public health and welfare, and the College will cooperate with these agencies in furnishing and maintaining services mutually deemed necessary to meet the needs of the community.

No alcoholic beverages, intoxicants, or controlled substances in any form shall be brought onto the property of the College. 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 College property without specific written approval by the Director of Facilities, Operations, and Planning. 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.

Priority for the Use of College Facilities Priority for the use of College facilities will be as follows:

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 College.
3. Local parent-teachers' associations.
4. Local school-community advisory councils.
5. Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
6. Local senior citizens' organizations.
7. Other public agencies: local organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes (such as folk and square dancing).
8. Public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

CIVIC CENTER AND OTHER FACILITIES USE

9. Non-district agencies, groups, athletic associations, etc. as requested.

All requests for use of buildings and facilities by on-campus groups must be filed through the _____ Office using a Request for Use of Facilities Form.

In accordance with Education Code Sections 82537, 82542, 82544, and 82548, and officially adopted Board Policies, a fee schedule of rental rates for College facilities has been established. This schedule is reviewed on a yearly basis by the Vice President, Business and Financial Affairs. Fees charged for the use of College facilities other than those indicated on this schedule will be determined on an individual basis and approved by the Vice President, Business and Financial Affairs. Negotiated rates will be in conformance with Education Code Sections 82542 and 82544. Salaries of personnel required to operate, maintain, and supervise facilities are included in the base facility fee charged by the College.

Persons or organizations using College premises are not permitted to remove or displace furniture or apparatus, except with the permission of the College and under the supervision of the Vice President, Business and Financial Affairs.

Prohibitions:

- o Violation of College Policies and Procedures and local, state, or Federal laws.
 - o Smoking is prohibited within all College facilities.
 - o Intoxicants and narcotics are expressly prohibited on the College campus.
 - o Profane or sexist language, quarreling, fighting, and gambling are prohibited.
- Violations of this rule by the organization during occupancy is sufficient cause for the College to terminate the event in progress and deny future use of the campus to the offending group or organization.

The rules and conditions for use of each facility listed in the approved fee schedule are hereby incorporated in this regulation even though these rules and conditions are not here duplicated.

Definitions:

1. MONOPOLIZATION: No use of facility shall be granted in such a manner as to constitute a monopoly for the benefit of any person or organization (Ed. Code Sec. 82537c). Requests for use of facilities for regularly scheduled rehearsals and practices will not normally be granted.

Statutes prohibit monopolization of any facility. The District has defined monopolization to be the use of a facility more than five events in one year. Application for use of facilities for

CIVIC CENTER AND OTHER FACILITIES USE

more than one date must be received two (2) months prior to first day of usage in order to provide time for considerations.

2. REQUESTS FOR ADVANCE DATES: Applications for the use of facilities for dates in the following academic year may be made at any time during the current year but may not be confirmed until after July 1.

3. CANCELLATION: The District maintains the right to cancel any confirmed event at any time with cause. If the District cancels the use of the facilities, all fees paid, except the non-refundable application fee, will be refunded.

4. LAWS AND ORDINANCES: Organizations using District property and facilities shall conform to all state, county, and District rules, regulations and ordinances including, but not limited to those pertaining to fire, health, and safety. Alcoholic beverages or drugs in any form will not be permitted on District property. Smoking is PROHIBITED inside all areas of District facilities and within 20 feet of any door or entryway. Consumption of food and beverages is permitted in designated areas only.

5. DAMAGE TO FACILITIES: The groups or organizations using the facilities under these rules will be liable for any damage to or destruction of college property beyond that caused by ordinary wear and tear. Negligence will result in a group being accountable for damages and withdrawal of consideration upon subsequent request. To prevent such damage, the District reserves the right to CANCEL OR POSTPONE ANY SCHEDULED EVENT.

6. KEYS: Keys are not issued to organizations or individuals using the facilities.

7. MERCHANDISE CONCESSIONS: Sale of souvenirs, programs, records, books, etc., relative to the event is permitted with advance approval. The District will receive 20% of the gross receipts from such sales and 25% if the District provides sellers. Renter will be responsible for payment of all state, county, federal, or local taxes incurred from such sales. Payment of royalties and copyright fees is the responsibility of the Renter.

8. FOOD CONCESSIONS: Food concessions are reserved to the District. In the event that the District's contracted concessionaire is not able to handle food concession needs, the Renter may handle their own concessions and the District will receive 25% of the gross receipts. Renter will be required to provide a Certificate of Insurance in the amount of \$1,000,000.00 naming Southwestern Community College District as additional insured with a sixty (60) day cancellation clause. Renter is also required to provide a copy of worker's compensation coverage.

CIVIC CENTER AND OTHER FACILITIES USE

9. PERSONNEL: The District reserves the right to employ, at Renter's expense, such District personnel as it deems necessary to secure District property and facilities and to operate District equipment. Such personnel are authorized to enforce all District regulations and report any violations. Final decisions concerning any emergency, e.g. earthquake, air raid, bomb scare, are those of the District.

10. CERTIFICATE OF INSURANCE: A Certificate of Insurance for property and liability coverage in the amount of \$1,000,000.00 (minimum) naming Southwestern Community College District as additional insured is required for all usage. The District at its discretion may determine that additional coverage is required due to the nature of the event (concert, soccer match, etc.).

11. FACILITIES AVAILABILITY: Facilities are available during vacation periods and other times when the District is closed only if their use does not conflict with District policy, construction, scheduled maintenance, and activities. Necessary personnel must be available for supervision.

12. DISTRICT LOGO: Use of the District logo or name is reserved to the District and may not be used in any advertising or promotional materials.

13. PROMOTIONAL AND ADVERTISING MATERIALS: Promotional and advertising materials used or distributed on campus and not initiated by the Civic Center Office must be approved in advance by the office of the Student Services and must be removed by the Renter at the end of the rental period. Cost may be assessed to Renter if such advertising or promotional materials are not removed in accordance with this section. Renter must present a copy of contract to the Dean of Student Services. The office of Student Services has the right to refuse approval of any promotional and advertising materials. If the District handles ticket sales, all advertising materials must be reviewed and approved by the Civic Center Office and the appropriate rental Manager prior to distribution of materials.

14. POLICE/SECURITY PERSONNEL: The District's College Police reserves the right to determine the number of police officers needed for any event. If it is determined that police officers are required for any event, only officers employed by the Southwestern Police Department may be used. The use of "private" security officers employed by an outside security firm shall not be used without the written permission of the College's Chief of Police.

15. PARKING FACILITIES: The Southwestern College Police Department reserves the right to determine the parking areas for all events and the cost associated with the use of these parking areas.

CIVIC CENTER AND OTHER FACILITIES USE

16. RIGHT TO WAIVE: The District reserves the right to waive any of the provisions stated herein.

Reference: Education Code Sections 82537, 82542. Fee waivers must be approved by the Governing Board in advance of the event.

17. MAJOR EVENTS: Major events include, but are not limited to sport or exhibition, movie taping, concert, carnival or fair, etc., or when the complexity of the rental is such that unusual preparation occurs (i.e. Presidential debate). Alternative fee options in lieu of the standard rental fees may occur.

18. GOVERNING BOARD CONTRACT APPROVAL: The Southwestern Community College District Governing Board approves all Civic Center Rental Contracts.

II. CIVIC CENTER RENTAL USER DEFINITIONS

In accordance with Board Policy # _____ and consistent with Education Codes §82530, §82537 and §82542, Southwestern College is available for public, private, for-profit and not-for-profit use as a Civic Center rental per the definitions and classifications noted below.



CIVIC CENTER AND OTHER FACILITIES USE

CLASSIFICATION I

CLASSIFICATION II

CLASSIFICATION III

Non-Profit Organizations which promote youth and school activities within the District service area. [Must provide proof of non-profit tax status.]

Other Non-Profit Organizations and other Public Agencies [Must provide proof of non-profit tax status.]

Commercial and/or Profit-making Groups [Churches, retail, for-profit]

RENTAL FEE: None	RENTAL FEE: Non-Profit Rental Fee rate	RENTAL FEE: Fair Market Rental Value rate
OTHER FEES: Charges for labor, direct costs (custodial, maintenance, etc.), technical staff, equipment, supplies, etc.	OTHER FEES: Charges for labor, direct costs (custodial, maintenance, etc.), technical staff, equipment, supplies, etc.	OTHER FEES: Charges for labor, direct costs (custodial, maintenance, etc.), technical staff, equipment, supplies, etc.
<p>The SCCD Governing Board shall grant, without charge, the use of school facilities or grounds under its control when an alternative location is not available, to non-profit organizations, clubs or associations which are located and operated within the boundaries of the District and are organized to promote youth and school activities; provided that the use of school property for fund-raising activities shall be of benefit to the youth or public school activities of the District, as determined by the Board. Groups in this category include, but are not limited to:</p> <ul style="list-style-type: none"> ♦ girl scouts, boy scouts, 	<p>The Governing Board shall charge an amount not to exceed its direct costs for activities where the user group is located and operates within or outside the boundaries of the District and is a non-profit organization organized for purposes other than to promote youth and school activities.</p> <p>Users which shall be charged an amount not to exceed direct costs include:</p> <ul style="list-style-type: none"> (1) other public agencies (2) elementary school 	<p>The Governing Board shall charge at least the fair market rental value or commercial rate to all other groups not otherwise qualified under the provisions of Classifications I or II for use of the District's facilities or grounds.</p> <p>Users within this category include, but are not limited to:</p> <ul style="list-style-type: none"> ♦ Purpose of entertainment or meetings where admission fees are charged or contributions are solicited and the net

CIVIC CENTER AND OTHER FACILITIES USE

<p>explorer scouts, camp fire girls ♦ parent-teachers associations ♦ school/district/community advisory councils and or task forces ♦ booster groups ♦ educational foundations ♦ community substance abuse groups and/or school core teams.</p>	<p>districts (3) artistic and cultural groups (4) colleges and universities; (5) youth sports leagues and programs.</p>	<p>receipts are not expended for the welfare of the pupils of the District. ♦ Functions such as dances as profit-making ventures, dealers' exhibits, concerts, sporting shows, commercial sales, promotional activities, and religious/church groups.</p>
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IV. CIVIC CENTER RENTAL PROMOTIONAL AND ADVERTISING MATERIALS

1. Use of District logo or college name is reserved to the District and may not be used in any advertising or promotional materials.
2. Promotional and advertising materials used or distributed on college sites and not initiated by the Civic Center Office must be approved in advance by the Office of Student Affairs and must be removed by the Renter at the end of the rental period.
3. Cost may be assessed to Renter if such advertising or promotional materials are not removed in accordance with this section.
4. Renter must present a copy of the agreement to the Dean of Student Services. The Office of Student Services has the right to refuse approval of any promotional and advertising materials displayed on campus.
5. If the District handles ticket sales, all advertising materials must be reviewed and approved by the appropriate manager **prior** to distribution of the material.
6. Displays may be located in the lobbies or use area only with the advance approval of the Civic Center Office. Such displays must be in good taste and may not be fastened to any part of the building. These displays may be limited and must be located so as not to interfere with crowd movement, fire regulations, or in such a manner as to cause the lobbies or areas appear to be cluttered.

CIVIC CENTER AND OTHER FACILITIES USE

V. COLLEGE POLICE SERVICES

The District's College Police reserves the right to determine the number of police officers needed for any event. If it is determined that police officers are required for any event, only officers employed by the Southwestern College Police Department may be used. The use of "private" security officers employed by an outside private security firm shall not be used without permission of the Chief of Police.

Parking Fee

- All users renting District's facilities through the Civic Center Office may be subject to a parking fee.
- The District's College Police reserves the right to determine the parking areas for all events and the cost associated with the use of these parking areas.
- Daily parking permits may be purchased in the parking lots.
- The District's College Police officers will patrol the parking lots. Failure to provide a parking permit will result in a written citation.
- A request to waive the vehicle parking fee may be made in writing through the Civic Center Rental Office as approved by the Vice President, Business and Financial Affairs.

VI. CONCESSIONS

Concession is defined as the sale of food, souvenirs, programs, DVDs, CDs, books, T-shirts, etc.

A. Food Concessions

- 1) Food concessions are reserved to the District.
- 2) In the event that the District's contracted concessionaire is not able to handle food concession needs, the Renter may handle their own concessions and the District will receive 25% of the gross receipts.
- 3) Renter is required to provide a Certificate of Insurance in the amount of \$1,000,000.00 naming Southwestern College as additional insured with a sixty (60) day cancellation clause.
- 4) Renter is also required to provide a copy of worker's compensation coverage.

CIVIC CENTER AND OTHER FACILITIES USE

- 5) A request for exception regarding food concessions may be made in writing through the Civic Center Rental Office as approved by the Vice President, Business and Financial Affairs.

B. Non-Food Concessions

- 1) Concession privileges are reserved by the District. Sale of souvenirs, programs, DVDs, CDs, clothing, books, etc., relative to the event is permitted with advance approval of the appropriate manager or designee.
- 2) The District will receive 20% of the gross receipts from such sales and 25% if the District provides the seller.
- 3) Renter is responsible for payment of all state, federal, county, and/or local taxes incurred for such sales.
- 4) Payment of royalties and copyright fees is the responsibility of the renter.

VII. CATERING

Catering services is reserved by the District and may include but is not limited to breakfast, lunch, dinner, snacks, beverages, etc. In the event that the District's catering service is not available, other external arrangements may be made.