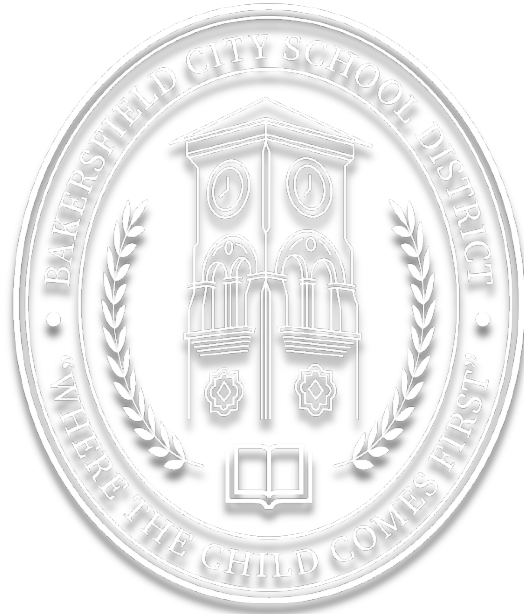


# Civic Center Policies & Procedures - Proposed Updates



## **Public Study Session**

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Jessika Johnson, Esq. - Dannis Woliver Kelley

**Bakersfield City School District**

April 5, 2022

# Agenda

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- Introduction
- Background & Overview
- Changes in the Law
- Study Session
  - Proposed User Group Categories and Fees
  - Proposed Fee Schedule
  - “Priority of Use”
  - Other Updates
- Reminder - Request for Public Input
- Implementation Timeline
- Questions, Comments & Discussion



# What is the Civic Center Act?

**California Education Code, §38130, *et seq.***

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- Provides that school facilities & grounds should be made available for use by the community for appropriate civic, cultural, welfare, or recreational purposes pursuant to Board policies and procedures when not in use by the district
- Allows school districts to reclaim reasonable costs associated with public use of school facilities & grounds



## Civic Center Act

***Protects community's investment by incorporating fees that ensure school facilities and grounds are safe, in good repair, and in good working order for youth and community activities***



# Why is BCSD Updating its Civic Center Policies & Procedures?

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- To comply with recent changes in the law
  - SB 1404 (2012); AB 1557 (2016); & AB 1303 (2019)
- To implement uniform procedures District-wide
- To ensure consistency with other Board Policies and Procedures
- To respond to District staff & community input
- To streamline BCSD's Civic Center permitting process
- To ensure that policies, procedures, requirements, & restrictions are clear & user-friendly!
- To protect the community's investment in school facilities

# Overview of BCSD's Current Civic Center Policies & Procedures

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- ❖ **Board Policy 800.05** - last updated in 2014
- ❖ **Administrative Regulation 800.05** - last updated in 2014 (8 years ago)
- ❖ **Application/Terms & Conditions** - last updated in 2005 (17 years ago)
- ❖ **Fee Schedule** – last updated in 2011 (11 years ago)

# BCSD Civic Center Policies & Procedures – Overview of Proposed Updates

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| Summary  | Document ID # |
|--|---------------|
| Update & modify BCSD's 2014 <b>Board Policy 800.05</b>   | BP 800.05     |
| Establish & adopt <b>Fee Schedule</b> in accordance with statutory requirements                            | E(1) 800.05   |
| Update & modify BCSD's 2014 <b>Administrative Regulation</b>   | AR 800.05     |
| Replace BCSD's 2005 Application/Terms & Conditions form with updated <b>electronic Application</b> process | N/A           |
| Replace BCSD's 2005 Application/Terms & Conditions form with updated <b>Terms &amp; Conditions</b>         | E(2) 800.05   |

# Recent Changes in the Law

SB 1404 (2012), as extended by AB 1303 (2019) *expands* the definition of “Direct Costs”, and requires school districts to calculate the proportionate share to be paid by Civic Center user groups in accordance with methodology established by the State Board of Education

## Existing “Operational Direct Costs”

- *The share of the costs of supplies, utilities, janitorial services, services of school district employees, and salaries paid to school district employees directly associated with the administration of this section to operate and maintain school facilities or grounds that is proportional to the entity’s use of the school facilities or grounds under this section.*

(Ed. Code, § 38134(g)(1)(A))

## New “Capital Direct Costs”

- *The share of the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of the school facilities or grounds by the entity using the school facilities or grounds.*

(Ed. Code, § 38134(g)(1)(B))

- Subject to certain limitations





# Recent Changes in the Law (Cont.)

- **AB 1557 (2016)**: Expands a school district's authority to grant use of school facilities or grounds to **Community-based recreational youth sports leagues that charge participants no more than a nominal fee**
  - “Nominal Fee” = an average of no more than \$60 per month
  - Includes registration fees, uniforms, equipment, volunteer fees, etc.

## AB 1557 Legislative History (2016):

*“The [nominal] fee is used to differentiate between sports leagues that are local and community-based and those that are competitive ... [t]he programs that are intended to be covered by the bill are programs that are run by volunteers, are local, do not pay coaches, and may be affiliated with local high schools. They charge only a nominal fee to pay for necessities, such as uniforms, equipment, facilities, snack bars, and trophies, compared with competitive sports teams that may charge thousands for participation, pay coaches, and travel outside a region for competitions.”*



# Proposed User Group Categories & Fees

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## Proposed User Group Categories

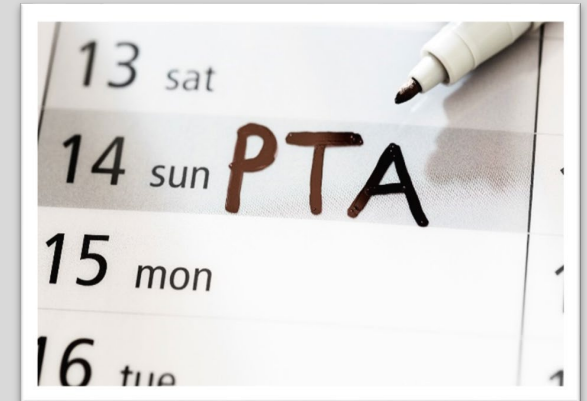
- Group 1
- Group 2
- Group 3
- Group 4

### Fees

- Special Fee
- Direct Costs
- Fair Rental Value
- Costs of Special or Additional Labor, Services or Facilities

# Proposed User Group Categories: Group 1

- **District/School Support Groups**
  - e.g., PTA, District Educational Foundations, booster clubs, School-Connected Organizations, & Community Advisory Committees
- **Official Election Day Polling Place**
- **Non-Profit Community Youth Development & Service Organizations**
  - e.g., Boy Scouts, Girl Scouts, Camp Fire, YMCA



# Proposed User Group Categories: Group 2

- Official Government Activities & Bakersfield City Parks & Rec youth programs
- Community-based recreational youth sports leagues that charge participants no more than a nominal fee
  - “Nominal Fee” = an average of no more than \$60 per month
  - Includes registration fees, uniforms, equipment, volunteer fees, etc.



# Proposed User Group Categories: Group 3

- Other Non-profit, public, and religious organizations with a community-focused program, such as cultural, civic, service, recreational, community, or public affairs groups (not for-profit uses), e.g.:



- Homeowners' groups, public agency meetings, senior citizen groups, veterans' groups, non-profit or public agency adult recreation programs, etc.
- All other non-profit youth programs or activities
- Individual family use for one-time events (picnics; birthday parties)
- Religious organizations for services

# Proposed User Group Categories: Group 4

## Group 4

- Commercial or for-profit activities
- Use for entertainment or meetings where admission is charged, sales completed, or contributions solicited



# Overview – Key Updates to Fee Schedule

## E(1) 800.05

- Last update to BCSD's Fee Schedule was in **2011** (11 years ago)
- SBE methodology for calculating fees (per SB 1404 & AB 1303) took effect in **2014** (5 CCR 14037, *et seq.*)
- Updates to Fee Schedule are required to reflect current law
- Capital Direct Costs must be deposited into special fund that may only be used for maintenance, repair, restoration, & refurbishment

*Protects community's investment by incorporating fees that ensure BCSD school facilities and grounds are safe, in good repair, and in good working order for youth and community activities*

# Categories of Fees

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- **Cost of Special or Additional Labor, Facilities, or Services**
- **Direct Costs:** Operational Direct Costs + Capital Direct Costs  
(SB 1404 (2012) & AB 1303 (2019))
  - EXCEPTION: use of traditional classroom facilities pays ONLY Operational Direct Costs



- **Special Fee:** Operational Direct Costs + discounted Capital Direct Costs
- **Fair Rental Value:** Direct Costs (Capital & Operational) + Amortized Costs



# How Are Fees Calculated?

## In accordance with Calif. Code of Regulations (CCRs)

### -- Direct Costs:

- *Determining Proportionate Share:*

$$\frac{\text{Annual Hours of Use by Public}}{\text{Annual Hours of Use by District + Public}}$$

- *Determining Capital Direct Cost:*

$$\frac{\text{Estimated Cost to Repair Facility by End of Useful Life}}{\text{Useful Life of Facility (Years)}}$$

$$\text{Annual Capital Direct Cost} \times \text{Percentage of Time Facility in Public Use}$$

- *Determining Operational Direct Cost:*

Estimated Annual Cost of: District Personnel (Prorated) + Janitorial/School Personnel/Contracted Services + Supplies/Equipment + Utilities Required, to **Operate & Maintain** School Facilities and Grounds

### – Discounted Fee:

Discounted charge for Capital Direct Costs + Proportionate Share of Operational Direct Costs

### – Fair Rental Value Fee:

Direct Costs + Amortized Costs of the school facilities or grounds for the duration of the activity authorized

# Proposed User Group Categories & Fees

| User Group Category   | Add'l Costs Incurred by District* | Discount Fee                    |                             | Direct Costs                    |                             | Fair Rental Value |
|-----------------------|-----------------------------------|---------------------------------|-----------------------------|---------------------------------|-----------------------------|-------------------|
|                       |                                   | <i>Operational Direct Costs</i> | <i>Capital Direct Costs</i> | <i>Operational Direct Costs</i> | <i>Capital Direct Costs</i> |                   |
| <b><u>Group 1</u></b> | If applicable                     |                                 |                             |                                 |                             |                   |
| <b><u>Group 2</u></b> | If applicable                     | X                               | Discounted %                |                                 |                             |                   |
| <b><u>Group 3</u></b> | If applicable                     |                                 |                             | X                               | X                           |                   |
| <b><u>Group 4</u></b> | If applicable                     |                                 |                             |                                 |                             | X                 |

\*Costs of special or additional labor, facilities, or services

# Proposed BCSD Fee Schedule (E(1) 800.05)

| Facility or Grounds                        | Type/Location  | Category 1 | Category 2 | Category 3 <sup>1</sup> | Category 4 |
|--|--|------------|------------|-------------------------|------------|
| <i>Classrooms</i>                          | - <b>Classroom</b> (Cato Middle School & Fletcher Elementary School Sites)                               | \$0*       | \$18.00    | \$22.00                 | \$30.00    |
|  | - <b>Classroom</b> (MLK Elementary School Site)  | \$0*       | \$13.00    | \$19.00                 | \$29.00    |
|  | - <b>Classroom</b> (All Other School Sites)  | \$0*       | \$8.00     | \$12.00                 | \$21.00    |
| <i>Specialized Classrooms</i>              | - <b>Specialized Classroom</b> (Cato Middle School & Fletcher Elementary School Sites)                   | \$0*       | \$28.00    | \$35.00                 | \$48.00    |
|  | - <b>Specialized Classroom</b> (MLK Elementary School Site)  | \$0*       | \$26.00    | \$34.00                 | \$49.00    |
|  | - <b>Specialized Classroom</b> (All Other School Sites)  | \$0*       | \$27.00    | \$33.00                 | \$46.00    |
| <i>Auditoriums</i>                         | - <b>Sierra Auditorium</b> (includes use of stage lights and sound)                                      | \$0*       | \$78.00    | \$95.00                 | \$128.00   |
|  | - <b>Sequoia Auditorium</b> (includes use of stage lights and sound)                                     | \$0*       | \$99.00    | \$117.00                | \$153.00   |
| <i>Parking Lots (only)</i>                 | - <b>Parking Lot</b> (1-25 spaces)   | \$0*       | \$24.00    | \$40.00                 | \$72.00    |
| <i>Gyms/Cafeteria/MPR (No Kitchen Use)</i> | - <b>Combo Gym/ Cafeteria/MPR without use of Stage Lights</b> ( <u>Stiern</u> , Cato & MLK School Sites) | \$0*       | \$55.00    | \$72.00                 | \$106.00   |
|  | - <b>Combo Gym/ Cafeteria/MPR with use of stage lights</b> ( <u>Stiern</u> , Cato & MLK School Sites)    | \$0*       | \$76.00    | \$93.00                 | \$127.00   |

| Facility or Grounds                                 | Type/Location  | Category 1 | Category 2 | Category 3 <sup>1</sup> | Category 4 |
|---|--|------------|------------|-------------------------|------------|
| <i>Cafeterias/MPRs (No Kitchen Use)</i>             | - <b>Cafeteria Only</b> (All School Sites <u>Except Stiern</u> , Cato, MLK, Sequoia, Fletcher & Sierra)  | \$0*       | \$48.00    | \$51.00                 | \$58.00    |
|   | - <b>Cafeteria with use of Overhead Projector &amp; Screen</b> (All School Sites <u>Except Stiern</u> , Cato, MLK, Sequoia, Fletcher & Sierra) | \$0*       | \$54.00    | \$57.00                 | \$64.00    |
|   | - <b>Combo Cafeteria/MPR</b> (Sequoia, Fletcher & Sierra School Sites)   | \$0*       | \$59.00    | \$74.00                 | \$104.00   |
|   | - <b>Combo Cafeteria/MPR with use of Overhead Projector &amp; Screen</b> (Sequoia, Fletcher & Sierra School Sites)                             | \$0*       | \$65.00    | \$80.00                 | \$110.00   |
| <i>Fields, Tracks and Other Athletic Facilities</i> | - <b>Small Field with Track</b> (Downtown Elementary & <u>Voorhies</u> Elementary School Sites)  | \$0*       | \$34.00    | \$36.00                 | \$40.00    |
|   | - <b>Field with Track</b> (All Other School Sites)   | \$0*       | \$58.00    | \$61.00                 | \$66.00    |
|   | - <b>Field Only</b> (Jefferson School Site)  | \$0*       | \$34.00    | \$36.00                 | \$40.00    |
|   | - <b>Outdoor Basketball Courts</b> (All School Sites)  | \$0*       | \$27.00    | \$46.00                 | \$83.00    |
|   | - <b>Blacktop/Playground</b> (All School Sites)  | \$0*       | \$14.00    | \$17.00                 | \$22.00    |

Rates in Dollars per Hour per Facility (all rates include use of restroom facilities)

| Labor/Services   | Hourly Fee | Labor/Services   | Hourly Fee |
|--|------------|--|------------|
| <b>Custodial</b> – Additional or special custodial labor or services; Overtime, Holidays, & Weekends. Minimum of two (2) hours if custodial services required outside of regular working hours or days (after 7PM or on weekends), or for events with 100+ people. | \$38.00    | <b>Technician</b> – Additional or special technology labor or services; supervision or operation of sound system and stage lights. (Required for use of sound system or stage lights). | \$42.00    |

# Non-Listed Facilities

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- ❖ Infrequently requested facilities may be made available in District's discretion
- ❖ Exclusion of certain facilities from non-school use for safety and security reasons in accordance with applicable law
  - To respond to District staff & community input
  - To protect the public's investment in school facilities
  - To comply with other applicable laws
- ❑ Facilities that may contain records or confidential information: offices, computer rooms, faculty lounges/dining rooms, etc.
- ❑ Facilities that may contain hazardous chemicals or equipment that cannot be used safely without special knowledge or skills: science labs, ceramics classrooms, cafeteria kitchens, etc.
- ❑ Facilities that may contain expensive, fragile, sensitive, or other property or equipment that must be excluded for safety or security reasons: school buses, band rooms, libraries, the Education Center, computer classrooms, etc.

# Priority of Users

|  |   |  |   |
|--|---|--|---|
| (1) District/School activities   | (2) Contracted uses (outside the scope of Civic Center)           | (3) District/School Support Groups                                 | (4) Official Election Day Polling Place   |
| (5) Prior users with longstanding, good relationship with District (same program & facility historically used) | (6) Community-Based Youth Programs (75% residing within District) | (7) Non-Profit Community Youth Development & Service Organizations | (8) Non-Profit Community Recreational Youth Sports Leagues (“nominal fee”)                                |
| (9) Other non-profit or public agency youth programs & activities  | (10) Public agency adult recreation and activities                | (11) Public agency meetings  | (12) Non-profit adult recreation; Non-profit cultural, civic, service, community or public affairs groups |
| (13) Individual family use   | (14) For-profit uses  | (15) Movie or commercial film company use                          |                      |

**First-come, first-serve policy still applies!**

# Other Updates

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## ■ Transition to Electronic Process:

- **Transition to Facilitron for application and reservation system, calendar, payment, agreement, etc.; central location for forms and documents (Terms & Conditions, etc.)**
  - To streamline BCSD's Civic Center permitting process
  - To ensure that policies, procedures, requirements, & restrictions are clear & user-friendly!

## ■ Keys & Access:

- **Removal of personal locks on District gates/facilities.**
- **Keys or access codes to District gates and facilities cannot be issued to Civic Center users.**
  - To implement uniform procedures District-wide
  - To ensure consistency with other Board Policies and Procedures, including BP/AR 800.08
  - To respond to District staff & community input
  - To protect the community's investment in school facilities

# Reminder: Request for Public Input

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*BCSD requests input from the community on proposed changes!*

## Public Comment Period Open

Please submit public comments in writing to Charisse Adams at [adamsc@bcsd.com](mailto:adamsc@bcsd.com) on or before **April 8, 2022 at 5 P.M.**



# Implementation Timeline

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| <u>Date/Time/Location</u>   | <u>Event</u>   |   |
|-----------------------------|--|---|
| 04/05/2022; 5:30-6:30 pm    | <b>Public Study Session</b>  | ✓ |
| 04/08/2022 at 5 pm          | <b>Deadline for Public Comments</b>  |   |
| 04/26/2022; 6pm (Boardroom) | <b>Board Meeting – 1<sup>st</sup> Reading</b>                                  |   |
| 05/24/2022; 6pm (Boardroom) | <b>Board Meeting – 2<sup>nd</sup> Reading &amp; Recommended Board Adoption</b> |   |
| 07/01/2022                  | Proposed Effective Date  |   |



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# Questions?