



# Facility Use Charges

School Board Meeting

August 10, 2020

# Outcomes

- **Share segments of Civic Center Act, Legal Requirements for Facility Fees, and MDUSD School Board Policy**
- **Review current board approved rates and charges for childcare providers**
- **Discuss staff recommendation for reduced rates during COVID-19 for childcare providers**

# Civic Center Act

Education Code 38130 et seq.

The Civic Center Act requires the governing board of a school district to allow the use of school facilities or grounds as a “civic center.” The act also authorizes the governing board of a school district to **charge a fee, not to exceed the school district’s direct costs** for use of its school facilities or grounds, with respect to those groups.

Direct costs include a specified share of the **operating and maintenance costs proportional to the entity’s use of the school facilities or grounds under this provision and a share of the costs for maintenance, repair, restoration, and refurbishment of the school facilities or grounds proportional to that entity’s use of the school facilities or grounds.**

# Civic Center Act: Organizations

The Civic Center Act generally applies to:

- Youth sports leagues/groups
- Child Care Providers
- Parent Teacher Organizations
- Farmer's Organizations
- Any group designated by the Board of Education, that conducts public, literary, scientific, educational, etc., meetings.

# Facilities Fees for General Public

Education Code Section 17535: School Districts shall rent facilities including land/classrooms for **fair market value**.

A district may enter into a lease for the rent of classrooms or other spaces for less than fair market value to **public agencies**.

Government Code Section 6253 defines Public agencies as: a county; city; school district, etc., not non-profit agencies.

Therefore, the District may rent facilities to certain non-profit entities, and to the general public, at fair market value.

# MDUSD Board Policy

## **BP 1330 Community Relations**

All school-related activities (clubs, class events, etc.) shall be given priority in the use of facilities under the Civic Center Act. Thereafter, the use of facilities shall be on a first-come, first-served basis. **No charge to nonprofit youth- and school-oriented organizations**

The Board authorizes the use of school facilities without charge by nonprofit organizations, clubs or associations **organized to promote youth and school activities. These groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher associations, and school-community advisory councils. However, the Board may charge an amount sufficient to pay the cost of compensation paid district employees necessitated by such use of facilities, property and grounds.**

**Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.** Fees will be determined according to the prevailing Use of Facilities Fee Schedule.

### **Fair Rental Value**

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code [38134](#))

## Current Contracts & Costs Charged

- Existing long term agreements with Child Care Providers: Rental fee of **\$1** per month or per year (depending on contract), plus a nominal fee for utilities. The rental fee is below State authorized Direct Costs.
- Term: 5 year self-renewable leases, with 60 days' notice for the District to terminate prior to yearly end of term in July.
- Most have an expiration date of 2021, a few are expiring this year.

# Adjusted Custodial Costs

- We've updated our custodial costs to reflect current salary schedules, overtime costs, and statutory deductions - \$47/hour.
- Custodial costs for disinfecting provider rooms/set of restrooms during COVID-19 is 30 min/space.
- This fee is required for anyone using facilities that require restroom access, including childcare providers.

# Use Permit Fee Schedule

- Group I: Sponsored by school, district, group/activities (example PFC or PTA)
- Group II: Service organizations for welfare of district students.  
(For youth recreational groups/enrichment classes – see below)\*
- Group III: Nonprofit organizations or charitable associations.  
(Requires an IRS Tax Exemption Number)
- Group IV: Commercial groups.

**All charges (except Computer Labs) are for 4-hour blocks.  
(Pro-rated by hour after 4-hour block minimum.)**

<b>Room</b>	<b>Group I</b>	<b>Group II</b>	<b>Group III</b>	<b>Group IV</b>
Classroom	-0- .....	-0-	\$75.00	\$265.00
Specialty Room (Library, Pod, Music Room, etc) (Willow Creek: D-4, South Room)	-0- .....	-0-	92.00	255.00
Computer Lab	-0- .....	-0-	75.00/hr	75.00/hr
Multi-Use Room	-0- .....	-0-	160.00	330.00

## Childcare Scenario

Current price providers should be charged for rental of 2 rooms (6am-6pm):

$\$75 (4 \text{ hrs}) \times 3 (12 \text{ hrs}) \times 2 =$   
 $\$450/\text{day}$

Rental of land for 1 large building:

Per square foot fee based on useful life of grounds, costs to repair or restore facility at end of useful life. Or the cost to replace grounds.

# Staff Recommendation for Facility Use Fees During COVID-19 for Childcare Providers

- Allow programs to use additional space on a site-by-site basis if the site has the space in a self-sustained location that does not impact teacher/staff work.
- Allow for 50% of discount to be charged to childcare providers for current and additional space for the 20/21 school year only.
- Continue custodial and utility fee charges.
- Renegotiate expiring contracts to charge at least “direct costs” as required by Board policy



# Board Discussion