



Policy Type: Board

Category: Facilities

Policy Name: Use of County Facilities - Board Policy 3.44

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3.44 USE OF COUNTY FACILITIES (Adopted 3-1-05; Amended 3-26-13; Amended 5-14-13; Amended 1-10-17)

Purpose

To identify the conditions under which County facilities, excluding those park facilities that are subject to Board Policy 7.6, may be used for meetings and events, who may use those facilities, and when they may be used. This policy further details the responsibilities of the County and the user of the County facility with regard to non-County meetings and events. Through this policy, the Board of Supervisors establishes criteria for the use of County facilities and delegates to the County Executive or his or her designees the responsibility to implement this policy. All below fair market real property, franchise and concession agreements involving County property, shall be subject to and comply with the provisions of Board Policy Section 5.9.5.6.

This policy is not in conflict with and does not supersede the Santa Clara County Ordinance Code, including, but not limited to, the following sections:

- Div. A21. License Agreements and Permits to Enter
- Div. A25-396. Use of county buildings.



- Sec. B13-10. Restricted areas of public buildings.
- Div. B14. Parks and Recreation.

Organizations Authorized to Request Use of Facilities

This policy relates to two categories of users:

- County agencies and departments meeting on County business.
- Non-County organizations.

County Agencies and Departments Meeting on County Business

The Board of Supervisors, County boards and commissions, and County departments/ agencies may use County facilities for County business when space is available and through arrangement with the department responsible for scheduling. No special provisions are required for insurance, security, or financial charges. Governmental bodies that contain one or more members of the Board of Supervisors, who are officially representing the County, reserving meeting rooms to conduct Board meetings in County facilities shall be considered as using the rooms for County business.

(Examples of such bodies include, but are not limited to, the Valley Transportation Authority Board and the Santa Clara County Library Joint Powers Authority Board.)

Non-County Organizations

There are several types of organizations that are considered non-County organizations.

- (A) Agencies and officers of federal, state or other local governments for government functions.



Organizations in this category are subject to the cost recovery provisions of this policy. However, they are not subject to the indemnification and insurance provisions.

(B) Registered or recognized County employee organizations.

Organizations in this category are subject to the cost recovery provisions of this policy. However, they are not subject to the indemnification and insurance provisions. If an organization in this category hosts a meeting or event that has attendees who are not County employees, then that meeting or event would be subject to all provisions of this policy.

(C) Non-profit organizations and other organizations.

Organizations in this category are required to meet all requirements of this policy, including but not limited to insurance, security and payment of charges. This applies equally to organizations that have sponsorship from the County and those that do not.

(D) Groups formed and authorized by departments and agencies for the purpose of furthering the provision of County-related services.

Groups in this category include medical support groups formed by clinical leaders with the goal of sharing information and managing through a disease state. Social Services Agency client groups would also belong to this category. Groups in this category would be required to meet the security provisions of this policy, but would not be responsible for cost recovery, indemnity or insurance.

Organizations that are not part of the Federal, State, County or other local government are referred to as "non-government organizations" with respect to several elements of this policy. All organizations outside of



County of Santa Clara (including other governmental organizations) are referred to as "non-County organizations."

Requirement for a License Agreement

A written agreement is required for all non-County organization (as defined in (A) through (D) above) use of County facilities. The Director of the Facilities and Fleet Department is responsible for developing an agreement template, subject to approval by County Counsel as to form and legality, which shall be used by all County Executive designees when a County space, facility or property is to be used by or is offered for use to non-County organizations.

The County Executive, or his or her designees, is authorized to negotiate, amend and execute space use agreements for the use of County facilities or space by non-County organizations if: (1) the use is for a duration of no more than 10 days per year, (2) the rent or fee for the use is less than \$10,000 per month, (3) the agreement is non-renewable, (4) the use serves a public purpose, (5) the County executive or his or her designee will ensure that the use will comply with all other applicable provisions of the County Board of Supervisors Policy Manual (including but not limited to Board Policy 5.9.5.6 pertaining to fair market rent/fees), the County Ordinance Code and other laws pertaining to such use, (6) an executed copy of the space use agreement is provided to the Director of the Facilities and Fleet Department immediately upon execution, and (7) FAF presents an annual report to the FGOOC with a table summary of all agreements executed within the prior twelve months.

Exemptions to this policy must be authorized by the Board of Supervisors.

Priorities for Facility Use

Generally, the priority for use of a County facility shall be as follows:



1. Meeting of the Board of Supervisors.
2. Meeting of Board Committees
3. Meeting held and attended by individual Board member for the purpose of conducting County business.
4. County boards and commissions.
5. Santa Clara County Departments/Agencies.
6. Federal, State and local governments.
7. Non-government organizations.

The County's need to use its facilities during declared states of emergency, for emergency response, or under unusual security conditions, such as a change in the Homeland Security Threat condition, will take precedence over all of the categories listed above.

Cancellation by the County

Authorization to use a County facility may be cancelled if the space is needed for County business and no other appropriate space is available. The County will make all efforts to find replacement space, and, when possible, 24-hour notice will be given. However, there may be occasions when this is not possible. Emergency situations such as those described in the preceding paragraph could lead to cancellation with no advance notice.

Reservation Review and Approval Process

Departments and agencies with responsibility for scheduling County facilities for use by non-County groups shall develop procedures for



reservation application, review and approval. To ensure consistent application of the Board of Supervisors' Policy, these procedures will be reviewed and approved by the County Executive or his or her designee. Reservations must be requested and an application form submitted a minimum of thirty (30) business days in advance of the meeting or event to allow time for processing the request and verifying insurance requirements.

Hours/Days Authorized for Facility Use

Hours and days authorized for use shall be established by the department responsible for the facility with review by the County Executive and the Facilities and Fleet Department and shall be in accordance with the County Security Plan or Agency/Department Security Plans, Energy Conservation Policy, and any other applicable County policies.

Indemnification and Insurance

Non-government organizations using County facilities must provide, in advance, evidence of insurance and must agree to indemnify, defend, and hold the County harmless for claims or loss arising out of facility usage. Insurance requirements and indemnification language shall be as required by ESA Risk Management and County Counsel. If these requirements are not met, authorization to use County facilities shall not be granted.

Excess Cost Recovery

By charging non-County organizations for the use of County facilities for costs that exceed the normal operating costs of the County, the County can ensure that no private group will be accorded additional benefits at taxpayers' expense. Prior to approval for the use of County facilities, a deposit shall be made with the County for the estimated cost of all expenses that would not otherwise be incurred by the County if the non-County organization was not using the County facility. If actual charges are



less than estimated, a refund shall be provided. If actual charges are greater than estimated, the difference shall be billed to the organization using the facility. Expenses may include, but are not limited to:

- Janitorial/cleanup costs
- Equipment setup/removal costs (stages, tables, chairs, audio-visual equipment, etc.)
- Security
- County employee time to open/close facility
- Repair of damages

Actual charges for services shall be determined by the agency/department providing the services. Cost recovery reimbursements will be provided to the agencies/departments providing the services.

Security

With the exception of designated park facilities, security will be required for non-County groups that allow members of the public into County buildings during County non-business hours. Security may be required for any other event as determined by the County Executive or his or her designee. County Executive approval is required for the use of County facilities by non-County groups during periods when the National Terror Advisory system has issued an active alert affecting County buildings or operations. Security will be provided by the Office of the Sheriff or other recognized law enforcement agency approved by the County Executive or his or her designee. Departments with appropriate County security staff may utilize those employees as adequate security. User groups will reimburse the County for the County's incurred cost of providing security.



Other Considerations

- Meetings and events held by non-government organizations must be open to the public. Medical support groups and Social Services client groups that are meeting in the furtherance of County services may require privacy in order to be effective and shall be exempt from this provision.
- Admission may not be charged and funds may not be raised at meetings and events held in County facilities. This does not preclude the availability or dissemination of membership information.
- Organizations using County facilities must disclose all activities planned to occur during scheduled meetings or events.

Health, Safety and Property Protection

The County Executive will develop facility use procedures that protect the health and safety of users of County facilities and County employees and that protect County property. All facility use policies must comply with all other County policies. Areas to be addressed in these procedures shall include, but are not be limited to:

- Food and beverage use
- Prohibition on smoking and alcohol use in County facilities
- Decorations
- Hazardous activities

Facility Clean-Up after Events



- Groups using County facilities are expected to clean and leave the facilities, including restrooms, in the condition in which they found them.
- If the County is required to clean up after a group, charges will apply.

Audio-Visual (AV) Equipment Needs

All AV equipment, including equipment for the hearing impaired, must be provided by the organization using the County facility, unless exempted through the reservation request process, and be used only with the approval of the County.

Policy Non-Compliance

Non-compliance with the provisions of this policy may preclude future use of County facilities or warrant additional requirements or restrictions for future use as determined by the County Executive.

Related Policies

- Use of County Facilities at 70 W. Hedding Street and 55 W. Younger Avenue - <https://saecommon.sccgov.org/countypolicy/Use-of-County-Facilities-at-70-W-Hedding-Street-and-55-W-Younger-Avenue.pdf>
- County Ordinance Code - Sec. B31-9 - Animals in County Buildings - https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITBRE_DIVB31ANFO_CHIINGE_SB31-9ANCOBU

Related Forms and Information



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- Master Contract for County Event Equipment Rentals -
[url]/sites/policies/FormsrelatedtoPolicies/Event-Rentals-Master-Contract-CW2229372.pdf

History

Date	Changes Made
6/22/2018	Link to Master Contract for County Event Equipment Rentals Added.
1/10/2017	Policy Amended. View legislative file.
1/29/2014	Policy Uploaded. (John Myers)
5/14/2013	Policy Amended. View legislative file.
3/26/2013	Policy Amended. View legislative file.
3/1/2005	Policy Adopted. View legislative file.