

Facility Use Practices & Discussion



Board Study Session

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Civic Center Act (Government Code §38130 *et seq.*)

The Civic Center Act CA Educ Code § 38134.a (2017) allows school districts to charge for “ (1) “Direct costs” to the school district for the use of school facilities or grounds means 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 necessitated by the entity’s use of the school facilities or grounds.

Effective January 1, 2020, The Civic Center Act was amended to *include*: (B) 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 under this section as follows:

(i) For purposes of this subparagraph, “school facilities” shall be limited to only nonclassroom space, and “school grounds” shall include, but not necessarily be limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts.

(ii) The share of the cost for maintenance, repair, restoration, and refurbishment shall not apply to:

(l) Classroom-based programs that operate after school hours, including, but not necessarily limited to, after school programs, tutoring programs, or child care programs.

Child Care Lease Agreement Overview

MDUSD has 23 active Lease Agreements with child care organizations.

- Locations:
- ◆ 22 at Elementary Sites
 - ◆ 1 at Middle School Sites

Of the 23 Lease Agreements:

- ◆ 21 are land leases which vary in size from 1,920 sq. ft. to 4,980 sq. ft.
- ◆ All Land Lease Agreements include rent for One Dollar (\$1.00) per year
- ◆ Two agreements occupy room space at the sites and are charged \$128.00 - \$300.00 per month for the use of rooms

Current Fees Overview

Utilities:

- Trash services, sewer, and water are billed monthly according to lease agreement. The majority of lessees' have their own PG&E hook-up.
- Utilities were analyzed and rates adjusted accordingly effective October 1, 2020, of this year.
- Utilities fees are based on a formula of square footage and average \$145.00 per month

How does the COVID-19 closure & Distance Learning affect Child Care

Pre-COVID-19

- Child Care providers were a 2-4 hour business
- Typically held only in the providers building
- Extra space could be secured through the Use Permit process *charge for classroom & custodial if applicable

After COVID/During Distance Learning

- Child Care providers became 8-10 hour business
- Due to County/State/License requirements, providers required additional space on campus
- Providers charged Group III Rates
- Board Approved temporary rate on 8/10/2020 to 50% of posted rates
- Rate further reduced another 25% of posted rates

Overview for Future Board Action

- **Agreements**
 - Outside sports organizations have verbal agreements to care for fields in exchange for no fees - no formal written agreements with limitations
- **Current Fee Schedule**
 - Last Fee Revision effective January 1, 2015
 - Currently all sports charged by season \$550.00: Able to book entire semester for one organization and have full use of fields for 5 months, 7 days a week
 - Analyze and adjust fee schedule to meet Operational and Capital Direct Costs (newly added) per Civic Code Act, (Ed. Code, § 38134 (g)(1)(A)(B))
- **Review Board Policy**
 - Recommendation to add language regarding future pandemics or natural disasters and use of district facilities.
 - Recommendation to add Fee Schedule will be brought back to the Board for review at least every two years with salaried cost changes passed on when they take place (i.e. custodial)