

# FACILITY LEASING PROCEDURE MANUAL

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## General Operating Procedures

The school administrator is responsible for responding to groups wanting to lease school facilities, and for collecting and properly accounting for lease fees. All leases must be approved by the school administrator as to the date and time of the event. All lease fees must be approved by the Real Estate Department, school administrators cannot waive fees or make any adjustments in the fee structures as provided herein.

A schedule of fees shall be reviewed annually and adjustments made as necessary to ensure district costs are recovered when applicable.

Board employees who are administrators are not eligible to be compensated for lease activities.

## Guiding Principles Regarding the Application of Fees

1. A plant operator is required to be on site for all indoor activities and, upon principal discretion, may be required to be on site for outdoor activities. Wages for plant operators shall be paid by the lessee if the activity occurs at a time beyond the plant operators' regular work schedule.
2. Utility fees shall be charged to the lessee if HVAC equipment is required beyond the district scheduled run time or if other unusual utility fees are incurred. In addition, fees shall be charged if athletic field lights or court light are used.
3. There shall be no waiver of facility rental fees to any group who charges students, participants, or spectators any fee.
4. Set up fees and materials fees may be charged as determined by the Real Estate department and the school principal. Set up fees could include the cost of plant operations staff time devoted to preparing a room use during that time that staff is on regular duty.
5. Principals may not waive fees of any kind. All fees shall be determined and calculated by the district Real Estate department.

## Definition of Fees

Set-up fees – are those fees associated with preparing a space for use by a lessee. For athletic fields set-up fees could include the cost of field paint and other materials used to prepare a space for use. For all spaces, set-up fees could include the cost of plant operations staff time devoted to preparing a room for use during that time that staff is on regular duty.

Materials fees – are those fees associated with the use of consumable materials purchased by the district or school. Materials fees include but are not limited to paper towels and soap.

Utilities fees – cover the expected electrical and water usage, if applicable, associated with the lessee's use of the facility. Schools and school spaces have designated run times for HVAC equipment, lessees shall be charged an hourly electrical use fee to operate HVAC equipment beyond the designated run times.

Schools may not adjust scheduled run times of HVAC equipment in order to benefit a group in their attempt to execute a more favorable lease arrangement.

Personnel costs – are costs associated with any staff required to be present beyond their regular duty hours, exclusive of school administrators.

Security – are costs associated with law enforcement or private security firms to provide a security presence at the lessee's event.

Facility rental fees – are fees charged to the lessee to rent a room, a space, or a field.

### **School Based Activities**

Where facilities are used for school based activities, no lease is required and no fees are required to be paid. "School based" is a classification used to denote Board-approved activities involving individuals or groups that function as an integral component of the school's program. Examples include, but are not limited to, meetings of the School Advisory Council (SAC), school-sponsored student clubs, Florida High School Activities Association (F.H.S.A.A.) activities and other school or district sponsored, sporting, academic, arts or band events.

The following special exemptions apply:

1. The Superintendent or his/her designee is authorized to permit the use of a school facility for a public meeting that is related to the District or general education issues. A facility lease is not required. If the use is co-sponsored by another organization all fees are waived if the use occurs at a time when plant operations personnel are already scheduled to be on duty, otherwise, the meeting co-sponsor must pay the appropriate personnel direct costs.
2. The school administrator is authorized to permit health-related, wellness activities without a lease, regardless of the profit status of the activity promoter, under the following conditions:
  - a. if the use occurs at a time when plant operations personnel are already scheduled to be on duty, and
  - b. if the participants are solely School District employees, and
  - c. if the activity is sponsored by a school or School District department and paid from School District operating funds, or
  - d. the activity is sponsored by the School District's employee wellness program.

If the activity is sponsored by the School District's employee wellness program, fees can be paid by the School District, school, or the participating employees. A health-related, wellness activity, not already provided by the School District, can be sponsored by a school or department. Any fees must be paid from school or department operating funds, since the vendors of these activities would be considered contractors for the District. A lease is required for any vendor using School District facilities for any health-related, wellness activity that is not sponsored by the School District, a school, or department and which involves the payment of money by the participants, even when the only participants will be School District employees.

### **School Related Activities**

Where facilities are used for "school related" activities, a lease is required but no rental payment is required for use of the facility except for fees relating to additional personnel which may be necessary for plant operations or security as described below. "School related" is a classification used to denote the use of school facilities by the PTA, PTSA, booster clubs, school approved Equal Access Act student clubs, and other outside support organizations as well as certain school athletic teams. To qualify under this category, off-season school athletic teams must be appropriately registered as a team with an organizing body and

be comprised exclusively of students enrolled at that school. In addition, the team must be participating or practicing in a sport recognized by the Pinellas County Athletic Conference.

Fees for plant operations, custodial services, materials and setup, or security personnel will be charged for the use of the facility for school related activities only when the personnel are required to be present due to the use of the facility and only if the personnel are not already scheduled to be on duty. Materials and set up fees may also be charged as necessary.

1. School Related groups using a school facility for a fund-raiser must meet the following conditions in order to execute a lease.
  - a. All proceeds collected are for the benefit of the school, school support group, school club, or activity and all funds are processed through the school's accounts or through the bank of an incorporated support group or booster club whose financial records are annually reviewed by the school and subject to financial review by the District.
  - b. The fund-raiser is supervised and coordinated by a School District employee.
  - c. The fund-raiser is approved by the school administrator.
2. A fund-raising carnival with mechanical rides will provide, in addition to the items listed in paragraph (1), the following additional certificates:
  - a. A certificate of insurance from the provider of the mechanical rides listing the Board as a certificate holder and additional insured, with proof of at least \$1,000,000 liability insurance coverage for bodily injury and personal property damage.
  - b. A list of all rides and attractions.
  - c. A copy of the most recent Amusement Device/Attraction Inspection Report for each mechanical ride which will be utilized.
  - d. Specific written approval by the Area Superintendent.

Off season school athletic teams shall be registered with an organizing body which provides insurance as required in School Board Policy 7511 Section III.

In order to execute a lease, off season teams shall:

1. Receive permission from the school principal to lease the facility.
2. Provide the school with the appropriate paperwork to verify the status of the team with an organizing body and provide proof of insurance.
3. Attest through written documentation that all members of the team are currently enrolled in the school under which the team has organized.
4. The school shall forward all original paperwork to the Director, PE, Athletics, and Extracurricular Activities (Director). The school shall keep copies of all paperwork at the school. The school principal or his/her designee has the responsibility to verify the accuracy of the team membership and the status of the team with an organizing body.
5. Upon receipt of the required paperwork, the Director shall notify the Real Estate department that he/she is in receipt of the paperwork and that the lease can be executed.

#### **Use of facilities by non-school based or non-school related groups:**

All groups or organizations who are not considered school based or school related (hereinafter referred to as "community" groups) shall pay facility rental fees, personnel costs, utilities, any set-up or materials fees as incurred including any required security.

1. Community groups are permitted to lease school facilities under the following conditions, unless provided elsewhere by policy:

- a. The lease does not occur during school hours, unless the use is of an area of the site with no use by students.
  - b. The group is using the school facility for temporary use.
2. Financial service companies offering their products to Board employees through payroll deduction plans must be Board-approved. The school administrator should contact the Risk Management and Insurance Department to determine the company's eligibility. The school administrator may permit a Board-approved 403-B product to be presented to school employees only, without a lease. The dates and times of these presentations are at the discretion of the school administrator.
3. Any advertising or promotional material by or for a community lessee that includes the name or address of any school facility must also contain the statement "The School Board of Pinellas County, Florida, is neither sponsoring, nor affiliated with this event." The same statement must also be included in any literature, promotional material, or sign-up sheets that may reach a school's student or parent population.
4. Approval of a lease for a community lessee does not entitle the lessee to promotional access to the school's staff, students, or parent population.

Any promotional material to be distributed to a school's staff, students, or parent population must have the prior approval of the school administrator and the appropriate Area Superintendent, and must contain the disclaimer language referenced in paragraph (3) above.

5. The lessee of a political-candidate or political-issue forum will abide by, and plan for, the following conditions:
  - a. The general public will be invited to meet and hear all candidates in a particular race or races, or to meet and hear representatives of both sides of an issue appearing on a ballot.
  - b. An invitation, in writing, will be extended to all announced candidates for the specific office or offices, or to all representatives for or against each issue.
  - c. The presentation by each participant will be limited to the same amount of time.
  - d. Distribution of campaign materials will be confined to the immediate area in which the forum is being conducted.
  - e. No preferential treatment will be afforded any candidate or representative of an issue in any way.
  - f. Full lease fees shall apply.
6. A political incumbent, political candidate, or campaign may visit a school facility without a lease when staff is on duty. The visit should be intended to gather information. A visitor is not permitted to record or film students, pass out literature or conduct any type of fund-raising activity while on the site. Visitors should request school site access in advance through the school administrator.
  - a. A political incumbent, political candidate, or campaign may use the school facility as a background for campaign events without a lease if the event is conducted off the site and at a time when school is not in session to avoid the filming of students.
  - b. A political incumbent may use the school facility for official purposes under the government/association classification.
  - c. A political incumbent, political candidate, or campaign must submit a lease for any fundraiser, filming by or on behalf of an incumbent or candidate, formal speech or statement. Full lease fees shall apply. An incumbent, political candidate, or campaign must submit a lease for any candidate's forum, issues forum, town meeting, or informational meeting.
7. Any training exercise at a school facility by a law enforcement agency or other emergency-response agency must be approved and coordinated before the date of use with the school

administration, Schools Police, and the Associate Superintendent of Operational Services. Schools Police will advise the School District's public information office. The Associate Superintendent of Operational Services may waive facility rental fees and utility fees provided district staff be able to attend the exercise in order to further the safety and security interests of the district.

8. Board employees may lease school facilities under the following conditions:
  - a. The employee may not conduct any lease activity during times the employee is working for the Board, nor will the employee ask other District staff to conduct any activity other than what District staff would ordinarily perform in the normal scope of their employment for any lease function.
  - b. All employees will obtain the prior permission of their principal or center director prior to leasing a school facility. A coach running a sports camp will comply with the rules of the Florida High School Activities Association and will obtain the prior permission of the Director, PE, Athletics, and Extracurricular Activities.
  - c. The employee will not directly recruit students in the employee's classes, programs, or activities they are supervising, nor should there be any implication that student participation will have any impact on future grades or participation on clubs or teams. The employee will provide documentation to the principal or center director that all student participants have been advised in writing that the employee is operating the activity as a private individual or business, that the school facility is to be leased, and that attendance at the activity is in no way related to earning a grade or a position on a club or a sports team.

#### **Additional Conditions Regarding the Lease of District Facilities:**

The lessee will abide by all Board policies, the terms and conditions of the facility lease, and requests by the school administrator. The facility lease will state that the lessee will observe all applicable governmental regulations. Concessions and concession stands may be operated only with the school administrator's approval and under terms and conditions as approved by the school administrator. School facilities used must be returned in as good a condition as when leased. Smoking and alcoholic beverages are prohibited on Board-owned property, including both inside and outside facilities.

School facilities will not be leased to lessees for the purpose of providing instruction to public school students unless said instruction is reviewed and approved by the Division of Teaching and Learning.

School facilities will not be available for rental to private schools that do not hold an approved form 441 (Civil Rights, Title VI).

The school having administrative responsibility for the facility involved will submit the facility lease to the Real Estate Department, which is located at the Walter Pownall Service Center. The Real Estate Department is responsible for processing and executing facility leases. A certificate of insurance must include proof of broad form commercial general liability insurance in the minimum amount of \$1,000,000 for the entire duration of the lease, the Board as an additional insured for the event, and the Real Estate Department listed as certificate holder. Proof of Florida sales tax exemption (if applicable) will also be submitted to the Real Estate Department. A correctly completed lease and all required certificates must be received by the Real Estate Department at least ten (10) working days prior to the first use of the leased school facility. For the purposes of facility-leasing procedure, working days are defined as when administrative staff is on-duty at the school facility to be leased and therefore excludes weekends, school holidays, and other days when the school facility is not in session. The Real Estate Department will advise the school if the lease is approved or declined.

State and local governmental agencies are permitted to submit proof of insurance or self-insurance in lieu of the certificate of insurance described above. State and local governmental agencies may modify the standard hold harmless and proof of insurance clauses of the facility lease, with approval of the School

Board Attorney. Federal governmental agencies may waive certain conditions of the lease as set forth under the Federal Tort Insurance Act.

Lessees that will owe funds to the Board as the result of a leasing activity will pay the school the entire amount due prior to the event. The school administrator may permit periodic payments by the lessee but only if the payments occur before the lessee uses the facility. The frequency of periodic payments is completely at the option of the school administrator.

Board facilities may not be used for funeral services. However, the principal or center director may elect to conduct memorial services that include students, staff, and family.

Neither alcoholic beverages nor smoking are permitted on Board property. This includes inside and outside facilities. The lessee will be required to establish and maintain procedures to convey this information to all of its participants and invitees.

Keys to school facilities will not be provided to lessees, except under special circumstances as approved by the Area Superintendent.

The authority to accept or refuse a facility lease resides with the principal or center director. A lessee applicant may appeal a school's decision to refuse a lease to the Area Superintendent. The Area Superintendent's decision is final. The facility lease and associated documentation must be submitted to the Real Estate Department for review. The Real Estate Department will notify the Area Superintendent of leases in their area. The Board will be provided a quarterly summary of facility-lease activity.

The Superintendent is authorized to establish and adjust facility-lease rates in response to costs incurred, such as utility and personnel costs, and to adopt facility-lease procedures in response to changes in State statutes and other Board rules.

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