

## Facility Use Agreements (FUAs) Guidance for Volunteers

### Understanding Facility Use Agreements

This guidance is intended to provide clarification to UC ANR County staff, volunteers and program participants about how and when Facility Use Agreements are established for delivering UC ANR programs, e.g., UCCE programs and events, 4-H, Master Gardener, Master Food Preservers, etc. This guidance is intended to be complementary to UC ANR Policy and Procedure Manual; Section 208, License Agreement for Real Property.

### What is a Facility Use Agreement (FUA)?

An FUA is an agreement between UC ANR (and its programs, such as 4-H, Master Gardeners/Master Food Preservers, etc.) and another party (such as a city, county, school district, business, etc.) to use its facilities (land, meeting rooms, property, etc.) for a short term for purposes of holding meetings, demonstrations, etc.

The FUA should be for a specific location and duration of time. It may be a one-time event or activity or a recurring activity. FUAs may be used for a rental of a space or when there is no charge. Some facilities or organizations may have their own format for an FUA, or in some cases, you may use UCCE local office facility use agreement request format when one does not exist.

Only delegated persons are authorized to sign agreements or attachments on behalf of the University. This includes County Directors, Statewide Program Directors, the Director of Risk & Safety Services, Controller, and other senior ANR leaders. The agreement must be between the other party and **UC Regents, c/o UCCE \_\_\_\_\_ County \_\_\_ Program** (or another applicable program name). Agreements should **not be in the name of the 4-H Club, or Master Gardener group (i.e., ABC 4-H, or SoCal Master Gardeners) as those are not legal entities**. The program staff person or a volunteer leader may be listed as a point of contact.

### What are some of the types of agreements that we cannot sign?

In general, most employees are not authorized to sign any agreements on behalf of the University. As discussed above, County and Program Directors have been delegated authority to sign Facility Use Agreements, when there is not hold harmless or indemnity language that conflicts with UC Regents orders or UC policies.

County Directors and Program Directors cannot sign any agreements that require services for food, i.e., catering for a party or event, room rentals for overnight stays, or conference rooms, etc. These types of agreements typically should be submitted to the UC ANR BOC for review, processing, and submittal to UC Davis Purchasing.

### When is a Facility Use Agreement (FUA) needed?

A FUA is always helpful to spell out the details of using a facility for UC ANR programs. As noted above, a FUA is recommended when renting or using a meeting space or other facilities for short term or recurring meetings or program activities.

There are some cases where an agreement is recommended, but an FUA is not the appropriate type of document. This includes:

- Long-term leases or licenses for properties, such as a 4-H farm site, or Master Gardener demonstration garden

There are some cases where Best Practice FUA Preferred; but not required. This includes various situations:

- The UCCE County office is aware of and has sanctioned the 4-H/ MG/MFP meeting/activity at this location.
- In the event of an accident/incident these documents along w/volunteer 4-H/ MG/MFP membership and/or enrollment information will be requested to provide to our insurance administrators/attorneys.
- Frequent or routine meetings at a home or other organization that does not have an existing agreement. Attachment D will be used with proof of insurance. *note: (2-3 meetings per year would not be considered "frequent", and staff will and should use their judgement to consider what frequent or routine meetings are to implement this process).*

Process:

- If owner requires one, UC will issue a certificate of insurance when County office submits request along with Attachment D w/proof of insurance.

Example:

- Monthly 4-H project meetings held at project leader's home.  
Low risk activities – meetings, etc. but no inherent risks of activities such as power tools, ladders, etc.

There are some cases where **FUA Not Required**. This includes various situations:

- Public Park or other public space without reservation.
- (City has some liability for safety and conditions of public properties. Members of the public also have intrinsic liability when using public properties).
- One-time (or infrequent) meeting at a home.

Process:

- After checking with park, you may use, following park rules as you would personally.
- A one-time meeting at a property, residence for enrollment, demonstration, etc. not involving public.

Example:

- A one-time 4-H project meeting at the adult volunteer leader's home.
- If the event is higher risk, such as a pruning demonstration on public property, involving participants, inviting the public and use of power tools, ladders and climbing, etc., then activity waivers would be recommended for all participants.

There are some cases where a **FUA Always Required**. This includes various situations:

- When an Agreement by another party contains indemnification or liability language other than UC's standard proportionality language.
- Renting /reserving space from city, county, attachment E will be used if no agreement. Attachment E does not require proof of insurance. If a company, church, grange, etc. Attachment D will be used if no agreement. Attached D requires proof of insurance to be submitted, i.e., declaration page insurance document
- If the location is holding shooting sports events/ activities typically private residence/ company. Shooting ranges will have applications to modify
- If there is no agreement or application, use local UCCE office facility use agreement request form. Attachment D or E will be used as a stand-alone agreement.

Process:

- This serves as the agreement between the parties if there is not one
- Serves as simple agreement between owner and UC. In this instance proof of insurance is required of the owner using either Attachment as the agreement.

Example:

- A local resident has property that may be used for shooting sports; but does not have insurance. UC cannot enter into an agreement with the local resident, as there may be inherent dangers on the property that UC is unaware of and cannot control.
- A Park Rental Agreement may seem straight forward however there is a damage paragraph that transfers any, and all damages, injuries, and other risks to the user regardless of who is at fault. An attachment A or B is needed to modify this agreement.
- School district agreement indemnification language transfers all risk to the user.