

## Prepared Notes for Board Meeting - Facilities

March 26, 2012

Marc A. Schare –

614 791-0067

[marc9@aol.com](mailto:marc9@aol.com)

I have a philosophical problem with the structure of this policy. As I explained to Mr. Joseph back in January, I understand the intent here was to tweak the policy to solve some specific issues and situations we were having, however, when a policy comes before the board, my tendency is to look at it holistically.

Let's first start with what the Ohio Revised Code says on the subject of community use of school buildings. Section 3313.76 says:

*Upon application of any responsible organization, or of a group of at least seven citizens, all school grounds and schoolhouses, as well as all other buildings under the supervision and control of the state, or buildings maintained by taxation under the laws of this state, shall be available for use as social centers for the entertainment and education of the people, including the adult and youthful population, and for the discussion of all topics tending to the development of personal character and of civic welfare, and for religious exercises. Such occupation should not seriously infringe upon the original and necessary uses of such properties. The public officials in charge of such buildings shall prescribe such rules and regulations for their occupancy and use as will secure a fair, reasonable, and impartial use of the same.*

ORC 3313.77 clarifies a bit by giving some examples, such as *“Holding educational, religious, civic, social, or recreational meetings and entertainments, and for such other purposes as promote the welfare of the community; provided such meetings and entertainments shall be nonexclusive and open to the general public”*

The Ohio Revised Code does not distinguish between profits and non-profits, taxable and tax exempt, employee and non-employee and so forth. This policy does, and I don't understand why. The Ohio Revised Code clearly states that we have an obligation to prescribe a fair, reasonable and impartial use of our facilities; yet, we have a prioritization sequence in place that favors different categories of groups in a way that is anything but impartial.

In addition, ORC 3313.77 says, in part, that we can charge a fee for the use of our facilities, however, it doesn't say anything about differentiating that fee based on our assessment of whether your group is, for lack of a better term, a loved one or not. This policy, as written, doesn't charge a fee based on how much things cost, it charges a fee based on how much the people who run the school district like you or deem you worthy of a taxpayer subsidy. If you are part of Worthington municipal government, we love you so much that we won't charge you a fee. If you are a non-profit corporation, we still love you, just not as much, so we'll give you a defacto taxpayer subsidy off the true cost of

the rental. If you are a non-profit outside of the district, we will still give you a subsidy but just not quite as big and, of course, if you are a capitalist, we'll charge you full price or perhaps even more than full price, especially if you are charging admission to your event.

My philosophical issue is this. Our obligations under the ORC are very clear – we need to be impartial in serving our communities. This policy is clearly not impartial – either in the prioritization sequence or the fee structure and in one instances, it even prioritizes out-of-district groups over Worthington taxpayers who pay the property taxes to maintain the buildings.

Ohio Revised Code 3313.77(D) also requires us to document the costs on which the fee structure is based. Without this information, it is impossible to determine the extent of the taxpayer subsidy for the various groups.

All that said, I've looked at a number of these policies from all over the state and there are some that look like this one, some that are simpler, some that have groups, some don't, some differentiate fees, some don't charge fees and so forth. There is nothing all that out of the ordinary here, it's just one of those standardized education policies we get from OSBA or a group like it that was Worthingtonized years ago and forgotten about.

Here is my suggestion on this policy.

Let's define three groups instead of 4. First and most obviously, it makes no sense and no one wants to charge teachers, PTA's and Boosters and other school related groups. Second, it makes perfect sense to provide subsidies for people that help pay the bills – those citizens and organizations, profitable or not, tax exempt or not, that pay taxes in our district, help pass our levys and are invested in our community and finally, let's charge our full cost to all other organizations. This policy would honor our commitment to taxpayers in two ways. First, taxpayers have access to our facilities at what would theoretically be a below-market, subsidized rate since they are, after all, paying the bills and second, our facilities are available to everyone else at our cost. Such a system would, at least to me, meet the definition of "impartial" in the Ohio Revised Code.