

INSTRUCTIONS FOR SETTING UP A USE AGREEMENT
for use of property owned by the
NORTHERN CALIFORNIA CONFERENCE OF SEVENTH-DAY ADVENTISTS
Revised 11/01/2018

STEP 1 The process is usually not begun by the local church or school searching for another group to use their facility. The process usually begins with a request from another group (i.e. school, church, city) to use your church or school facility. Instructions for setting up a use agreement, NCC's facilities usage policy, and the applications for use agreements and hold-harmless agreements are available on the Conference website in the Property & Risk Management section. **The facility may not be used until this process is completed.**

NOTE: Remember any use must be authorized by the Northern California Conference of Seventh-day Adventists hereinafter called "**the Conference**", as the Conference holds title to all church/school owned property. You do not need to employ your own attorney to draft a use agreement. The Conference will draft the agreement for you in consultation with the Conference legal counsel.

STEP 2 Inform the requesting organization, in writing, that IF you approve their request, the process will likely take six (6) to eight (8) weeks to complete. Your communication should include the following reasons for the delay.

1. Three (3) to four (4) weeks for church or school board approval.
2. An additional two (2) weeks for the Conference to draft the documents and receive the approval of the Northern California Conference Trust & Property Management Council. (The Trust & Property Mgt. Council meets once a month. It is likely that less time will be required. However, it is better to estimate a longer period of time than a shorter one.)
3. The actual agreement will be drafted specifically for your use by the Conference.
4. A Certificate of General Liability Insurance that names the **Northern California Conference of Seventh-day Adventists** at PO Box 23165, Pleasant Hill, CA 94523-0165, as **Certificate Holder** and **additionally insured** will be required for a use agreement. This Certificate of Insurance must cover the limits of at least one million dollars bodily injury and property damage combined limits, one million dollars for each occurrence and one million aggregate.
5. The Licensee must provide proof of their tax-exempt status under IRC section 501 (c)(3) or 501 (c)(4) or CA R&T Code section 23701d or 23701f with the application
6. The use agreement will be made between the Licensee and the Conference on behalf of your local church or school.
7. If they have a question, they may contact the Northern California Conference Property Management Department at (925) 603-5051 or property@nccsda.com.

STEP 3 Local Church or School Board will consider the request. Board minutes must be dated within 1 year of the requested agreement or renewal. The local board **MUST** consider the following:

1. Is the group a tax exempt, non-profit corporation exempt under IRS Code 501(c)(3) IRC section 501 (c)(3) or 501 (c)(4) or CA R&T Code section 23701d or 23701f? If No, please be aware that the Use Agreement may result in an assessment of property taxes against your church/school that, under the Use Agreement, would be the responsibility of the Licensee. Depending upon the scope of the use, your

church/school's property tax exemption may also be jeopardized by permitting a for-profit individual, business or group without a religious or welfare exemption to use the facility.

2. Can the group provide proof of General Liability Insurance in the amount of one million dollars bodily injury and property damage combined limits, one million dollars for each occurrence and one million aggregate? If the answer is no, reject their request to share your facility in a use agreement.
3. Is this an on-going relationship or a one-time use? A single use by an individual, group or organization is handled by using a "Hold Harmless Agreement" rather than a use agreement. This document can *usually* be drafted by the Conference and returned within 48 hours.

STEP 4 Obtain the "Use Agreement Application" form on the NCC website under Property Management Dept., by calling (925) 603-5051, or e-mailing property@nccsda.com.

STEP 5 Fill out the "Use Agreement Application" form.

1. Obtain all information and complete the entire form. Use agreement terms will not extend longer than one year, and cannot be retroactively backdated.
2. Obtain insurance certificate and proof of IRC section 501 (c)(3) or 501 (c)(4) or CA R&T Code section 23701d or 23701f status from licensee, and signatures from both parties. (Your church/school and the invitee)
3. Send completed application, board minutes, insurance certificate, and licensee's proof of non-profit status to property@nccsda.com (preferred) or fax to (888) 312-0319.

STEP 6 Drafting the use agreement.

1. The Conference Property Management Dept. will draft the specific agreement.
2. The Conference will file a copy of this agreement with your Religious or Welfare property tax exemption each year. Failure to include all church/school uses could cause a loss of your property tax exemption.

STEP 7 The final approved agreement will be e-mailed to you for signatures.

1. Have your local church or school representatives sign.
2. Have the invitee representatives sign.
3. Email the signature page of the use agreement to property@nccsda.com (preferred) or fax to (888) 312-0319.

STEP 8 A copy of the fully executed use agreement will be e-mailed to you by the Property Management Dept.

STEP 9 Approximately two (2) months prior to the termination of the contract period, determine if it will be renewed and, if so, submit board minutes, any changes to the terms and renewed insurance if expiring to the Conference to draft a new agreement.