# COUNTY DEPARTMENT AGENDA REQUEST

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| Department: | County Commissioners | Presenter(s): | Carol Chandler |
| Meeting Date: | Thursday, November 18, 2010 | Type of Request: | Consent |

Wording for the Agenda:

Approval of staff's recommendation that the County adopt Policy No. 100.11 which provides guidelines for the use of county property.

Background/History/Details:

For many years the County has allowed eligible persons, organizations, elected officials, and government entities to use county owned, leased, or managed property for special events. Use of county property is not allowed for commercial. In 2005, the Board of Commissioners adopted specific guidelines to more carefully monitor the use of county property and to more clearly define what would be permitted. Staff was given more clear direction on uses that should be prohibited or limited in order to protect the County's assets.

The policy under consideration puts the long-time practice into a formal policy format. During the November 3rd Workshop Meeting, the Board authorized placing this request on the Consent Agenda.

What action are you seeking from the Board of Commissioners?

Approval of Policy No. 100.11 which provides guidelines for the use of county property.

If this item requires funding, please describe:

Not Applicable.

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| Has this issue come before the Commissioners in the past? | Yes | If so, when? | Wednesday, November 3, 2010 |
| Do you need audio-visual for the presentation? | No | Back-up Material Submitted? | Yes |

## STAFF USE ONLY

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| Approved by Finance | Not Applicable | Reviewed by Legal | |
| Approved by Purchasing | Not Applicable | Approved by County Clerk | Yes |
| Administrator's Approval | Yes | | |

Staff Notes:

**ADMINISTRATION**
**USE OF PUBLIC BUILDINGS AND GROUNDS**

**100.11**

## PURPOSE

The purpose of this policy is to provide guidelines for the use of property and buildings owned, leased or managed by Fayette County by eligible persons, agencies, organizations or groups other than the Fayette County Government.

## POLICY

Fayette County allows limited use of certain properties owned, leased, or managed by Fayette County (hereafter called "county property") by eligible persons, groups, and agencies under certain conditions. There shall be a consistent and uniform process for permitting use of Fayette County's buildings and grounds. This policy addresses use of all such properties in general and addresses in particular specific locations not addressed in the Fayette County Policy and Procedures Manual or otherwise.

### A. <u>Rules Pertaining to the Use of All Property Owned, Leased, or Managed by Fayette County</u>

*The following rules shall be applicable to all properties owned, leased or managed by Fayette County:*

1. All applicable federal, state, and local laws and ordinances shall be observed at all times on property owned, leased, or managed by Fayette County. In particular, laws regulating noise, lighting, signage, and the opening and closing times for county properties must be observed.

2. Requests for use of county grounds and buildings by other governments shall take priority over other applications. Requests which conflict with use of the property by county departments will not be considered. Activities which are deemed disruptive to the operation of county government will not be allowed.

3. County property shall not be reserved for commercial uses or use by "For-profit" entities. Commercial entities may be invited to participate in activities on county property sponsored and presented by a county department or by another eligible government or "Not-for-profit" entity which has express permission from the county to do so.

4. There shall be no fundraising on county property unless the activity is sponsored by a county department or another eligible government entity which has express permission from the county to do so.

5. The person or organization in whose name the reservation for use of county property has been made shall be the same person or organization responsible for conducting the activity. Applicants must be at least 21 years of age and must be a resident of Fayette County. The applicant shall be held responsible for ensuring that event attendees comply with the County's terms and conditions, particularly regarding the security and safe-keeping of county property, including buildings, grounds, and structures, interior and exterior.

6. No smoking is permitted inside any county building or facility and is permitted only in designated smoking areas in accordance with Fayette County Ordinance No. 98-05.

7. No alcohol use will be permitted on county property without the express approval of the Fayette County Board of Commissioners in accordance with Fayette County Ordinance No. 2009-05.

8. The County retains the right to charge a security deposit and/or fees to recover the cost of utilities, supplies, or personnel time required during or after an event. The County also reserves the right to require a waiver of liability and/or a Certificate of Insurance for the purpose of holding Fayette County harmless for injuries or death occurring on county property during an event.

9. County property must be left clean and orderly, including the removal of trash and debris, signage, flyers, and brochures or other materials used during the event. Failure to leave the county property clean and orderly can result in the denial of future requests. Any security deposit will be forfeited.

10. The County does not provide personnel to assist in the set-up for an event, assistance during an event, or clean-up after an event. The County does not provide supplies, equipment, or other materials needed to conduct an event.

11. No permanent fixture, appurtenance, or apparatus shall be affixed to county property. No action that leaves damages or defaces county property, including buildings, paved/concrete surfaces or walls, or permanently alters the appearance or condition of the county property shall be allowed. The County will take necessary appropriate action to recover the cost of repairs to damage to county property.

12. Reservations for the use of county property are granted on a "first come, first served" basis, assuming an application meets the terms and conditions of this Policy and unless otherwise noted. The County reserves the right to withdraw its approval of an event on county property if subsequent information suggests the event is not in the best interest of the community.

13. **Political activities on county property**.

    a. Political rallies or campaign activities or gatherings by or on behalf of any current candidate for public office, regardless of elected status or political party, are not permitted on any county property.

    b. This section is not intended to prohibit sitting elected officials, whether local, state, or federal level, from holding public meetings or hearings, "town hall meetings", or other informational or educational gatherings on county property for the purpose of disseminating information or soliciting input from constituents concerning current or on-going issues.

    c. Activities commonly known as "candidate debates" or "political forums" are allowed to be held in the Fayette County Public Library Meeting Room and the Public Meeting Room of the Fayette County Administrative Complex, with certain stipulations. No county department shall propose, sponsor, host, or promote such an event. In order for a request for a reservation for

such an event to be approved, the applicant must agree that all candidates for the positions for which the event is held, regardless of party, incumbency, or lack thereof, shall be invited to participate.

14. **Exceptions**. Properties operated by the Fayette Senior Services, the Fayette Counseling Center and the Fayette County Water System have specific provisions and exclusions unique to their operation and are not reserved for use under the terms and conditions of this Policy.

This policy is not intended to replace policies already established governing other Fayette County properties, including the Parks and Recreation Department properties and the Fayette County Public Library. Please refer to the Policy and Procedures Manual for policies related to Recreation Department properties, the Public Library, and filming on county property.

**B. <u>Use of Specific Properties Administered by This Policy</u>**

1. Requests for use of the following county property are specifically administered by this Policy:

   a. The Public Meeting Room (aka Meeting Chambers)
   b. Administrative Complex Parking Lot, Lobby, and Restrooms
   c. The Historic County Courthouse (Grounds)
   d. Heritage Park

   *Conditions for the use of each of these properties vary from site to site. Conditions for each site are described individually below.*

2. The Fayette County Justice Center, Jail, and Sheriff's Offices are not addressed by this policy and are not permitted to be used for purposes other than their designated normal business uses during normal business hours under any circumstances without the express approval of the Board of Commissioners. Requests for use of these specified facilities should be directed to the Board of Commissioners.

**PROCEDURE**

**C. <u>Applications for Use of County Property and Grounds Administered by This Policy</u>**

1. Applications for use of county property administered by this policy may be obtained by contacting the Office of the Board of Commissioners located at 140 Stonewall Avenue West in Fayetteville. A copy of this Policy and an application form will be provided upon request. The applicant must complete and sign the application, indicating agreement with the terms and conditions of this Policy.

2. Only "Not-for-profit" entities, including local, state, or federal level government entities are eligible to apply for use of county property. The applicant representing the entity must be 21 years of age and a resident of Fayette County. A 'Not-for-profit" entity may be asked to provide proof of "Not-for-profit" status by the Internal Revenue Service.

3. Fayette County may require a waiver of liability and/or a Certificate of Insurance Indemnification for the purpose of holding Fayette County harmless for damages, injuries or death occurring on county property during an event. If these documents are not provided when requested, the application will be denied.

4. The decision to approve or disapprove an application for use of county property, except where otherwise specified, shall be made by the County Clerk, the County Administrator, or their designee.

*The following conditions shall be applicable to these certain locations:*

a. Public Meeting Room (Meeting Chambers)

   i. The Public Meeting Room is available for use by county departments, officials, and boards, committees or agencies to which the Board of Commissioners appoints members. It is not reserved for use by commercial or "Not-for-profit" entities.

   ii. Other government entities are permitted to use the Public Meeting Room during normal business hours.

   iii. Sitting elected officials, whether local, state, or federal level, are allowed to use the Public Meeting Room for the purpose of holding public meetings or hearings, "town hall meetings", or other informational or educational gatherings on county property for the purpose of disseminating information or soliciting input from constituents concerning current or on-going issues.

   iv. Activities commonly known as "candidate debates" or "political forums" are allowed to be held in the Public Meeting Room with certain stipulations. In order for a request for a reservation for such an event to be approved, the applicant must agree that all candidates for the positions for which the event is held, regardless of party, incumbency, or lack thereof, shall be invited to participate.

   v. No food or drinks are allowed in the Public Meeting Room.

   vi. Limited audio, visual, and other electronic equipment is available in the Public Meeting Room upon request. Special arrangements must be made in order to use the equipment, including instructions on use and safe-keeping of the equipment.

b. Administrative Complex Lobby and Restrooms

   i. The first floor of the Administrative Complex Lobby and the restrooms located on the first floor may be made available for events held on the Administrative Complex site.

Special arrangements to have the Lobby and restrooms open must be made. Restrooms inside office suites cannot be made available during events. If portable restrooms are used by sponsors of an event, the location for the portable restrooms must be approved by the County prior to them being installed.

c. Administrative Complex Parking Lot

i. The parking lot of the Administrative Complex can be reserved for events that meet the terms and conditions of this policy. While temporary markings are allowed on the parking surface, no permanent paint, holes, or other permanent alterations are allowed. Signs of any kind are not allowed in the parking lot other than on the day of an event or during the set-up for an event.

ii. From time to time, use of the Administrative Complex may require assistance from the Marshals' Office for restricting the movement or parking of vehicles to accommodate an event. The Marshals' Office will work directly with the event sponsor to determine the level and type of assistance needed.

d. Historic County Courthouse (Grounds)

i. The Historic Fayette County Courthouse is currently under lease and is in use. Requests for events, tours, or visits involving the interior of the structure must be made through the lessor.

ii. The grounds of the Historic Courthouse are available for special events that comply with the terms and conditions of this Policy and which do not disrupt the business of the lessor. Government entities and "Not-for-profit" entities can reserve the grounds under the conditions of this Policy. Commercial entities are not allowed to reserve use of the grounds. However, commercial and "For-profit" entities may be invited to participate in events sponsored by an eligible government or "Not-for-profit" entity.

iii. Temporary signs announcing upcoming events are allowed to be posted on the northwest corner of the grounds of the Historic Courthouse, provided the signs are posted by an eligible government or "Not-for-profit" entity, as allowed by this Policy. Signs are allowed for a period of 14 days each. Only one sign on the site is allowed at one time. "Not-for-profit entities are limited to two reservations for signs per calendar year.

f. Heritage Park

i. Heritage Park is a passive facility designed to recognize and honor the history of Fayette County, as well Veterans of our Armed Forces. Reservations for limited use of Heritage Park for special events by eligible government entities and "Not-for-profit" entities will be considered on a case-by case basis, after consultation with the County's Facilities Manager. Considerations include the nature of the event, use of a stage or other appurtenances, anticipated volume of attendees, potential damage to marble, granite and brick surfaces, turf and other landscaping.

## ENFORCEMENT

The Fayette County Marshal's Office is responsible for enforcing the terms of this policy.

As all contingencies cannot be anticipated by this Policy, exceptions to this Policy may be considered and approved only by the Fayette County Administrator. Exceptions will not include requests related to the Fayette County Justice Center, Jail, or Sheriff's Office.