

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: December 3, 2007

SUBJECT: County Facility Use Policy

ATTACHMENTS: Yes

1. Revised County Facility Use Policy
2. Statement of Disclaimer

SUMMARY OF REQUEST:

The purpose of this agenda item is to provide direction to staff regarding the revised policy as per comments from the July 18, 2007 and September 4, 2007 Board of Commissioners meetings and subsequent individual meetings between staff and Commissioners. The proposed document establishes the Board's policy on public use of the Counties facilities and grounds. The proposed policy, attached, incorporates existing staff level policies for several County buildings into a Board Policy applicable County wide. This revision of the policy removes the County parks and libraries which will leave their current policies standing.

The following are items for consideration during the process of establishing a Policy on Public Use of Facilities and Grounds:

1. Proposed Policy Item #3 limits political party use which is different than the historic practice in Henderson County, especially during those times when the various political parties don't have permanent headquarters.
2. The courthouse was used for a wedding a few years ago. This would not be permitted now (Item #2) without a specific motion from the Board.
3. Proposed Policy Item # 10 differs from the school's policy. The schools provide maintenance personnel, for whom the user must pay.
4. The Foothills Highland Games use weapons for historical demonstrations at Jackson Park. With this policy (Item #16), they must get a specific motion from the Board to possess weapons for future events.
5. The tailgate market held on Saturday mornings at the King Street office building is sponsored by Coop Extension and will not fall under this policy.

SUBJECT: County Facility Use Policy
December 3, 2007
Page 2

BOARD ACTION REQUESTED:

The Board is requested to provide direction to staff regarding the proposed policy.

Suggested Motion:

Motion to Approve Policy: I move that the Board approve the County Facility Use Policy.

Motion to Continue Developing Policy: I move that staff revise the proposed policy as discussed for consideration at a future meeting.

Statement of Disclaimer
Public Use Policy
County of Henderson

In renting, leasing, or making available the County of Henderson's facilities and grounds, neither the Henderson County Board of Commissioners, nor the Henderson County employees, assume any responsibility for the loss of or damage to any property placed on the premises by the user, or for loss or damage of any property or personal effects, including but not limited to, vehicles and its contents, or for any injury to the user, its members, employees, agents, guests, or participants, all of whom, hereby agree to hold the County of Henderson, the Henderson County Board of Commissioners, the County Manager and County employees harmless for any loss or damage sustained while using Henderson County facilities and grounds.

The County of Henderson is committed to providing opportunities in access and employment in all programs, services, activities, grounds and facilities without regard to age, sex, race, color, religion, national origin, creed, political affiliation, or disability.

I have read and agreed to the policy for using the County of Henderson's facilities and grounds.

Organization / Group Representative:

Signature

Date

Print Name, Organization and Title

For County Use:

Approved _____

Denied _____

County Manager or Designee:

Signature

Title

Date

County Facility Use Policy - DRAFT

General Policy Statement

The designated meeting rooms and grounds which are listed below may be reserved for non-county government, public activities, provided certain conditions are met. However for security and operational reasons, the remaining County facilities will not generally be made available for public use. County government functions shall in all cases take precedence over all other activities at any county facility. **Policy for the use of County parks and libraries is addressed under separate policies: Park Rules and Library Meeting Room Use. [per staff: separate policy]**

List of Designated Facilities

The designated County facilities available to the public for non-county government use are as follows:

1. Historic Courthouse and Grounds (100 N. Main Street)
2. King Street Office Building (100 N. King Street)
3. Courthouse (200 N. Grove Street)
4. N.C. Cooperative Extension Building (800 Glover Street)
5. ~~County Libraries (Main Library, 301 N. Washington Street)~~
6. ~~County Parks (Park Office, 801 Glover Street)~~

Rules Governing Use of all Facilities and Grounds

1. The applicant requesting the use of a county facility or grounds must be a resident of Henderson County and at least 18 years of age. **[per Commissioner Young: discussion noted- no change recommended]**
2. Only ~~nonprofit~~ **noncommercial**, educational, civic and cultural purposes groups will be considered. Facilities are not available to exclusive groups; meetings must be open to the public. **[per Commissioner McGrady, no change recommended to 2nd sentence]**
3. The County facilities may not be reserved by commercial or partisan political groups. The only exception is for political meetings in accordance with N.C.G.S. 163-99 which allows political meeting for the purpose of biennial precinct meetings, county conventions and district conventions.
4. Solicitation is not permitted within County Facilities or Grounds. ~~A Community Bulletin Board will be designated at each of the branch libraries for posting of information of interest to the general public. By the close of business on the last business day of the month and regardless of when items are posted, these Community Bulletin Boards will be cleared of all postings.~~ **[per individual meetings with Commissioners]**
5. The county will not accept reservations for ~~a series of~~ meetings which would designate any county meeting room as the regular meeting place for any organization. **[per Commissioner McGrady]**
6. Fees and deposits for the Designated Facilities are approved by the Board of Commissioners.

County Facility Use Policy - DRAFT

7. The applicant is responsible for any and all damages to any facility or grounds, including costs for cleanup. The applicant shall assume full liability for all accidents or claims of accidents as a result of activities taking place associated with the use and shall agree to hold the county harmless and indemnify the county for any injury or damage to persons or to property. This shall also include the times the area is being readied for the use and for all follow-up activity related to the use. Any damage or accident must immediately be reported to the facility coordinator, or as soon thereafter that the office is open for business.
8. A Statement of Disclaimer must be signed by all facility users unless the Disclaimer is incorporated into the Designated Facilities Specific Application Process.
9. Depending upon the type of event, proof of insurance may be required. If required, a copy of the insurance policy must be submitted with the application. The policy is to be one of comprehensive general liability in the amount of not less than \$300,000.00 for bodily injury per person and \$1,000,000.00 per occurrence and not less than \$100,000.00 for property damage per occurrence. **[per Commissioner Messer - no change recommended]**
10. The county will not provide personnel **except for security purposes in the County Courthouse.**
11. Loud and disruptive behavior is prohibited.
12. No eating or drinking is permitted inside facilities unless advance provisions have been approved with the application and comply with all laws and regulations of the State Department of Human Resources, Division of Health Services. **[per Chairman Moyer - no change recommended]**
13. Animals of any kind are not allowed in any facility, except for service animals in the performance of their duties **or with approval in advance. [per Commissioner McGrady]**
14. Open, pit, or any other type of fires are prohibited **except in designated areas. [per Chairman Moyer]**
15. No tobacco, alcoholic beverages, illegal drugs, or contraband will be permitted. **[per Commissioner McGrady - no change recommended to alcoholic beverages]**
16. No function will be allowed where any member of an organization possesses a gun, rifle, firearm, or other weapon. An exception may be made for a memorial service or special event associated with the recognition of any branch of the military or historical conflict so long as any weapon used is only discharging blanks and the organization has received the appropriate permits and/or permission from any relevant municipality and/or police chief.
17. If used, portable toilets must comply with all laws and regulations of the state department of human resources, division of health services.

County Facility Use Policy - DRAFT

18. The applicant is responsible for providing proof of proper disposal of trash and debris in advance.
19. The applicant is responsible for returning any furniture and fixtures to the original configuration immediately after use.
20. Signs, decorations, or other attachments may not be hung on any building or permanent structures **in a manner that may potential damage the property. [per Chairman Moyer]**
21. Ingress and egress to the grounds may not restrict the orderly flow of traffic on adjacent roads and arteries, and traffic must comply with all local, state, and federal laws.
22. Parking will be permitted only in designated areas.
23. This policy does not grant permission to use sidewalks or streets that are under the jurisdiction of the local municipality or State of North Carolina.
24. The applicant is responsible for registering the function with the applicable local law enforcement authority as well as determining the need for any crowd control and security enforcement that may be necessary.
25. All uses must be in compliance with local, state and federal laws, including the Americans with Disabilities Act.
26. The applicant must comply with any further or additional restrictions the county chooses to place on the use of the grounds or facility.
27. The county manager, or department director in charge of a facility, may revoke the authorization to use a facility up to or during the use if a violation of this ordinance is discovered.
28. The county manager or designee is authorized to approve applications, and the county manager has the right to waive any subsection of this section when doing so would more effectively serve the public's interest, except where prohibited by law.

Specific Instructions Governing Designated Facilities and Grounds

1. Historic Courthouse and Grounds
 - a. Point of Contact: Clerk to the Board
 - ~~b. Reference: Template Approval Letter for use of lawn and sidewalks.~~
 - c. The rooms available are the Commissioner's Meeting Room and the Committee Meeting Room.
 - d. The museum portion of the Historic Courthouse is not available for Public Use.
 - e. Restrooms in the Annex are available to the annual Apple Festival
2. King Street Office Building
 - a. Point of Contact: Clerk to the Board
 - ~~b. Reference: Meeting Room Rules & Regulations (Large Meeting Room, #140)~~

County Facility Use Policy - DRAFT

- c. The room available is the Large Meeting Room, #140
- 3. Courthouse
 - a. Point of Contact: Clerk of Court
 - ~~b. Reference: Rules for Use of the Henderson County Courthouse~~
 - ~~c. The Department of Social Services and Sheriff sponsor an annual Toy Run motorcycle event utilizing the parking lot, steps and porch.~~
- 4. N.C. Cooperative Extension Building
 - a. Point of Contact: Henderson County Center, NC Cooperative Extension Service
 - ~~b. Reference: Building Policy~~
- ~~5. County Libraries~~
 - ~~a. Point of Contact: Henderson County Library Director or Designee~~
 - ~~b. Reference: Meeting Room Use Policy~~
- ~~6. County Parks~~
 - ~~a. Point of Contact: Henderson County Parks and Recreation Director or Designee~~
 - ~~b. Reference: Park Rules and Contract for Temporary Use of Facilities~~

Attachments:

- ~~1. Template Approval Letter for use of lawn and sidewalks (Historic Courthouse)~~
- ~~2. Meeting Room Rules & Regulations, Large Meeting Room, #140 (King Street Office Building)~~
- ~~3. Rules for Use of the Henderson County Courthouse (Courthouse)~~
- ~~4. Building Policy (NC Cooperative Extension Service)~~
- ~~5. Meeting Room Use Policy (Library)~~
- ~~6. Park Rules (Parks and Recreation)~~
- ~~7. Contract for Temporary Use of Facilities (Parks and Recreation)~~
- 1. Statement of Disclaimer

Adopted this the 3rd day of December 2007.

William L Moyer, Chairman

Seal

Attest:

Elizabeth W. Corn, Clerk to the Board