

**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** 15 August 2011

**SUBJECT:** Modification of Facilities Use Policy

**PRESENTER:** Charles Russell Burrell

**ATTACHMENT(S):** Current Facility Use Policy

**SUMMARY OF REQUEST:**

Your current Facilities Use Policy (page 4 of 5, Revised October 15, 2008) contains the following "Specific Instructions Governing Designated Facilities and Grounds" concerning the Historic Courthouse Commissioners' Meeting Room:

The use of the Commissioner's Meeting Room must be approved by the Board of Commissioners during a regularly scheduled meeting. Note, the agendas for Board of Commissioner meetings are set two weeks prior to the actual meeting. The application for use must be submitted for approval prior to the setting of the agenda. A schedule for Board of Commissioners meetings and the agenda scheduling process is available from the Clerk to the Board.

Occasionally County Government and affiliated/controlled entities would benefit from the use of the Commissioners' Meeting Room. To allow this, without interfering with the operation and meetings of the Board, the following is proposed in lieu of the foregoing:

The use of the Commissioner's Meeting Room must be approved by the Board of Commissioners during a regularly scheduled meeting, except as otherwise stated in this paragraph. All requests must be received by the Clerk to the Board at least two weeks in advance of the Board of Commissioners' meeting at which approval of the use is to be sought. However, departments of the Henderson County Government (including not-for-profit corporations the boards of directors of which are wholly appointed by the Board of Commissioners) may use this room with the advance written permission of the County Manager and the Clerk to the Board. This permission shall be given so long as the requested use does not conflict with the Board's use of the room. Any permission granted under this paragraph shall note that such permission is revocable by the Board should the need arise for the Board's use of the room during the time for which permission is given.

County staff will be present and prepared if requested to give further information on this matter.

**BOARD ACTION REQUESTED:**

Modification of the Facility Use Policy.

If the Board is so inclined, the following motion is suggested:

***I move that the Facility Use Policy be modified as stated in the Request for Board Action accompanying this agenda item.***

HENDERSON COUNTY

FACILITY USE  
POLICY

TAB 35-Facility Use Policy  
Adopted 12-03-2007  
Revised October 15, 2008

HENDERSON COUNTY

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**PARK RULES**

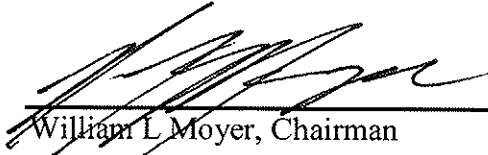
**An Ordinance regulating the operation and use of Parks and Recreation  
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# County Facility Use Policy

## **Adoption by Board of Commissioners**

Adopted the 3<sup>rd</sup> day of December 2007 and revised this day the 15<sup>th</sup> of October 2008.

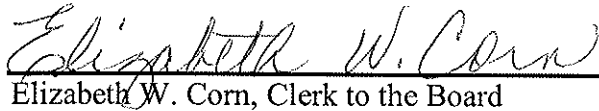


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William L. Moyer, Chairman

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Attest:



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Elizabeth W. Corn, Clerk to the Board

## **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.

## **List of Designated Facilities**

The designated County facilities available to the public for non-county government use are as follows. More specific instructions for each building may be found at the end of this policy:

1. Historic Courthouse and Grounds (1 Historic Courthouse Square)
2. King Street Office Building (100 N. King Street)
3. Courthouse (200 N. Grove Street)
4. N.C. Cooperative Extension Building (800 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.
2. Only nonprofit, educational, civic and cultural groups will be considered. Facilities are not available to exclusive groups; meetings must be open to the public.
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.

## **County Facility Use Policy**

5. The county will not accept reservations for meetings which would designate any county meeting room as the regular meeting place for any organization.
6. Fees and deposits for the Designated Facilities are approved by the Board of Commissioners.
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.
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.
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.
14. Open, pit, or any other type of fires are prohibited except in designated areas.
15. No tobacco, alcoholic beverages, illegal drugs, or contraband will be permitted.
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.

## **County Facility Use Policy**

17. If used, portable toilets must comply with all laws and regulations of the state department of human resources, division of health services.
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 potentially damage the property.
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.

# County Facility Use Policy

## **Specific Instructions Governing Designated Facilities and Grounds**

1. Historic Courthouse and Grounds
  - a. Point of Contact: Clerk to the Board
  - b. The rooms available are the Commissioner's Meeting Room and the Committee Meeting Room.
  - c. The use of the Commissioner's Meeting Room must be approved by the Board of Commissioners during a regularly scheduled meeting. Note, the agendas for Board of Commissioner meetings are set two weeks prior to the actual meeting. The application for use must be submitted for approval prior to the setting of the agenda. A schedule for Board of Commissioners meetings and the agenda scheduling process is available from the Clerk to the Board.
  - 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: Planning Department
  - b. The room available is the Large Meeting Room, #140
3. Courthouse
  - a. Point of Contact: Clerk of Court
4. N.C. Cooperative Extension Building
  - a. Point of Contact: Henderson County Center, NC Cooperative Extension Service

**Attachment:** Statement of Disclaimer

There are two community rooms located in the Historic Courthouse that are available for the public to use--the large community room (Carolina 1st Room) on 2nd floor and the small community room on the ground floor with entrance from 1st Avenue West only. On July 7, 2008 the Henderson County Board of Commissioners approved a Facility Use Fee for the two community rooms to cover expenses to utilize county staff to secure the building when either of the community rooms are used for non-county government purposes after business hours, 5:00 pm until 9:00 pm Monday through Friday, and 8:30 am until 9:00 pm Saturday and Sunday. The fee is \$25 per hour with a \$50 minimum. After business hours fees are payable to Henderson County upon making application for use of the community rooms. No refund is given for hours reserved but not used; no extension of hours is permitted. There is no fee assessed for using either of the community rooms during normal business hours, Monday through Friday, 8:30 am until 5:00 pm. The community rooms must be cleaned after use and the rooms must be restored to the original configuration (chairs and where applicable tables). Application for use of the community rooms may be made through the Deputy Clerk to the Board by phone at 828-697-4808 or via email to [twilson@hendersoncountync.org](mailto:twilson@hendersoncountync.org).



# County Facility Use Policy

## 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:

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Signature

Date

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Print Name, Organization and Title

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For County Use:

Approved \_\_\_\_\_

Denied \_\_\_\_\_

County Manager or Designee:

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Signature

Title

Date

**HENDERSON COUNTY  
PUBLIC LIBRARY MEETING ROOM USE POLICY**

When not being used for Library sponsored activities, the Library's meeting rooms are available for use by non-profit Henderson County based community organizations. Proof of tax exempt status may be required to establish eligibility. Library use of the meeting rooms is a first priority and the Library reserves the right to cancel a reservation if a room is needed for that purpose. Use of the meeting rooms does not constitute an endorsement of the views of the user of the room by the Library. The Library subscribes to the tenets of the Library Bill of Rights, which states in part, Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

**Eligibility:**

**Groups may use a library meeting room if:**

- The organization is non-profit
- The meeting is open to anyone
- No admission is charged

**Meeting Rooms cannot be used for:**

- Private parties
- For-profit activities
- Any activity where admission is charged
- For any exclusive group

**Available meeting spaces:**

**Main Library**

- Kaplan Auditorium (Capacity: 160)
- Children's Auditorium (Capacity: 50, Children's Activities Only)
- Study rooms A, B, C, D, and E (First come first serve basis, no reservations)

**Fletcher Library**

- Auditorium (capacity: 50)

**Application Process:**

- A completed Meeting Room Reservation Form must be submitted 7 days prior to the date of the event. Forms are available at Library Service Desks and on the Library's website: [www.henderson.lib.nc.us](http://www.henderson.lib.nc.us)
- Forms must be signed by a representative of the organization who will be responsible for the conduct of the meeting and proper use of the meeting space.
- Reservations are tentative until approved by a Library representative.
- Individual groups may only use a Library facility one time per month.
- Rooms may be booked up to three months in advance, but to avoid monopolization an organization may only have one room at a time on reservation. The Library cannot guarantee or provide a monthly meeting space same time same day.
- Meetings can only be scheduled during the Library's normal operating hours.
- The Main Library Secretary, or appropriate Branch Manager, should be notified if the meeting is cancelled.

### Room Setup and Usage:

- It is the responsibility of the user to schedule the room allowing time for setup and takedown. Library staff is not available to assist with room setup.
- Requests for Library equipment must be made on the initial Meeting Room Reservation Form.
- It is the responsibility of the user to meet with the appropriate library staff (by appointment) prior to the day of the meeting to learn how to use the equipment. Staff is not available to assist with equipment at the time of the meeting (unless it is a malfunction of the equipment).

### Organizations that wish to continue to use Library facilities must abide by the following regulations.

1. All publicity for meetings must clearly state the meeting is **not** sponsored by the Henderson County Public Library. Copies of the aforementioned **must** be sent to the Main Library Secretary, or appropriate Branch Manager, at least 3 days prior to the meeting.
2. Only pre-approved posters may be placed in the library to advertise meetings and they **MUST** be given directly to a library representative for proper approval and display.
3. Access to the room prior to your scheduled time is not possible.
4. It is not permitted to charge registration fees or to require the purchase of an item as a condition of attending a meeting. Donations may not be solicited nor may any funds be collected, promised or pledged.
5. The use of the name, address, or telephone number of the Henderson County Public Library (or any of its branches) as the address or headquarters of any group using the library for meetings is prohibited.
6. Library staff may attend or observe any meeting or program at any time.
7. Messages cannot be relayed to people attending meetings except in emergencies.
8. Smoking or use of alcohol or malt beverages is not permitted.
9. Groups of young people under eighteen years of age **must** have the meeting room application signed by a sponsoring adult who **must** also be present at the meeting.
10. Displays may not be affixed directly to the walls of the meeting rooms without prior consent. Library fixtures may not be removed from the walls. The use of staples or thumbtacks on library walls is prohibited.
11. Staff is not available to assist with meetings or to operate equipment. Prior training on all equipment is required for use of meeting room equipment.
12. Use of Library equipment is a privilege, not a right. In the event of equipment failure it is not the Library's responsibility to find alternative equipment for a meeting.
13. The Library is not responsible for equipment or material owned by a community group and used in the library. Such equipment may not be stored at the library.
14. The Library reserves the right to make special accommodations for other county agencies for their needs.
15. The Library reserves the right to limit or prohibit at any time the use of meeting room spaces which represent a threat to the health or safety of library users, or the orderly use of the library.
16. Users of the Main Library Kaplan Auditorium should request attendees to use the overflow parking to the south of the main parking lot.
17. For and in consideration of the use of the meeting room and library facilities, any person or group using same hereby agrees to indemnify and hold harmless the Henderson County Public Library from any and all actions, suits, relating to its use of such rooms and facilities. Further, such person or group agrees to reimburse the Library for any and all costs for repair of any and all damage as may be caused directly or indirectly to the room and/ or facilities by such use thereof. If any organization refuses to pay for the damage, the matter will be referred to the County Attorney for legal action.

# Park Rules

## An ordinance regulating the operation and use of Parks and Recreation Facilities owned and operated by Henderson County

**Be it ordained by the Board of Commissioners of Henderson County:**

### Section 1.

It shall be unlawful for any person in any park, playground, ball field, tennis court, or any other recreational facility and parking facilities thereof owned and controlled by Henderson County to:

- 1.1 Willfully mark, deface, disfigure, injure, tamper with, displace or remove any structure, equipment, facilities or other property, real or personal.
- 1.2 Damage, cut, carve, transplant or remove any tree or plant, injure the bark or pick the flowers or seeds, of any tree or plant or to dig or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area. This does not preclude employees or authorized agents of Henderson County from performing routine maintenance.
- 1.3 Dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, wastes, garbage, refuse or other trash, in an unauthorized manner. Under no circumstances will household garbage or waste generated outside the park be permitted to be disposed of in the park facilities or on park grounds.
- 1.4 Fail to obey all traffic officers and Recreation Department employees, such persons being authorized and instructed to direct traffic whenever and wherever needed in the park.
- 1.5 Fail to obey all traffic signs indicating speed, direction, caution, stopping and parking, and all other signs posted for proper control and to safeguard life and property.
- 1.6 Drive any vehicle on any area except the designated roads or parking areas as may be specifically designated by the Parks and Recreation Director. This does not preclude employees or authorized agents of Henderson County from performing governmental authorized services.
- 1.7 Park a vehicle in other than an established or designated parking area.
- 1.8 Picnic or lunch in a place other than designated for that purpose. The Parks and Recreation Staff shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for comfort and convenience of the public.
- 1.9 Violate the regulation that the use of the picnic tables and benches follows the general rule of "First Come, First Served".
- 1.10 Leave the picnic area before fire is completely extinguished and before all trash in the nature of boxes, paper, cans, bottles, garbage and other refuse is placed in receptacles provided. If no such receptacles are available, then refuse and trash shall be carried away from the park area by the user to be properly disposed of elsewhere.

- 1.11 Camp in any area without written permission of the County Commissioners. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping nor shall any person leave in any park any movable structure or special vehicle to be used or that could be used for such purpose, such as a camper-trailer, house trailer, or the like.
- 1.12 Bring or have in his possession, or set off or otherwise cause to be exploded or discharge or burn, any firecracker or other fireworks or explosives, or discharge or throw them into any such land or highway adjacent thereto, unless specifically authorized by the Board of Commissioners.
- 1.13 Enter an area posted as "Closed to the Public".
- 1.14 Sleep on the seats, benches, floors, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to be a breach of the public peace.
- 1.15 Disturb or interfere unreasonably with any person or party occupying any area, or participating in any authorized activity.
- 1.16 Sell food, beverages, or merchandise, or solicit donations for any individual, company or corporation without the permission of the Recreation Director, acting in accord with County policy regarding solicitation and the use of the County property for private purposes.
- 1.17 Carry, use, or possess firearms or other dangerous weapons of any nature within any park, or other recreation facility, provided, however, this section shall not apply to law enforcement officers when engaged in the discharge of their duties.
- 1.18 Enter, use, or remain within any park between the hours of 11:00 p.m. and 7:30 a.m., Monday through Sunday, unless a written permit therefore has been obtained from the Parks and Recreation Director. Under extenuating circumstances, the Parks and Recreation Director may waive the starting hour.
- 1.19 Possess, consume, or deliver alcoholic beverages, fortified and unfortified wines as defined in N.C.G.S.18A-2.
- 1.20 Possess, consume or deliver non-prescription drugs or illegal substances as defined in N.C.G.S.90.95.

**Section 2.**

The following general rules shall also apply:

- 2.1 No fires allowed except in grills and camp stoves. All fires *must* be thoroughly extinguished after use.
- 2.2 No rock throwing shall be allowed.

- 2.3 Flagrant misuse of parks and recreation facilities will result in forfeit of future reservation privileges.
- 2.4 The Parks and Recreation Director has the authority and responsibility to enforce any rules and regulations governing the use of maintenance of parks and recreation facilities as adopted by the Board of Commissioners.

**Section 3.**

Any section or part of any park or recreation area or facility may be declared closed to the public by the Parks and Recreation Direction at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and to certain users.

**Section 4.**

The Parks and Recreation Director and any authorized department employees shall have the authority to eject from any recreation facility any person acting in violation of this article, or in violation of rules and regulations enacted pursuant to this article or any other ordinance adopted by the County Commissioners.

**Section 5.**

Any person or persons entering into a lease or rental agreement of any recreation facility agrees to hold harmless the County of Henderson and the Parks and Recreation Staff of any injuries or deaths incurred while using the facilities. The sponsor shall assume full responsibility.

**Section 6.**

Any person who violates any provision of this ordinance may be deemed guilty of a misdemeanor, as provided for in N.C.G.S. 14.4. If any violation continues, each day's violation may be a separate offense. The Henderson County Sheriff's Department or any duly authorized agent of Henderson County may draw warrants, issue citations, or take such legal measures as may be allowed to enforce the terms and provisions of the Ordinance.

**Section 7.**

If any part of this Ordinance is held void, it shall be deemed severable, and the invalidity thereof not affect the remaining part of this Ordinance.

It is hereby ordained that any previous ordinance regulating the operation and use of Henderson County Parks is hereby repealed.

*Approved by: William T. Drake, Chariman, Henderson County Board of Commissioners, October 5, 1987.*

**Section 8.**

This Ordinance to take effect on the 6<sup>th</sup> day of October, 1987.