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Private Use of County Facilities

Overview:

The purpose of this Policy is to authorize certain County facilities to be utilized as limited public forums for private uses subject to reasonable use rules and requirements.

Scope:

This Policy includes use of facilities owned or operated by the Board of County Commissioners (BoCC) by private individuals and groups. This Policy does not limit access by other government agencies, which may be given access to any County facility subject to the discretion of the County Manager.

Provisions:

1. **Facilities Available.** Subject to this Policy and reasonable use rules and requirements approved by the County Manager, the BoCC authorizes the use of the following facilities for private uses as limited public forums.
 - a. Alachua County Administration Building (Jack Durance Auditorium, Grace Knight Conference Room and West Lawn);
 - b. Josiah T. Walls Building and Parking Lot (when not in use by the Supervisor of Elections or Property Appraiser);
 - c. Freedom Community Center;
 - d. Alachua County Fairgrounds (Auditorium, Pole Barn, Grounds); and
 - e. Poe Springs Park Lodge.

The BoCC, through authorization of the use of County facilities by private individuals or groups, does not expressly or implicitly endorse or embrace the purposes, goals, objectives, views, opinions, policies or activities of private individuals or groups using a facility.

2. **Public Buildings Unavailable.** All other public buildings which are owned or operated by the BoCC, excluding traditional public forums, are hereby declared to be nonpublic forums and are, therefore, not available for private uses. The public is excluded from uninvited access to these public buildings to ensure proper operation of County government, including but not limited to prevention of work interruptions, provision of safety for employees, and control of personal and real property owned or operated by the County.
3. **Reservations.** The County department charged with the security and maintenance of a facility which is available for private uses shall manage reservations and scheduling of its facilities consistent with this Policy and reasonable use rules and requirement approved by the County Manager. The following requirements shall be observed by the departments.

- a. Reservation applicants must be at least 18 years old.
- b. Reservations may not conflict or interfere with County functions or activities. The County may “black-out” certain periods for use of facilities for County purposes or for events sponsored by the County. At the request of another government agency, and subject to the discretion of the County Manager, the County may also “black-out” periods of use by other government agencies.
- c. For all periods not “black-out” by the County, qualified reservations will be taken on a first-come-first-serve basis.
- d. Reservations may not be made unless staff is available to open, monitor the facility during private use or be available, and close during the requested time periods.
- e. Reservations will be denied if the proposed use violates any law, rule or procedure, is reasonably anticipated to damage or to be inconsistent with the use of County real or personal property, or the reservation applicant has violated a prior facility access agreement within the previous five (5) years. Reservation applicants may appeal a denial by a County department to the County Manager.

4. **Terms of Access.**

- a. **Access Agreement.** A reservation applicant must agree to the terms of an access agreement, approved by the County Manager. The access agreement shall include a provision that reservation applicants are responsible for all actions, behaviors and damages caused by attendees of events. The County Manager or his or her designee is authorized to execute facility access agreements.
- b. **Fees.** A fee schedule for access to County facilities for private uses will be presented to the BoCC. Fees should include at least all costs incurred by the County and sales tax, for non-exempt reservation applicants.
- c. **Security Deposit.** Security deposits are required for damage to County real or personal property and clean-up expenses. Security deposits will be collected before an event and are refundable if 1) all terms of the access agreement are adhered to by the reservation applicant and event attendees; and 2) the facility is returned to its pre-event condition. Security deposits will be returned to a reservation applicant if an event does not take place, regardless of whether an event is canceled (in accordance with subsection (e) below) or not.
- d. **Insurance.** Insurance shall be required for all private events. The level of insurance coverage shall be determined by the Risk Management Division. The insurance rate set by the Risk Management Division shall reflect the risk and potential liability to the County of allowing private use of public facilities.
- e. **Approval by Governmental Agencies.** Reservation applicants must obtain all required approvals of governmental agencies such as temporary use permits, special event permits and security plans. Failure to obtain needed approvals is a basis for the County to refuse access to a facility.

5. **Facility Use.**

- a. **Times of Availability.** The County Manager shall determine the times when facilities shall be available for private uses on a facility-by-facility basis. For time periods outside the traditional work week, the Manager may create different reasonable use rules and requirements, if the Manager determines that the cost or inconvenience to employees is greater outside of the hours of

a traditional work week. For example, if the Manager determines that the inconvenience of opening, monitoring the facility during private use or being available and closing a facility on a weekend is significant, the Manager can require that weekend use by private entities be for at least three (3) consecutive hours or that payment for employee time be at the fully-loaded overtime rate.

- b. **Damage to Facility/Property and Clean-up Expenses.** The department charged with the security and maintenance of a facility shall document the portion of a security deposit that is needed to correct damage or to clean-up a facility and provide that documentation to the reservation applicant along with any remaining security deposit. If the damage or clean-up expenses exceed the amount of the security deposit, the reservation applicant shall pay for any damage or clean-up expenses not covered by the security deposit within 14 calendar days following an event.
 - c. **Use of County Personal Property.** As part of an access agreement, a reservation applicant may request the use of tables, chairs and other personal property owned or possessed by the County, which, if available, may be approved by the County Manager or his or her designee at a reasonable cost. The County Manager or his or her designee may require the use of County employees to set-up, take-down and operate County personal property. If County employees serve this function, reservation applicants will pay all costs incurred by the County.
 - d. **Supervision by County Staff.** A paid employee of the County must open and close a County facility for a private event. A paid employee of the County shall monitor or be available during all periods that a County facility is being used for a private event.
 - e. **Security.** The County Manager or his or her designee will determine security needs for private events on a building-by-building basis.
 - f. **Holdover Use.** Private users of a County facility who remain in the facility or on the surrounding property after the period of reserved use may be subject to trespass and/or holdover charges.
6. **County Sponsorship.** The BoCC hereby finds that provision of social services consistent with a service currently offered or funded by the County by private individuals or groups is a public purpose. The County may choose to sponsor events which meet this public purpose subject to the restrictions below.
- a. Reservation applicants must request sponsorship by the County in writing at least three (3) months prior to a scheduled event. The request shall include the purpose of the use of the County facility, a brief description of the requesting organization's purpose and goals, and an analysis of how the event meets County government goals, purposes and responsibilities. The request may include a charitable not-for-profit determination from the IRS, Department of Revenue Consumers Certificate of Exemption, or any other relevant document.
 - b. The BoCC or its designee will consider sponsorship requests on an event-by-event basis and will approve sponsorship of an event that meets the following criteria.
 - i) The reservation applicant has met all of the requirements of this Policy and the reasonable use rules and requirements approved by the County Manager; and
 - ii) The reservation applicant has not violated an access agreement in the last two (2) years; and
 - iii) The event meets a social services public purpose consistent with a service currently offered or funded by the County.

- c. In an approval of a request for sponsorship, the BoCC or its designee shall specify how the event meets the goals, purposes and responsibilities of the County government and provides a social service consistent with a service currently offered or funded by the County.
 - d. Sponsorship may include waiving fees for facility access, advertisement of events, providing staff to help with events and non-monetary support.
 - e. Sponsorship may not include waiving insurance requirements.
7. **Events Awarded on a Competitive Basis.** Alachua County properties have historically been used to host multiple day events such as providing parking for sports events or recreational vehicle camping. The County shall permit all qualified applicants to submit proposals to host events that meet all of the following criteria.
- a. Provides service/function that County can provide; and
 - b. Provides a significant financial return; and
 - c. Is an opportunity that many would seek; and
 - d. Requires planning and expertise to adequately perform the service.

On the basis of submitted proposals, the County shall competitively award event hosting on at least a one (1) year but no more than three (3) year basis.