

**Valencia County
Board of County Commissioners
Resolution 2016 - 18**

**A Resolution
Relating to the Use of Public Buildings or Properties, such as
Community Centers, Meeting Rooms or Parks, by Individuals,
Groups and Other Non-County Entities**

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 4-38-13 (1876) provides that the Board of County Commissioners shall have power at any session to make such orders concerning the property belonging to the County as they may deem expedient; and,

WHEREAS, NMSA 1978, Section 4-38-16 (1876) provides that the Board of County Commissioners shall have power to build and keep in repair all County buildings; and,

WHEREAS, NMSA 1978, Section 30-20-13 (1981) prohibits the interference with members of staff, public officials or the general public on County property, trespass and damage to County property and provides for penalties; and,

WHEREAS, the Board of County Commissioners has determined that the health, safety and general welfare of residents of Valencia County, and the efficient, safe and orderly conduct of County business by County officials, employees, service-providing organizations and members of the public would best be served by the adoption of a policy regulating conduct within County buildings, such as community centers, utilized for non-County events or activities.

NOW, THEREFORE BE IT RESOLVED that the governing body of Valencia County establishes this policy regulating use and conduct within County buildings for non-County events and activities, as follows:

I. INTENT OF POLICY

A. The intent of this policy is to regulate conduct within County-owned or leased buildings or facilities, so as to promote the efficient, safe, and orderly use of County buildings or properties, including community centers, senior centers, and fire stations, for non-county events or activities by County officials, employees, service-providing organizations and members of the public.

B. This policy prescribes the rules and regulations under which County-owned buildings or property may be made available for use by community organizations, service-providing organizations, or individuals and groups.

C. Questions concerning the interpretation of this policy will be referred to the County Manager or his/her designee.

II. PRIMARY USE

Valencia County buildings and properties are first and foremost for the use of residents of the County. When a building or property is not in use by a program administered by the County, the State, or the United States government, (depending on specific funding or grant/loan restrictions) for the benefit of Valencia County residents, the facilities may be reserved by individuals, social groups, educational groups, service-providing groups, hobby, civic, cultural, community service organizations, and religious groups.

III. APPROVED PERMITS

A. Permission for use of a County building or property is granted upon the condition that all rules and regulations governing the use of the facility shall be followed, as permission may be revoked at any time for failure to do so.

B. Individuals, social groups, educational groups, service-providing groups, hobby, civic, cultural, community service organizations, and religious groups wishing to use a County building or property must make application (see Exhibit A) at least five (5) working days in advance of the proposed date of use.

C. The Board of County Commissioners will sponsor all governmental, educational, cultural, and instructional public events, provided that they are open to all county residents, not political, advertised, and that they constitute a low-risk event as defined by the Tenant Users Liability Insurance Program ("TULIP"), provided that a release is executed by the organizer of the event. The form of release is enclosed as Exhibit C to this Resolution.

D. Permits are issued on a first come, first served basis for non-governmental functions. Permission will depend on availability of staff and space.

E. All permits shall be applied for and issued by the County upon recommendation by the Public Works Director or his/her designee. A permit denial is appealable to the Board of County Commissioners pursuant to the appeals process set forth in Section 154.062.

F. A refundable clean-up and security deposit must accompany the application. The application will not be issued if it is missing. Reservation of the date and facility will not be made until the completed application and deposit are received. The Certificate of Insurance should accompany the application. However, if this is not possible, the Certificate of Insurance must be on file with the County at least two (2) days prior to the event.

G. The County Manager or his/her designee has the right to revoke any permit due to unforeseen circumstances, or infractions of the policies. A revocation of the permit may be appealed to the Board of County Commissioners pursuant to the appeals process set forth in Section 154.062.

H. The Board of County Commission may appoint residents from the Community to open/close facility and advise the County Manager/ Public Works Director of any events being held. The keys for the Community will centralized in the Public Works Director or his/her designee.

IV. FEES

All individual and group (see Exhibit A) events and activities will be required to compensate Valencia County and its residents for use of County facilities, except as otherwise provided in Section III(C) of this Policy. Compensation will include some or all of the following components:

- Cleaning/Damage Deposit (refundable)
 - Open/Closing Fee (non-refundable)
 - Activity Rental Fee (per day/per hour/per activity) for all private uses (non-refundable)
- TULIP Insurance Cost (non-refundable)

The Damage Deposit may be returned following inspection of the event/activity once the County facility is found to be in a condition similar prior to its use by an individual or group. A memo from the Public Works Department will be issued to the Treasurer's office to reimburse all or part of the damage deposit, depending on any clean-up or damage issues (see Sections V and VI).

A. Fees (as defined in Exhibit A) will only be accepted by the Valencia County Treasurer's Office. Cash, checks, or money orders will be accepted. Receipts will be issued to the individual renting County facilities or property.

V. CERTIFICATE OF INSURANCE

A. Except as provided in Section III(c) herein, all individual and group events and activities that are not sponsored by the County as provided herein will be required to provide a Certificate of Insurance in the amount of one million dollars (\$1,000,000) naming Valencia County as "Additional Insured" prior to use of the building or facility. Vendors related to groups or individuals using a County building or facility shall provide a copy of the Facility Use Permit and Certificate of Insurance to the Public Works Director, or his/her designee.

1. Insurance may be obtained through the County's carrier, the New Mexico Association of Counties, through its Tenant Users Liability Insurance Program (TULIP). Except as otherwise provided herein, insurance must be obtained prior to the requested use of the County Facility. See Exhibit C for information regarding purchasing TULIP insurance.

2. Insurance may also be obtained through a private insurance company by the responsible individual hosting the event/activity. The insurance requirements must be the same as listed in (A) and must be obtained prior to use of the County facility.

VII. SECURITY

A. All groups and individuals using the facility are responsible for the contents and security of the building and property.

B. Opening and closing of a building will be performed by a County employee, or their designee, as part of the building usage agreement to ensure condition of the facility and its contents before and after and event/activity.

C. Except as provided in Section III(C) herein, a clean-up and security deposit of not less than one hundred dollars (\$100) is required of all individuals/groups using a County building. There may also be a fifty dollar (\$50) damage and security deposit required for the use of the kitchen facilities (if applicable). A one-time four hundred dollars (\$400) clean-up and security deposit may be required for events or activities that have previously used a County building and have left the building or property in an untidy or dilapidated condition.

B. Except as provided by Section III(C) herein, individuals or groups using the facility on a regular basis (i.e. every first Thursday of the month) may only be required a single damage deposit for all its events and may have the deposit returned following the final date of scheduled use.

C. In buildings where kitchen facilities are available for use, the kitchen must be maintained to a commercial standard if the building is currently maintained to a commercial standard. Strict adherence to kitchen policies and procedures is required. Failure to do so will result in denial of future permit requests.

VIII. DAMAGES

A. The individual responsible for the group and the group as a whole shall be responsible for all damage to the County building or property.

B. Groups and individuals allowed to use a County building or property must leave the space in an acceptable condition.

C. All damages to the County building or property will be the responsibility of the user, and cost of any damages will be deducted from the security deposit. Any additional expenses to repair or clean-up above and beyond the collected security deposit will be billed directly to the responsible individual.

D. The group or individual will be notified within thirty-six (36) hours of the damage and provided an itemized list of damages and estimated cost of repairs and/or clean-up. Payment for damages will be deducted from the clean-up and security deposit. Any additional billed amount above the collected security deposit will be required to be paid to the County within thirty (30) days of receipt of notice from the County. Failure to make payment will result in suspension of further use of any County building or property.

IX. PREPARATION AND CLEAN-UP

Users of a County building or property are responsible for any changes in room arrangements prior to use and all clean-up after. This must be done within the time frame for which the County building or property has been reserved. Any expense for special clean-up and/or restoring room arrangements performed by County staff as a result of non-compliance with this provision will be deducted from the clean-up and security deposit.

X. CANCELLATIONS

- A. Any changes/cancellation in a scheduled reservation must be made at least two days prior to the requested date. The changes/cancellation must be made to the Public Works Department in writing.
- B. If cancellation is made two (2) days or more in advance of the event or activity, all fees will be reimbursed.
- C. Changes to an event or activity which will require additional fees will require those fees be collected by the Public Works Department prior to the event or activity. Changes that may reduce previously collected fees will be recalculated and any refunds will be made at the conclusion of the event or activity.
- D. Notification of cancellation to members of the private group or organization is the sole responsibility of the organizer.

XI. CONDUCT

The applicant responsible for the permit is required to observe and insure that County rules and regulations are observed and adhered to, and that persons associated with their activity or event shall respect all County property, personal property rights of others, and avoid unnecessary noise disruption to neighbors.

XII. PROHIBITED CONDUCT

The following conduct shall be prohibited upon county property.

- A. **Smoking.** Smoking is not permitted within County buildings, in compliance with the New Mexico Clean Indoor Air Act, NMSA 1978, § 24-16-1 *et seq.* (1985) and Valencia County Policy. The ordinance is on file in the Office of the County Manager or Office of the County Clerk.
- B. **Weapons.** Use, possession or storage of any weapon on all county property is expressly prohibited. This section shall not apply to a law enforcement officer acting in the lawful performance of his or her duties, or to personnel of the District Attorney's Office.
- C. **Animals.** Animals of any kind are prohibited from entry into County buildings except for qualified assistance animals or at the Animal Control Center. Any person with a qualified assistance animal shall be liable for any damage done by his or her qualified assistance animal.
- D. **False Alarms.** Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency is prohibited at county buildings. Misusing or damaging fire safety equipment on County property is prohibited.
- E. **Controlled Substances.** The use, possession, or distribution of any controlled substance or illegal drug in a County building or on County property is prohibited.
- F. **Alcoholic Beverages.** The use, possession or distribution of alcoholic beverages in any County building is prohibited.
- G. **Fireworks.** Use or possession of allowed fireworks per the current Ordinance pertaining to the Sale and Use of Fireworks in the unincorporated Areas of Valencia County, unless expressly authorized in writing by the County Manager, is prohibited.

XI. LIMITATIONS

- A. Nothing in this policy shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute.
- B. Nothing in this policy shall limit the County Manager in adopting additional rules and regulations as such may be required from time to time or in enforcing laws, regulations or policies to insure the protection and security of County buildings or facilities.

XIII. EXHIBITS

Exhibit A – Building Usage Application

Exhibit B – NMAC Tulip

Exhibit C – Release Form

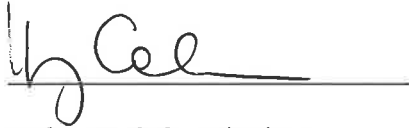
PASSED, APPROVED AND ADOPTED on this 3rd day of February 2015 2016



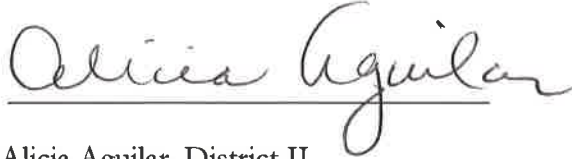
Charles D. Eaton, Chair, District IV



Jhonathan Aragon, Vice Chair, District V



Helen Y. Cole, District I


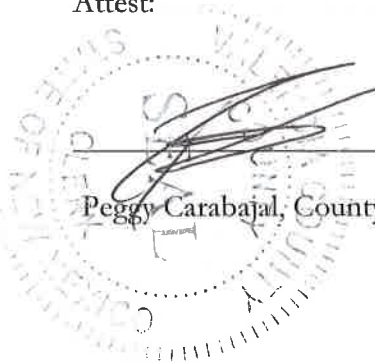


Alicia Aguilar, District II



David A. Hyder, District III

Attest:

Peggy Carabajal, County Clerk



Application for Building or Property Usage Permit

Applicant: _____ Today's Date: _____

Contact Person: _____ Phone: _____

Address: _____

Responsible Person (if different than contact): _____

Daytime Phone: _____ Evening phone: _____

Address: _____

Is the responsible party a Valencia County resident? _____ Yes _____ No

Building/Property Requested: _____ Date(s) Requested: _____

Organization/Group Use? _____ Yes _____ No Time Needed? _____

Purpose: _____

County Sponsorship: Is the event a governmental, educational, cultural, or instructional public event that will be open to all county residents, not political, advertised, and constitutes a low-risk event as defined by the Tenant Users Liability Insurance Program ("TULIP") _____ Yes _____ No

Building or Facility Usage Deposit = \$100 (The facility must close at 11:00 pm)

Kitchen Deposit (if used): \$50

If the building is not cleaned and vacated by 11:00 pm, an additional \$50 per hour fee will be assessed.

I hereby am aware and agree to abide by all rules and regulations governing the use of the above listed facility and equipment.

Applicant's Signature

Date

FOR OFFICE USE ONLY

Damage Deposit = \$100 _____
Kitchen Deposit = \$50 (if applicable) _____
Open/Close Fee = \$50 _____
Hourly Fee = _____ hours X \$15 per hour _____

Damage/Kitchen Deposit paid: _____ Date _____ Amount _____
Fees paid: _____ Date _____ Amount _____
Refund of Deposit: _____ Date _____ Amount _____
Satisfy County Sponsorship Qualification _____ Yes _____ No Initials _____

Exhibit B

NMAC TULIP (Tenant Users Liability Insurance Program)

TULIP Insurance must be purchased through the One Beacon Insurance Group if not purchased through a private insurance organization (i.e. homeowner's insurance). Insurance may only be obtained through One Beacon's website. Instructions for obtaining insurance are as follows:

1. Go to the One Beacon Insurance Group website at www.onebeaconentertainment.com
2. On the main page, under "TULIP – Event Insurance" click "Purchase or Quote".
3. You will be taken to the quote page. Enter Valencia County's Venue ID Code: OB31-023, and follow the instructions as they take you through their on-line form.
4. You will be prompted through a number of screens to provide such information as the type of event you are planning, the number of attendees, and the date of the event.
5. Once you complete the necessary information, you will be provided with a quote for the TULIP insurance
6. Continue to following the instructions to pay for and print your documentation for insurance.
7. Provide a copy (either email or hard copy) to the Valencia County Public Works Department for your event.

A copy of the Insurance must be on file with Valencia County Public Works Department two (2) days prior to the event for non-county sponsored events.

Exhibit C



Building Usage Waiver Form

Please read the following carefully. If you have any questions, have them answered before signing this document. (Please Print Legibly)

I, _____ (name), in exchange and consideration for being allowed to utilize the authorized County facilities pursuant to the County's Building Usage Policy, hereby release and waive and hold harmless the County of Valencia its elected officials, officers, agents and employees, from and against any and all claims, demands or causes of action of any type whatsoever, including property damage, personal injury or death arising out of or in any way relating to my use of the County Facility.

By signing this waiver of liability and release, I acknowledge that I have read and understood this document and fully agree to its terms and conditions.

Signature

Date