

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**RESOLUTION NO. 2023 -\_\_**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA; ADOPTING A POLICY ON THE PRIVATE USE OF COUNTY FACILITIES; ESTABLISHING AND RULES AND REGULATIONS FOR FACILITY USE AND PROCEDURES FOR RESERVING PRIVATE USE OF A COUNTY FACILITY; PROVIDING AUTHORITIES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Alachua County Board of County Commissioners (“Board”) is the owner and in possession of real properties located in Alachua County; and

**WHEREAS**, the County may lease, rent, license, or otherwise allow the use of the properties that are owned or in possession of, including facilities, auditoriums, and parks, and may control and operation them in such a manner that is in the best interest of Alachua County; and

**WHEREAS**, the Board desires to make rules and regulations regarding the use of these properties and facilities, and to set forth ability to take reservations and derive funds from the use; and

**WHEREAS**, such function is proprietary in nature, and is not considered governmental in the traditional sense; and

**WHEREAS**, the Board previous adopted Policy No. 16-31, Private Use of County Facilities, which is in need of updating; and

**WHEREAS**, the Board finds it is beneficial to update its Policy on the private use of County Facilities, as defined, therein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:**

1. The above recitals are true and correct and incorporated herein.
2. The Policy for Private Use of County Facilities, a copy of which is attached hereto, is hereby adopted by the Alachua County Board of County

Commissioners (“Board”).

3. The Policy attached to this Resolution replaces and repeals any other policy adopted by the Board regarding the Private Use of County Facilities, including that identified as Policy No. 16-31 dated July 12, 2016.
4. This Resolution shall become effect immediately upon its approval by the Board.

DULY ADOPTED in regular session on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA**

ATTEST:

\_\_\_\_\_  
J.K. “Jess” Irby, Esq.  
Clerk of Court

BY: \_\_\_\_\_  
\_\_\_\_\_, Chair  
Board of County Commissioners

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney

# Board of County Commissioners Policy Alachua County, Florida

Policy Number: \_\_\_\_\_

Revision Date: n/a

Effective: 12/01/2023

Review Date: x/x/x

## **PRIVATE USE OF COUNTY FACILITIES**

### **Overview:**

To purpose of this Policy is to authorize certain Alachua County Facilities to be utilized for private use subject to reasonable use rules and requirements. This is an allowed use and a privilege provided by the Alachua County Board of County Commissioners regarding County Facilities and therefore, this is a function that is proprietary in nature and not a governmental function.

### **Scope:**

Unless specifically excluded herein, this Policy includes use of County Facilities, as defined herein, by private individuals, organizations, entities, and groups. This Policy does not limit access to County Facilities by other governmental agencies, which may also be given access to use a County Facility subject to discretion of the County Manager.

### **Definitions:**

The following definitions apply to the interpretation and enforcement of this Policy:

*Applicant* – one who applies or requests to rent, license, or use a County Facility.

*County* – the Alachua County Board of County Commissioners (BoCC), its departments, offices, and divisions.

*County Facility(ies)* -- property owned, operated, managed, or controlled by the BoCC or a County department, office, or division, including but not limited to, Parks, administration buildings, centers, public natural areas, recreation areas, trails, lawns, auditoriums, lodges, pavilions, and parking lots. The Auditorium located adjacent to the UF/IFAS Extension Office is included in this definition.

### **Provisions:**

1. **County Facilities Available.** Subject to this Policy and reasonable use rules and requirements approved by the County Manager, a County Facility may be made available to an Applicant for use, in whole or in part. The BoCC, through authorization of the use of County Facility by private individuals, organizations, entities, or groups, does not expressly or implicitly endorse or embrace the

purpose, goals, objectives, views, opinion, policies, or activities of private individuals, organizations, entities or groups using a County Facility.

2. **Unauthorized Access.** Persons are excluded from uninvited access to 'employees only' and restricted areas of County Facilities. This is to ensure the proper operation of County government, including but not limited to prevention of work interruptions, provision of safety for employees, protection of personal and real property owned or operated by the County, and public safety.

3. **Reservations.**

- a. ***Reservations.*** The County department or office charged with the security and maintenance of a County Facility which is available for private use shall manage reservations and scheduling of its facilities consistent with this Policy and the reasonable use rules and requirement approved by the County Manager. The County is authorized to develop applications and utilize software and other online applications to accept reservations and payments for reservations of County Facilities.

- b. ***Rules and Regulations.*** The following Rules and Regulations are applicable to the rental, reservation, license, and use of all County Facilities by an Applicant:

- 1) Applicants must be at least 18 years old.
- 2) Reservations may not conflict or interfere with County functions or activities. The County may block-out certain periods for use of County Facility for County purposes or for events sponsored or put on by the County. At the request of another governmental agency, and subject to discretion of the County Manager, the County may also block-out periods of use by other governmental agencies.
- 3) For all periods not blocked-out by the County, qualified reservations will be taken on a first-come first-serve basis.
- 4) Reservations may not be made unless County staff is available to open, monitor the County Facility during private use or be available, and close during the requested time periods.
- 5) Reservations will be denied if the proposed use violates any law, rules, or procedure, is reasonably anticipated to damage or to be inconsistent with the use of County real or personal property, or the Applicant has violated a prior facility access agreement within the previous five (5) years. Applicants may appeal a denial by a County department to the County Manager.
- 6) Applicant and its/his/her guests, invitees and attendees shall not engage in any activity that is prohibited by law, that will result in injury or harm to others, or that is likely to or anticipated by County staff to result in damage to a County Facility or its fixtures and furnishings.
- 7) Events shall not exceed fire safety codes and building capacities.

- 8) Smoking and use of tobacco products is prohibited inside County Facilities.
- 9) The sale of firearms and weapons, as defined in F.S. Chapter 790, is prohibited in County Facilities.
- 10) If the Applicant intends to advertise the event or use, the Applicant must provide the County with a copy of proposed advertising, signage, and promotional materials prior to publishing or posting.
- 11) Applicant must comply with all applicable federal, state and local laws, codes, policies, procedures and regulations while on or in a County Facility, and must obtain all applicable permits.

The County Manager may issue and enforce administrative orders, rules, procedures or guidelines as he/she deems necessary to give appropriate effect to this Policy and the above-listed Rules and Regulations.

- c. **Denial or Revocation.** The County Manager or her/his designee may deny, revoke, or direct the ending of an Applicant's use or event at County Facility. The County Manager and his/her designee may direct that a County Facility be closed due to a violation of this Policy, or due to inclement weather or an emergency. Additionally, reservations, licenses, and approvals for use of County Facility may be denied or revoked if the Applicant or the intended use (a) has or will violate a federal, state or local law, ordinance, rule, permit, regulation, policy, procedure, or administrative order, or condition/term of the access agreement, (b) is reasonably anticipated by the County to cause damage to the County Facility, (c) does not comply with this Policy, (d) County staff is not available to open or monitor the County Facility during private use or be available, and close during the requested times, or (e) the County Facility is already booked or otherwise unavailable.

#### 4. Terms of Access.

- a. **Access Agreement.** The County will require an Applicant to agree to an access/rental/license agreement ("access agreement") prior to use of a County Facility. The access agreement must include indemnification requirement, unless the Applicant is a State of Florida agency or subdivision. An Applicant is responsible for all actions, behaviors and damages caused by Applicant or by attendees, guests, invitees, employees, and guests of the Applicant or the event. The County Manager or his or her designee is authorized to execute facility access agreements.
- b. **Fees.** Use of a County Facility is subject to fees and costs, as set forth in the Alachua County Fee Schedule adopted by the BoCC, as may be amended. Fees should include at least all costs incurred by the County and sales tax, for non-exempt Applicants.

- c. **Security Deposit.** A security deposit may be required prior to use of a County Facility. The amount of the deposit will be determined by the County Manager. At the discretion of the County Manager, a required fee or security deposit for use of a County Facility may be waived.
- d. **Insurance.** Insurance shall be required for all private events and uses of a County Facility, with the exception of the County's own use or when waived by Alachua County Risk Management or for use of the Facility by a State of Florida agency or subdivision. The level of insurance coverage shall be determined by Risk Management. The insurance rate set by Risk Management shall reflect the risk and potential liability to the County of allowing private use of the County\_Facility. The Applicant will procure and produce proof of current insurance in accordance with the requirements imposed, including those that may be required under the access agreement.
- e. **Approval of Governmental Agencies.** 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 for 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. Exclusive use of a County Facility is subject to times/dates availability as determined by the County. For time periods outside the traditional work week, the County Manager may create different reasonable rules and requirements, if the County Manager determines that the costs or inconvenience to employees is greater outside of the hours of a traditional work week. For example, if the County\_Manager determines 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 a private entity 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.** A reasonable time after the use of a County Facility, a deposit may be returned to the Applicant if Applicant 1) complied with the terms of the access agreement; 2) complied with the Rules and Regulations set forth in this Policy or those specific to the specific County Facility, and 3) the County Facility is returned to the condition it was in prior to the use or event date. The County department or office charged with the maintenance of County Facilities shall document what is needed to correct damage or to clean-up a Facility and its fixtures and furnishings, and the County will provide that documentation to the Applicant along with any remaining security deposit. If the damage or clean-up

expenses exceed the amount of the security deposit, the Applicant shall pay for any damages or clean-up expenses not covered by the security deposit within 14 calendar days following the last day of the event.

- c. ***Use of County Personal Property.*** As part of an access agreement or an application, an Applicant may request the use of tables, chairs, equipment, 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 the County's personal property at an event. If County employees serve this function, 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 the security needs for private events at County Facility, on a building-by-building or case-by-case basis.
- f. ***Holdover Use.*** The County's Trespassing Policy, as may be amended, applies to the use of County Facilities. Private users of a County Facility and any Applicant or guest or invitee of any Applicant who remain in the facility or on the surrounding property after the period of reserved use or end of the event may be subject to trespass and/or holdover charges, ejection, or any other legal action at the County Manager's discretion.

6. **Additional Provisions.**

- a. Nothing herein shall be considered to be a waiver or a modification of the requirements of Special Use Event Permit set forth in the Alachua County Code, as may be amended. Failure to obtain a required governmental permit is a proper basis for the County to deny, revoke, or refuse a reservation, access agreement, and use by an Applicant of a County Facility.
- b. Nothing herein shall be considered a waiver of applicability of the Alachua County Park Rules on the use of County Park property, as set forth and defined in Alachua County Code Chapter 76, as may be amended.
- c. The Policy is not applicable to use or reservation of the Alachua County Sports & Events Center.
- d. The Alachua County Agriculture and Equestrian Center has its own Rules and Regulations and access agreement for use. In the event provisions of this Policy conflict with such, the Alachua County Agriculture and Equestrian Center Rules and Regulations and the terms of its access agreement prevail.

- e. The County may be bound by additional requirements or restrictions for use of County Facilities when they are either owned by a third-party or are occupied by another governmental agency or entity, such as the Sheriff, a Constitutional Officer, the Circuit Court, or a State Agency.
- f. Alachua County departments, divisions and offices are excluded from the requirements of this Policy. An Alachua County department, division or office that seeks to use a County Facility for County use will contact the County Manager's Office or the designated County employee.

7. **Events Awarded on a Competitive Basis**. Alachua County properties have historically been used to 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.

- Provides service/function that County can provide; and
- Provides a significant financial return; and
- Is an opportunity that many would seek; and
- Requires planning and expertise to adequately perform the services.

On the basis of submitted proposals, the County shall competitively award event hosting on at least one (1) year but not more than three (3) year basis.