

# 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 ~~as limited public forums~~ 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.

- a. ~~Alachua County Administration Building (Jack Durrance 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. ~~Pee Springs Park Lodge.~~

The BoCC, through authorization of the use of County Facility by ~~a~~ 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**~~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 area, therefore, not available for private uses. The public is~~ 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, ~~and control~~ 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 requirements shall be observed by the departments. The following Rules and Regulations are applicable to the rental, reservation, license, and use of all County Facilities by an Applicant:~~

- a. ~~Reservations a~~ Applicants must be at least 18 years old.
- b. 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 'black-out' periods of use by other governmental 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 County 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, rules, or procedure, is reasonably anticipated to damage or to be inconsistent with the use of County real or personal property, or the ~~reservation-a~~ Applicant has violated a prior facility access agreement within the previous five (5) years. ~~Reservation-a~~ Applicants may appeal a denial by a County department to the County Manager.
- f. 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.
- g. Events shall not exceed fire safety codes and building capacities.
- h. Smoking and use of tobacco products is prohibited inside County Facilities.
- i. The sale of firearms and weapons, as defined in F.S. Chapter 790, is prohibited in County Facilities.
- j. 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.
- k. 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.** ~~A reservation applicant must agree to the terms of an access agreement, approved by the County Manager. 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. The access agreement shall include a provision that reservation~~ 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 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 facility for private uses will be presented to the BoCC. 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 ~~reservation a~~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 for use of the Facility by a State of Florida agency or subdivision. The level of insurance coverage shall be determined by ~~the~~ Risk Management ~~Division~~. The insurance rate set by Risk Management ~~Division~~ shall reflect the risk and potential liability to the County of allowing private use of ~~public~~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.** ~~Reservation a~~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 ~~reservation a~~Applicant along with any remaining security deposit. If the damage or clean-up expenses exceed the amount of the security deposit, the ~~reservation a~~Applicant shall pay for any damages s or clean-up expenses not covered by the security deposit within 14 calendar days following anthe 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 County person property at an event. If County employees serve this function, ~~reservation a~~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 Ffacility for a private event. A paid employee of the County shall monitor or be available during all periods that a County Ffacility is being use 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 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 reservation and use to 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. 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. **County Sponsorships.** 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 form the IRS, Department of Reven Consumers Certificate of Exemption, or other relevant document.~~

- ~~b. The BoCC or its designee will consider sponsorship request 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 the requirements of this Policy and the reasonable use rules and requirements approved by the County Manager; and~~
  - ~~ii) The reservation Ahas 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. Sponsorships may include waiving insurance requirements.~~

~~8.~~

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 ~~a~~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 hosing on at least one (1) year but not more than three (3) year basis.