Resolution 037-2015

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 Catron 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 and County property, such as community centers and rodeo grounds, utilized for non-County events or activities.

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

Reserve, NM 87830
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, rodeo grounds, 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

Catron 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 Catron 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 or Exhibit B) at least two weeks in advance of the proposed date of use. Permits may be considered if the application is applied for more than six (6) months in advance of the proposed date of use.

C. Permits are issued on a first come, first served basis for non-governmental functions. Permission will depend on availability of staff and space.
D. All permits shall be applied for and issued by the County upon recommendation by the County Manager or his/her designee.

E. 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.

F. The County Manager or his/her designee has the right to revoke any permit due to unforeseen circumstances, or infractions of the policies.

IV. COUNTY-OWNED BUILDING/PROPERTY USE HOURS

A. Permission typically will not be granted to use County-owned buildings and properties during standard work hours. Standard work hours are 8:00 am to 5:00 pm, Monday-Friday, unless posted otherwise. Usage may be permitted so long as the activities/events do not interfere with County-sponsored activities.

B. Evening and weekend programming as authorized by the County Manager, or his/her designee.

V. FEES

A. All individual and group (see Exhibit A) events and activities will be required to compensate Catron County and its residents for use of County facilities. 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 County Manager 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).

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

C. Those programs or meetings held by the County, the State, the United States government, or any other governmental body, or its affiliates, will not be required to compensate Catron County and its residents for use of County facilities. These meetings are typically one-time or on a limited basis. The Building Usage permit (Exhibit A) will still be required to document the event and all pertinent information.

D. Service-providing organizations offering programs to the residents of Catron County may be permitted to provide in-kind services to Catron County in lieu of payment of the activity rental fee, provided the services are quantifiably and monetarily identified (see Attachment B), and further subject to approval of the County Manager, or his/her designee, after review of the “Service-Provider Application.” Groups, organizations, and businesses must contribute money, materials, labor, development, recreational or social programs or other donations that benefit the County or buildings owned by the County. All contributions or projects must be completed prior to the event and equal to the value of the fees being waived. If a project cannot be completed prior to the event, the County Manager or his/her designee may grant an extension, provided that the entire facility use fee has been received. The facility use fee will be refunded when the project is complete. Partially completed projects do not warrant a partial refund. Proof of these contributions is the responsibility of the group. The Service-Provider will be required to provide a list of all participants served or assisted after the activity is completed.

VI. CERTIFICATE OF INSURANCE

A. All individual and group events and activities (see Exhibits A and B) will be required to provide a Certificate of Insurance in the amount of one million dollars ($1,000,000) naming Catron 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 County Manager, 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). 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.

B. Insurance requirements may be waived by the County Manager, or his/her designee, and will be based on items such as, but not limited to, the size of the group, scope/purpose of the meeting, time involved, and element of risk. The decision to waive the insurance requirement will be documented on the Building Usage Application form. In such event, the service-providing organization expressly agrees to hold Catron County harmless from all loss, damage, and injury, including court costs and attorney fees, resulting from their use of the facility.

C. A service-providing organization will be required to meet the insurance requirements as defined in (A), unless it obtains a waiver a detailed above. The organization may provide the County with a copy of their insurance, with the County listed as an "Additional Insured", to meet this requirement.

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 as part of the building usage agreement to ensure condition of the facility and its contents before and after and event/activity.

C. 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.
D. 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.

E. No building, property, commodities, or supplies are to be used by ANY groups or individuals.

F. In buildings where kitchen facilities are available for use, the kitchen must be 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. Groups and individuals allowed to use a County building or property must leave the space in an acceptable condition.

D. 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.

E. 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 County Manager 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 County Manager 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.** This policy is designed to reduce the hazards of smoking to non-smokers and to comply with the New Mexico Clean Indoor Air Act, NMSA 1978, § 24-16-1 et seq. (1985).

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 Catron 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 – Service-Provider Application

Exhibit C – List of Events and Activities

**NOW THEREFORE, BE IT HEREBY RESOLVED** that the governing body of the County of Catron, State of New Mexico hereby approves the use of public buildings or property, such as community centers, meeting rooms or parks, by individuals, groups, and other non-county entities.

**DONE, APPROVED, AND ADOPTED** by the Board of Commissioners of Catron County, Reserve, New Mexico during its regular session on the 14th of May, 2015.

ATTEST:

M. Keith Riddle, Clerk

BOARD OF COUNTY COMMISSIONERS
CATRON COUNTY, NEW MEXICO

Glyn Griffin, Chairman, Commission District 2
Anita A. Hand, Commission District 1

Van J. "Bucky" Allred, Commission District 3
Exhibit A

Catron County Building
Application for Usage Permit – Effective ______

Applicant: ___________________________ Today’s Date: ______

Address: ___________________________ Phone: _______________
Is this for an Organization or Group use?
_____ yes
_____ no

Name of Organization:
____________________________________

Purpose
____________________________________
____________________________________

Will a fee be charged individuals? _____ amount $_____
Proceeds will benefit: ________________________________

Name of person who will be responsible:
____________________________________
Daytime phone: __________ Evening phone: __________
Best time to reach: ______
Address: __________________________________________

Is the responsible party a Catron County resident? _____ yes _____
Is kitchen use requested? ______ yes ______ no

If yes please circle the kitchen equipment your group is requesting use of:

Stove Refrigerator Microwave Coffee Maker

Deposit and Insurance: Deposits and Certificates of Insurance are due with application

Building Usage Deposit $100.00 (the facility must close at 11:00pm)
Kitchen $50.00
If building is not cleaned and vacated by 11:00pm an additional $50.00 per hour fee will be assessed.
I hereby am aware and agree to abide by all rules and regulations governing the use of the facility and equipment.

________________________________________
Applicants Signature/Date

The County of Catron authorizes the County Manager or his/her designee to grant permission for facility use
For Office Use Only

Fee:
County Community Centers $_______
County Senior Centers $_______
County Fairgrounds $_______
Other buildings $_______

Deposit:
Community Room $100___ Kitchen $50____ Total Deposit $_______

Total Deposit Due ______

Security Deposit paid Date __/__/___ Refund of Deposit Date __/__/___

Cash _____ Check # ________
Exhibit B

Catron County Service Provider Application

Organization: ________________________________  Today’s Date: ________

Address: ________________________________  Phone: __________

Contact Person: ____________________________

Is the organization designated a 501(c)(3)?

_____ yes

_____ no

Building/Property Requested:

________________________________________________________________________

Purpose

________________________________________________________________________

Date(s) Requested:

________________________________________________________________________

Time Needed:

________________________________________________________________________

Will a fee be charged individuals? _____ amount $____

Proceeds will benefit: ____________________________

Describe service being provided to residents of Catron County:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

I hereby acknowledge that I have been made aware and agree to abide by all rules and regulations governing the use of the above listed facility and equipment.

________________________________

Applicant's Signature/Date
Exhibit C

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 Catron 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 Catron County Manager for your event.

A copy of the Insurance must be on file with Catron County Manager two (2) days prior to the event.