



AMENDED AND RESTATED PROPERTY USE POLICY

Effective December 19, 2017

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EFFECTIVE DECEMBER 19, 2017

OVERVIEW

This Property Use Policy (“Policy”) is intended for use as a guide to the public and Hays County staff regarding the use of Hays County Properties by other local governmental entities, private entities, and citizens.

When used with good judgment and common sense, the Property Use Policy will enable the Hays County staff to provide safe and reasonable access to County Properties for approved functions and events. County staff involved in the granting of property use should be familiar with, and adhere to, the guidelines set forth within this Property Use Policy. Staff cooperation is essential if the County is to provide the most fair and open access to County Properties.

While this Policy does not answer all questions related to property use, it does provide the means for all County employees to provide a consistent response to requests for use of County Properties, and, in particular, the Historical Hays County Courthouse grounds.

This Property Use Policy is subject to revision. Circumstances and needs related to use of County Properties can change on short notice. Though it may change from time to time, this Policy should provide objective, equitable guidelines that can be followed by County staff.

ARTICLE I GENERAL USE OF COUNTY PROPERTIES

(I)(A) DEFINITIONS. The following words and terms, when used in this Article I shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **“General Function(s)”** shall mean any activity held on the grounds involving twenty (20) or fewer people that does *not* meet the definition of a Class I Event or Class II Event (e.g. picnics, dog walking, picketing, etc.)
- (2) **“Ceremonial Function(s)”** shall mean any performance, ceremony, presentation, or activity held on the grounds that warrants coordination by the County with other Ceremonial Functions or Events on the Property. Ceremonial Functions typically call for temporary use of exclusive space. Functions involving fewer than twenty (20) people that do not otherwise qualify as Class I or Class II Events are considered General Functions, not Ceremonial Functions.
- (3) **“Class II Event”** shall mean an event that **1)** hosts more than twenty, but does not exceed two hundred (200) attendees; **or 2)** uses the existing electricity outlets on the Property, without additional setup; **or 3)** brings items onto the Property that, in the opinion of the Office of General Counsel, presents some risk to the Property or people visiting the

Property (e.g. grills, bounce houses, etc.); **or 4)** calls for the temporary, exclusive use of space on the Property.

- (4) **“Class I Event”** shall mean an event that **1)** exceeds two hundred (200) attendees, **or 2)** requires more complex electricity setup than exists on the County Property (e.g. circuit boards, electrical panels, or generators).
- (5) **“County Contact”** shall mean the Office of General Counsel, 111 E. San Antonio Street, Suite 202, San Marcos, Texas, (512) 393-2219.
- (6) **“County Properties” or “Property”** shall mean any property owned or leased by Hays County, a political subdivision of the State of Texas, on which a General Function or Event may be held.
- (7) **“Organizer”** shall mean the individual or entity responsible for planning and hosting the General Function or Event.
- (8) **“Equipment”** shall mean any material or tools such as; sand bags, cones, fencing, etc. that is being utilized by or assisting an Event/Function.
- (9) **“Cancellation by County”** shall mean the decision to cancel an event or function due to weather or other reasons as determined by the County. The County, by and through its designated representative, shall provide written and/or verbal notice to the Organizer as soon as reasonable possible of any need to cancel an Event or Function. In the event the cancellation is weather related the decision will be made as soon as possible for the safety and welfare of the citizens of Hays County and the in the interest of property owned by Hays County.
- (10) **“Cancellation by Organizer”** shall mean the decision and written notice by the Organizer that an Event or Function will not take Place.

(I)(B) DOCUMENTARY REQUIREMENTS.

- (1) **General Functions.** No advanced written notice shall be required for General Functions.
- (2) **Ceremonial Functions.** Organizers shall provide advanced written notice of Ceremonial Functions that are expected to attract an attendance of less than twenty (20) people and that do not otherwise qualify as Events. Notice shall be provided to the County Contact at least three (3) business days prior to a Ceremonial Function. Hays County reserves the right to designate, by advanced written notice, a specific area on the Property within which the Ceremonial Function must be held.
- (3) **Class II Events.** At least five (5) days prior to a Class II Event, Organizers shall execute a standard Class II License Agreement issued by Hays County, the contents of which *shall not require* Organizers to secure Special Event Insurance, General Liability Insurance, or the like.

- (4) ***Class I Events.*** At least five (5) days prior to a Class I Event, Organizers shall execute a standard Class I License Agreement issued by Hays County, the contents of which *shall* require Organizers to secure Special Event Insurance, General Liability Insurance, or the like.

(I)(C) DEPOSIT FOR USE OF COUNTY PROPERTIES.

- (1) Organizers of Class I and Class II Events may be required to submit a deposit, the amount of which shall be set by the County Judge. Deposits may be paid by Cashier's Check or Money Order and delivered to the County Contact no later than twenty-four (24) hours prior to the Event. The County may deduct from the deposit:
- (a) the cost of damage to the County Properties that is a direct result from the event or activity; and
 - (b) the cost of extra labor directly attributable to the Event or activity.
- (2) Organizers will be held responsible for clean-up of the area, including the restrooms located inside the Courthouse. Any deposit will be refunded following an inspection of the area to determine that the area has been adequately cleaned. The deposit refund process takes approximately two (2) weeks from the date of the event. A \$25 per hour fee for clean-up of the County Property will be charged, if necessary.
- (3) Violation of any of the County Policy will result in Event/Function cancellation and loss of security deposit.

(I)(D) SECURITY.

Organizers of Events that anticipate more than 100 attendees shall be required to hire one (1) officer to act as security during Event times. An Organizer may also be required to hire security during set-up and clean-up times, before and after the Event. Organizers shall utilize off-duty officers from the Hays County Sheriff's Office or from a Constable's office within Hays County, as required by the Collective Bargaining Agreement between Hays County and the Hays County Law Enforcement Association, as may be amended from time to time. Additional security may be required if, in the opinion of the Office of General Counsel, additional security is needed for safety and/or protection of Hays County property.

(I)(E) MISCELLANEOUS PROVISIONS.

- (1) The individual granted authority to oversee a County Property under Section (E), below, may, at his/her own discretion, reasonably restrict the duration of any General Function or Event held on that property.
- (2) The individual granted authority to oversee a County Property under Article IV, below, may, at his/her own discretion, reasonably dictate the times of day during which any General Function or Event may be held on that property.
- (3) The individual granted authority to oversee a County Property under Article IV, below, may, at his/her own discretion, reasonably designate, by advanced written notice, a specific

area or areas on the Property within which any General Function or Event must be held on that property.

- (4) Approval of an Event or activity may not be granted if it is determined that the event:
 - (a) may cause physical damage to County Property;
 - (b) may endanger the health and safety of Hays County employees or the public.
 - (c) may invoke violence, riot, or any criminal act;
 - (d) may have the intent of intimidating any person, or protected class;
 - (e) is being held by an Organizer who has a record of violating County policy.
- (5) Property use may not interfere with any Commissioners Court session or the regular use of the County Properties for the transaction of regular County business. Use of County property may be subject to content-neutral, security restrictions enforced by the Hays County Sheriff's Office or Hays County Constable's Office.
- (6) Sound equipment, chairs, podiums, tents, or other equipment required for ceremonies, presentations, performances, rallies, or press conferences must be approved in advance of installation by the County Judge, but furnished and installed by the requesting party. Installation approval is subject to inspection by County Staff and the County Fire Marshal.
- (7) The County may allow up to two (2) signs advertising an upcoming Event beginning two (2) weeks prior to the Event. Location of signage shall be arranged through the Office of General Counsel and shall be determined based on a number of factors, including but not limited to space needed for other Events and obstruction of views. Signs may be no larger than 4' x 10'. Any deposit required for the Event shall be paid prior to the placement of signage under this Section.
- (8) Uses of County Property may not violate local, state or federal law. The time, place, and manner of use of County Property may be subject to reasonable, content-neutral, limitations and/or restrictions.
- (9) No signs, placards, or visual displays may be carried into the County Properties (inside buildings) or placed on the County Properties. No signs, placards, or visual displays may be attached to any part of the County Properties, including, but not limited to walls, fences, lampposts, flagpoles, trees, etc., except as approved by the County Judge.
- (10) No use of stakes, anchors or any other objects to secure tents or other equipment shall be used. Tents and/or other equipment shall only be secured in place by sandbags.
- (11) Other than bathroom access, no use of the interior portions of a County Property shall be allowed without sponsorship of the Event by a County Official Sponsor. A County Official Sponsor, or that Sponsor's designee, must be present at the Event.
- (12) Soliciting charitable donations, contributions, or collecting private debts on County Property is prohibited. Commercial soliciting, vending, and displaying or distributing

commercial advertising on County Property is prohibited, except when in conjunction with an event approved by the Commissioners Court.

- (13) No discharge of firearms is allowed on Hays County Properties without written consent of the Hays County Judge after authorization by the Hays County Commissioners Court.
- (14) Events/Functions may last no longer than three (3) consecutive days.
- (15) Equipment left overnight requires advance special approval from the County Judge's Office.
- (16) Any Equipment that is helpful to an Event/Function will not be provided by the County, and must not be obstructing or damaging walkways or property.
- (17) If inclement weather were to occur prior to an Event/Function, Organizers are responsible for rescheduling a time to set up an Event/Function. If withdrawal to continue their activity is desired by the Organizer, prior to the Event/Function, a full refund of the security deposit will be allowed.
- (18) If an Event/Function exceeds a certain amount of bodies, two (2) or more security guards will be required to be on the premises.
 - a. The exceeded number will be determined by the Office of General Counsel.
- (19) Cancellation by an Organizer must be in writing (or complete a cancellation form) and submitted to the Office of General Counsel at least two (2) days prior to the Event/Function.

ARTICLE II
**PROPERTY USE POLICIES AND REGULATIONS FOR HAYS COUNTY PROPERTY
USE AS PUBLIC ELECTION POLLING LOCATIONS**

(II)(A) AUTHORITY.

Pursuant to Chapter 61 of the Texas Elections Code, as amended, Hays County enacts the following policies and regulations concerning the time, place, and manner of electioneering on county-owned property outside the area described in Section 61.003(a) of the Texas Election Code which is within 100 feet of an outside door through which a voter may enter the building in which a polling place is located. The regulations are not intended to and do not prohibit electioneering outside the 100 feet of an outside door through which a voter may enter the building in which a polling place is located as described in Section 61.003(a) of the Texas Election Code, but are to provide reasonable viewpoint-neutral regulations for electioneering on property owned by Hays County that is outside the 100 feet radius as described in Section 61.003(a) of the Texas Election Code.

(II)(B) DEFINITIONS.

For the purposes of this Article II, the following definitions apply:

- (1) “*Camping*” shall mean the posting of political signs, including the use of tents, chairs, booths, tables or other furniture to post, use or distribute political signs or literature.
- (2) “*Early Voting Period*” means the period prescribed by Section 85.001 of the Texas Election Code.
- (3) “*Voting Period*” shall mean the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.
- (4) “*Runoff Election*” shall mean any election held pursuant to Section Chapter 2, Subchapter B of the Texas Election Code.

(II)(C) PURPOSE.

The purpose of this Article II is to provide reasonable regulations for electioneering on county owned property when such property is used as an election polling place. The regulations contained herein are to mitigate against any safety concerns, prevent damage to public property, and ensure that the property is sufficiently available for the public.

(II)(D) REGULATIONS.

The following regulations are enacted, adopted and apply to property owned by Hays County that is outside the 100 feet radius as described in Section 61.003(a) of the Texas Election Code:

- (1) It shall be a violation of these regulations for any person to leave any campaign sign or literature on county-owned property that is used as a polling place other than as follows: a) For polling places that offer an Early voting Period and a Voting Period, beginning at 5 p.m. on the Friday before the start of the Early Voting Period and running through the Voting Period and until 36 hours after the polls close for the designated Voting Period; b) For polling places that only offer an Early Voting Period, beginning at 5 p.m. on the Friday

before the start of the Early Voting Period and running until 36 hours after the polls close for the designated Early Voting Period; c) For polling places that only offer an Voting Period, beginning at 5 p.m. on the Friday before the start of the Voting Period and running until 36 hours after the polls close for the designated Voting Period. Runoff Elections shall be treated as their own Voting Period for the purposes of this Section.

- (2) It shall be a violation of these regulations for any person to engage in Camping on sidewalks, driveways, or parking areas during or within 1 hour of the business hours of any county facility on the premises of a polling location. If the business hours of a county facility are not posted, the business hours of that facility shall be Monday through Friday from 8 a.m. to 5 p.m. This Section shall not apply to campaign signs that are attached to vehicles that are lawfully parked (outside the 100 feet radius) on a premises used as a polling location, granted that the signs are not blocking the view of vehicles entering or leaving the parking areas. Likewise, this Section shall not apply to electioneering activity that is conducted on foot and without the use of tents, chairs, booths, tables or other furniture to post, use or distribute political signs or literature. However, this Section shall not be construed to permit any electioneering whatsoever within 100 feet of an outside door through which a voter may enter the building in which a polling place is located.
- (3) It shall be a violation of these regulations for any person to attach, place or otherwise affix any campaign sign literature or material to any building, tree, shrub, pole, fixture, or other improvement on a premises used as a polling location. A violation of this Section by a candidate or the agents of a candidate that results in damage to County property may result in financial liability of the candidate and action by the County to recover the costs of damages.
- (4) It shall be a violation of these regulations for any person to place a sign in the right-of-way of the public road way adjacent to county-owned property where a polling location is located pursuant to Texas Transportation Code, Section 393.002. Violation of this regulation is also a violation of state law, and the violator may be charged with a Class C Misdemeanor.
- (5) Placement of signage requiring a metal t-post or stake that has to be driven into the ground for support will only be allowed in designated areas to protect irrigation systems and landscaping. The Commissioners Court shall designate these areas and make copies of such designations available in advance of the period in which electioneering is permitted under Regulation 1, above. A violation of this Section by a candidate or the agents of a candidate that results in damage to County property may result in financial liability of the candidate and action by the County to recover the costs of damages.
- (6) Tents, covered canopies or any other camping structures that are anchored to the ground may not be placed on a premises used as a polling location.
- (7) The Hays County Commissioners Court reserves the right to institute parking regulations within the parking lot(s) of any County-owned property, which may affect the duration of time a vehicle, including but not limited to vehicles to which campaign signs are attached, may remain on a premises used as a polling location.

- (8) This Article II relates only to signage that qualifies as Political Advertising as defined by Title 15 of the Texas Election Code. Placement of signage that is not Political Advertising on Hays County property may be regulated by the general provisions of the Hays County Property Use Policies under Article I, and therefore may be subject to an application procedure in advance of posting.

(II)(E) VIOLATIONS.

- (1) Any violation of these policies and regulations may result in the removal of items from the premises being used as a polling location. Items removed under these policies and regulations will be held for a minimum of 72 hours after removal and a Hays County representative will attempt to contact the candidate or entity that is believed to own such an item. However, it is not the responsibility of Hays County to ensure any candidate or entity is actually notified of the removal of items, and items may be discarded or destroyed after a period of 72 hours from the time of removal.
- (2) Individuals found to be violating these policies and regulations will be asked to cease and desist the volatile activity. If that individual continues to violate these policies and regulations, he/she may be provided with a Criminal Trespass Warning and ordered to leave the premises being used as a polling location. Recipients of a Criminal Trespass Warning who return to the premises in violation of the terms of said Warning may be subject to arrest.

ARTICLE III
PROPERTY USE POLICIES AND REGULATION FOR HAYS COUNTY PROPERTY
USE FOR PUBLIC DISPLAYS

III(A) DEFINITIONS.

For the purposes of this Article IV, the following definitions apply:

- (1) **“Display” or “Fixture” or “Symbol”** shall mean to make a prominent exhibition of a Symbol in a location that can be viewed by the general population temporarily that shall not exceed for more than ten (10) days of its initial placement.
- (2) **“Equipment”** shall mean any material or tools; such as sand bags, cinderblocks, canopies, that is assisting an Event/Function or is helpful to the structure of a Display.
- (3) **“Organizer”** shall mean the individual or entity responsible for planning and place a Display.

III(B) PURPOSE.

The purpose of this Article III is to provide reasonable regulation of citizens using county-owned property. Regulation of Public Displays shall be content neutral. The regulations contained herein are intended to mitigate against any safety concerns, prevent damage to public property, and ensure that the property is sufficiently available for the public.

III(C) DOCUMENTARY REQUIRMENTS.

Display. At least seven (7) days prior to its initial placement, Organizers shall execute a standard License Agreement issued by Hays County, the contents *shall* require Organizers to state what the content of the Display will be, stating that Hays County is not liable for any damages that the Display may acquire, or the like.

III(D) DEPOSIT FOR USE OF COUNTY PROPERTIES.

- (1) Organizers of a public Display(s) may be required to submit a deposit, the amount of which shall be set by the County Judge. Deposits may be paid by Cashier’s Check or Money Order and delivered to the County Contact no later than twenty-four (24) hours prior to the Displays initial appearance. The County may deduct from the deposit:
 - (a) The cost of damage to the County Properties that is a direct result from the Display;
and
 - (b) The cost of extra labor directly attributable to the Display.
- (2) The deposit refund process takes approximately two (2) weeks from the date of the event. A \$25 per hour fee for clean-up of the County Property will be charged if necessary.
- (3) Violation of any of the County Policy will result the Display to be null and void and loss of security deposit.
- (4) Any Organizer who wishes to terminate their Lease Agreement, will be refunded their deposit pro rata the amount of time the Display has stayed on the property

III(E) REGULATIONS.

- (1) Displays may only be placed after execution of a License Agreement.
- (2) Approval may not be granted if it is determined that the Display:
 - (a) may cause physical damage to County Property;
 - (b) may endanger the health and safety of Hays County employees or the public;
 - (c) may invoke violence, riot, or any criminal act;
 - (d) may have the intent of intimidating any person, or protected class;
 - (e) is being placed by an Organizer who has a record of violating County policy.
- (3) Equipment left overnight requires special approval from the County Judge.
- (4) Organizers must place a sign indicating the sign's sponsor and/or disclaiming an endorsement or participation from the County on the Display
- (5) Displays that are placed on public property shall be for a duration of no more than 10 days from initial placement.
- (6) Any Equipment that assists the structure of a Display will not be provided by the County, and must not obstruct sidewalks or pathways.
- (7) In the event of inclement weather, Displays may be taken/stored away by a county employee to prevent damage on the property.
 - (a) If inclement weather were to occur prior to a Display set up, the County may require postponement of the installation. Organizers are responsible for rescheduling a time to set up their Display. If an Organizer wishes to withdraw the activity, a full refund of the security deposit will be provided.
- (8) A Displays dimension shall not exceed past the dimension of the designated area. However, the Office of General Counsel shall determine the appropriate dimensions of the Display.
- (9) Sound equipment, chairs, podiums, tents, or other equipment required for a Display must be approved in advance of installation by the County Judge, but furnished and installed by the requesting party. Installation approval is subject to inspection by County Staff and the County Fire Marshal.
- (10) Locations for Displays shall be designated to the fourth (4th) quadrant of the County Courthouse (See Map attached hereto).

ARTICLE IV

PROPERTY OVERSIGHT

Subject to the provisions above, the following individuals are hereby granted the authority to oversee the use of the following Properties. Use of any County Property not enumerated below shall be considered under the authority and oversight of the County Judge. Some County Properties (e.g. the Hays County Government Center) are not considered Traditional Public Forums, and use of those Properties will be determined by the limitations of that particular forum.

<u>COUNTY PROPERTY</u>	<u>DESIGNATED AUTHORITY</u>
(1) Hays County Jail and Sheriff’s Office** 1307 Old Uhland Road San Marcos, Texas 78666	Sheriff Gary Cutler** (or successor)
(2) Precinct 1 Right of Way	Commissioner Debbie Ingalsbe (or successor)
(3) 418 Broadway Street San Marcos, Texas 78666	Commissioner Debbie Ingalsbe (or successor)
(4) Precinct 2 Office(s) and Right of Way 5458 FM 2770 Kyle, Texas 78640	Commissioner Mark Jones (or successor)
(5) Precinct 3 Office(s) and Right of Way 200 Stillwater, Suite 103 Wimberley, Texas 78676	Commissioner Lon A. Shell (or successor)
(6) Precinct 4 Office(s) and Right of Way 195 Roger Hanks Parkway Dripping Springs, Texas 78620	Commissioner Ray Whisenant (or successor)
(7) Randall Vetter Park 3970 South Old Stagecoach Road San Marcos, Texas 78666	Commissioner Ray Whisenant (or successor)
(8) Dudley Johnson Park 3970 South Old Stagecoach Road San Marcos, Texas 78666	Commissioner Ray Whisenant (or successor)
(9) Jacob’s Well Natural Area Located in Precinct 3	Commissioner Lon A. Shell (or successor)
(10) Courthouse Grounds 111 East San Antonio Street San Marcos, Texas 78666	County Judge Bert Cobb, M.D. (or successor)

(11) Hays County Government Center
712 South Stagecoach Trail
San Marcos, Texas 78666

County Judge Bert Cobb, M.D.
(or successor)

(12) 401 North Rebel Drive
Buda, Texas 78640

Commissioner Ray Whisenant
(or successor)

(13) 500 Jack C Hays Trail
Buda, Texas 78610

Commissioner Mark Jones
(or successor)

**The Hays County Sheriff shall have authority over all activities and functions that do not rise to the level of an “Event,” as defined above. All Events held at the Hays County Jail and Sheriff’s Office shall be subject to the authority and oversight of the Hays County Judge and/or the Hays County Commissioners Court.