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AGENDA ITEM REQUEST FORM

Hays County Commissioners Court

Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Amend the Hays County Property Use Policy to 1) Supplement the list of County-Owned properties in Section E, and 2) to clarify the authority granted to the designated authorities in Section E.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
CONSENT	March 12, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A

AUDITOR REVIEW: N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
KENNEDY	COBB	N/A

SUMMARY

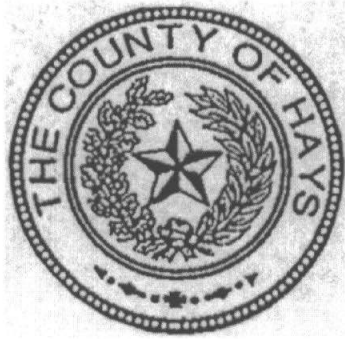
With the move into the Precinct 2 buildings, we now have 2 additional buildings that might be used, from time to time, by 3rd parties. Since the Policy needed to be amended to include these properties, counsel also believes the authorities granted to those individuals listed in Section E (e.g. to execute License Agreements and other similar agreements that do not have significant fiscal implications) should be clarified.

03 12 13

FILED:

HAYS COUNTY COMMISSIONERS' COURT

Resolution # 28836 VOL V PG 107



Property Use Policy

April 5, 2014 Last Edited March 12, 2013

OVERVIEW

This Property Use 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 no matter what function or event. 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 Old 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.

USE OF COUNTY PROPERTIES

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

- (1) ***“General Function(s)”*** shall mean any performance, ceremony, presentation, or activity held on the grounds that does *not* meet the definition of a Class I Event or Class II Event (e.g. picnics, dog walking, picketing)
- (2) ***“Class II Event”*** shall mean an event that 1) does not exceed two hundred (200) attendees, **and** 2) uses the existing electricity outlets on the Property without additional setup, **or** 3) calls for the temporary, exclusive use of space on the Property.
- (3) ***“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), **or** 3) requires stakes or anchors to be placed in the ground (e.g. for securing tents, tables, or other fixtures).
- (4) ***“County Contact”*** shall mean the Civil Division Chief of the Hays County Criminal District Attorney’s Office, 111 E. San Antonio Street, Suite 204, San Marcos, Texas; facsimile – 512.393.2246.
- (4) ***“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.
- (5) ***“County Official Sponsor”*** shall mean the Hays County Judge or a Hays County Commissioner.
- (6) ***“Organizer”*** shall mean the individual or entity responsible for planning and hosting the General Function or Event.

(B) DOCUMENTARY REQUIREMENTS.

- (1) *General Functions.* Organizers shall provide advanced written notice of General Functions that are expected to attract an attendance of from Fifty (50) to two hundred (200) people. Notice shall be provided to the County Contact at least two (2) days prior to a General Function. Hays County reserves the right to designate, by advanced written notice, a specific area on the Property within which the General Function must be held.
- (2) *Class II Events.* At least 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.
- (3) *Class I Events.* At least 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.

(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. 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.

(D) 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 Section (E), 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 Section (E), 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 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.
- (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) Security services other than those routinely provided by Hays County are the responsibility of the organizers; however, the County Judge, with input from the Hays County Sheriff, must approve any additional security arrangements.
- (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 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.
- (11) 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 Commissioner's Court.

(E) AUTHORITY.

The following individuals are hereby granted the authority to oversee the use of the following properties. Such authority shall include the ability to execute License Agreements and similar agreements that have little or no fiscal impact to the County, after the review and approval of the form of such agreement(s) by legal counsel. Use of any County Property not enumerated below shall be considered under the authority and oversight of the County Judge. The authorities granted by this section are revocable by the Hays County Commissioners Court, which reserves the right to review and/or rescind any agreement executed pursuant to this section.

COUNTY PROPERTY	DESIGNATED AUTHORITY
(1) Hays County Civic Center* Civic Center Loop San Marcos, Texas 78666	Barry Nelson, Civic Center Manager* (or successor)
(2) Hays County Jail and Sheriff's Office** 1307 Old Uhland Road San Marcos, Texas 78666	Sheriff Gary Cutler** (or successor)
(3) Precinct 1 Right of Way	Commissioner Debbie Ingalsbe (or successor)
(4) Precinct 2 Office(s) and Right of Way 111 N. Front Street Kyle, Texas 78640	Commissioner Mark Jones (or successor)
(5) Precinct 3 Office(s) and Right of Way 114306 RR 12, Suite 11 Wimberley, TX 78676	Commissioner Will Conley (or successor)

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| (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 Debbie Ingalsbe
(or successor) |
| (8) Dudley Johnson Park
3970 South Old Stagecoach Road
San Marcos, Texas 78666 | Commissioner Debbie Ingalsbe
(or successor) |
| (9) Jacob's Well Natural Area
Located in Precinct 3 | Commissioner Will Conley
(or successor) |
| (10) Courthouse Grounds
111 East San Antonio Street
San Marcos, Texas 78666 | County Judge Bert Cobb, M.D. |
| (11) Hays County Justice Center
110 East Martin Luther King Drive
San Marcos, Texas 78666 | County Judge Bert Cobb, M.D. |
| (12) Hays County Government Center
____ 712 South Stagecoach Road
____ San Marcos, Texas 78666 | County Judge Bert Cobb, M.D. |
| (13) <u>401 North Rebel Drive</u>
<u>Kyle, Texas 78640</u> | Commissioner Mark Jones
(or successor) |
| (14) <u>500 Jack C. Hays Trail</u>
<u>Buda, Texas 78610</u> | Commissioner Mark Jones
(or successor) |

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* All Events held at the Hays County Civic Center shall be subject to the authority and oversight of the Hays County Judge and/or the Hays County Commissioners Court.

** 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.

**REQUEST FOR FUNCTIONS/EVENTS
ON HAYS COUNTY PROPERTIES**

**CONTACT:
JANICE JONES
(512) 393-2205
FAX (512) 393-2248**

Instructions: Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact Janice Jones at (512) 393-2205 or janice.jones@co.hays.tx.us

1. Event Name/Sponsoring Organization: _____

2. County Property Requested: _____

3. Date and Time Requested _____

4. Contact Name _____

5. Address _____

6. Phone Number _____ Fax Number _____

7. County Official Sponsor _____

** Required for the approval of all events that will use the interior of a County Property.*

*** Applications are considered incomplete without a letter from the County Official Sponsor.*

8. Type of Event. (ex: press conference, rally, public performance) _____

9. Description of Event

10. Time Schedule for Program. *(Please be specific and provide copy or draft of program.)*

Set Up Time: _____ Start Time: _____ End Time: _____

11. Please list all additional equipment, including electrical power requirements, provided by Organizer to be used during event.

13. Number of persons expected to attend _____

I understand that all events are subject to cancellation. I also understand that, in the event of inclement weather, the County may not provide alternate event locations and that the County may prohibit a tent from being placed on the grounds. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my event.

Event Holder Signature Date