

## Use of Facilities

The purpose of this policy is to set forth the rules and regulations for use of the library meeting rooms by outside entities during designated hours for programs not sponsored by the library (a department of the City of Boerne) or the City of Boerne.

The primary purpose of the library meeting rooms is for programs sponsored by the library in the furtherance of its mission.

The secondary purpose of the library meeting rooms is to accommodate a wide variety of public programs that encourage use of the library and meet the needs of the larger community.

### Definitions:

- 1) Non-profit entity: organization that is a nonprofit corporation, nonprofit association, or other entity that is organized solely for one or more of the purposes specified in § 2.002 Texas Business Organizations Code may utilize the community room and the conference room at no charge for no more than one program/event per month.

Texas Business Organizations Code § 2.002. PURPOSES OF NONPROFIT ENTITY. The purpose or purposes of a domestic nonprofit entity may include one or more of the following purposes:

- (1) serving charitable, benevolent, religious, eleemosynary, patriotic, civic, missionary, educational, scientific, social, fraternal, athletic, aesthetic, agricultural, and horticultural purposes;
- (2) operating or managing a professional, commercial, or trade association or labor union;
- (3) providing animal husbandry; or
- (4) operating on a nonprofit cooperative basis for the benefit of its members.

Acts 2003, 78th Leg., ch. 182, § 1, eff. Jan. 1, 2006.

- 2) For-profit entity: for-profit corporations, organizations that charge for events and event materials, and individuals hosting private social events may utilize the community room and the conference room for a fee.

**Note:** If the sponsor of a fundraising event gives 100% of the profit to a charitable cause, the sponsor is considered a non-profit entity. If the sponsor of a fundraising event shares the profit with the charitable cause, the sponsor is considered a for-profit entity.

Due to the amount of library and city summer programming, **the community room and conference room are not available for outside use during the months of June and July.**

## Room Capacities and Amenities

### **1<sup>st</sup> Floor Community Room:**

Space: approximately 1,400 square feet. Connecting terrace and lawn area are also available.

Amenities: Catering kitchen, microwave, and ice machine. Non-alcoholic beverages and food are allowed.

Equipment: Lectern, , microphone projector/screen, Blu-ray player, , TV, chairs (118), tables (12). . Laptop and cables available upon request.

Parking spaces for use by community room users are limited to 50 spaces with no more than 100 persons attending events in the community room during normal library operating hours, which are 9 a.m.-7 p.m. Monday-Thursday, 9 a.m.-6 p.m. Friday, 10 a.m.-4 p.m. Saturday.

#### Availability:

9 a.m.-9 p.m. Monday-Thursday

9 a.m.-6 p.m. Friday

10 a.m.-4 p.m. Saturday

Evening meetings in the community room--including time allowed for takedown and cleanup--must end promptly at 9 p.m. Monday-Thursday.

### **2<sup>nd</sup> Floor**

#### **Conference Room:**

Space: 500 square feet, seating 14 people at conference table

Amenities: Balcony, small kitchen area with sink. Non-alcoholic beverages and food are allowed.

Equipment: TV, smart board. Laptop and cables available upon request.

#### Availability:

9 a.m.-6:45 p.m. Monday-Thursday

9 a.m.-5:45 p.m. Friday

10 a.m.-3:45 p.m. Saturday

#### **Study Rooms:**

Five (5) study rooms of various sizes are available for groups of 1-6 people. These rooms are dedicated to small group use for studying, tutoring, working on projects, and meetings. Each study room contains a whiteboard.

Study rooms may be used for up to two (2) hours daily by an individual or group on a first come, first-served basis. To avoid overuse of study rooms by any one individual or group, no one shall reserve a study room more than one week prior to use. Study rooms may be reserved online. If a user is fifteen (15) or more minutes late for a study room reservation or if a study room is left unattended for fifteen (15) or more minutes of allotted time it will be considered vacated and given to another party.

Individuals requesting a study room must be at least twelve (12) years of age. Items left unattended will be considered lost and placed in the library's Lost and Found located on the first floor.

Availability:

9 a.m.-6:45 p.m. Monday-Thursday

9 a.m.-5:45 p.m. Friday

10 a.m.-3:45 p.m. Saturday

### **Application Process**

The Application for Use of Facilities and Release and Indemnity Agreement forms for use of the community room and conference room must be completed in advance of the meeting date. The rooms will be scheduled in the order in which requests are received.

The community room is the only library meeting room that requires a \$150 damage deposit from all entities, which is payable by check at least one (1) week prior to the meeting date. Checks may be made out to the Patrick Heath Public Library. All checks will be deposited by the City of Boerne. All damage deposits can be held from year to year for groups who meet regularly. The damage deposit will be refunded by the City of Boerne by check once the request for the deposit has been made by the entity through the library.

Fees for room use are due at least one (1) week prior to the meeting date. No refund of room fees will be made for any cancellation fewer than seven (7) days prior to the scheduled event.

Reservations will not be confirmed until completed application forms and damage deposits/rental fees have been received and approved.

Applications may be submitted to the library at 451 North Main Street, Boerne, TX 78006 or by emailing the address below. The Application for Use of Facilities and Release and Indemnity Agreement forms for scheduling library meeting rooms can be found at the library's website [www.boernelibrary.org](http://www.boernelibrary.org) in the [Use of Facilities Policy](#).

Contact information for inquiries: [samsa@boernelibrary.org](mailto:samsa@boernelibrary.org); 830-249-3053.

### **Guidelines for Use**

The library subscribes to the tenets of the American Library Association (ALA) in its "[Library Bill of Rights](#)", which states in part, "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use".

The library does not discriminate in making its premises available based on age, education, race, ethnicity, language, religion, gender, sexual orientation, income, political affiliation, physical limitations, geographic barriers, or any other criteria that may be a source of discrimination.

Any group utilizing the facilities for any purpose shall comply with the Americans with Disabilities Act (ADA), which requires that a meeting or materials at a meeting be provided in an accessible format in response to a request by any person.

Use of library meeting rooms does not imply endorsement, support, or co-sponsorship by the Patrick Heath Public Library or the City of Boerne of the activities that take place or of the beliefs of the group using the rooms.

Neither the name nor address of the library may be used as the official address or headquarters of an organization.

In publicity materials, the library cannot be listed as the sponsoring organization, but only as the "location site." All publicity, including on social media, about the program must state that the meeting is not sponsored by the library. The library will not post announcements of meetings.

The library reserves the right to limit or prohibit uses that represent a threat to the health or safety of library users, or the orderly use of the library.

Permission to use the facilities will be denied to any organization and/or meeting:

- Whose purpose is illegal;
- Whose conduct would interfere with the proper functioning of the library;
- Whose activity does not have adult sponsorship

If, on the advice of the Chief of Police or his designee, the Library Director or Library Advisory Board determines that the safety of library staff, patrons or members of the public may be threatened, based on experience of the group or speaker at this library or at other occasions where the group has held a meeting that has been disruptive or had potential for violence, the following shall be

required: the individual or group reserving the facilities shall be required to pay in advance by cashier's check the reasonably estimated cost of any special security measures needed to be taken for the meeting; and the individual or group reserving the meeting room shall post a bond or policy of insurance approved by the City Attorney in the amount of \$1,000,000.00 to indemnify the City of Boerne and the Patrick Heath Public Library for personal injury, death, or damage to property occurring at the meeting.

The library should be notified immediately whenever a scheduled meeting is canceled.

Use of meeting rooms on days the library is not open is not permitted.

Although the library will make every effort to avoid scheduling library-sponsored events which conflict with previously scheduled public uses of the meeting rooms, library use will supersede public use. The library will attempt to provide at least one (1) week notice before canceling any reservation, but no group is exempt from this policy and no meeting space is guaranteed. The library is not required to provide an alternate meeting space for any organization.

Groups that use the rooms at no charge must hold open meetings. Groups meeting on Library Premises<sup>1</sup> may find that nonmembers enter their meetings. Such persons may be informed of the nature of the meeting but may not be excluded if they wish to remain.

Except for library sponsored programs or fundraising events to benefit the library or for-profit entities paying for use of the facilities, groups are not permitted to charge registration fees or to require the purchase of an item as a condition of attending a meeting. Membership dues and voluntary incidental donations, such as coffee money, may be collected, but collection of these fees shall not be a requirement for attendance at any meeting held at the library.

Messages cannot be relayed to people attending meetings, except in emergencies.

Smoking and vaping (except where designated), use of alcohol, candles, incense, or other incendiary devices is prohibited on Library Premises.

Users are responsible for leaving the rooms in a neat and orderly condition, and for returning tables and chairs to storage closets. Failure to do so may result in the denial of future requests and/or withholding all or part of damage deposit.

Users may not move tables and chairs into other rooms or from other rooms.

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<sup>1</sup> Library Premises encompass the interior space of the Library building plus the surrounding facilities and grounds.

Individuals may be asked to leave if they disturb others or engage in destructive behavior.

Food and non-alcoholic beverages may be served in the community room. Food preparation is limited to warming only, and not for cooking. Caterers must be allowed time for set-up and clean-up when the original booking is made.

Food and non-alcoholic beverages may be served in the conference room, but there are no appliances for warming or cooling.

Snacks and non-alcoholic beverages with secure tops are permitted in study rooms.

Rooms shall remain unlocked during use.

Rooms must be vacated at the agreed-upon time.

The following uses are expressly prohibited in library facilities: buying, selling, advertising, or trading products or services (other than education services or a paid tutor) for cash or other consideration (except in support of the library).

All trash must be placed in trash cans. Groups using the community room kitchen for serving a meal must remove trash to the dumpster located on the south side of the library.

The use of confetti, rice, glitter, or any decoration designed to be thrown on the grounds, tabletops or floors may not be used. The library may withhold all or part of damage deposit for any group doing so.

The library can furnish some audio/visual (AV) equipment as specified and upon request. Groups are welcome to use their own equipment. Please ensure that your equipment and cables are compatible with library equipment prior to the event.

Library staff is not available to assist with meetings, set up for meetings, clean up after meetings, or repair, operate or troubleshoot equipment. However, staff will demonstrate how to use library AV equipment at an appointed time prior to the meeting. All appointments made with staff for instructions on use of library AV equipment should take place no later than five (5) business days prior to the meeting. Failure to complete training may result in the denial of future requests.

Displays may not be affixed directly to the walls of the facilities without prior consent. Fixtures may not be removed from the walls.

Windows in rooms may not be covered at any time; however, the shades on the windows can be used.

The library will not provide storage or workspace for any organization.

### **Exceptions**

At the discretion of the Library Director, exceptions may be made for certain events.

### **Denial of Facilities Use**

An individual or organization denied permission to use the meeting rooms may appeal such denial to the Library Director within ten (10) days of notification of the denial. The Library Director's decision will be submitted in writing to the Library Advisory Board at the next regularly scheduled monthly meeting. The library board shall issue a decision in writing to the complainant within ten (10) days of that meeting. If the organization/individual is not satisfied with the decision of the Library Advisory Board, they may pursue the matter with the Boerne City Manager, whose determination is final.

### **Disclaimer**

For and in consideration of the use of library facilities, any person or group using same hereby agrees to indemnify and hold harmless the Patrick Heath Public Library and the City of Boerne from any and all actions, suits, relating to its use of such rooms and facilities. Further, such person or group agrees to reimburse the City of Boerne for all costs for repair of any and all damage as may be caused directly or indirectly to the facilities by such use thereof. If any organization refuses to pay for the damage, the matter will be referred to the City Attorney for legal action.

### **Attachments to Policy:**

- a. Application for Use of Facilities
- b. Use of Facilities Checklist
- c. City of Boerne Release and Indemnity Agreement

Last revision: July 13, 2023

Initially adopted: September 9, 2010 (as Use of Facilities-Non-Profit) and  
September 9, 2010 (as Use of Facilities-For-Profit)

**APPLICATION FOR USE OF FACILITIES**

NAME OF ORGANIZATION \_\_\_\_\_

ORGANIZATION WEBSITE \_\_\_\_\_

DATE OF EVENT \_\_\_\_\_

Event Time: Start (includes set up) \_\_\_\_\_ End (includes takedown and clean up) \_\_\_\_\_

NATURE OF EVENT \_\_\_\_\_

ESTIMATED ATTENDANCE \_\_\_\_\_

For-Profit Entity \_\_\_\_\_ Non-Profit Entity \_\_\_\_\_

RESPONSIBLE PARTY (Person Signing Agreement)

Name \_\_\_\_\_

Address \_\_\_\_\_

Email address \_\_\_\_\_

Phone number \_\_\_\_\_

ROOM NEEDED: Community Room \_\_\_\_\_ Conference Room \_\_\_\_\_

WILL REQUIRE AV/SPECIAL EQUIPMENT: \_\_\_\_\_ Yes \_\_\_\_\_ No

Non-alcoholic beverages and food are allowed in the community room and conference room.

**Community room:** Lectern \_\_\_\_\_ Microphone \_\_\_\_\_ Projector/Screen \_\_\_\_\_ Blu-ray

Player \_\_\_\_\_ TV \_\_\_\_\_ Laptop and Cables \_\_\_\_\_ Kitchen \_\_\_\_\_

**Conference room:** TV \_\_\_\_\_ smart board \_\_\_\_\_ Laptop and Cables \_\_\_\_\_

**All equipment training should be completed by responsible party or official group designee. Library staff will not train presenters or guest speakers for any one event. All training must be completed no later than five (5) business days prior to the meeting. Failure to complete training may result in the denial of future requests.**

**Staff Use:**

First Training Date: \_\_\_\_\_ Initials: \_\_\_\_\_



**Fees:**

<b>Community Room</b>	For-Profit	Non-Profit
Damage Deposit	\$150	\$150
Rental Fee	\$50/hour (2 hours minimum)	No cost
<b>Conference Room</b>		
Rental Fee	\$25/hour	No cost

Fees for room use are due at least one (1) week prior to the meeting date.

I have read, understand, and agree to abide by the policy for use of facilities.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Responsible Party)

**Staff Use:**

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_

Deposit and fee received: \_\_\_\_\_ Date: \_\_\_\_\_

## USE OF FACILITIES CHECKLIST

- Groups must check in at desk before using rooms.
- Chairs and tables must be put away after use of the room unless previous arrangements have been made.
- All trash must be placed in trash cans. Groups using the community room kitchen for serving a meal should remove trash to the dumpster located on the south side of the library.
- Rooms must be vacated at the agreed-upon time.
- If you need library AV equipment, please arrange ahead of time to be trained on equipment.
- If your meeting is canceled, please contact the library as soon as possible so that another group may use the room.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Responsible Party)

**CITY OF BOERNE**  
**RELEASE AND INDEMNITY AGREEMENT AND RESCUE, MEDICAL ASSISTANCE,  
TRANSPORT CONTRACT**

In exchange for being allowed to enter real property owned by the City of Boerne and/or participate in City sponsored activities on City property, I am freely signing this RELEASE AND INDEMNITY AGREEMENT AND RESCUE, MEDICAL ASSISTANCE, TRANSPORT CONTRACT.

I understand that entering the real property of the City and/or participating in City sponsored activities may be hazardous to my personal health and safety (and that of my minor children), and that for the privilege of being allowed to enter City property and/or being allowed to participate in activities on City property, I am accepting all risks associated with being on the property and/or participating in City sponsored activities on behalf of myself (and my minor children).

I understand and accept that my voluntary entry onto and/or participation in activities on City of Boerne property exposes me to a heightened risk of bodily injury, property loss, damage or death and that those risks are possibly beyond the ordinary risks associated with such potentially hazardous terrain and/or activities.

**KNOWING THIS, I HEREBY RELEASE, DISCHARGE, INDEMNIFY, AND AGREE TO HOLD HARMLESS THE CITY OF BOERNE, ITS OFFICERS, EMPLOYEES, AGENTS, VOLUNTEERS AND ASSIGNS FROM AND AGAINST ANY AND ALL LIABILITY, CLAIMS, DEMANDS AND JUDGMENTS WHICH I MAY HAVE, OR WHICH MY HEIRS, EXECUTORS, ADMINISTRATORS, OR ASSIGNS MAY HAVE OR CLAIM TO HAVE AGAINST THE CITY OF BOERNE, ITS OFFICERS, EMPLOYEES, AGENTS, VOLUNTEERS, OR ASSIGNS, FOR ANY AND ALL CLAIMS, DEMANDS, ACTIONS, AND CAUSES OF ACTION OF WHATEVER NATURE OR CHARACTER, KNOWN OR UNKNOWN, WHICH MAY BE ASSERTED BY ANY PERSON, FIRM, OR CORPORATION, WHOSOEVER CLAIMING BY, THROUGH OR UNDER ME FOR PERSONAL INJURIES, DEATH, AND/OR PROPERTY DAMAGE CAUSED BY OR ARISING OUT OF, MY ENTRY ON TO THE PROPERTY AND/OR PARTICIPATION IN CITY SPONSORED ACTIVITIES.**

I agree that if I (or my minor children) require rescue and/or emergency medical assistance and/or transport, I WILL PAY THE COSTS OF SUCH RESCUE AND/OR ASSISTANCE AND/OR TRANSPORT and I, or my heirs, will reimburse the City of Boerne and/or others for the costs incurred in performing any rescue and/or assistance and/or transport on my behalf within thirty (30) days of receipt of written demand.

I am 18 years of age or over, or I am accompanied by a parent or guardian who is authorized to sign this release on my behalf. I have carefully read this RELEASE AND INDEMNITY AGREEMENT AND RESCUE, MEDICAL ASSISTANCE, TRANSPORT CONTRACT or had it read to me in a language that I fully understand and I understand all of its terms. I am signing voluntarily and with full knowledge of its legal consequences and of the personal risks to me and/or my minor children. I have not relied on any information from the City of Boerne, its officers, employees, agents, volunteers or assigns in deciding to make this release and agreement.

**SIGNED ON (Date):** \_\_\_\_\_

**Participant (Printed):** \_\_\_\_\_

**Participant (Signed):** \_\_\_\_\_

Form reviewed by legal counsel: April 13, 2021.