

Patrick Heath Public Library Non-Profit Use of Facilities

The purpose of this policy is to set forth the rules and regulations for use of the library meeting rooms by non-profit community entities during designated hours for programs not sponsored by the library (a department of the City of Boerne) or the City of Boerne. Nonprofit entity means an entity 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*.

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

The secondary purpose of 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.

If the facilities are not needed for library or City of Boerne use, Kendall County-based, non-profit community entities may utilize the meeting rooms in the library at no charge during designated hours. Individuals may utilize the study rooms for purposes of studying and tutoring. Due to the amount of library and city summer programming, the community and conference rooms are not available for outside use during the months of June and July.

For-profit organizations, those organizations that charge for events, and event materials, and individuals hosting private social events, may utilize the community room on the first floor for a fee during designated hours. Refer to the appropriate policy for this use.

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

All facilities are available for use during library operational hours, but close 15 minutes prior to the library closing with the exception of the community room. The community room is also available until 9 p.m. Monday–Thursday. Evening meetings--including time allowed for takedown and cleanup--must end promptly at 9:00 p.m. Monday-Thursday.

Library Operating Hours

9 a.m.-7 p.m. Monday--Thursday

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

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

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 operational hours.

Room Capacities and Amenities

1st Floor Community Room:

Total space: approximately 1,400 square feet =

Projector, screen, Blu-ray player, lectern, TV and microphone available.

Chairs and tables are also available.

-Kitchen Facilities

Kitchen facilities are available to users of the community room. Non-alcoholic beverages and food are allowed in the community room. Each group is required to clean the kitchen and leave it in order after use. Microwave and ice machine are available for use.

-Outdoor Areas

Terrace and lawn area are available for groups using the community room.

2nd Floor Conference Room:

The room is 500 square feet, seats 14 people and contains a TV, balcony and small kitchen area with sink.

2nd Floor Technology Training Room:

The room is 350 square feet with eleven (11) computers and a smart board.

2nd Floor 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.

Application Process

Conference Room, Technology Training Room and Community Room:

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

An organization may reserve a library meeting room for no more than one program/event per month. Due to the amount of library and city summer programming, the community and conference rooms are not available for outside use during the months of June and July.

Reservations will not be confirmed until completed application forms have been received and approved.

Each group must pay \$150 damage deposit by check for use of the community room at least one week prior to the meeting date. Checks may be made out to PHPL or the Patrick Heath Public Library. All checks will be deposited to the City of Boerne.

The person signing the application form is the responsible party for the actions of all attendees of their meeting.

The group must check in at the Front Desk or Information Desk on the second floor before utilizing any meeting room. All meetings in the conference room and study rooms must be concluded fifteen minutes prior to closing.

Application and Release and Indemnity Agreement forms for scheduling Library meeting rooms can be found at the library's website: www.boernelibrary.org. Contact information for inquiries: johnston@boernelibrary.org and 830-249-3053. Applications may be submitted to the library at 451 North Main Street, Boerne, TX 78006 or by emailing to the address above.

Study Rooms:

Study rooms may be used for up to two (2) hours daily by an individual or group during the library's operational hours. Access to study rooms is given 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 will close 15 minutes before the library closes. A study room may be scheduled by calling the library or visiting the Information Desk on the second floor.

Individuals requesting a study room must be at least 12 years of age. Any study room left unattended for more than 15 minutes of the requested time will be considered canceled and available for use by others. Items left unattended will be considered lost and placed in the library's Lost and Found located at the Front Desk on the first floor.

Guidelines for Use

The library subscribes to the tenets of the 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 on the basis of race, color, national origin, religion, sex, sexual preference, age or physical limitation.

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 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 purpose is promotional or for monetary gain;
- 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 a 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.

Should the rooms be needed for a library sponsored program or event, the library has the option of canceling or rescheduling an organization's meeting date. The library will attempt to provide at least one 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" (defined as the interior space of the library building, its surrounding facilities and grounds) 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.

With the exception of library sponsored programs or fundraising events to benefit the library or for-profit groups 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.

Publications directly related to program events may be sold at such events only if event is sponsored or co-sponsored by the library or other city department.

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

Smoking (except where designated), use of alcohol, or use of 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 deposit.

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

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

Food 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.

Drinks with secure tops and snacks are permitted in study rooms and the conference room. Only drinks with secure tops are allowed in the technology training room.

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 should remove trash to the dumpster located on the south side of the library.

Library staff is not available to assist with meetings, set up for meetings, clean up after meetings, or repair, operate or troubleshoot equipment. However, technical services staff will demonstrate how to use library AV equipment at an appointed time prior to the meeting. All appointments made with Technical Services Department or library staff for instructions on use of library AV equipment should take place no later than five (5) business days prior to the meeting.

The library furnishes a TV, projector, projection screen, Blu-ray player, lectern, laptop, clicker, A/V cables for most devices and microphone in the community room. There is also a TV available in the conference room. Groups are welcome to use their own equipment. Please ensure that your equipment and cables are compatible with library equipment prior to the event.

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

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 deposit for any group doing so.

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 work space for any organization.

Exceptions

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

Appeals

If an organization is denied the use of the meeting room by the Director's office, the organization may appeal to the Library Advisory Board at the next regularly scheduled monthly meeting. The library board shall issue a decision in writing to the complaining person or representative within ten (10) business days. If the organization is not satisfied with the decision of the Library Advisory Board, they may elect to pursue the matter with Boerne City Council, whose authority 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 any and 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.

* 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.

Attachments to Policy:

- a. Application for Use of PHPL Facilities
- b. City of Boerne Release and Indemnity Agreement
- c. Library Bill of Rights (Appendix 1)

Last revision: September 8, 2016

Initially adopted: September 9, 2010

APPLICATION FOR USE OF PHPL FACILITIES

NAME OF ORGANIZATION _____

DATE OF EVENT _____

EVENT TIME: Start (includes set up) _____ End (includes clean up) _____

PURPOSE OF ORGANIZATION _____

NATURE OF EVENT _____

ESTIMATED ATTENDANCE _____

RESPONSIBLE PARTY (Person Signing Agreement)

Name _____

Address _____

Email address _____

Phone number _____

Organization's website _____

ROOM NEEDED: Community Room _____ Tech Training Room _____ Conference Room _____

WILL REQUIRE USE OF KITCHEN FACILITIES: _____ Yes _____ No (Kitchen facilities are available to users of the community room. Non-alcoholic beverages and food are allowed in the community room and conference rooms.) WILL REQUIRE AV/SPECIAL EQUIPMENT: _____ Yes _____ No

Community room: Lectern _____ Mic _____ Projector/Screen _____ Blu-ray Player _____

TV _____ Laptop and Cables _____

Conference room: TV _____ Laptop and Cables _____

All technology training should be completed by contact person or official group designee. Library staff will not train presenters or guest speakers for any one event. All training must be completed five (5) business days prior to first meeting. Failure to complete training may result in the denial of future requests.

Staff Use:

First Training Date: _____ Initials: _____
Second Training Date: _____ Initials: _____
Third Training Date: _____ Initials: _____

I have read, understand, and agree to abide by the policy for use of facilities. \$150 damage deposit for community room use is due one week prior to the meeting date for all groups.

Signature _____ Date _____
(Responsible party)

Staff Use:

Application received by _____ Date; _____

Deposit and fee received: _____ Deposit and fee processed: _____

CITY OF BOERNE
RELEASE AND INDEMNITY AGREEMENT

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

I understand that entering the real property of the City and/or participating in activities on City property 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 City owned property and/or participating in activities on City property on behalf of myself (and my minor children).

I understand that such risks associated with being on City owned property and/or participating in activities on City property, include, but are not limited to, bodily injury, property loss or damage and death.

I understand and accept that my voluntary participation in activities on City of Boerne property exposes me to a heightened risk of 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 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 City of Boerne's property and/or participation in activities on City property.

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 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):

Library Bill of Rights (Appendix 1)

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. 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.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

A history of the Library Bill of Rights is found in the latest edition of the [Intellectual Freedom Manual](#).

Although the Articles of the Library Bill of Rights are unambiguous statements of basic principles that should govern the service of all libraries, questions do arise concerning application of these principles to specific library practices. See the documents designated by the Intellectual Freedom Committee as [Interpretations of the Library Bill of Rights](#).