

PRIVATE USE OF PUBLIC FACILITIES

Most public agencies own facilities (such as auditoriums, gymnasiums, parks and sports fields) that are sometimes used for private functions. Public buildings and facilities, usually viewed as a community resource, are often used by outside groups for a variety of activities. To help avoid property damage and reduce liability exposures, all public agencies should establish formal policies and procedures for use of facilities.

Although situations and needs vary greatly, an effective facilities use policy should contain the elements listed below.

PERMITTED GROUPS AND ACTIVITIES

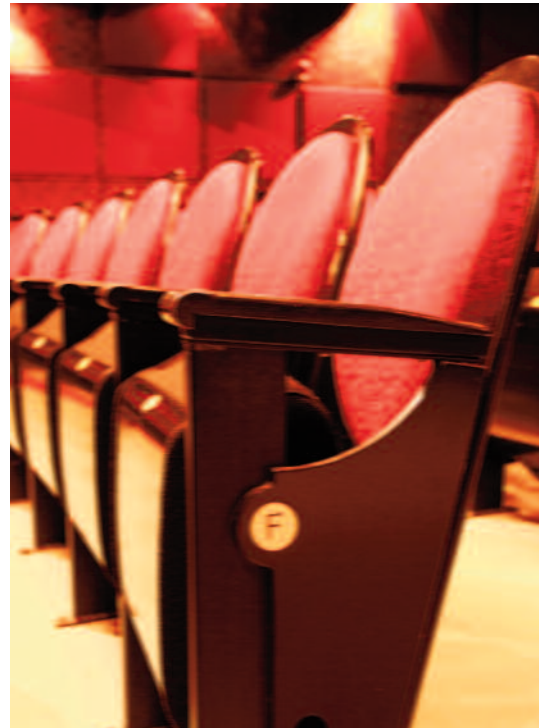
Establish what types of groups and activities will and will not be allowed to use public facilities. Be careful not to use criteria that could be viewed as illegally discriminatory. Consult legal counsel when setting terms of use.

PERMIT PROCEDURE

Every outside user of public facilities should be required to go through a formal permit process, which includes furnishing information about the group and the event and the name of a contact person responsible for the activity. A fee schedule (if applicable) should also be established.

RULES AND REGULATIONS

Make the rules of the facility clear to all prospective users. Decide what rules apply to your facility and put them in writing. Furnish a copy of the rules to the user's representative at the time of the permit application and have the representative sign an acknowledgement of receipt and understanding.



INSURANCE REQUIREMENTS

Keep in mind that every event that occurs on public property has some level of liability for your agency. Establish insurance requirements, including requirements for certificates of insurance and hold harmless agreements. Consult your insurance adviser and/or legal counsel when establishing these requirements.

Of course, not all groups that use your facilities can be expected to furnish insurance policies. Many public agencies categorize users and establish insurance requirements for each group based on potential exposures.

SECURITY

Make sure your buildings and grounds are as secure as possible. Try to contain the event or activity to only the area required. Find ways of securing the rest of the facility from unauthorized entry. You should also decide if additional security personnel will be needed for the event and if so, who pays for them.

Establishing and enforcing a comprehensive facilities use policy will help reduce misunderstandings and liability exposures, ensuring that they can be used and enjoyed by all citizens.

CONTACTS

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The observations, comments and suggestions we have made in this report are advisory and are not intended nor should they be taken as legal advice. Please contact your own legal adviser for an analysis of your specific facts and circumstances.