

- a) Amendment to Tarrant County Facilities Use Policy



COMMISSIONERS COURT COMMUNICATION

REFERENCE NUMBER _____

PAGE 1 OF 10

DATE: 09/04/2024

SUBJECT: AMENDMENT TO TARRANT COUNTY FACILITIES USE POLICY

COMMISSIONERS COURT ACTION REQUESTED

It is requested that Commissioners Court adopt the inclusion of the below language as an amendment to the Tarrant County Facilities Use Policy (Court Order 143472).

The proposed amendment excludes “Voter registration activities by county-certified volunteer deputy registrars” from the definition of a “Non-regular use” and adds the following language as subsection III(G):

“For the purposes of categorization, Tarrant County Commissioners Court recognizes all county-certified volunteer deputy registrars to be providing a service inherently governmental in nature. For this reason, their presence in County facilities shall be considered regular use, so long as this is conducted during normal public access hours. A registrar’s classification as a county-trained and approved volunteer deputy registrar shall be proven by the holding of a current, valid Volunteer Deputy Registrar (“VDR”) badge with an identifying deputy number provided by Tarrant County Elections Administration.

As a defined regular use activity, voter registration conducted by county-certified volunteer deputy registrars shall still be governed by all fire, safety and capacity regulations outlined in Section III(H) of the Tarrant County Facility Use Policy. Adherence to section III(H) of the Tarrant County Facility Use Policy shall be determined by the respective Tarrant County Facilities Department representative who manages the building where the VDR wishes to conduct registrar activity. Tarrant County Facilities representatives shall not require VDR removal from a Tarrant County public access building for any reason other than lack of ability to adhere to Section III(H) of the Tarrant County Facility Use Policy.

Multiple VDRs of the same or different organizations are permitted in a common County public access facility, so long as the general conditions required by Section III(H) in the form of fire, safety, and capacity requirements are met, as determined by the building’s Facilities representative. If fire, safety, and capacity restraints do not allow registrar activity by every VDR individual or group who wishes to conduct registrar activity in a given building, space shall be reserved on a strict first-come-first-served basis, as adjudicated by the building’s Facilities representative.”

If approved, the amendment to the Tarrant County Facilities Use Policy would become effective immediately.

REQUESTED BY:	Commissioner Pct 2	PREPARED BY: APPROVED BY:	
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COMMISSIONERS COURT COMMUNICATION

REFERENCE NUMBER: _____ DATE: 09/04/2024 PAGE 2 OF 10

BACKGROUND

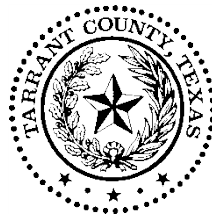
As defined by Texas Secretary of State Nelson, "Volunteer Deputy Registrars (VDRs) are entrusted with the responsibility of officially registering voters in the State of Texas. VDRs are appointed by county voter registrars and charged with helping increase voter registration in the state."

Tarrant County Elections Administration currently recognizes 576 VDRs who have undergone the mandatory training and been issued a volunteer deputy registrar badge. Within the context of Tarrant County, VDRs represent a fiscally responsible force multiplier for the Tarrant County Elections Administration. VDRs have the ability to provide the citizenry of Tarrant County with the same voter registration services which Tarrant County Elections Administration personnel provide, but they do so at no cost to the county taxpayer, and in much greater numbers. Their presence, therefore, increases Tarrant County residents' access to convenient voter registration at highly trafficked locations. This constitutes a clear public interest, obtained at no cost to the county taxpayer.

Because no substantive difference exists in the narrow voter registration services provided to the citizenry of Tarrant County by a county-certified VDR and a member of the Tarrant County Elections Administration, it is entirely appropriate for the Commissioners Court to recognize this activity as governmental in nature, and therefore a regular use activity as defined in the Tarrant County Facility Use Policy.

FISCAL IMPACT

There is no fiscal impact associated with this item.



TARRANT COUNTY

FACILITIES USE POLICY

I. POLICY STATEMENT

The Tarrant County Commissioners Court is the policy development and budgetary control unit of county government and has the duty and authority to provide and maintain county facilities, along with the authority to set regulations for the control and security of all buildings and grounds owned, operated and/or leased by Tarrant County ("County" or "the County").

This policy was established to ensure that County facilities are utilized for the efficient operation of government business and to ensure the safety of all employees and members of the public who are present at said facilities. All County facilities shall be used for governmental purposes. The Commissioners Court may authorize exceptions to this policy or amend this policy at any time.

Through the adoption of this policy, the Commissioners Court finds it is in the public interest to enforce this policy fairly and without discrimination on the basis of the political, religious, philosophical, or ideological viewpoints expressed by any person. The Commissioners Court further finds commercial speech inside county buildings or on county property intrudes on the ability of members of the public to access county services and conduct county business, provides no benefit to the County, and serves to utilize County property purely for the benefit of private parties.

II. DEFINITIONS

Public access hours, except for confinement facilities, refers to the time County buildings are open to the public.

After-hours means outside of the established public access hours.

Facilities refers to unimproved grounds, buildings or other real property both indoors and outdoors owned or leased by the County that is not a common outdoor area. Facilities are designated as limited public forums.

Common outdoor area means outdoor space that is not regularly used for dedicated County business and includes County owned sidewalks and lawns fifty (50) feet from any exterior entrance or exit to a County Facility. At County Facilities where fifty (50) feet of space from an exterior entrance or exit is not available, such as where the fifty (50) feet offset ends in a right-of-way or another structure, the common outdoor area designation shall begin at twenty-five (25) feet from the exterior entrance or exit. It does not include the following: 1) retaining walls, outside walls, overhangs, gables, or other structural protrusions from a County Facility; 2) spaces dedicated to temporary outdoor structures, banners, or displays intended for use by the County, such as tents; 3) planters, flowerbeds, and similar landscaping features dedicated to the display of plants other than grass. Common outdoor areas are designated as traditional public forums.

Non-regular use means functions that are not governmental in nature and includes but is not limited to commercial activity offering or advertising products or services for sale or lease, after-hours weddings, after-hours swearing-in ceremonies, meetings, political activities, and conferences and press conferences other than those in the course of the duties of the officers and employees of the County, and photography, filming, or digital recordings for commercial, educational, or entertainment purposes. Voter registration activities by county-certified volunteer deputy registrars and property sales conducted at the 1895 Courthouse pursuant to Texas Tax Code section 34.01 or Texas Property Code section 51.002 are expressly excluded from this definition. In the hour before the start of the property sales, while they are taking place, and for an hour after their conclusion, the locations hosting the property sales shall be considered County Facilities.

Security generally refers to County employed peace officers or County contracted personnel charged with guarding persons and property and may refer to other resources such as access control, alarm, and camera systems.

Special facility use requirements include the use of any equipment too big for one person to move without assistance, changes to the normal workweek space configuration, and/or any electrical and other power needs beyond what is available at the site.

III. POLICY GUIDELINES

- A. With the exception of confinement facilities, posted Public Health Department clinic and service hours, holidays designated by the Commissioners Court, and special operational hours set by elected officials related to the officials' core duties, public access hours to facilities are typically Monday through Friday, 8:00 a.m. to 5:00 p.m.
- B. During the established public access hours, security is provided as allocated in the annual budget approved by the Commissioners Court. All officials, employees, and contractors who work in any County facility are expected to maintain the level of security provided for that facility.

- C. Access to facilities is allowed to the extent permitted by federal and state law. Use of public space in/on County facilities is limited to meetings, activities, events, and exhibits that serve a legitimate public purpose. Meetings, activities, exhibits and events must not conflict or disrupt County business. Permission of use does not imply endorsement by Tarrant County.
- D. County officials or employees should not provide County Facility access, including proximity cards, keys or codes, to anyone. Access points are not to be propped open or left unlocked unless constantly guarded by security. County employees at no time should allow unauthorized individuals through an employee entrance.
- E. When a member of the public is inside a County Facility outside of public access hours and regular security personnel are not present, they must be accompanied by a County official or employee at all times.
- F. Outside of public access hours, Facilities Management will work with Security and the Tarrant County Fire Marshal to assess security and safety needs based on the request.
- G. For the purposes of categorization, Tarrant County Commissioners Court recognizes all county-certified volunteer deputy registrars to be providing a service inherently governmental in nature. For this reason, their presence in County Facilities shall be considered regular use, so long as this is conducted during normal public access hours. A registrar's classification as a county-trained and approved volunteer deputy registrar shall be proven by the holding of a current, valid Volunteer Deputy Registrar Badge with an identifying deputy number provided by Tarrant County Elections Administration. As a defined regular use activity, voter registration conducted by county-certified volunteer deputy registrars shall still be governed by all fire, safety and capacity regulations outlined in Section III(H) of the Tarrant County Facility Use Policy. In the event of requests for use of County Facilities by multiple voter registrars which seek use at the same location on the same date and time, the County may approve usage on a first-come, first-serve basis, grant partial approval for certain dates to specific voter registrars so as to allow a rotation of voter registrars using the same Facility on different dates, or by any method which the Commissioners Court deems appropriate based on the capacity and space limitations of the requested Facility.
- H. Fire, safety, and capacity regulations must be observed, and the following are prohibited within or on County property:
 - 1. Any activity that may expose the County or the public to extraordinary risk, including activities which threaten or endanger the health or safety of any person;

2. Alcoholic beverages;
3. Any use which would create a nuisance or damage to the premises including placing freestanding signs on the property, making any marks on or attaching any sign, insignia or other device to the walls, windows, or floor of the premises unless allowed by the Texas Election Code;
4. Any use that is adverse to the interests of the County, disrupts the ability of County employees to work or the regular course of government business, for which satisfactory supervision is not provided, or which is inconsistent with the intended use of the space; and
5. Activities that substantially interfere with vehicular or pedestrian traffic, including the ingress and egress to County Facilities, or which interfere with the ability of County personnel and members of the public to engage in the normal course of County business.

I. Non-Regular Use of Facilities.

1. News gathering, news reporting, and photograph or videography for personal use is not considered a non-regular use and is not limited by this policy. Expressive activity such as demonstrations and speeches in traditional public forum areas are not considered nonregular uses and are not limited by this policy, although sufficient security must be arranged and applicable laws, including any municipal ordinances and safety protocols, must be followed.
2. Any person or organization requesting access to a County facility for non-regular use must complete a Property Use Agreement and submit it to propertyuserequests@tarrantcountytexas.gov or by mailing a physical copy of the Property Use Agreement to Tarrant County Facilities Management at 100 W. Weatherford, Suite 460B, Fort Worth, Texas 76196.
3. A usage fee set by the Commissioners Court may be required prior to the date(s) of non-regular use of the County facility. The usage fee will cover the County's associated costs including, but not limited to, all required personnel salaries and overtime rates if necessary, including benefits at a minimum. Additional costs may be included depending on the request. The invoice must be paid no later than two hours prior to the use. The County reserves the right to pursue any and all legal remedies to collect for any non-payment of amounts billed to cover damage repair under this section.

4. The County reserves the right to revoke permission for non-regular use of its facilities or reschedule activities, when necessary, at the sole discretion of the County. The County may also deny applications for non-regular use if the user has previously violated the rules set forth in this policy, if the proposed use would substantially disrupt the normal functioning of County operations at the Facility, or if the use would pose health or safety risks or violate state or federal law or County policy.
5. Any person/group who applies and is approved to utilize property owned, leased, and/or operated by County shall be required to release the County from any liability for negligence for any damages caused to the user, or its property, during the time of use.

With or without a release of liability, and to the extent permitted by law, the person/group shall be liable to the County for any and all damage to County property or injuries to County employees, officers, or agents caused by the person/group, or by any of the person/group's officers, agents, or employees, or by any person attending or seeking to attend the function, whether or not such damage is the result of negligence, intentional acts or accident. The user may be required to furnish to the County proof of liability insurance coverage sufficient to cover the risks and exposures resulting from its use of the premises. The policy shall name Tarrant County as an additional insured.

6. When property owned, leased, and/or operated by the County is used for a non-regular use, County may require security personnel be arranged and paid for by the person or organization who requested the non-regular use. County funds or resources will not be used.

If required by the County, the person or organization making the reservation must hire an off-duty Tarrant County peace officer(s) (deputies of the Sheriff or deputies of the Constables) to be present for the event. The hourly fee for their presence shall be the same as is set by the Commissioners Court each year for the hourly time of deputies present. When no deputies of the Sheriff or deputies of the Constables are available, other peace officers may be employed.

In addition, the person or organization making the reservation will be required to pay for any costs associated with operating the facility over and above normal operations, including but not limited to utilities and personnel.

7. Commercial activity or commercial speech, including the distribution or display at County Facilities promoting, offering, or advertising any

product or service for sale or lease, or any other activity which does no more than propose a commercial transaction, may not take place at County Facilities without the completion of an application and approval by the County as described in paragraph H(2). Words or symbols on personal apparel, or on decals or bumper stickers on vehicles do not qualify as commercial activity or commercial speech and are expressly excluded from this paragraph. Department heads or employees who have obtained the authorization of their department head may advertise or sell merchandise, services, publications, food, or nonalcoholic beverages for the benefit of charitable organizations or for the personal use of county employees. Food and beverage catering activities which have received prior approval from a department head and newsgathering activities are expressly excluded from this paragraph.

8. The County may enter into agreements with organizations or individuals to rent Resource Connection Campus facilities for use on a temporary basis in exchange for a fee. The Tarrant County Administrator, or the Administrator's designee, is empowered to enter into agreements on behalf of the County for the temporary rental of Resource Connection Campus facilities lasting no longer than five business days.

J. Production filming, videotaping, or digital recording.

1. Because of the inherent disruption to County business and the special needs required for and unique expenses generated by production filming, videotaping, or digital recording for commercial or professional use, the Commissioners Court finds that these additional terms are reasonable and necessary. This applies to productions and documentaries done for educational and professional uses, entertainment, and other commercial or non-profit purposes, other than news gathering. The news gathering exception to the fee structure is specifically found by the Commissioners Court to be in the public interest and to serve a direct public purpose. Personal use photography and video is not prohibited.
2. Any request for rental of County facilities for production filming, videotaping or digital recording shall be submitted to Facilities Management Department in writing and include a description of the intended use, along with a letter outlining the exact location, including building and room number or other identifying information; the dates and times of the shoot; and a brief description of the feature. Requests can be submitted to propertyuserequests@tarrantcountytx.gov.

Upon submission of the request and review by Facilities Management, a Property Use Agreement that notes the exact place, time and date, as well as a commitment to pay a deposit of \$1,000.00 and a per day location fee and terms established by the Commissioners Court, will be required.

The per day fee is assessed beginning on the day the company begins using the facility, including when any equipment or props are moved into the building, and lasts until all equipment and props have been removed. Site visits by production personnel are not charged a fee. The per day location fee will be calculated based on the costs described in paragraph H(3).

Further, a \$1 million general liability insurance policy must be provided by the company requesting to use County facilities naming Tarrant County as an additional insured. All materials must be submitted no later than three weeks in advance of the Commissioners Court meeting at which the Commissioners Court is to consider approval or denial of the use.

IV. ADMINISTRATIVE GUIDELINES

- A. With the exception of confinement facilities, the County Administrator's Office is charged with the responsibility to determine whether applications meet the criteria outlined in this policy for presentation to Commissioners Court for consideration. The County Administrator's Office may request information from Applicant/Responsible Party necessary to evaluate the activity for practical and logistical purposes. Property Use Agreements under Sections III. H(2) and I(2) must be approved by the Commissioners Court.

Confinement facilities are under the control of the Tarrant County Sheriff. Non-regular use of confinement facilities is subject to approval or denial by the Sheriff. The procedures and requirements described in this policy are applicable to any non-regular use event approved by the Sheriff.

- B. The County's Risk Management Office will review all non-regular use requests to determine if additional liability coverage is necessary and review insurance documents provided by Responsible Party to determine if the coverage is adequate.
- C. The Facilities Management Department regulates and approves signage and displays in facility public areas, common areas, building exteriors and grounds with the exception of those related to elections and overseen by Tarrant County Elections Administration. This does not prevent First Amendment activity by the public and shall not be applied in a manner to limit free speech in traditional public forum areas.

- D. Unless otherwise indicated, administration and enforcement of this policy is the responsibility of the County Administrator, or their designee, who is authorized to take all necessary and reasonable actions to achieve compliance.

County Property #840

Approved: Court Order No. 143472 (07/16/2024)

Amended: Court Order No. ##### (09/04/2024)