

RENTAL FACILITIES

Purpose: Equitable access
Organizational mission & vision

POLICY:

The Carlsbad Library & Cultural Arts department (L&CA) upholds the following policy outlined by the American Library Association "Library Bill of Rights" concerning meeting rooms:

"Libraries which make meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of the individual or groups requesting their use."

Use of the public meeting facilities does not constitute L&CA endorsement of the content provided in the course of use. No advertisement or announcement implying such endorsement will be permitted. No organization meeting at a L&CA facility shall use the location as its official address. On-site storage of goods by organizations using the public meeting facilities will not be permitted.

Classification of Applicants

Each application will be reviewed by staff and classified into a group depending on the type of organization and the intended use. The classifications are listed in order of priority with classification "A" first, classification "B" second, etc.

Staff will attempt to accommodate all groups; however, a limited amount of public meeting space exists. Considering that demand often exceeds availability, the following priority system has been established:

- A. L&CA and other city department-sponsored activities
- B. Carlsbad resident, non-profit (non-paid management)
- C. Carlsbad resident, non-profit (paid management)
- D. Nonresident, non-profit
- E. Resident, all others
- F. Nonresident, all others

In order to qualify as classification group B or C non-profit user, the organization must meet all of the following criteria:

1. The organization must be registered as a non-profit corporation with the State of California, or, if not registered with the state, must be a Carlsbad chapter and have a constitution or by-laws which clearly state that the objectives of the organization are of a non-profit, non-commercial nature.

2. The organization must be comprised of volunteers, and 70 percent of its membership and participants must be Carlsbad residents. Verification of residency may be required. Official membership list complete with city of residence addresses may be required with applications. Such lists shall be maintained by the staff and shall remain confidential.

The following requirement applies to groups B, C & D to qualify as non-profit user:

3. The organization may be required to submit the following:
 - a. If incorporated, submit state incorporation papers; if not incorporated, submit constitution.
 - b. Financial verification of organization's exemption from income tax. (Department of the Treasury Form 990 may be used).

Liability Insurance Requirements

The City of Carlsbad is not liable for accidents, injuries or loss of individual property in connection with any of its facilities. Applicant shall provide, when applicable, evidence of commercial general liability insurance naming the City of Carlsbad as an additional insured and with a coverage amount to be determined by the risk manager according to the size and risk factors of the event.

User Conduct

- No activity will be permitted that is in violation of local, state or federal statutes. Renters must adhere to all city policies, fire codes and L&CA Rules of Conduct during their use of the facility.
- All groups must be under the direction and supervision of their own leadership. There must be at least one adult present and responsible for each 10 minors at all times.
- Groups are responsible for controlling noise that could disturb other activities in the L&CA facility.

L&CA reserves the right to full access of all activities in order to ensure that all rules and regulations are being observed. Use may be terminated for misrepresentation or engagement in any activities that jeopardize participants' safety and welfare.

Admission/Sales

Charging of admission is left up to the discretion of the hosting organization. L&CA encourages hosting organizations to accommodate individuals who wish to participate in public meetings but are unable to do so based on financial hardship. L&CA will not take a percentage of the sales. Organizations using meeting facilities will be permitted to make sales under the following circumstances:

- Sales must be confined to the rented facility and its immediate area.
- No effort shall be made to solicit other L&CA patrons. This means no signage is allowed inside or in front of the entrance of L&CA facilities.

The L&CA department has established procedures for facility use that cover:

- Reservation and Cancellation
- Deposits and Payments
- Hours of Use
- Kitchen Use/Food/Drink

The person securing the use of the facility will be responsible for complying with these procedures which are listed below.

The person interested in securing use of a rental facility ("renter") at a L&CA location for himself/herself and/or his/her children, and/or his/her represented organization (collectively "Releasing Party") agrees to defend, indemnify, protect and hold the city, its council members, agents, representatives, Board members and employees (the "City Indemnified Parties") harmless from and against any and all claims from and against any and all liabilities, judgments, claims, settlements, losses, damages, costs, fees (including reasonable attorney fees and court costs) incurred or suffered (collectively "Losses") by such City Indemnified Party arising out of this use of city property, purpose of the facility use agreement, or related activities or otherwise; and further agrees to defend, indemnify, protect and hold the City Indemnified Parties harmless from any losses to the City Indemnified Parties as the result of injury or death to person(s) or damage(s) to property arising out of the use of said property, purpose, or activity; provided however, that the Releasing Party duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole gross negligence or willful misconduct of the city, its council members, agents, representatives, Board members or employees.

Appeals

Appeal of any decision adverse to an applicant may be made in writing to the L&CA director within five business days of its making. The director shall render a decision within 10 business days. The applicant may appeal the director's decision to the chief operations officer within five business days of the director's decision. The chief operations officer's decision shall be final.

The calendar of available dates, room amenities, fee schedule, procedures for facility use and applicable forms are located on the L&CA's website (www.carlsbadlibrary.org). All rentals of L&CA facilities are processed through the Community Relations division and requests for additional information or questions should be directed to the contact listed below:

Carlsbad City Library
1775 Dove Lane, Carlsbad, CA 92011
media-assist.office@carlsbadca.gov
760-602-2055

Policy Approved by the Library Board of Trustees – Sept. 20, 2017

Procedure:

Reservation and Cancellation

- All applications for use of any L&CA public meeting facilities must be made via the online reservation system accessible on the library's website at www.carlsbadlibrary.org. If the applicant does not have access to a computer they may contact L&CA Community Relations division to request an accommodation for making a reservation.
- Applications for reservations must be submitted at least 10 business days in advance of the first requested reservation date.
- Applicants must be age 18 or older. When serving of alcohol is requested for the event, the applicant must be 21 or older.
- Facility reservations will not be approved for any group or individual for use on an ongoing basis. Other than city-sponsored groups, all groups are permitted up to four meeting dates per month. This is to ensure that rooms will be available to other community groups. Additional adjustments to booking frequency can be made by the authority of the L&CA director.
- The individual submitting the application will be held responsible for all fees and damages. Use of the facility is not transferable to another person or group.
- The L&CA department reserves the right to deny an application request for any reason. Typical reasons for denial include but are not limited to the following:
 - a. Applicant has unsatisfactory record of prior use
 - b. Hazardous condition exists within the facility
 - c. Non-payment of fees before due date
 - d. Failure to give proper cancellation notice
 - e. Civic emergencies
 - f. False or misleading information from the applicant
 - g. Applicant's invalid association with group

- h. Other applicant misrepresentation
 - i. Use/activity exceeds room capacity
- Applicant-initiated cancellations must be made at least 10 calendar days prior to the event date. Cancellations submitted fewer than 10 days prior to the event will be charged a \$25 processing fee.

Deposits and Payments

- Rental fees are set based on one-hour increments for each space rented and will not be pro-rated. There is a two-hour minimum rental period for L&CA venues.
- A \$200 refundable cleaning deposit will be charged at the time of application acceptance, unless currently on deposit. If the department has drawn down an existing cleaning deposit for a previous booking, the applicant must replenish the deposit to the full \$200 prior to future reservations being approved.
- Invoices for rental services are issued at the time of application approval. Full payment must be received for the total invoiced amount 30 days prior to the first event. When space is reserved fewer than 30 days in advance of the first event, payment is due upon receipt of invoice and must be made within three business days.
- Failure to make full payment on or before the due date will result in cancellation of the requested reservation and a \$25 processing fee will be charged per reservation.
- All past due amounts on an applicant's account must be paid in full prior to any future bookings.

Hours of Use

L&CA facilities are generally not scheduled for use before or after the facility's regular public hours (except for Group A, which is exempt). For events requested outside regular hours, if approved, a fee of three times the regular rate will be charged with additional fees subject to applicable billing. Groups staying beyond their reserved hours may be subject to additional fees for the necessary staff coverage and may be denied future privileges.

Kitchen Use/Food/Drink

- Food or drinks are not allowed in the Ruby G. Schulman Auditorium (water bottles with lids are permitted).
- The meeting room kitchen is not intended for cooking but rather to provide convenient space for the preparation of ready-to-serve items.

- L&CA does not provide supplies such as cups, containers, paper goods, tea and coffee.
- Groups using the facility are expected to leave it in the condition they found it. Failure to do so will result in a clean-up or damage charge.
- Alcoholic beverages are restricted to beer, wine and champagne. Serving of alcoholic beverages must adhere to City of Carlsbad liability insurance requirements. Groups selling alcohol (beer, wine and champagne only) must obtain "Daily On-Sale License" from the Alcoholic Beverage Control Board and liquor liability coverage must be obtained (Carlsbad City Council Policy Statement 28/93).