



Approved By Tualatin City Council  
Date March 23, 2009  
Recording Secretary J. Kirby

## STAFF REPORT CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager 

**FROM:** Paul Hennon, Community Services Department   
Abigail Elder, Library Manager 

**DATE:** March 23, 2009

**SUBJECT:** A RESOLUTION ADOPTING POLICIES AND FEES FOR THE TUALATIN PUBLIC LIBRARY COMMUNITY ROOM

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### ISSUE BEFORE THE COUNCIL:

The Council will consider a resolution to establish policies and fees to govern public use of the Community Room in the Tualatin Public Library (Library).

### RECOMMENDATIONS:

The Tualatin Library Advisory Committee (TLAC) recommends approval of the attached resolution.

The staff respectfully recommends approval of the attached resolution.

### EXECUTIVE SUMMARY:

The proposed policies will govern public use of the Community Room for functions that are open to the public during the 65 hours per week that the Library is open.

Policies are needed to maximize use of the space by a broad cross-section of the public and to ensure that the room is available and used for the intended purposes.

Since opening eight months ago, the Community Room has been used about 45 hours per week primarily for civic functions such as Library programs, events, and meetings, and for other City sponsored and co-sponsored activities. The Library program is growing, but there is some time that the Community Room could be used by the public.

It is anticipated that public use of the Community Room will be in high demand. As a result there will not be adequate time to meet all requests for use. In order to ensure that the space is used for the greatest public good, it is proposed that allowed uses be

limited to those functions sponsored by groups and organizations that are open to the public, including uses for political and religious purposes. Individual and private uses would not be allowed, including private parties and soliciting for or conducting business where an activity is carried on by a person or group predominately for economic profit. Fundraising for charitable purposes would be allowed as long as the event was open to the public and complied with the Community Room and Library policies.

The proposed policies cover the rental periods, scheduling priorities, cleaning and security, cancellations and reschedules, use of the room. Rental fees are proposed to recover a portion of the costs to provide a reservation system, general supervision, and maintenance of the Community Room.

Limits are proposed to inhibit one group from dominating use on an on-going basis. Security deposits are not required, but users will be held financially responsible for any damage or excessive cleaning. Users would be responsible for their own set-up, breakdown, and cleaning. The City's audio/visual equipment, other than the projector screen, would not be available for public use due to the extra staff time required and possibility of damage and/or theft.

Use of the Library Community Room will be monitored regularly and changes to the policies will be proposed as needed. Particular attention will be given to dominance by any given group to the exclusion of others and frequently reserving time, but then canceling.

The Library has a Study Room and a Conference Room for smaller groups (of up to 4 and 10 people) that may be used without charge. The City also rents the Tualatin/Durham Senior Center, Brown's Ferry Community Center, and several picnic shelters. These facilities may be rented by groups and individuals for private uses that are not open to the public, such as parties.

#### **FINANCIAL IMPLICATIONS:**

The financial implications of these changes are minor and will not require amendment of the adopted budget.

#### **DISCUSSION:**

##### *DESCRIPTION OF COMMUNITY ROOM*

The Community Room seats up to 147, is a rectangle in shape, and is 1,032 square feet in size. It has moveable tables and chairs, and a built-in audio/visual system. The floor is carpeted. The room is connected to the Children's Room via a hall that has a service counter with a sink, refrigerator, and microwave. Doors open to the outdoor plaza.

##### *WHO CAN USE THE COMMUNITY ROOM?*

In addition to the Library and other City sponsored and co-sponsored uses, it is proposed that the Community Room can be used by groups and organizations.

***WHAT CAN THE COMMUNITY ROOM BE USED FOR?***

In addition to the Library and other City sponsored and co-sponsored uses for programs, events, and meetings, it is proposed that the Community Room could be used by groups and organizations for events, meetings, and other functions that are open to the public, and that private uses or to solicit for or conduct any business would not be allowed.

The City is not required to allow others to use its facilities for any purposes. However, if it chooses to allow its facilities to be used for non-religious and non-political purposes, it now must allow the facilities to be rented for religious and political uses as well.

Under the proposed policies, religious and political uses would be allowed. In 1993 the U.S. Supreme Court issued the Lamb's Chapel v. Center Moriches Union Free School District decision (503 US 384). This is the precedent clarifying case that allows the use of public facilities for religious and political purposes when a public agency lets those facilities be used for other purposes.

Under the proposed policies, "solicit for or conduct any business" means:

1. Sell or offer to sell any article or service;
2. Display goods, or descriptions or depictions of goods or services, with the intent to engage any member of the public in a transaction for the sale of any good or service; or
3. Perform or engage in any act with the intent or expectation of receiving payment from any person.

Nothing in this policy shall be construed to prohibit any act protected under the circumstances by the federal or state constitution. Fundraising for charitable purposes would be allowed as long as the event was open to the public and complied with the Community Room and Library policies.

The City may choose to co-sponsor a meeting, activity, or event that otherwise would not be allowed, provided it finds the function to serve the civic interest.

***WHEN CAN THE COMMUNITY ROOM BE USED?***

For public use, it is proposed that the Community Room be available when the Library is open.

The Library is open 65 hours per week.

- Monday through Thursday: 10:00 am to 9:00 pm
- Friday and Saturday: 10:00 am to 6:00 pm
- Sunday: 1:00 pm to 6:00 pm

**Attachments:** A. Resolution

c: Members of the Tualatin Library Advisory Committee

**A RESOLUTION ADOPTING POLICIES AND FEES  
FOR THE TUALATIN PUBLIC LIBRARY COMMUNITY ROOM**

WHEREAS the City of Tualatin owns and operates the Tualatin Public Library and chooses to make the Community Room available for use by the public when it is not being utilized by the Library or for other official City purposes; and,

WHEREAS in order to provide an orderly and efficient use of the Library Community Room by a broad cross-section of the public, a reservation system is in the public interest; and,

WHEREAS the costs to provide a reservation system, general supervision, and maintenance of the Community Room necessitates the collection of fees.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

**Section 1. RENTAL PERIODS**

- a. Activities sponsored by the Tualatin Public Library and other official business of the City of Tualatin have priority of use at all hours.
- b. The Tualatin Public Library Community Room is available for general public use during Library open hours.
- c. The minimum reservation period is one (1) hour.

**Section 2. SCHEDULING PRIORITIES**

- a. For the purpose of scheduling reservations and determining fees, groups will be classified as shown below.

**Class 1: TUALATIN PUBLIC LIBRARY, CITY OF TUALATIN**  
Activities sponsored by the Library and/or City of Tualatin

**Class 2: TUALATIN PUBLIC LIBRARY, CITY OF TUALATIN CO-SPONSORED**  
Activities co-sponsored by the Library and/or City of Tualatin

**Class 3: NON-PROFIT ORGANIZATIONS OR ACTIVITIES AND PUBLIC**  
**AGENCIES SERVING THE GENERAL PUBLIC OF TUALATIN**

**Class 4: ALL OTHER GROUPS AND ORGANIZATIONS**

All other organizations, including religious and political groups, are categorized by resident/nonresident for the purpose of determining rental fees.

A resident is defined as:

1. A person who resides within the city limits of Tualatin.
2. A person who works within the city limits of Tualatin.
3. A nonprofit organization of which 50% or more of the members reside in the city.
4. An employee of the City of Tualatin

Final determination of a group's classification will be made by the Community Services Director.

- b. Advance reservations may be made according to the following schedule:
  1. Class 1 groups (TUALATIN PUBLIC LIBRARY, CITY OF TUALATIN)  
May reserve the Library Community Room up to one (1) year in advance.
  2. Class 2 groups (TUALATIN PUBLIC LIBRARY, CITY OF TUALATIN CO-SPONSORED)  
May reserve the Library Community Room up to one (1) year in advance.
  3. Class 3 groups (NON-PROFIT ORGANIZATIONS OR ACTIVITIES AND PUBLIC AGENCIES SERVING THE GENERAL PUBLIC OF TUALATIN)  
May reserve the Library Community Room up to three (3) months in advance for ongoing or one-time activities.
  4. Class 4 groups (ALL OTHER GROUPS AND ORGANIZATIONS)  
May reserve the Library Community Room up to three (3) months in advance for ongoing or one-time activities.
- c. All reservations require that a City of Tualatin Facility Use Permit application be completed and fees paid at the time of application. Applicants must be 21 years of age or older. Applications must be submitted at least seven (7) days prior to the desired reservation date. No telephone reservations will be taken.
- d. Extensions of on-going reservations may be made one (1) time per month, but no sooner than two (2) months prior to the expiration of the current reservation.

- e. Conflicts involving the scheduling of facility rentals will be resolved in the following manner.
  - 1. For conflicts when two or more classes of users are involved: Class 1 will have priority over classes 2, 3 and 4; Class 2 will have priority over classes 3 and 4; and Class 3 will have priority over Class 4.
  - 2. For conflicts involving two users of the same class: an ongoing user will yield to the new applicant.
  - 3. For conflicts involving more than two users of the same class: an existing ongoing user will yield to a new user that will be determined by a random drawing among the new applicants.
- f. The City reserves the right to cancel any facility use reservation.
- g. A Special Use Permit application must be submitted and approved by the Library Manager for any fundraising activity, festival, or special event.

### Section 3. CLEANING/SECURITY

- a. A cleaning/security deposit is not required.
- b. Any group renting the Library Community Room and found to have caused damage, neglected to leave the Room in a clean condition, or violated any other library rule, will be assessed the direct costs to replace, repair and/or clean damaged or dirty equipment and/or facilities, and may be denied a future facility reservation, up to one year.
- c. The Library Manager may require comprehensive general liability insurance covering personal injury and property damage, naming the City of Tualatin, its officers, agents, and employees as additional insureds, when it is determined to be warranted, given the nature of the activity, size of the group, and/or the City's previous experience with a particular group.

### Section 4. CANCELLATIONS/RESCHEDULES

- a. A full refund will be given when the Library Manager has canceled a reservation and a reschedule date cannot be accommodated.
- b. When a reserving group cancels or reschedules fourteen (14) days before a rental date, the full rental fee and any deposit will be refunded, less a Handling Fee.
- c. When a reserving group cancels or reschedules less than fourteen (14) days before a rental date, no refund of the rental fee is given, unless the facility is re-rented. If the facility is re-rented, the full rental fee, less a handling fee, will be refunded.
- d. No refunds will be issued for unused reservations, except as provided above.

## Section 5. USE OF THE COMMUNITY ROOM

- a. All meetings and programs held by Class 3 and Class 4 must be open to the general public.
- b. Soliciting for or conducting business is not allowed.
  1. For purposes of this policy "solicit for or conduct any business" means:
    - a. Sell or offer to sell any article or service;
    - b. Display goods, or descriptions or depictions of goods or services, with the intent to engage any member of the public in a transaction for the sale of any good or service; or
    - c. Perform or engage in any act with the intent or expectation of receiving payment from any person.
  2. Nothing in this policy shall be construed to prohibit any act protected under the circumstances by the federal or state constitution.
- c. Fundraising for charitable purposes is allowed as long as the event is open to the public and complies with the Community Room and Library policies.
- d. Multimedia equipment, other than the projector screen, is not available for public use.
- e. Chair and table set-up and take down is the responsibility of the renters.
- f. The Service Counter may be used and must be cleaned up by the renter.
- g. All Library Rules of Conduct, Tualatin Municipal Code, 5-1, apply to activities occurring within the Community Room.

## Section 6. FEE SCHEDULE

- a. The fee schedule for the Tualatin Library Community Room is as follows:

Class 1: Tualatin Public Library, City of Tualatin  
No fee

Class 2: Tualatin Public Library, City of Tualatin Co-Sponsored  
No fee

Class 3: Nonprofit Organizations and Activities, and Public Agencies  
Tualatin Residents: \$10 per hour  
Non-Residents: \$20 per hour

Class 4: All Other Groups and Organizations  
Tualatin Residents: \$15 per hour  
Non-Residents: \$30 per hour

b. The Handling Fee for cancellations is \$10.

INTRODUCED AND ADOPTED this 23rd day of March, 2009.

CITY OF TUALATIN, OREGON

By  \_\_\_\_\_  
Mayor

ATTEST:

By  \_\_\_\_\_  
City Recorder

Approved as to Form:

  
City Attorney