

Fort Bend County Municipal Utility District No. 23

M. R. Massey Administration Building Reservation and Use Policies and Procedures

(Amended December 9, 2009)

The Board of Directors of Fort Bend County Municipal Utility District No. 23 (the "District") has adopted the following Reservation and Use Policies and Procedures to allow use of the M. R. Massey Administration Building and park (the "Administration Building") by the residents of the District so that space not in use by the District can continue to serve a public purpose and benefit to the residents and taxpayers of the District. Use of the Administration Building includes exclusive use of the park.

1. Residents of the District who are in good standing with the District may reserve the Administration Building. Good standing means that the resident is current on all District property taxes and monthly water bills. Accounts must be current at the time of rental. Rental requests for residents with delinquent accounts will be canceled, and the rental deposit will be forfeited.
2.
 - a. A District resident, on behalf of a non-profit organization may apply to rent the Administration Building without a deposit. Applications for non-profit organization use are available from the District's Administrative Manager or the District's website. The Board of Directors of the District (the "Board") will review and consider an application for non-profit organization use on a case by case basis, and applications must include appropriate federal tax exemption documentation. Additionally, a District resident applying for non-profit organization use must guarantee payment for any damages resulting from the organization's use of the Administration Building.
 - b. The Board's determination to qualify a non-profit organization for use of the Administration Building without a rental deposit shall be done within the Board's sole discretion and preference will be given to organizations demonstrating significant benefits to District residents or otherwise furthering the purposes of the District. If an approved non-profit organization reserves, but does not utilize a reserved rental period, the Board, in its sole discretion may revoke the organization's qualification to use the Administration Building.
 - c. Notwithstanding the foregoing, the following public service groups have been pre-qualified to use the building at no cost and without rental deposits: (1) Boy Scouts; (2) Girl Scouts; (3) Campfire Girls; (4) Civic Associations; (5) Homeowner's Associations; (6) governmental entities; (7) youth sports organizations; and (8) the Fresno Volunteer Fire Department. Rental periods for pre-qualified, non-profit organizations using the building at no cost are made

subject to building availability and ongoing rental requests from paying District residents. The District shall use reasonable efforts to notify a pre-qualified, non-profit organization of any reservation that will affect the pre-qualified, non-profit organization's request for use. A reservation for a pre-qualified, non-profit organization's rental will not be canceled less than 14 days prior to the rental, absent extenuating circumstances determined by the Board of Directors.

d. ALL non-profit organizations are required to clean the facilities after the rental period and provide security personnel, if appropriate, as further described below. The Board of Directors, in its sole discretion, may revoke the non-profit status of any organization at any time with 30 days prior written notice.

3. Requests for reservations must be made in writing to the designated District representative at 1570 Rabb Road, Fresno, Texas, at least fourteen (14) calendar days before the date desired for rental. Reservations will be made on a first come, first serve basis, provided that no reservation will be held until the required security deposit is received by the District. If a deposit is made by personal check, a reservation will not be held until the District has received confirmation such check has cleared the requestor's bank. Failure to pay the rental fee within 15 days of requested rental period will result in cancellation of the requested rental period, and the rental deposit will be forfeited. The fourteen (14) day reservation period may be waived for bereavement events, and rental requests for such events shall be considered on a case by case basis, in the sole discretion of the District's Administrative Manager.
4. A completed and signed Administration Building Rental Application Form and appropriate security deposit are required to secure a reservation. Such form must be signed by a District resident over twenty-one years of age who agrees to be ultimately responsible for the proper use of the facilities used and to be present at all times during the use of the facilities. Payments for deposits and/or use fees will be accepted from District residents only.
5. Regular facility use hours will be as follows:
 - Sunday - Thursday 9:00 a.m. -10:00 p.m.
 - Friday-Saturday 9:00 a.m. - 12:30 a.m.
6. Subletting is strictly prohibited. The user (applicant) shall not under any circumstances allow any group or individual other than those listed on the application to use the facilities during the user's term of occupancy. Violation of this requirement will result in forfeiture of the security deposit.
7. The number of people allowed to occupy the facilities at any given time shall not exceed 120.

8. If the number of people occupying the facilities is planned to exceed 50, one or more security officers must be present for the entire event. If the number of people occupying the building is planned to exceed 100, at least two officers are required. A minimum of two (2) officers is required for all events that will have alcohol, regardless of the number of attendees. The total number of required security personnel for each event will be determined at the discretion of the District and the law enforcement agency providing service. The cost of the security officer(s) will be paid at the time of service by the applicant renting the building. If security personnel is not hired and the number of attendees exceeds the number listed by the user or if alcohol is present, the security deposit will be forfeited in its entirety.
9. The hired security officer must be a licensed peace officer in the State of Texas, as either a constable of Fort Bend County or Fort Bend County Sheriff, and arrangements for the security officer will be made by the District representative. Any hired security officer will be hired for a minimum of 4 hours, the minimum rental period for building use.
10. The District's office and board room are not to be used by anyone other than the District's employees, consultants or Board of Directors. Building rental includes exclusive use of the park.
11. All users are responsible for returning the facilities to the same condition they were in prior to the user's occupancy and use. Any costs incurred by the District to clean the facilities to the District's satisfaction, as determined in the District's sole discretion, will be deducted from the deposit. Damages exceeding the amount of the security deposit will be billed directly to the applicant who rented the building. Any amounts remaining unpaid by the user may result in termination of District Services and a lien against the user's property in accordance with Section 39 of the District's Rate Order as may be amended from time to time.
12. All users are responsible for the conduct of themselves and their guests at all times. Any violation of these Policies and Procedures by any guest shall be considered a violation by the User. Users are responsible for their guests' damage to the facilities as well as their own damages.
13. Users shall not use the facilities in such a manner as to disturb residents in the vicinity of the facilities. After 10:00 p.m., events must be confined to the interior area of the facility. The doors will remain closed and noise must be held to a minimum in order to cause no nuisance to nearby residents.

14. Alcohol is allowed in the building or within the fenced area on the grounds. No alcohol is allowed in the parking lot or unfenced areas within the facility. No glass containers or drinking glasses are allowed outside the building.
15. For events where individuals under the age of 18 are present, at least two (2) adults over the age 25 for every 25 guests must be present at all times. Individuals under the age of 18 may not be left unattended in the Administration Building at any time.
16. No household or organization may reserve the Administration Building more than twice a month unless approved by the Board.
17. Users agree and understand they may not affix anything (posters, signs, banners, etc.) on the interior walls of the facility. No banners or signs may be placed on the exterior walls of the facility. No items may be affixed to the floors of the facility.
18. The facility is not to be used for any purpose which violates any State law, local or county ordinance or regulation, or administrative rule.
19. No animals (except sensory assistance animals) are permitted in the Administration Building at any time.
20. Smoking is prohibited inside the Administration Building at all times.
21. The District has established General Use Guidelines and Rules for its recreational areas, which also apply to the park and other exterior portions of the Administration Building. A copy of the General Use Guidelines and Rules is attached.
22. The Schedule of Fees established by the District is attached hereto as **Exhibit A**.
23. In the event an applicant desires to change or cancel a reservation, the applicant shall provide written notice to the District's representative at 1570 Rabb Road, Fresno, Texas. Requests for changes shall be made if space is available. Fees for changes and cancellations shall be applied as set forth on **Exhibit A**, and the District shall refund any security deposit paid by the applicant within 45 calendar days after receipt of written notice of cancellation.
24. Notwithstanding the foregoing, the Board of Directors reserves the right to deny a request for use of the Administration Building for any reason without further process or hearing.

25. The District is not responsible for any losses or damages to items left in the Administration Building, the park area, or other exterior portions of the building after the rental period. Items left behind may only be picked up during the regular business hours posted at the Administration Building.
26. Any use of the building resulting in taxable revenue to any attendee at such event must be identified as business/commercial use on the rental application. Examples of business/commercial uses include Mary Kay, Avon, Creative Memories, event planners and events/parties where guests are required to pay an entrance or participation fee. District residents applying for facility use for business/commercial use are required to pay the business/commercial rental rate as set forth on **Exhibit A**. The security deposit will be forfeited in its entirety if the rental is not properly identified as business/commercial at the time of application.
27. **THE SECURITY DEPOSIT MAY BE FORFEITED IN ITS ENTIRETY FOR THE VIOLATION OF ANY OF THE FOREGOING POLICIES AND PROCEDURES.**

Exhibit A

Schedule of Fees Fort Bend County Municipal Utility District No. 23 M. R. Massey Administration Building 1570 Rabb Road, Fresno, Texas

Description		Fees	Due
Security Deposit	Property Owners	\$250	At time of Application (Check or Money Order – No Cash)
	Property Renters	\$350	At time of Application (Check or Money Order – No Cash)
	Non-profit	\$0 (Subject to Board Approval)	NA
Building Rental	Private/Recreational Use/Non-Profit (parties, receptions, family reunions, social gatherings)	\$35* per hour (4 hour minimum). Hourly usage is calculated from the time you set-up to the time you clean up and exit the building.	14 calendar days prior to event (Check or Money Order – No Cash)
	Business/Commercial Use	\$50* per hour (4 hour minimum). Hourly usage is calculated from the time you set-up to the time you clean up and exit the building.	14 calendar days prior to event (Check or Money Order – No Cash)
Clean Up (If facility requires further clean-up; in District's sole discretion)		\$50 per hour (1 hour minimum)	Deducted from deposit
Changes and Cancellation Charges		Prior to 30 days = \$0 14 calendar days to 1 month = \$50 penalty <i>(\$200 deposit returned)</i> Within 14 calendar days = rental and security fees forfeited.	Deducted from deposit
Past Reserved Time		\$50 per ½ hour	Deducted from deposit

* A \$25.00 fee will be assessed for checks returned for insufficient funds in accordance with the District's Rate Order.

**Fort Bend County Municipal Utility District No. 23
M. R. Massey Administration Building
Rental Application Form**

I/We _____ hereby make application for rental of the Fort Bend County Municipal Utility District No. 23 M. R. Massey Administration Building.

Date(s) Requested _____

Number of People Attending _____ Time: _____ - _____

Name of Organization (if applicable) _____

Nature of Use (circle one): Private/Social Business/Commercial Non-Profit

Type of Event _____

Alcohol served? Yes _____ No _____

Contact Person: _____

Street Address: _____ City/State/Zip: Fresno, TX 77545

Home Phone: () _____ Work Phone: () _____

Cell: () _____ Email: _____

I acknowledge that I have read and understand the M.R. Massey Administration Building Reservation and Use Policies and Procedures ("Building Policies") attached and agree to the terms, conditions and charges set forth therein.

I further release and hold harmless Fort Bend County Municipal Utility District No. 23 and/or its agents, from all damages, losses, injuries and/or death as a result of the rental and guarantee payment for all damages in excess of the security deposit.

I agree that the Administration Building is not to be used for any purpose which violates state statute, local or county ordinances or regulations or administrative rule.

ALCOHOL IS PROHIBITED OUTSIDE FENCED AREAS AND/OR IN THE PARKING LOT

SMOKING INSIDE THE BUILDING IS PROHIBITED

ANIMALS (EXCEPT SENSORY ASSISTANCE ANIMALS) ARE PROHIBITED

ANY VIOLATION OF THE BUILDING POLICIES MAY RESULT IN FORFEITURE OF THE SECURITY DEPOSIT IN ITS ENTIRETY.

ACCEPTED AND AGREED: _____ Date: _____

Print Name: _____

_____ Initials

Security

According to the Fort Bend County MUD No. 23 M.R. Massey Administration Building Reservation and Use Policies and Procedures:

If the number of people occupying the facilities is planned to exceed 50, **one or more** security officers must be present for the entire event. If the number of people occupying the building is planned to exceed 100, at least two officers are required. A minimum of two (2) officers is required for all events that will have alcohol, regardless of the number of attendees. The total number of required security personnel for each event will be determined at the discretion of the District and the law enforcement agency providing service. The cost of the security officer(s) will be paid at the time of service by the applicant renting the building. If security personnel is not hired and the number of attendees exceeds the number listed by the user or if alcohol is present, the security deposit will be forfeited in its entirety.

The hired security officer must be a licensed peace officer in the State of Texas, as either a constable of Fort Bend County or Fort Bend County Sheriff, and arrangements for the security officer will be made by the District representative. Any hired security officer will be hired for a minimum of 4 hours, the minimum rental period for building use.

Security officers from either the Fort Bend County Constables office or Fort Bend County Sherriff's office will be utilized. The District and the law enforcement agency will determine the number of officers needed for each event that requires security. The applicant will be notified of the number of required officers at least fourteen (14) days prior to the scheduled event. The fees for officers range from \$25 to \$35 per hour per officer. At least two (2) officers are required for all events that will have alcohol, regardless of the number of attendees. Cash or money order for the total amount is due to the officer(s) upon arrival to the event. If the building is occupied after the official reservation end time, additional security fees, at the agreed hourly rate, will apply and are due to the officer at the time of service. Unpaid security fees will be deducted from the renter's deposit. No cancellations are permitted within 14 calendar days of the event.

ACCEPTED AND AGREED

Signature: _____ Date: _____

Print Name: _____

Audio/Visual

Please put an **X** next to the items that you will need to use during your rental. No additional fee is required for use of these items.

Electronic Equipment

- | | | | | | |
|--------------------------|-----------|--------------------------|------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> | CD Player | <input type="checkbox"/> | DVD Player / VCR | <input type="checkbox"/> | Microphone |
| <input type="checkbox"/> | FM Stereo | <input type="checkbox"/> | Cable Television | <input type="checkbox"/> | Computer Projection and Cable |

Capabilities

PLEASE NOTE: The following capabilities may require the renter to bring personal hardware including the equipment and any necessary wires/cables.

- | | | | | | |
|--------------------------|-------------------|--------------------------|----------------|--------------------------|---|
| <input type="checkbox"/> | Wireless Internet | <input type="checkbox"/> | Wired Internet | <input type="checkbox"/> | MP3 Connection
(user must provide cable) |
|--------------------------|-------------------|--------------------------|----------------|--------------------------|---|

Other

- | | |
|--------------------------|--------|
| <input type="checkbox"/> | Podium |
|--------------------------|--------|

M. R. Massey Park Rules

1. The user and the user's guests have exclusive use of the park area during the rental time.
2. Users are responsible for returning the park area to the same condition it was in prior to the user's occupancy and use.
3. After 10:00 p.m., events must be confined to the interior of the building.
4. Users may not use the Administration Building's folding tables and chairs outside of the building. They must remain inside the building.
5. No glass containers or drinking glasses are allowed.
6. Fall surface material must remain on the ground in the play area.
7. Moonwalks are only allowed on the grassy area inside of the fenced area adjacent to the building.
8. Users may not affix anything (posters, signs, banners, etc.) to the exterior walls of the building or on any structure in the park area including the fence.
9. If the event is an alcohol-approved event, alcohol is not allowed outside of the fenced area.
10. Water features are not permitted.
11. If trash receptacles are full, place the used liners in the dumpster and replace the liner.
12. Motorized vehicles are prohibited inside the fenced area.
13. Firearms and fireworks are not permitted on the property.
14. No animals (except sensory assistance animals) are permitted in the park area.
15. Disturbing landscaping is not permitted.
16. The Fort Bend MUD 23 General Use Guidelines and Rules apply to the park area.
17. The grill racks should be cleaned after use of the outside grill.

Will you need to use the Bar-B-Q grill? Yes _____ **No** _____

Accepted and Agreed

Signature: _____ Date: _____

Print Name: _____

General Use Guidelines And Rules

PD

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23 PARK GENERAL USE GUIDELINES AND RULES

Within any of the District's recreational facilities; it shall be unlawful for any person to do any of the following acts, except as may be otherwise provided:

- (a) use of motorized vehicles;
- (b) carrying or discharging any firecrackers, rockets, torpedoes, other fireworks, air guns, bows, arrows, blowguns, darts or slingshots;
- (c) carrying any firearms, except those persons duly authorized and licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of the Texas Concealed Handgun Act;
- (d) discharging any firearm;
- (e) hitching, fastening, leading, driving or letting loose any kind of animal or fowl; provided that this shall not apply to dogs or house cats when led by cord or chain not more than six feet long;
- (f) owners not picking up animal waste;
- (g) damaging, cutting, breaking, injuring, defacing or disturbing any tree, shrub, plant, rock, monument, fence, bench, picnic table or other structure, apparatus or property;
- (h) cutting or removing any wood, turf, grass, soil, rock, sand, gravel, landscape material or fertilizer;
- (i) bringing in and or disposing of outside garbage;
- (j) leaving garbage, cans, bottles, papers or other refuse within the recreational facilities in places other than in trash receptacles provided therefore;
- (k) burning of any kind;
- (l) carrying glass bottles of any type;
- (m) carrying and/or consuming alcoholic beverages of any type;
- (n) selling or offering for sale any food, drinks, confections, merchandise or services unless such person has a written agreement or permit issued by the District;

- (o) camping overnight or using the recreation trail after dark;
- (p) playing or betting at or against any game that is played, conducted, dealt or carried on with cards, dice or other device, for money, chips, shells, credit or any other representative of value, or maintaining or exhibiting any gambling table or other instrument of gambling or gaming;
- (q) using any threatening, abusive or insulting language or language otherwise constituting "fighting words";
- (r) committing any obscene, lewd or indecent act or creating a nuisance of any kind;
- (s) disturbing in any manner any picnic, meeting, service, concert, exercise or exhibition;
- (t) distributing, posting, placing or erecting any advertising, handbill, circular, bill, notice, paper or other advertising device; and
- (u) practicing, carrying on, conducting or soliciting for any trade, occupation, business or profession.

Any person, corporation or other entity violating these guidelines and rules may be subject to a fine of up to \$5,000 per violation or criminal penalties, including imprisonment, or both.