

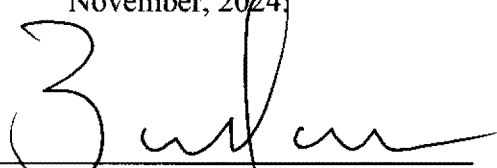
**ORDER: ADOPT REVISIONS TO FACILITY USE POLICY**

Motion made by Scott Allen, duly seconded by Grag Bynum, to approve the attached Facility Use Policy, as revised.

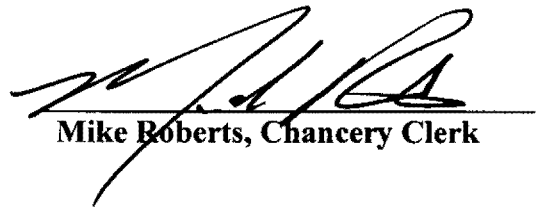
The vote on the motion was as follows:

Supervisor Brent Larson, voted yes  
Supervisor John Morgan, voted yes  
Supervisor Tim Gordon, voted yes  
Supervisor Scott Allen, voted yes  
Supervisor Greg Bynum, voted yes

After the vote, President Larson, declared the motion carried, this the 18<sup>th</sup> day of November, 2024.

A handwritten signature in black ink, appearing to be "Brent Larson", written over a horizontal line.

**Brent Larson, President  
Board of Supervisors**

A handwritten signature in black ink, appearing to be "Mike Roberts", written over a horizontal line.

**Mike Roberts, Chancery Clerk**

**I. Purpose:**

To establish guidelines and procedures regulating the use of certain Lafayette County facilities.

**II. Policy Guidelines:**

1. This Facility Use Policy is established by the Board of Supervisors, to be administered by the County Administrator. The County Administrator is granted the authority to interpret and apply the provisions of this policy.
2. This policy governs the use of the following County-owned public areas of buildings, facilities and grounds: (1) Circuit Courthouse, (2) Chancery Building, and (3) Circuit Courthouse Grounds.
3. The primary use of the County facilities is for the conduct of County government business. Consequently, individuals and groups that are a part of, engaged in, or associated with Lafayette County government (including State of Mississippi judicial and executive branch offices) have priority use of facility space subject to this policy.
4. Subject to the prohibitions stated herein and the availability of the designated areas, the following groups and individuals are permitted to engage in public assemblies within the designated public forum areas of County facilities and County grounds to the extent permitted by law:
  - a. Non-profit and not-for-profit citizen groups that are not directly affiliated with Lafayette County government operations;
  - b. Individuals and groups who are meeting for the purpose of engaging in political discussion or expression.
5. **Prohibited Uses:** The following uses are strictly prohibited:
  - a. Commercial business, fee-based, or promotional activity;
  - b. Programs involving the sale, advertising, or promotion of products or services;
  - c. Private social functions, such as birthday parties, dances, weddings, etc.;
  - d. Solicitation or acceptance of admission fees, funds or donations, including political fundraisers;
  - e. Meetings or public assemblies whose noise levels interfere with Lafayette County government functions;

- f. Activities which actively interfere with the general public's access to government facilities and the use of public sidewalks and streets.
- g. Uses which interfere with County government functions, operations and business.

### **III. Definitions:**

1. "Non-profit" and "not-for-profit" citizen groups include agencies, corporations, partnerships or governmental entities, which can provide legal verification, such as IRS 501(3)c form, of non-profit and not-for-profit status.
2. "Public area" includes the outside grounds and lobbies of County buildings, and other areas suitable for public use when not actively used for County-related business such as courtrooms and meeting rooms. It does not include: offices, workstations, stairwells, corridors or halls (even those within a department or accessible from a central, public access corridor); these areas are reserved for County business only.
3. "Sunset" is defined to mean the moment the upper edge of the sun is level with the horizon. The U.S. Naval Observatory definition of sunset is adopted for purposes of this policy.
4. "Public assembly" means any meeting, demonstration, picket line, rally or gathering for a common purpose as a result of prior planning and which occupies (1) the interior space within a Lafayette County facility, or (2) exterior grounds generally open to the public which may interfere with the normal flow or regulation of pedestrian or vehicular traffic.
5. "Casual use" is a use of County exterior grounds other than Public Assemblies or planned events.
6. "Circuit Courthouse Grounds" includes the area within the perimeter fence.

### **IV. Use of Facilities and Grounds:**

1. **Equal Access** - This policy shall apply to all groups and individuals that desire to reserve or engage in a public assembly within County facilities and grounds during the hours such facilities are open for use. No group or individual shall be excluded from equal access to County facilities or grounds because of considerations of sex, race, religious or political persuasions or views. Permission to use Lafayette County facilities does not constitute an endorsement by Lafayette County or the Lafayette County Board of Supervisors
2. **Scope of and Restrictions on Use** - Groups and individuals are generally limited to one reservation per month and the scheduling of reservations should occur no earlier than one (1) year in advance.

The event must be conducted in approved areas only. The user shall obtain any licenses or permits required by law.

3. **Permits.** Generally, written permission for public assemblies and other planned events within County facilities is required.
4. **Hours of Use.** Subject to other provisions of this and other policies adopted by the Lafayette County Board of Supervisors, permits for the use of interior spaces may be granted for public assemblies which are scheduled to begin and end between 8:00 a.m. and 10:00 p.m.

In accordance with a separate order of the Lafayette County Board of Supervisors, the Circuit Courthouse Grounds within the perimeter fence are closed to all uses beginning one hour after sunset until dawn each day. Therefore, the permitting requirements of this policy do not apply during the period of the closure.

5. **Circuit Courthouse Grounds.** The Circuit Courthouse Grounds are designated as a limited public forum for purposes of the First Amendment. Because the Circuit Courthouse is a place devoted to court business and its exterior grounds are a relatively small, confined space exclusive to the courthouse and bordered by the public streets, uses of the Circuit Courthouse Grounds are limited, as follows:
  1. Only court-related and non-prohibited casual uses are allowed during the hours between 8:00 am to 5:00 pm, Monday through Friday.
  2. Non-prohibited casual uses and public assemblies are allowed (a) after 5:00 pm until one hour after sunset Monday through Friday, and (b) between dawn and one hour after sunset on Saturdays, Sundays and Holidays.
  3. No uses are allowed one hour after sunset until dawn of the following day.

#### **V. Applications for Use of County Facilities:**

1. All proposed public assemblies and other planned events to take place within Lafayette County facilities during the times the facilities are open for use are subject to permit requirements. Individuals and groups planning a public assembly must submit an application for a Facility Use Permit to the Lafayette County Administrator.
2. Applications should be submitted to the County Administrator at least five business days in advance of the day needed.
3. A nonrefundable fee of \$25.00 to cover administrative costs of processing the permit shall be paid to Lafayette County by the applicant with the applicant is filed.
4. **Waiver of application deadline.** The County Administrator may shorten or waive the five (5) day permit application requirement for proposed uses under circumstances which (1) demonstrate

an urgent need for use of the County facility which renders compliance with the advance application time period impossible or creates an undue hardship (for example, the desire to engage in spontaneous protest spurred by current events), and (2) the Sheriffs Department and other County services and personnel have adequate time to plan for the event.

5. **Processing Permit Applications.** The County Administrator shall make a written decision on the permit application within three business days of the date of the County Administrator's receipt of the permit application. The permit shall be granted subject to any reasonable time, place, manner restrictions (where applicable), unless the County Administrator determines there is a basis to deny the permit based on one or more of the following reasons:

a. **Permit Denials.** A permit may be denied based on the following reasons:

- (1) the applicant previously violated the rules set forth in this policy when engaged in a prior permitted use;
- (2) the proposed use would pose unreasonable health or safety risks which could not be alleviated through the imposition of reasonable time, place, manner restrictions.
- (3) the proposed use is a "prohibited use;"
- (4) The permit application was untimely;
- (5) Given the timing of the permit application, there is inadequate time for the Sheriffs Department and other County services and personnel to plan for the event;
- (6) The time, date, and site of the proposed public assembly event conflicts with a scheduled permitted event.

6. **Appeal procedure.** A denial of a permit shall be in writing and state the reasons for the denial. In the event an applicant is denied a permit, or if a permittee objects to any use restriction or condition required by County Administrator, the applicant or permittee may appeal the denial or restriction to the Lafayette County Board of Supervisors by filing a written appeal with the County Administrator within five days of the denial or grant of the permit with restrictions. In the event the Board of Supervisors is unable to act on the appeal prior to the date of the proposed event or public assembly due to the limitations of the Mississippi Open Meetings Act, the applicant or permittee may pursue an appeal to a court of competent jurisdiction.

**VI. Liability - Permittees using County facilities or grounds shall:**

1. be required to release the County from any liability for damages caused to the user or the user's property during the time of use;
2. Indemnify and hold the County harmless from any liability to third parties for injuries and other damage caused by the permittee individual or group;

3. be liable to the County for damages to County property or injuries to County employees or agents caused by the permittee, whether or not the damage is the result of negligence, intentional acts or accident,
4. provide evidence of a minimum \$1,000,000 in liability and property insurance coverage as part of any application for a function that may involve 50 or more persons.

**VII. Cancellation of Permission Due to County Closure** - In the event County government is declared closed due to inclement weather or other reasons, permission to use the facility or grounds is automatically withdrawn during the closure period. County government closure information is available on local radio and TV stations or the County website at [www.lafayettems.com](http://www.lafayettems.com). In such an event, the County shall not provide notice of cancellation - users shall be solely responsible for notifying event participants.

**VIII. Prohibitions of Certain Uses of County Property:**

1. There shall be no alcoholic beverages served upon, consumed upon or brought onto County property.
2. There shall be no illegal drugs brought onto or used on County property.
3. Smoking is prohibited on County property.
4. No person participating in the event shall carry or wear any glass bottles, balloons filled with anything other than helium or air, body armor, bricks, stones, water guns, operational gas masks, or slingshots or similar manual projectile-launching equipment
5. No person participating in the event shall carry an open flame.
6. No person may conceal their identity during the event by wearing a mask, hood, or other device that covers, hides or conceals any portion of that individual's face:
  - a) With the intent to intimidate, threaten, abuse or harass any other individual;
  - b) With the intent to deprive any person or class of persons of the equal protection of the laws, privileges or immunities under the law, or for the purpose of hindering the authorities from giving or securing for all person's equal protections under the laws;
  - c) With the intent, by force or threat of force to injure, intimidate, or interfere with any person because of his or her exercise of any right secured by local, state, or federal laws;
  - d) For the purpose of evading or escaping discovery, recognition, or identification during the commission of a criminal offense.
7. Animals are not allowed.
8. Food and/or beverages may be serviced and consumed only if approval is granted in advance of the event. Food and beverages are prohibited in the Board Room and Courtrooms at all times.
9. Amplified sound, including the use of microphones and loudspeakers, is not allowed on exterior grounds.

10. Signs, emblems, banners, pennants, etc. may not be affixed or displayed on any building surface, steps, walls or light fixtures. No attendee or user of County facilities may carry or possess any length of metal, lumber, wood, plastic or PVS, or similar material for purposed of displaying a sign, flag, poster, plaque or notice, unless such object is one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths inch in its thickest dimension.
11. Anchoring tents, canopies or other allowed structures must be accomplished with sandbags or other non-invasive methods which do not pose a potential hazard to underground facilities.
12. Use of the installed audio-visual equipment in the Courthouse Courtroom is strictly prohibited. The user may provide its own audio-visual and projection screens, subject to the permit terms.

**IX. Security**

The permittee shall provide, at its own expense, any security that the user desires in addition to security normally provided by the County.

1. The Sheriff shall review each permit application to determine whether and to what extent additional (that is, more than typically provided) security is reasonably necessary for the event for traffic control and public safety. The Sheriff shall base this decision on the size, location, duration, time and date of the event.
  2. If additional law enforcement protection for the event is deemed necessary by the Sheriff, he shall so inform the user/permittee. The total cost of additional Sheriff Protection must be paid prior to the event or the event will be canceled. The applicant may make a deposit of 25% of this amount in order to secure the date of the event, prior to making payment in full. If the event is canceled within 24 hours of the stated beginning time, no refund for law enforcement protection will be issued.
  3. The costs of additional security shall be waived for all public assemblies engaged in speech protected under the First Amendment.
- X. Set Up and Clean-Up** - The group/user may use equipment and furniture, such as tables and chairs that are the property of the County and located in the approved meeting room. Tables and chairs may not be moved without prior approval. Any other needed equipment or furniture must be supplied by the group/user. After use of the room, the group/user shall be responsible for returning the meeting room/space to its original condition and configuration. The user is responsible for ensuring that all trash is placed in containers provided.

*This policy remains in effect until revised or rescinded.*