

Exhibit A

CITY OF FRISCO OPERATIONAL POLICIES FACILITIES

Section 5.1: CITY HALL/LIBRARY USE POLICY**Effective Date:** 07/19/06**Approved By Resolution Number:** _____ 0607174-R _____**Revision Date:**

I. PURPOSE:

The purpose of this policy is to serve as a guideline for the management and scheduling of uses within the Frisco City Hall, to provide the requirements necessary to conduct public business with the needs of citizen and community-based access, and use of the City Hall.

II. BUILDING USE PRIORITY:

Use of Frisco City Hall shall be for the primary purpose of conducting official public business on behalf of the City of Frisco and Collin County. Meetings of the City Council ("City") and/or Collin County ("County"), City and/or County Committees, City and/or County appointed boards and commissions, and City and/or County departments shall take precedence over other community uses of the facility which are reasonably related to City and/or County business.

III. BUILDING FACILITIES AVAILABLE FOR PUBLIC USE:

- i. Frisco Public Library – The Vivian Stark McCallum Multi-Purpose Room and Public Library are subject to the individual sets of policies and procedures that guide the management and use of the Frisco Public Library as approved and periodically revised by the City. Should a conflict arise between the Frisco Public Library policies and procedures and this policy, the Frisco Public Library policies and procedures shall apply.
- ii. City Council Chambers
- iii. City Room

IV. APPROVAL PROCESS FOR FRISCO LIBRARY PUBLIC USE SPACE:

For processes and procedures to reserve and use Frisco Public Library space, refer to the Frisco Public Library Service Policy available from the Frisco Public Library.

V. APPROVAL PROCESS FOR CITY HALL PUBLIC USE SPACE:

- i. Approval Authority – The City Secretary's Office may approve events (or suggest and offer space at an appropriate City facility) that meet the criteria described, and may provide explanation as to other criteria considered in processing the request. Approval for

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public use is further contingent upon the review and approval of the Engineering Services Department and Planning and Development Services.

- ii. Request Review – The City Secretary or designee will review and approve or deny the use request based upon criteria including, but not limited to, the following:
 - 1. The request being related to City or County business, as solely determined by the City and/or County, as applicable;
 - 2. The purpose is not-for-profit;
 - 3. The facility may not be used for commercial purposes or the promotion or sale of products;
 - 4. The event will not cause a detrimental impact to the City and/or County staff and available resources, or the physical capacity of the requested location to host the event, including, but not limited to:
 - a) The availability to have City or County staff to accommodate requests for reservations during non-business hours.
 - b) The parking capacity and the potential impact of the requested event on other planned events.
 - c) The number of planned participants and the traffic impact upon the location.
 - d) Other scheduled events and/or uses of the location that increase the usage of the City Hall facilities above the recommended capacity.
- iii. Appeal of the City Secretary's Decision – If the event does not meet the stipulated criteria or the application is not approved, the requestor may, in writing and within five (5) business days after the date of the City Secretary's decision, petition the City Manager and or his designee for review and approval or denial. The City Manager's decision shall be final.

VI. SCHEDULING PROCEDURE FOR CITY HALL SPACE:

- i. Required Notice – Written requests in the standard format for reservations shall be submitted to the City Secretary's Office for review. In order to consider a request, the City of Frisco must receive the Request Form for community uses of the building within at least ten (10) business days but no more than sixty (60) calendar days prior to the requested time. For information regarding reservations at Frisco City Hall, please contact the City Secretary's Office at (972) 292-5020, or submit a request in writing to the following address:

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City of Frisco
Attn: City Secretary's Office
6101 Frisco Blvd.
Frisco, Texas 75034

- ii. Required Notice of Cancellation – The City of Frisco requires written notice of any cancellations at least seventy-two (72) hours prior to the scheduled event. Failure to comply may be grounds for the City's denial of the privilege of reserving facilities in Frisco City Hall in the future and forfeiture of deposit.
- iii. Non-Approval of Submitted Multiple Dates – In order to maximize the availability of the facility for community use, consideration of requests will be on a case-by-case basis. Multiple dates for community use submitted at one time will not be approved by the City Secretary's Office.
- iv. Reservation Overrides – The City of Frisco shall have the authority to schedule priority functions that may necessitate the removal of community use activities previously scheduled. If such change is required, the City Secretary's Office shall notify the contact person identified on the submitted Request Form as soon as possible, and will attempt to suggest and offer space in another City facility to hold the event if available. Overriding previously scheduled events shall not subject the City of Frisco to any liability whatsoever.
- v. Collin County Scheduling – As the County is a lessee, they may schedule events in their areas (identified in the inter-local agreement entered into by the City and County) as desired, however they will coordinate all scheduled meetings outside of their designated areas with the City Secretary's Office. All Collin County scheduling of use of the facility shall comply with this policy and any other rules, regulations and policies of the City of Frisco, as they exist or may be amended.

VI. USE REGULATIONS FOR CITY HALL SPACE:

- i. Required Staff Support – Business hours for the Frisco City Hall are from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding City Holidays. For reservation requests approved for events to be held during business hours, the City Secretary's Office will designate a sponsor staff to assist the individual and/or organization during the reservation period. If no sponsor-staff is available at the reservation time, the meeting request may be required to be rescheduled for another time.
- ii. Access During Non-Business Hours – A City and/or County official or a member of the City and/or County staff shall be present for all community uses of the facility during non-business hours (as defined above). If there is no sponsor-staff presence scheduled during a reserved community use, the individual and/or organization submitting the meeting request must pay the cost for a City of Frisco Police Officer to be present during the reservation period. Approval of requests during non-business hours is also subject to the availability of a Police Officer to be present at that time. Four (4) hour minimum

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compensation for Police Officer is required payable at the applicable rate. The reserved space must be cleared by 10 p.m.

- iii. Fundraising Events in Frisco City Hall – Fundraising events may be allowed, provided that the event is reasonably related to City or County business, or that the request derives from a City-sponsored organization. All fundraising requests are subject to the same requirements and approval process (***including the assessment, collection, and return of cleanup deposits and fees***) assigned to community usage of the facility.
- iv. Assessment of Fees – The City reserves the right to assess fees for costs associated with after hour use or if it is determined that the facilities were not left in good condition, or that damages beyond normal wear and tear exist.
- v. Equipment – Due to the sophisticated systems throughout Frisco City Hall and limited staff to operate equipment, use of the City of Frisco’s audio/visual system is prohibited.
- vi. Access to Parking Adjacent to City Hall – The City of Frisco and Collin County own the parking spaces adjacent to the City Hall Building. However, as general practice, the parking spaces adjacent to the building will not be reserved for the exclusive use of the City Hall, but will be available for the customers and/or patrons of City Square. The City of Frisco reserves the right to designate reserved parking spaces in these areas on a temporary basis for use(s) directly related to City and/or County business.
- vii. Restrictions – The following restrictions shall apply to reservations in the Frisco City Hall:
 1. Decorations – Decorations may not be affixed to any walls, furniture, finishing, or equipment in the City Hall facilities.
 2. Tobacco Use and alcoholic beverages – Frisco City Hall/Library are tobacco and alcohol free facilities.
 3. Possession of firearms – Civilian possession of firearms are prohibited in Frisco City Hall according to state law restrictions as they currently exist or may be amended.

Other City Meeting Facilities – If space is unavailable at Frisco City Hall, below is a list of other City facilities potentially available for public use:

1. Senior Center, 6670 Moore Street;
2. Recreation and Aquatics Center, 5828 Nancy Jane Lane.

Requestor shall be required to comply with any and all rules, regulations and polices of the above-mentioned facilities, as they exist or may be amended.

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V. INDIVIDUAL AND GROUP RESPONSIBILITIES:

- i. Space/Room Setup – The responsibility for setting up tables and chairs shall remain with the individuals or organizations making the reservation. The City does not provide staff or material(s) to aid with the setup or cleanup of the facility.
- ii. Space/Room Cleanup – Tables, chairs, and any provided equipment must be returned to the original arrangement when the use of the facility is complete. Individuals and organizations must remove all trash, equipment, decorations and any other items at the end of the reservation time. Facilities must be left in good, clean condition when the activity is complete.
- iii. Responsibility for Damages – Individuals or organizations making reservations are responsible for any damages to the facility during the reservation period, and deposits may be retained by the City for cleaning and damages. The City reserves the right to assess additional charges as warranted. Damages to the facility by individuals or organizations may result in the denial of future reservation requests.

VII. COMPLIANCE WITH APPLICABLE PROCEDURES, POLICIES, AND PERTINENT ORDINANCES:

Users must comply with procedures, policies, restrictions, and all pertinent ordinances of the City of Frisco, as they exist or may be amended. Any questions that may arise regarding items not specifically addressed in this policy shall be directed to the City Secretary's Office.

VIII. NON-DISCRIMINATION:

The City will not discriminate against any person or persons because of their age, sex, race, religion, color, national origin, or disabilities nor will the City permit the individual or organization making the reservations to engage in such discrimination.

IX. INDEMNITY/WAIVER/RELEASE OF LIABILITY:

- i. **INDEMNITY. WITH THE SUBMITTAL OF THE USE APPLICATION, REQUESTOR SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY OF FRISCO, ITS CITY COUNCIL MEMBERS, OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES AND VOLUNTEERS FROM AND AGAINST ALL DAMAGES, INJURIES (INCLUDING DEATH), CLAIMS, PROPERTY DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES (INCLUDING ATTORNEY'S FEES AND EXPENSES INCURRED IN**

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ENFORCING THIS INDEMNITY), TO THE EXTENT CAUSED, IN WHOLE OR IN PART, BY THE NEGLIGENT, GROSSLY NEGLIGENT, AND/OR INTENTIONAL WRONGFUL ACT AND/OR OMISSION OF REQUESTOR, ITS OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES OR ANY OTHER THIRD PARTIES FROM WHOM REQUESTOR IS LEGALLY RESPONSIBLE, IN ITS/THEIR PERFORMANCE OF THIS AGREEMENT AND/OR ARISING OUT OF THE USE OF THE FACILITIES PURSUANT TO THIS POLICY AND THE APPLICATION, REGARDLESS OF THE JOINT OR CONCURRENT NEGLIGENCE OR STRICT LIABILITY OF THE CITY OF FRISCO (HEREINAFTER "CLAIMS"). REQUESTOR IS EXPRESSLY REQUIRED TO DEFEND THE CITY OF FRISCO AGAINST ALL SUCH CLAIMS.

IN ITS SOLE DISCRETION, THE CITY OF FRISCO SHALL HAVE THE RIGHT TO APPROVE OR SELECT DEFENSE COUNSEL TO BE RETAINED BY REQUESTOR IN FULFILLING ITS OBLIGATION HEREUNDER TO DEFEND AND INDEMNIFY THE CITY OF FRISCO, UNLESS SUCH RIGHT IS EXPRESSLY WAIVED BY THE CITY OF FRISCO IN WRITING. THE CITY OF FRISCO RESERVES THE RIGHT TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE; HOWEVER, THE CITY OF FRISCO IS UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY THE CITY OF FRISCO IS NOT TO BE CONSTRUED AS A WAIVER OF REQUESTOR'S OBLIGATION TO DEFEND THE CITY OF FRISCO OR AS A WAIVER OF REQUESTOR'S OBLIGATION TO INDEMNIFY THE CITY OF FRISCO PURSUANT TO THIS POLICY AND THE APPLICATION. REQUESTOR SHALL RETAIN CITY-APPROVED DEFENSE COUNSEL WITHIN SEVEN (7) BUSINESS DAYS OF THE CITY OF FRISCO'S WRITTEN NOTICE THAT THE CITY OF FRISCO IS INVOKING ITS RIGHT TO INDEMNIFICATION UNDER THIS POLICY AND THE APPLICATION. IF REQUESTOR FAILS TO RETAIN COUNSEL WITHIN SUCH TIME PERIOD, THE CITY OF FRISCO SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON ITS OWN BEHALF, AND REQUESTOR SHALL BE LIABLE FOR ALL COSTS INCURRED BY THE CITY OF FRISCO. THE RIGHTS AND OBLIGATIONS CREATED BY THIS PARAGRAPH, AS RESTATED IN THE APPLICATION, SHALL SURVIVE THE TERMINATION OF THE USE OF THE FACILITIES DESCRIBED HEREIN.

- ii. **WAIVER.** REQUESTOR, ITS OFFICERS, DIRECTORS, REPRESENTATIVES, VOLUNTEERS, AGENTS AND EMPLOYEES DO HEREBY WAIVE ANY AND ALL CLAIMS FOR DAMAGE, INJURY OR LOSS TO ANY PERSON OR PROPERTY, INCLUDING THE DEATH OF ANY PERSON, THAT MAY BE CAUSED, IN

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WHOLE OR IN PART, BY THE ACT OR FAILURE TO ACT OF THE CITY OF FRISCO, ITS COUNCIL MEMBERS, OFFICERS, AGENTS, DIRECTORS, REPRESENTATIVES, VOLUNTEERS AND/OR EMPLOYEES. REQUESTOR, ITS OFFICERS, DIRECTORS, REPRESENTATIVES, VOLUNTEERS, AGENTS AND EMPLOYEES ASSUME THE RISK OF ALL CONDITIONS, WHETHER DANGEROUS OR OTHERWISE, IN AND ABOUT THE PREMISES/FACILITIES OF FRISCO, AND WAIVE ANY AND ALL SPECIFIC NOTICE OF THE EXISTENCE OF ANY DEFECTIVE OR DANGEROUS CONDITION IN OR ABOUT THE SAID PREMISES/FACILITIES. THE PROVISIONS OF THIS PARAGRAPH SHALL SURVIVE THE TERMINATION OF THE USE OF THE PREMISES/FACILITIES DESCRIBED HEREIN.

- iii. **RELEASE.** REQUESTOR HEREBY RELEASES THE CITY OF FRISCO, ITS COUNCIL MEMBERS, OFFICERS, AGENTS, DIRECTORS, REPRESENTATIVES, VOLUNTEERS AND EMPLOYEES FROM ANY ACTIONS FOR ANY LOSS DAMAGE SUSTAINED BY REASON OF ANY DEFECT OF ANY PART OF THE FACILITIES AND/OR ANY OTHER PREMISES, AND FOR ANY LOSS OR DAMAGE RESULTING FROM FIRE, THEFT, WATER, TORNADO, RAIN, SNOW, STRIKES, CIVIL COMMOTION RIOT, OR OTHERWISE CAUSED BY THE GROSS NEGLIGENCE OF THE CITY OF FRISCO, ITS COUNCIL MEMBERS, OFFICERS, AGENTS, DIRECTORS, REPRESENTATIVES, VOLUNTEERS AND/OR EMPLOYEES.

- iv. **RESPONSIBILITY FOR PROPERTY** - THE CITY ASSUMES NO RESPONSIBILITY FOR ANY PROPERTY PLACED IN THE FACILITY IN CONNECTION WITH THE USE OF THE FACILITY.

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Appendix A

Use of the City Council Chambers and the Executive Conference Room

- A. Use of the City Council Chambers and Executive Conference Room - The City Council Chambers and the Executive Conference Room shall be reserved for the City of Frisco decision-making bodies. These bodies will receive priority consideration over community uses. These include the following:
- The Frisco City Council;
 - The Frisco Planning and Zoning Commission;
 - The Frisco Municipal Court;
 - The Frisco Economic Development Corporation (FEDC);
 - The Frisco Community Development Corporation (FCDC).
- B. Other Boards and Commissions Use of Frisco City Hall – The following advisory bodies to the City Council and ancillary boards and commissions may meet in the Frisco City Hall as appropriate and will receive priority consideration over community uses. These include the following:
- The Frisco Parks and Recreation Board;
 - The Frisco Library Foundation Board;
 - Downtown Advisory Board;
 - Frisco Art Board.
 - Friends of the Frisco Library.
 - Other City Council appointed committees, task forces, or advisory bodies.

Questions regarding the use of specific facilities in Frisco City Hall may be directed to the City Secretary's Office at (972) 292-5020.

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**APPENDIX B
FEES ASSOCIATED WITH CITY HALL
RESERVATIONS FOR COMMUNITY USAGE**

- A. Cleanup Fees for Community Usage of City Hall – The following cleanup fees are to be assessed for community use of the City Hall facility. Upon approval, the applicable fees are to be remitted to the City Secretary’s Office at least forty-eight (48) hours prior to the reservation time. The fees will be returned to the applicant upon staff review of the facilities utilized at the conclusion of the reservation period, and a determination is made that the facilities were in good condition, and the area was returned to the original condition. The City reserves the right to keep the fees if it is determined that the facilities were not left in good condition, or that damages beyond normal wear and tear exist.
- Meetings / Events – No Food and Drinks - \$125.00
 - Meetings / Events – Food and Drinks - \$175.00
 - Meetings / Events – Usage of Council Chambers or City Room - \$250.00
 - After Hours Use of Facility - \$25.00 per hour for Facilities Staff. This fee is in addition to other use fees.
- B. Responsibility for Damages – Individuals or groups making reservations are responsible for any damage to the facility during the reservation period. The City of Frisco reserves the right to assess additional charges for damages as warranted, and individuals and/or groups are subject to applicable criminal and/or civil penalties as a result of damaging the facility.

CITY OF FRISCO CONTRACTOR INSURANCE REQUIREMENTS

Contractors providing good, materials and services for the City of Frisco shall, during the term of the contract with the City or any renewal or extension thereof, provide and maintain the types and amounts of insurance set forth herein. All insurance and certificate(s) of insurance shall contain the following provisions:

1. Name the City, its officers, agents, representatives, and employees as additional insureds as to all applicable coverage with the exception of workers compensation insurance.
2. Provide for at least thirty (30) days prior written notice to the City for cancellation, non-renewal, or material change of the insurance.
3. Provide for a waiver of subrogation against the City for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance.

Insurance Company Qualification: All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.

Certificate of Insurance: A certificate of insurance evidencing the required insurance shall be submitted with the contractor's bid or response to proposal. If the contract is renewed or extended by the City a certificate of insurance shall also be provided to the City prior to the date the contract is renewed or extended.

Type of Contract

Type and amount of Insurance

Special Events

General Liability insurance for personal injury (including death) and property damage with a minimum of \$1 Million Dollars per occurrence and \$2 Million Dollars aggregate, including coverage for advertising injury and products coverage

Statutory Workers compensation Insurance as required by state law

(If the contractor serves alcoholic beverages) Liquor Liability with a minimum of \$1 Million Dollars per Occurrence and \$2 Million Aggregate.

(If high risk or dangerous activities)
Umbrella Coverage or Liability Excess
Coverage of \$ 2 Million Dollars

(If automobile or limousine service is
involved even if volunteers)
Automobile Liability with a minimum of
\$1 Million Dollars combined single limit.

Public Works and Construction

General Liability Insurance for personal
injury (including death) and property
damage with a minimum of \$1 Million
Dollars per occurrence and \$2 Million
Dollars aggregate, including advertising
injury, products coverage and (XCU)
Explosion, collapse and underground (If
high risk or dangerous activities)
Umbrella Coverage or Excess Liability
Coverage of \$2 Million Dollars Statutory
Workers compensation insurance as
required by state law

Professional Services

Professional Liability Insurance with a
minimum of \$1 Million Dollars per
occurrence and \$2 Million Dollars
aggregate.

(If size or scope of project warrant)
Umbrella Coverage or Excess Liability
Coverage of \$2 Million Dollars