

RESOLUTION NO. 2015-007

WHEREAS, the Village Board of the Village of Somers has historically made the parks available for use by Village or Town residents; and

WHEREAS, it has been and continues to be the policy of the Village of Somers not to discriminate on the basis of race, religion, sex, sexual orientation, marital status, or ethnic background; and

WHEREAS, it is the intention of the Village Board to allow the reservation for the use of the Veteran's Memorial Park Pavilion by Village or Town residents and Village-based or Town-based non-profit groups for the purpose of family gatherings, non-profit events and such other activities as are outlined herein; and

WHEREAS, it is the desire of the Village Board to clarify the policy for Village or Town residents and for Village-based or Town-based not-for-profit groups to reserve the Veteran's Memorial Park Pavilion; and

WHEREAS, consistent with such regulations, the Village staff monitors the use of the Veteran's Memorial Park Pavilion by not-for-profit groups and organizations to ascertain compliance with such regulations and, in general, to insure that such organizations or groups are utilizing the Veteran's Memorial Park Pavilion in an appropriate manner, including restoring the facilities to the condition of cleanliness and orderliness in which they were found prior to such use; and

WHEREAS, the Village Board has received requests from various Village-based or Town-based not-for-profit groups and organizations to waive rental fees and the requirement that security deposits be tendered pursuant to the regulations for the use of the Veteran's Memorial Park Pavilion by such groups based upon the financial need of such groups; and

WHEREAS, the Village Board recognizes that various Village-based and Town-based not-for-profit civic organizations and groups provide valuable contributions to the community; and

WHEREAS, the Village Board has considered and established the hours which may encompass use of Veteran's Memorial Park Pavilion as stated hereafter.

NOW, THEREFORE, BE IT RESOLVED that the Veteran's Memorial Park Pavilion shall be available to be reserved to Village or Town residents only and that any individual together with any Village-based or Town-based group, club, or organization using the Veteran's Memorial Park Pavilion shall be allowed such reserved use only if the activity in question is non-profit and that upon request, any such individual, group, club or organization shall provide such information as shall be deemed necessary by the Village Administrator or the Village Administrator's designee to support the non-profit nature of the activity; further, any person, group, club, or organization who utilizes the Veteran's Memorial Park Pavilion shall not discriminate against any person because of race, color, age, creed, sex, sexual orientation, religion or national origin nor shall such person or entity publicize,

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advertise or otherwise direct the activity in such a fashion which would directly or inferentially reflect on the acceptability of the patronage of any person because of race, religion, color, ancestry, sex, sexual orientation, age or national origin.

BE IT FURTHER RESOLVED, that any person, group, club or organization (hereinafter "user") shall only do so subject to compliance with the following regulations:

1. That the user shall hold the Village, the Village's elected officials, employees, agents and representatives harmless from and shall defend and indemnify all of the same from and against all liability for injuries to or deaths of persons or damage to property arising from activities conducted by user, including loss predicated on the active or passive negligence of the Village, its officers, agents or representatives.
2. The user shall complete an application and pay appropriate fees for the reserved rental of the Veteran's Memorial Park Pavilion, unless waived by majority vote of the Board, which fees shall be deposited at the time the application is accepted by the Village.
 - (a) A One Hundred Fifty (\$150.00) Dollars refundable deposit is required for all who reserve the use of the Veteran's Memorial Park Pavilion to be refunded only after full inspection of Veteran's Memorial Park Pavilion is completed by staff and all written policy guidelines have been met. Any cleaning or repair costs shall be deducted from the deposit at the direction of cleaning staff.
 - (b) The Veteran's Memorial Park Pavilion reserved rental cost shall be Fifty (\$50.00) Dollars.
 - (c) All events where it is determined by the Village Administrator that it would be desirable to provide a security guard shall provide a security guard at the expense of the user, which expense shall be charged by the Village at the time of application.
3. Hours which Veteran's Memorial Park Pavilion will be available for use shall be established by the Village Administrator after taking into consideration the availability of Village personnel to ready the area and turn on electric if needed and other relevant consideration but in no case shall be prior to 8:00 a.m. or end later than dusk.
4. Every group shall submit the applicable deposit in advance at the time of application; further, any determinations as to whether all or a portion of any rental funds shall be returned to the group in question shall be made only by the majority vote of Village Board and only after full inspection of the Veteran's Memorial Park Pavilion is completed by staff to insure all

written policy guidelines have been met and all appropriate cleaning or repair costs have been deducted, if necessary. All areas used shall be returned to a condition of cleanliness which existed prior to the event.

5. No alcoholic beverages of any kind will be allowed in the Veteran's Memorial Park Pavilion unless the user has obtained a Class "B" Picnic License as per §9.10 of the Code of Ordinances.

BE IT FURTHER RESOLVED that based upon a review of the requests by the attached named organizations, the Village Board of Trustees hereby grants a waiver from the requirements that each such group pay reserved rental fees and/or deposit a security deposit with the Village Clerk/Treasurer for the use of the Veteran's Memorial Park Pavilion, such waivers being based upon the historical nature of the positive activities in the Village of Somers which each such group has demonstrated in the past, the appropriate use of the Veteran's Memorial Park Pavilion which each has demonstrated in the past and the condition that each such group, in being granted this waiver, shall continue to utilize the facilities in the same appropriate manner. This waiver is conditioned upon the continued use of the Veteran's Memorial Park Pavilion by any group named on the attached exhibit in a manner which does not cause the incurrence of expenses to the Village by way of damage, cleaning, or the like, as determined by Village staff. In the event any such expenses are incurred, the offending group or organization shall be removed from this list of exempt groups and organizations and shall prospectively be required to pay all normal and customary rental or deposit fees, should they be allowed continued use of the Veteran's Memorial Park Pavilion.

BE IT FURTHER RESOLVED, that non-resident employees of the Village of Somers may make application to the Village Board for the reserved use of the Veteran's Memorial Park Pavilion for not-for-profit purposes, which requests shall be acted upon on a case-by-case basis by the Village Board.

Dated at Somers, Wisconsin, this _____ day of June, 2015.

By: _____
Benjamin Harbach, President of the Interim Village Board

Attest: _____
Timothy Kitzman, Clerk/Treasurer of the Interim Village Board