

Fort Bend County Municipal Utility District No. 23

M. R. Massey Administration Building

Charges, Fees, Rentals and Deposits

(Amended January 1, 2018)

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 adjacent park by customers of the District and the general public so that space not in use by the District can continue to serve a public purpose. Use of the Administration Building includes exclusive use of the park (referred to herein as either the “Administration Building” or the “Facilities”). All users must comply with the policies outlined here within including the policies outlined in the Reservation and Use Policies and Procedures document.

1. 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.
2. Subletting is strictly prohibited. The renter (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 entire security deposit.
3. The number of people allowed to occupy the Facilities at any given time shall not exceed 120.
4. If the number of people occupying the Facilities is planned to exceed 50, two (2) security officers must be present for the entire event. **Further, a minimum of two (2) security officers is required for all events that will have alcohol or if more than half of the expected attendees are under the age of 21, 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 entire security deposit will be forfeited. 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.
5. 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. Administration Building rental includes exclusive use of the building’s adjacent park.
6. 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 a user who is a District customer may result in termination of District Services (including specifically water service), imposition of a lien against the user's property, and/or imposition of a fine or penalty, all in accordance with Section 39 of the District's Rate Order. Any amounts unpaid by a user who is not a District customer may result in imposition of a fine or penalty of up to \$10,000 to cover all of the District's costs of collection, including attorney's fees, as it will be considered a violation of the District's rate order.

7. 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.
8. Users shall not use the Facilities in such a manner as to disturb persons living in the vicinity of the Facilities. After 10:00 p.m., events must be confined to the interior area of the Administration Building. The doors will remain closed and noise must be held to a minimum in order to cause no nuisance to nearby residents.
9. Subject to Section 4, 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 Facilities. No glass containers or drinking glasses are allowed outside the building.
10. 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.
11. No applicant may reserve the Administration Building more than twice a month unless approved by the Board.
12. 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.
13. The Facilities are not to be used for any purpose which violates any State law, local or county ordinance or regulation, or administrative rule.
14. No animals (except sensory assistance animals) are permitted in the Administration Building at any time.
15. Smoking is prohibited inside the Administration Building at all times.
16. 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.
17. 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 established by the District, and the District shall refund any security deposit paid by the applicant within 45 calendar days after receipt of written notice of cancellation. Fees for changes and cancellations are listed in the schedule of fees.

18. 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 business hours.
19. The facility is not intended for business/commercial use.
20. **THE SECURITY DEPOSIT MAY BE FORFEITED IN ITS ENTIRETY FOR THE VIOLATION OF ANY OF THE FOREGOING POLICIES AND PROCEDURES.**
21. 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 14 days of requested rental period will result in cancellation of the requested rental period, and the entire 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.
22. 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 the applicant who is 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.
23. ALL renters are required to clean the Facilities after the rental period and provide security personnel, if appropriate, as further described herein.

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	Class One District Customers	\$250	At time of Application (Check or Money Order – No Cash)
	Class Two Pre-qualified Non-Profit	\$0 (Subject to Board Approval)	NA
	Class Three Non-Profit	\$0 (Subject to Board Approval)	NA
	Class Four General Public	\$720	At time of Application (Check or Money Order – No Cash)
Building Rental	Class One District Customers (parties, receptions, family reunions, social gatherings)	\$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)
	Class Two Pre-qualified Non-profit	\$0 (Subject to Board Approval)	NA
	Class Three Non-Profit	\$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.	At time of Board approval of application (Check or Money Order – No Cash)
	Class Four General Public (parties, receptions, family reunions, social gatherings)	\$150* 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)	Class One District Customers	\$50 per every ½ hour	Deducted from deposit
	Class Two Pre-qualified Non-Profit	\$50 per every ½ hour	At time of facility inspection by District representative (Check or Money Order – No Cash)
	Class Three Non-Profit	\$50 per every ½ hour	At time of facility inspection by District representative (Check or Money Order – No Cash) Class one deposit will be required for next facility rental
	Class Four General Public	\$150 per every ½ hour	Deducted from deposit

Initials _____ Date _____

	Description	Fees	Due
Changes and Cancellation Charges	Class One District Customers	Prior to 30 days = \$0 14 calendar days to 30 calendar days = \$100 penalty <i>(\$150 of the deposit returned)</i> Within 14 calendar days = rental and security fees forfeited.	Deducted from deposit
	Class Two Pre-qualified Non-Profit	NA	NA
	Class Three Non-Profit	Prior to 30 days - \$0 14 calendar days to 30 calendar days = \$100 penalty <i>(remaining rental fee returned)</i> Within 14 calendar days = rental fees forfeited.	At time of requested change or deducted from rental fee
	Class Four General Public	Prior to 30 days = \$0 14 calendar days to 1 month = \$300 penalty <i>(\$600 of the deposit returned)</i> Within 14 calendar days = rental and security fees forfeited.	Deducted from deposit
Past Reserved Time	Class One District Customers	\$50 per every ½ hour	Deducted from deposit
	Class Two Pre-qualified Non-Profit	\$50 per every ½ hour	At time of facility inspection by District representative (Check or Money Order – No Cash)
	Class Three Non-Profit	\$50 per every ½ hour	At time of facility inspection by District representative (Check or Money Order – No Cash) Class one deposit will be required for next facility rental
	Class Four General Public	\$150 per every 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 _____

Facility Entry Time: _____ - Facility Exit Time _____

Access will be granted at this listed Entry Time. The facility must be cleaned and vacated by this listed Exit Time.

Name of Organization (if applicable) _____

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

Current customer of the District? Yes ___ No ___ Alcohol served? Yes ___ No ___

Type of Event _____

Contact Person: _____

Street Address: _____

City/State/Zip Code: _____

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 am responsible for all actions of my guests.

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 ENTIRE SECURITY DEPOSIT.

ACCEPTED AND AGREED: _____ Date: _____

Print Name: _____

Initials _____ Date _____

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, two (2) officers must be present for the entire event. A minimum of two (2) officers is required for all events that will have alcohol or if more than half of the expected attendees are under the age of 21, 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 entire security deposit will be forfeited.

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 must 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 or if more than half of the expected attendees are under the age of 21, 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: _____ Date: _____

Print Name: _____

Initials _____ Date _____

Audio and Video

No additional fee is required for use of the audio and video equipment. The following items are available for use, however, tampering with the wiring and connections is prohibited.

Electronic Equipment

CD/DVD/Blue-Ray Player

FM Stereo

Cable Television

Capabilities

Wireless Internet

Device Connection for Music

Computer Projection Connection via HDMI Cable
(user must provide own computer)

Other

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.

ACCEPTED AND AGREED: _____ Date: _____

Print Name: _____

Initials _____ Date _____

Fort Bend County Municipal Utility District No. 23

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

(Amended September 22, 2011)

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 by customers of the District and the general public so that space not in use by the District can continue to serve a public purpose. Use of the Administration Building includes exclusive use of the park (referred to herein as either the “Administration Building” or the “Facilities”).

Chapter 49.2122 of the Texas Water Code authorizes the District to establish different charges, fees, rentals and deposits among classes of customers. The Board of Directors has determined that, although the Administration Building is open to members of the general public, pursuant to 49.2122 Texas Water Code, the District has established different classes of customers for rental of the Administration Building. The Board of Directors has determined that it is necessary to establish these different classes because it issued tax exempt bonds to fund the building of the facilities, which are paid from taxes levied only upon taxpayers located in the District. Renters using the facilities who are not District taxpayers do not pay taxes to the District. Further, a portion of the ongoing maintenance and operating costs of the facilities are paid through revenues received from maintenance tax and monthly water and sewer bills, which are only paid by persons in the District. Therefore, the Board has determined these tax and monthly revenues received by the District should reduce and subsidize a portion of the rental charges imposed on District taxpayers and customers. In other words, District taxpayers and customers should receive a discount on their rental charges because they are paying the full cost through a combination of rentals, taxes and monthly operating charges. Further, the Board of Directors has established different deposits for rental of the Facilities because the District has no ability to disconnect water and sewer service in order to collect for damages or non-payment. If a renter of the Facilities receives water and sewer service from the District, the District is able to terminate water and sewer service for non-payment per the Rate Order. Since the District has no termination recourse for collection of damages or payment from persons not a customer of the District, the deposit shall be three times higher than the deposit for a District customer. All deposits are returned after reduction of costs for cleaning, usage, and damage repair. For purposes of this Policy, “users” or “renters” shall be considered any Class of person renting the Facilities.

1. Class One: District Customers who are in Good Standing. Customers of the District who are in good standing with the District may reserve the Administration Building as Class One Renters. Good standing means that the customer is current on all District property taxes and monthly water and sewer bills. Accounts must be current at the time of rental. Rental requests for customers with delinquent accounts will be canceled, and the rental deposit will be forfeited.

2. Class Two: Non-profits or Public Service Organizations affiliated with a Class One Customer. A District customer in Class One, on behalf of a non-profit or public service organization, may apply to rent the Administration Building. The following public service groups have been pre-qualified to use the building: (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. A Class One Customer applying for a Class Two use must guarantee payment for any damages resulting from the organization's use of the Administration Building
3. Class Three: Non-profits or Public Service Organizations affiliated with a Class One Customer not falling into the definition of Class Two. A District customer in Class One, on behalf of a non-profit or public service organization, may apply to rent the Administration Building. The rental fee must be paid once the application has been approved by the Board.
4. Class Four: Members of the General Public. All other requests not falling into either Class One, Class Two or Class Three shall be considered Class Four renters.

All users must comply with the policies outlined here within including the policies and procedures outlined in the Charges, Fees, Rentals and Deposits document.

General Use Guidelines And Rules

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23 PARK

GENERAL USE GUIDELINES AND RULES

(Amended May 26, 2011)

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 \$10,000 per violation or criminal penalties, including imprisonment, or both.