



## VILLAGE OF CORRALES

### RESOLUTION NO. 10-047

**A RESOLUTION RELATING TO THE USE OF VILLAGE FACILITIES; AUTHORIZING AN ADMINISTRATIVE WAIVER OF THE USUAL REQUIREMENT FOR USER INSURANCE UNDER CERTAIN CIRCUMSTANCES BY NON-PROFIT GROUPS PROVIDING SUPPORT FOR RECOVERING ALCOHOLICS AND DRUG ABUSERS; REQUIRING THAT SUCH GROUPS SUBMIT APPLICATIONS FOR USE OF VILLAGE FACILITIES AND PROVIDE CONTACT INFORMATION; PROVIDING THAT AUTHORIZATION FOR USE OF VILLAGE FACILITIES MAY BE ADMINISTRATIVELY REVOKED IF THE PRIVILEGE IS ABUSED; PROVIDING FOR APPEAL TO THE GOVERNING BODY IF A PERSON OR ENTITY IS AGGRIEVED BY AN ADMINISTRATIVE DECISION.**

**WHEREAS**, the Village of Corrales (“Village”) Community Center and on occasion other Village facilities are intended to serve and do serve on a regular basis as meeting places for community groups; and

**WHEREAS**, the use of the Community Center and other Village facilities by groups that are not specifically sponsored by the Village is generally conditioned upon a requirement that the group provide insurance coverage for the meeting or event, thus minimizing any financial risk to the Village; and

**WHEREAS**, the Village Council, the governing body of the Village (“Governing Body”), finds that the cost of liability insurance coverage for certain non-profit groups that have been accustomed to use the Village facilities on a regular basis is prohibitively expensive, if such coverage is available at all; and

**WHEREAS**, obtaining such insurance is particularly difficult for certain organizations providing services and support for recovering alcoholics and drug abusers, including but not necessarily limited to such organizations as Alcoholics Anonymous and similar “twelve-step” programs; and

**WHEREAS**, by their nature such organizations frequently lack a strong hierarchical leadership structure and as a matter of policy do not disclose the names of their organizers or members; and

**WHEREAS**, the Governing Body finds that such organizations provide an extremely important service to their members and participants, and such service is of great benefit to the community generally by helping to reduce the harmful effects of alcohol and drug abuse; and

**WHEREAS**, the Governing Body finds and determines that Village facilities, including but not necessarily limited to the Community Center, should be made available for the use of such organizations, to the extent reasonably possible, without imposing a financial burden that cannot be met by the organization.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Village of Corrales, New Mexico, that:

1. The Village administration, upon application by the organization in question, is authorized in its discretion to permit the use of the Community Center or other Village facilities, on a regular, continuing or intermittent basis, by non-profit organizations providing support to recovering alcoholics, recovering drug abusers, or similar social support groups, without a requirement to pay fees to the Village or to obtain liability insurance covering the organization's use of the Village facilities.

2. In considering whether to permit the use of Village facilities by a non-profit organization such as those described in Section 1, the Village administration may take into consideration the following factors, along with any other factors deemed relevant and appropriate by the Village administration:

- a. Whether the applicant is a nationally-recognized or state-recognized organization having a demonstrated record of providing assistance to alcohol- or drug-dependent individuals;
- b. Whether the applicant is recognized by local or state courts, court-related entities, or public agencies as an entity to whom alcohol- or drug-dependent individuals may be referred or recommended to seek assistance and/or treatment;
- c. The frequency, hours and duration of the requested use of the Village facilities, which should be structured so as not to significantly interfere with the use of the facilities by other persons or entities;
- d. The organizational structure and financial capacity of the applicant;
- e. The number of persons expected to use the Village facilities, which should not exceed thirty (30) persons at any given time or on any particular occasion unless an event is specifically authorized for a greater number of persons by the Village administration.

3. The use of Village facilities pursuant to this Resolution shall be limited to organizations providing assistance of a social or support-group character. Nothing in this Resolution shall be deemed to establish a right or authority for the use of Village facilities by organizations providing medical, clinical, psychiatric, psychological or sociological services, whether or not the provider of such services is organized as a not-for-profit corporation or entity. Use of Village facilities under the terms of this Resolution shall not be available to any organization that charges for its services. However, organizations not qualifying for use of Village facilities under this Resolution may nonetheless be permitted to use Village facilities upon payment of applicable fees and compliance with all applicable Village policies, including requirements for insurance coverage.

4. Applicants seeking permission to use Village facilities as provided in this Resolution need not be organized as corporate entities under federal or state law, but must have an identifiable group of core individuals taking a leadership role or otherwise exercising responsibility for the activities of the group. Such core individuals need not be specifically identified to the Village, but they must be available for contact by and communication with the group's designated representative (as described in the following Section 5).

5. Applicants seeking permission to use Village facilities as provided in this Resolution shall submit a written request to the Village describing their requested and intended use of the Village facilities and the specific times when the use of the Village facilities is requested. The request must identify an individual who will serve as the applicant's representative for purposes of communications between the Village and the applicant, on a continuing basis. The representative need not be a member of the applicant organization, but must be able to provide prompt and effective communications between the Village and the applicant.

6. The use of Village facilities under the terms and conditions set forth in this Resolution, as and to the extent granted by the Village administration in its discretion, shall constitute a limited license subject to revocation by the Village at any time in the event such license is abused by the applicant. Applicants shall at all times use the Village facilities in full accordance with applicable laws, rules and regulations, and shall leave the Village facilities in a clean condition and in good repair. Furniture and other Village equipment used by the applicants and participants shall be replaced in its original locations and restored to its original condition at the end of each meeting or event. Applicants shall reimburse the Village for any breakage, damage or harm to the Village facilities or Village equipment as a consequence of the applicants' use of the premises.

7. In the event any applicant or organization, having been granted a license to use Village facilities under the terms of this Resolution, shall fail to comply with its obligations as set forth herein or shall otherwise abuse the privilege granted hereunder, the Village administration shall promptly terminate the applicant's or organization's license to use such facilities as described herein, and permission to use Village facilities shall be reinstated, if at all, only upon such terms and conditions as the Village administration deems appropriate and necessary for the protection of the Village's interests.

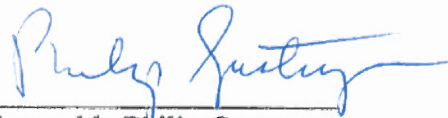
8. This Resolution shall not be deemed to establish a legal right or privilege for the benefit of any organization or entity. The use of Village facilities as provided herein shall at all times be in the discretion of the Village, and shall be revocable at any time by action of the Village administration or the Governing Body.

9. The Village in permitting the use of Village facilities does not guarantee or assume any liability for the safety, security, health or welfare of persons using such Village facilities. The protections, exemptions, immunities and limitations of liability contained in the New Mexico Tort Claims Act, Section 41-4-1 *et seq.*, NMSA 1978, remain in full force and effect, are in no way limited by this Resolution, and shall govern all use of Village facilities pursuant to this Resolution.

10. Any person or entity aggrieved by any decision of the Village administration relating to use of Village facilities pursuant to this Resolution may appeal the decision of the Village administration to the Governing Body by notice of appeal setting forth specifically the decision appealed from and the reasons the appellant considers the decision to be unfair or erroneous. On appeal, the Governing Body may reverse, modify or affirm the administrative decision appealed from. The decision of the Governing Body on any such appeal shall be final.

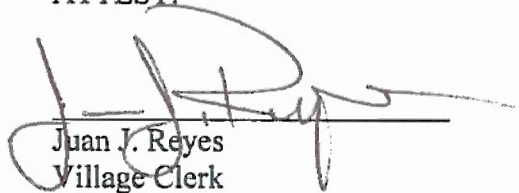
**PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of Corrales, New Mexico, this 12<sup>th</sup> day of October, 2010.

APPROVED:



The Honorable Philip Gasteyer  
Mayor

ATTEST:



Juan J. Reyes  
Village Clerk