



EVENT SPACE USE CONTRACT

<input type="checkbox"/> MEMORIAL BUILDING	200 E 7 th STREET	PORTALES, NM 88130	575-356-8449
<input type="checkbox"/> YAM THEATRE	219 S MAIN STREET	PORTALES, NM 88130	575-356-8449

THIS USE CONTRACT, made and entered into on date printed below, by and between the City of Portales, NM, a municipal corporation, Owner, and/the individual or the group listed below, hereinafter referred to as User. In consideration of the payment hereinafter reserved and of the covenants here expressed to be kept, performed and fulfilled, Owner does hereby authorize User access to the above checked building with agreements and covenants as follows:

Event Date: _____ Start Time: _____ End Time: _____

NOTE: User fees include set-up, break-down and clean-up

Type of Event: _____ Maximum Number of Guests: _____

USER INFORMATION

Responsible Party/Individual/Group Full Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Contact: _____ Phone: _____

Will alcohol be present at the event? Yes No

If yes, Name of licensed NM vendor: _____ Contact #: _____

If alcohol is present, security is REQUIRED. Security Company: _____

Full Name & Contact information for Security Company: _____

Will the event be catered? Yes No If yes, name of Caterer: _____

Full Name & Contact information for Caterer: _____

USER RESPONSIBILITIES

- My reservation is not final until a signed contract, the remittance of all fees and deposit is received. _____
- The set-up and break-down of any equipment used in the facility is my responsibility. _____
- If there is no licensed alcohol server obtained, I will not allow and take all necessary steps to prevent the consumption of any alcoholic beverages whether inside/outside or on any adjacent property to the facility. _____
- The use of tobacco products inside the facility is prohibited. _____
- Cleaning the facility must be done **IMMEDIATELY** after use or the deposit will be forfeited. PLEASE READ THE CLEANING RESPONSIBILITIES provided in this contract. _____
- User agrees, if any damage occurs, forfeit of deposit and paying the total costs of repairs necessary to restore the used premises and contents thereof to the same comparable condition as when used and pay reasonable attorney fees. _____
- I have received and agree to the terms of the conditions and responsibilities within this contract. _____

Payments shall be made payable to the City of Portales. Cash, check and/or major credit cards are accepted.

No refund of fees and deposit payments will be made unless written notice of cancellation is received in writing by Owner from the User at least seven (7) full days in advance of the scheduled use.

User: _____ Date: _____

Authorized Representative (Print Name): _____

***** FOR OFFICE USE ONLY *****

USER CLASSIFICATION

Official Use Non-Profit Private Commercial

FACILITY ROOM RENTAL

Memorial Building Auditorium Meeting Room Council Chamber
YAM Theatre Main Hall Conference Room Patio All

USE PERIOD

4 hr Block 8 hr Block Daily Block 2 Day Block

EQUIPMENT NEEDED (YAM ONLY)

Stage Lighting Sound System Microphones Projector

FEES

User Fee \$ _____
Admin Fee \$ _____ **10.00** **Total Fees \$ _____**
Deposit \$ _____

CODES

MB Auditorium: _____ MB Front/Meeting: _____ Council: _____
YAM Code: _____

APPROVAL

City of Portales Staff: _____ Date: _____

Please read and initial the following four (4) pages. Copies will be provided to User/Group

CONDITIONS AND RESPONSIBILITIES OF USER/GROUP

Please read the material below to make sure all the parties understand the requirements of providing for everyone's safety and keeping the City of Portales Memorial Building/YAM Theatre well maintained and safe locations for future use.

The Memorial Building/YAM Theatre are municipally owned and maintained facilities for the assembly of area citizens. Individuals, firms, corporations, clubs or associations may use the Memorial Building/YAM Theatre, or portions thereof, and shall be responsible for any/all damage to the building or its contents during the time it is used. Improper use, damage or failure to observe the rules and regulations shall result in a loss of the deposit, criminal charges and/or denial of future use privileges.

ADMINISTRATION

The Planning Director or his/her designee shall be responsible for the administration of the rules, regulation and policies of the Memorial Building/YAM Theatre. Any decision by the Planning Director or his/her designee regarding interpretation of the rules, regulations and policies at the Memorial Building/YAM Theatre may be appealed to the City Council by filing written notice of the appeal with the City Clerk. Appeals must be filed within fifteen (15) calendar days after the original decision. All appeals will be scheduled at a regular Portales City Council meeting for the final decision.

RESERVATIONS

Reservations for use of the Memorial Building/YAM Theatre shall be made in writing by completing an Event Space Use Contract through the City of Portales, Planning Department, which is located in the Memorial Building, during their normal business hours. Verbal or tentative reservations, understandings or commitments are invalid. Reservations shall be processed on a first-come, first-served basis and will not be accepted more than six (6) months in advance, unless authorized in writing by the Planning Director/City Manager or the Policy Committee. All users of the Memorial Building/YAM Theatre shall assume and agree to full financial responsibility for the cleanup and/or repair of any damages to the premises that may occur during their use period.

FREE USE PROHIBITED

The minimum actual cost of operating the Memorial Building/YAM Theatre for any and all events or attractions, except official use, has been determined and no free use thereof shall be permitted, extended, or granted to any individual, organization or group, including non-profit organizations.

DEPOSIT & PAYMENT

All fees, including deposit and use payments shall be remitted upon completion and acceptance of the Event Space Use Contract. Organizations, which use the building on a regular basis, may make arrangements through the Planning Director or his/her designee for pre-payment of user fees on a monthly basis.

- ❖ **ADMINISTRATIVE CHARGE:** All users will be charged a \$10 administrative fee per use. Said fee will be placed in a fund to replace furnishings and other needed items in the Memorial Building/YAM Theatre. Monthly users of the same building shall only pay one (1) admin fee per month.
- ❖ **DEPOSIT:** Users classified as B, C, shall remit a refundable deposit of \$100.00 per use. Users classified as D, E, F shall remit a refundable deposit of \$300.00 per use. The City of Portales may require additional deposits for multiple day usage. Refund of deposit will be mailed to the user on either the 10th or the 25th day of the month after an inspection of the facility is done and it is in satisfactory condition.
- ❖ To insure the return of the deposit, follow and make sure all conditions of this contract are kept by the User.

CLASSIFICATIONS

A - OFFICIAL USE ONLY: Use by the City for official purposes, City sponsored, or co-sponsored events. This use shall have priority over all uses and shall include the right to pre-empt other uses upon fifteen (15) days written notice.

B - NON PROFIT ORGANIZATION: Use by any non-profit organizations, such as Boy/Girl Scouts, Public Schools, School sponsored groups, and similar organizations that can prove they file taxes as a non-profit entity. Current proof of status will be required before use rates are secured.

C - FUNERAL USE: Use by individuals for funeral dinner gatherings.

D - PRIVATE USE: Use by individuals, groups and/or organizations for private or public parties, including weddings, receptions, family reunions, etc., whether attendance is by invitation or open to the public.

E - DANCES/CONCERTS & PERFORMANCES: Includes any of the above classifications where dancing, performing and/or concerts are part of the scheduled activities for the event. This use does not include dance lessons or dance classes.

F - COMMERCIAL USE: Use by commercial organizations, firms, or individuals whose principal purpose is earning a profit according to the IRS definition.

User Initials: _____

FACILITY USER FEES

CLASSIFICATION		HRS	AUDITORIUM	MEETING ROOM	YAM THEATRE
	Official Use Only				
B	Non-Profit Organizations	4 hr	\$25.00	\$20.00	\$30.00
		8 hr	\$45.00	\$40.00	\$50.00
		Daily	\$80.00	\$65.00	\$100.00
		2 Day	\$150.00	\$115.00	\$175.00
C	Funeral Use	4 hr	\$25.00	N/A	\$30.00
		8 hr	\$45.00	N/A	\$50.00
D	Private Use	4 hr	\$60.00	\$30.00	\$100.00
		8 hr	\$100.00	\$60.00	\$140.00
		Daily	\$180.00	\$90.00	\$220.00
		2 Day	\$320.00	\$160.00	\$360.00
E	Dances/Concerts/Performances	4 hr	\$135.00	N/A	\$175.00
		8 hr	\$240.00	N/A	\$280.00
		Daily	\$430.00	N/A	\$470.00
		2 Day	\$750.00	N/A	\$830.00
F	Commercial Use	4 hr	\$105.00	\$80.00	\$145.00
		8 hr	\$190.00	\$150.00	\$230.00
		Daily	\$340.00	\$280.00	\$380.00
		2 Day	\$585.00	\$490.00	\$665.00

4 hour Block 8:00 am - 12:00 pm 12:00 pm - 4:00 pm 4:00 pm - 8:00 pm 8:00 pm - 12:00 am
8 hour Block 8:00 am - 4:00 pm 4:00 pm - 12:00 am
Daily Block 8:00 am - 12:00 am
2 Day Block 8:00 am - 12:00 am

LEASE PERIODS

Rooms are available for use every day of the week according to the block schedule. All uses for Saturday and/or Sunday will be considered in the "Daily" or "2 Day" rental category *only*.

- Use of the Council Chambers at the Memorial Building is for Official Use ONLY. Any other use of this room is at the discretion of the Mayor and/or City Manager.
- Kitchen use at the Memorial Building may not be available to all rentals of the Auditorium due to Official Use.
- Any use outside of these specified hours requires prior written authorization by the Planning Director.
- Use times include set-up, tear-down and clean-up by the User.
- Use of the Memorial Building does not entitle the User to extend electrical lines outside the building.
- When applicable, User **MUST** clean and have all of their property out of the facility by 1:00 am.

CODES

A temporary code to the keyless entry lock will be issued to the user/group.

CLEAN UP

The Memorial Building/YAM Theatre is to be cleaned by the user IMMEDIATELY after use. The return of all or part of your deposit is based upon the cleanliness of the facility after your use.

- IF any items of concern are found before your event, you must call for an immediate inspection of the facility.
- All tables and chairs must be wiped down and returned and placed properly in the designated room. Chairs are to be stacked 8 high and all tables placed on proper labeled racks.
- All trash must be picked up and emptied from all containers in the auditorium, theatre room, conference room, kitchen and bathrooms and placed in the dumpster outside of both facilities. Liners are provided and must be replaced in all containers. Container lids must be cleaned.
- All surfaces, walls and appliances must be wiped clean of any food, drink or any other mess.
- Flush all toilets and clean all surfaces in bathrooms.
- Sweep/mop all floors in facility.
- Pick up any cigarette butts outside the facility. This includes the front of the building, patio area and alley.
- **YAM Theatre**-if patio furniture or plants are damaged, forfeit of deposit and User will be charged for the cost of replacement.
- All lights must be turned off and all doors must be locked and secure.

User Initials: _____

If the Memorial Building/YAM Theatre, or portion thereof, is found in an unsanitary or unsightly condition when the User enters the facility, during normal business hours the User shall notify the Planning Department. If after hours, the User must notify the Portales Police Department at 575-356-4404 and request that an employee be contacted for assistance. The appropriate City representative will then personally inspect the premises; however, if the User neglects to report such unsanitary or unsightly condition, User thereby **assumes full responsibility** for all cleaning and/or damages done to the building during its use.

The entire deposit shall be forfeited if all of the building is not completely cleaned, or if any violation of any rules occurs, or if there is any damage to the building. If damage repair and/or clean-up costs exceed the amount of the deposit, User shall be responsible for the same and could face civil claims and/or criminal charges. User is responsible for all costs, including attorney fees, incurred by the City of Portales in collecting for damages.

APPLIES TO EITHER FACILITY

- The use of nails, screws, thumbtacks, push pins and any type of glue is FORBIDDEN on walls, floors, or ceilings.
- The use of crepe paper is FORBIDDEN
- The application of any substance to the floors must have the prior written approval of the Planning Director and/or his/her designee.
- The use of flammable liquid or gel containers, candles or open flames is forbidden.
- Tables and chairs are provided for User. Check for adequate equipment for your individual use.
- User must provide his/her own set-up and take down of equipment.
- Neither facility may be used for regularly scheduled church services for more than any four (4) week period without prior written approval of the Planning Director/City Manager or Policy Committee.
- **THE CITY OF PORTALES DOES NOT PROVIDE OPEN WIFI FOR ANY EVENT.**

SECURITY AND CHAPERONES

It shall be responsibility of the User to provide adequate supervision over all activities. At least one (1) security guard is required for any event if attendance is up to fifty (50) persons. The Planning Director shall also have the discretion to determine whether or not the type of event requires any additional security. All security guards used must be licensed and bonded in the State of New Mexico or off-duty certified law enforcement officers. Any other type of security must be approved by the Portales Police Chief prior to any use. User must show confirmation from the security company before any reservation can be accepted.

The Planning Director, at his/her discretion, may require the use of additional security guards. The User will be responsible for paying for all services of said additional security personnel. The Portales Police Department is notified weekly about any scheduled events and the names of the responsible parties.

Disturbances will not be allowed or permitted at the Memorial Building/YAM Theatre. A disturbance shall include any physical alterations, including any fights, batteries, assaults, any disturbances of the peace, any physical damage or destruction of real or personal property, whether it belongs to the City as part of the Memorial Building/YAM Theatre, or private property of individuals attending or participating at the event, or any other breach of the peace. If a disturbance does occur, the Portales Police Department may order the building closed and/or the event terminated and/or may order everyone, or certain individuals to leave the premises. In the event of a disturbance and/or closure by the Portales Police Department, the City shall retain the deposit. The full amount of costs incurred by the City shall be the responsibility of the User.

INSURANCE

The City of Portales *may* require the User to provide additional insurance before the reservation can be accepted.

ALCOHOLIC BEVERAGES/TOBACCO USE

The possession and/or consumption of **any alcoholic beverages** at the Memorial Building/YAM Theatre, or on any City property or premises, (i.e. parking lot, inside the building, patio area) including beer, wine, and hard liquor are ***PROHIBITED***, unless a NM licensed server is obtained and approved prior to the event and present when alcohol is being used. If during the inspection of the premises, any evidence of the consumption of alcoholic beverages is found, the User shall be held responsible and the deposit shall be forfeited. In addition, User shall be suspended from future use of the Memorial Building/YAM Theatre and may be subject to prosecution according to the law. User may apply for reinstatement through the City Council.

The Memorial Building/YAM Theatre and its premises are smoke free facilities and smoking is only permitted outside, twenty five (25) feet from any entrance to the building.

LIABILITY

The City of Portales shall not be responsible, liable or accountable for any property or articles that are lost, stolen, damaged or left

User Initials: _____

on the premises, nor for any damage to any personal property or individual(s) during any period of time the Memorial Building/YAM Theatre are being used, or the result of any incident that occurs on the premises.

REFUSAL

The City, acting through the Planning Director or his/her designee, subject to review by the City Council, reserves the right to refuse the use of the Memorial Building/YAM Theatre or any part thereof, to any event, program or production which is wholly without social and redeeming value or is likely to cause damage to the building.

PARKING

Memorial Building parking is on the east and north sides of the building. YAM Theatre parking is in front, but please be respectful of public parking spaces in front of neighboring businesses. There is additional parking one (1) block west of the Theatre at the corner of S Ave A and W 3rd St, additional parking is one (1) block east at the corner of S Abilene and E 3rd St.

AFTER HOURS

In the event that you may need assistance after hours, contact the Portales Police Department at 575-356-4404, use the Communications option. They will contact the appropriate City employee to assist you.

IN CASE OF EMERGENCY DIAL 911

User Initials: _____