

Wyoming State Building Commission

Temporary Facility-Use Policy For Leased Space

Effective January 13, 2016

Article I: General Provisions

A. Policy Statement and Purpose

The State Building Commission (Commission) recognizes that reasonable access to public facilities reflects the public interest and promotes the expression of ideas. The Commission's intent that public facilities be available and accessible must, however, be tempered by the State's use of Temporary Leased Facilities for their intended purposes, including but not limited to: (1) the efficient operation of government during the Capitol Restoration; (2) the safety and security of the general public, State Officials and employees, and other tenants of leased buildings; and (3) any contractual limitations to the extent the Lessor's interest does not outweigh legitimate governmental interests and the public's constitutional rights. During the Capitol Restoration, if the Commission cannot accommodate the public's access to Temporary Leased Facilities due to the above limitations, the Commission will preclude or restrict access as deemed necessary.

This policy establishes standards for acceptance, processing, review and disposition of Event Permit Applications for the public's requested Events/ Exhibits at Temporary Leased Facilities during the Capitol Restoration. In all cases, imposition of these guidelines, conditions, and requirements shall be content-neutral and otherwise consistent with constitutional requirements.

B. Authority of Commission and Scope of Policy

The Commission issues this Policy in accordance with its general authority to manage the operation and use of all state owned or leased buildings within its direct charge. Wyo. Stat. Ann. § 9-5-106(a). This Policy shall operate in conjunction with the statutory provisions defining unlawful conduct within governmental facilities, Wyo. Stat. Ann. §§ 6-6-301 through 307. To the extent other state agencies have authority to govern or control the use of facilities assigned to them, these requirements and conditions shall not apply. Wyo. Stat. Ann. § 9-5-106(a) & (c). To the extent the State Legislature has authority to

govern or control the use of facilities assigned to it, these requirements and conditions shall not apply. Wyo. Stat. Ann. §§ 28-3-101(c); 28-4-101(c).

C. Definitions

1. “Capitol Building” means the State Capitol Building located in Cheyenne, Wyoming.
2. “Capitol Restoration” means the Capitol Building and Herschler State office building rehabilitation, restoration, and renovation project described in Wyo. Stat. Ann. §§ 9-5-112 and 113.
3. “Commission” means the Wyoming State Building Commission.
4. “Director of A&I” means the person appointed by the Governor to act as Director of the Department of Administration and Information.
5. “Event” means an assembly or gathering of the public (excluding State Agency Events) for a single purpose or coordinated activity and includes picketing, speechmaking, demonstrations, protests, marching, holding vigils or religious ceremonies, press conferences, historic reenactments, celebrations, entertainments, and any other similar activities that involve the active communication or expression of views or ideas, the conduct of which has the effect, intent, or propensity to draw a crowd of onlookers. The term “Event” does not include:
 - i. Brief or momentary gatherings of ten (10) persons or less, or a number that may otherwise conveniently gather within a Temporary Leased Facility without causing disruption, for the purpose of expressing views or engaging in quiet activities lasting less than fifteen (15) minutes, and provided they do not include the use of any handheld or freestanding demonstrative materials.
 - ii. Brief activities by visitors, tourists, tour groups, school children or the like while visiting the Temporary Leased Facilities if such activities will not interfere with government operations or the public’s enjoyment of the Temporary Leased Facilities.
6. “Event/ Exhibit Permit” means the written approval and authority given the public in advance of an Event and/ or Exhibit.

7. “Exhibit” means a temporarily attended or unattended display presented by members of the public, including but not limited to, sculptures, photographs, public interest demonstratives, public service and educational presentations or historic displays.
8. “Jonah Building” means a Temporary Leased Facility, i.e. the portion of real property located at 3001 Pershing Boulevard, Cheyenne, WY 82001, to the extent such property is leased by the State of Wyoming, Department of Administration and Information, Construction Management Division.
9. “Lessor” means the person or entity which has conveyed a property interest in any Temporary Leased Facilities.
10. “Permit Application” means submission of a completed form prescribed by the Secretary for requesting access to Temporary Leased Facilities to conduct an Event.
11. “Permit Holder” means the public entity, group, association or person, individually or collectively, that has received approval from the Secretary, and consequently a Permit, to conduct an Event/ Exhibit.
12. “Permit Holder’s Representative” means the person identified by the Permit Holder to be directly responsible for managing the Event/ Exhibit, including clean-up and returning the site to its condition before use by the Permit Holder.
13. “Secretary” means the Executive Secretary to the Commission, who is also the Administrator of the Construction Management Division, Department of Administration and Information.
14. “Sponsor” or “Sponsor-applicant” means an individual who requests use of a Temporary Leased Facility on behalf of an individual, group, or organization.
15. “State Agency” means any state agency, bureau, commission, department, council, authority, body corporate or other statutorily created entity operating on behalf of the State of Wyoming.
16. “State Agency Event/ Exhibit” means an Event/ Exhibit that a State Agency or State Official directly hosts or conducts, whether or not the Event/ Exhibit is conducted as part of the Agency or Official’s statutory or

constitutional function. Such activities include press conferences, holiday or memorial ceremonies, public interest initiatives or ceremonies, events intended to recognize citizens or groups, or any other activity sponsored by the State Official or Agency.

17. “State Legislature” means the Wyoming State Senate and Wyoming State House of Representatives, any committee thereof, and any legislative staff.
18. “State Official” means the Wyoming Governor, Secretary of State, State Auditor, Treasurer, or Superintendent of Public Instruction.
19. “Temporary Leased Facility” means any property leased during the Capitol Restoration to accommodate the displacement of State Agencies, State Officials, and the State Legislature. Temporary Leased Facilities shall further include any areas and lots which provide parking and ingress/ egress for State Officials and employees, or parking and ingress/ egress for the Lessor and any tenants of buildings identified herein.
20. “U.S. Bank Building” means a Temporary Leased Facility, i.e. the portion of real property located at 2020 Carey Avenue, Cheyenne, WY 82001, to the extent such property is leased by the State of Wyoming, Department of Administration and Information, Construction Management Division.

Article II: Facility-Use Permit Application Process

A. Application Submission and Contents

1. Each public person or group seeking to hold an Event/ Exhibit within the Temporary Leased Facilities shall submit a completed Permit Application no less than ten (10) working days prior to the anticipated date of the Event/ Exhibit. Applications may not be submitted, and Events/ Exhibits will not be scheduled, more than 365 calendar days before the date of the Event/ Exhibits. A Sponsor-applicant may only submit one pending application at a time for a single continuous Event/ Exhibit.
2. The Secretary shall provide a Permit Application form for obtaining an Event/ Exhibit Permit. The application form shall require that the following information be supplied:
 - i. The Sponsor-applicant’s business name, address, telephone number,

e-mail address, and other relevant contact information;

- ii. The name, address, telephone number, e-mail address, and contact information of the Permit-Holder's Representative. If unknown at the time of the application, the Sponsor-applicant must identify the Permit-Holder's Representative within three (3) days of issuance of the Permit but, in any event, before the day of the Event/ Exhibit;
- iii. Clearly describe the nature and purpose of the Event/ Exhibit, as well as the Temporary Leased Facility to be used or occupied;
- iv. Identify the approximate number of persons who will participate throughout the duration of the Event/ Exhibit;
- v. Identify the intended duration of the Event/ Exhibit;
- vi. Identify the materials that the Permit Holder will bring onto the site and the approximate area to be utilized during the Event/ Exhibit;
- vii. Clearly describe how any activities may impact the Temporary Leased Facility and other people working or otherwise present during the Event/ Exhibit. This shall include an estimation of the crowds that are reasonably anticipated to view or attend the Event/ Exhibit, as well as any anticipated interaction between the Permit Holder and the public, State Legislature, and State Officials or employees;
- viii. Any special considerations or accommodations requested from the Secretary;
- ix. Any request for a waiver of General Requirements and Conditions set forth in Article III of this Policy.
- x. Any other information that the Secretary reasonably requests.

B. Application Approval, Denial, Notice and Request for Reconsideration

- 1. The Secretary or his designee shall approve or reject a Permit Application within five (5) working days of the day on which the Permit Application was presented.

2. The Secretary or his designee shall issue a written explanation for denial of a Permit Application. The Secretary may make such decisions himself or may consult one or more members of the Commission or other persons as the Secretary deems necessary and as provided herein. The Secretary or his designee shall give notice of approval or denial of a Permit Application by regular mail, fax, or electronic communication, as requested.
3. The Secretary's approval of a Permit Application shall result in issuance of a written Event/ Exhibit Permit that will identify any additional conditions or requirements to conduct the Event/ Exhibit. It shall also identify the specific areas within, or on, the Temporary Leased Facility available to the Permit Holder.
4. If the Sponsor-applicant disagrees with the denial of a Permit Application, or conditions placed upon the Event/ Exhibit by the Secretary or his designee, the Sponsor Applicant may request, in writing, reconsideration by the Director of A&I within three (3) working days of the denial or issuance of the Event/ Exhibit Permit.
5. The Director of A&I may reconsider and modify the Secretary's denial, or conditions of approval, of the Event/ Exhibit Permit. The Director shall issue his decision in response to the request for reconsideration within three (3) working days of receipt of the request for reconsideration. The Director shall not solicit input from the Lessor or other tenants of any Temporary Leased Facility during any request for reconsideration. The Director's decision shall be final.

Article III: Permitted Temporary Leased Facility Events

A. General Requirements and Conditions

Except as otherwise specified in this Policy, or as the Secretary expressly waives in an Event/ Exhibit Permit, the following general guidelines and conditions shall apply to the public's use of Temporary Leased Facilities for any Event/ Exhibit:

1. State Official, State Agency, and State Legislature functions shall take priority over the public's requested use for Events/ Exhibits. The Lessor and other tenants' use of Temporary Leased Facilities shall take priority over the public's requested use for Events/ Exhibits, to the extent

practicable. An Event/ Exhibit may not be conducted so as to disturb or intimidate visitors, other tenants, actual or potential customers of other tenants, or to otherwise interfere with the rights of other tenants in Temporary Leased Facilities. The Secretary shall consult with the Lessor to minimize impacts to other tenants, to the extent practicable, before issuing any Event Permit.

2. All Events/ Exhibits shall be conducted at the permitted location within the Temporary Leased Facility and shall not be conducted in the buildings unless expressly authorized to do so. For those facilities with limited space, Permit Applications shall be granted to the public on a first-come, first-serve basis. If it is reasonably determined that an Event/ Exhibit within Temporary Leased Facilities will interfere with government operations or cause other problems identified herein, the Secretary may relocate the Event/ Exhibit to another location.
3. Unless otherwise approved for good reason, as determined by the Secretary, Events/ Exhibits shall last no longer than two (2) hours.
4. Only one Event/ Exhibit at a time shall occur within Temporary Leased Facilities, unless the Secretary determines that multiple Events: (1) will not interfere with one of the Events; (2) will not interfere with government operations; and (3) will not unreasonably interfere with rights of the Lessor and other tenants of Temporary Leased Facilities
5. A Permit Holder shall confine the Event/ Exhibit to the written purpose for which the Permit was issued. The Secretary may immediately terminate a Permit if the Permit Holder engages in activity beyond the scope of the approved Event/ Exhibit.
6. Event/ Exhibit Permits shall be denied if they: (1) may reasonably result in large unmanageable or unruly crowds; (2) may interfere with government operations, including the legislative session; (3) may unreasonably interfere with the rights of other tenants within Temporary Leased Facilities; or (4) the public's health and security may be endangered. The Secretary may impose any additional reasonable, content-neutral time, place, and manner restrictions (including physical barriers) deemed necessary for the protection and safety of the facilities, other tenants, governmental operations, and the public.
7. The Permit Holder shall identify a Representative. The Permit Holder's

Representative(s) must be present or immediately available during the entire Event/ Exhibit. If there are multiple Permit Holder's Representatives, a roster of such Representatives must be provided prior to the Event/ Exhibit. The roster must include the name of each Representative, their scheduled shift(s) and emergency telephone or other contact information where they may be reached during their shift(s).

9. Event/ Exhibit Permits are not transferable, and the purpose, time, place, and other conditions of the Event/ Exhibit Permit may not be changed without advanced written consent of the Secretary. If there is no conflict with another scheduled Event/ Exhibit, including government functions and/or any State Agency Event/ Exhibit, the Secretary may adjust the date, time, and place specified in the Event/ Exhibit Permit upon written request, and if there is sufficient time to accommodate the changes.
10. All Event/ Exhibit activities shall provide sufficient ingress and egress as determined by the Secretary for all entrances to, or exits from, Temporary Leased Facilities, or entrances for automotive travel within Temporary Leased Facilities, and shall not otherwise impede or block entrances for vehicle/ pedestrian traffic into or around buildings. Permit Holders may not interfere with, prevent the passage of, or otherwise harass persons walking through Temporary Leased Facilities. If an Event/ Exhibit generates large groups of observers that unreasonably interfere with the flow of pedestrian or vehicle traffic through any Temporary Leased Facility, the Secretary may limit the scope of any Event/ Exhibit or relocate it to another location.
11. Event/ Exhibit Permits shall be denied if the activities may cause excessive or loud noise. Use of sound systems must be specifically requested and may be allowed unless the Secretary finds that the system would unreasonably interfere with other lawful activities occurring in the area, including other tenant's use of Temporary Leased Facilities. The Secretary may require decibel levels to be reduced to a level which does not disturb or disrupt other persons in the Temporary Leased Facility. The Secretary may require audio to be muted if necessary to avoid disruption of government operations within the Temporary Leased Facility.
12. Event/ Exhibit activities shall not result in damage to State property, property of State Officials or employees, or property of Lessors and their tenants. Such property shall include, but is not limited to buildings, statues, fixtures, lawns, flower beds, and parked cars. Events/ Exhibits shall be conducted in a manner such that Temporary Leased Facilities' exterior

facilities, and any landscaping or other decorative areas are not unreasonably disturbed.

13. The Permit Holder may not affix materials, posters, banners, or any other materials to any wall, door, ceiling, fixture, State equipment, or any other Temporary Leased Facility's surface. The Secretary may order the removal of any such affixed materials without notice.
14. A Permit Holder shall ensure that all materials used or created in conjunction with the Event/ Exhibit are removed immediately following the conclusion of the Event/ Exhibit. Waste accumulation of any kind, which creates a potential hazard to health, safety, or property is prohibited.
15. Open flames (including candles), and explosives or like materials are prohibited in or around Temporary Leased Facilities. The use of dangerous weapons in and around Temporary Leased Facilities is governed by Chapter 4, Section 2 of the Commission's rules and regulations. The Commission's rules and regulations are maintained at the Department of Administration and Information, 700 West 21st Street, Cheyenne, WY 82002, and is available for public inspection and copying at cost at the same location.
16. No intoxicating beverage or illegal controlled substance shall be dispensed or consumed by Event/ Exhibit participants.
17. A Permit Holder shall place electrical cords and cables used for Events/ Exhibits so as to limit potential hazards to persons in the area. This shall include removal of cords and cables from walkways, or securing them to the floor to avoid a tripping hazard.
18. Event/ Exhibit Permits shall not include use of any parking areas for Temporary Leased Facilities for any Event, including but not limited to use of reserved parking areas for State Officials, parking lots for state employees, and restricted private parking lots for the use of the Lessor and other tenants. Driving or parking vehicles on the sidewalks, parking areas, or restricted private parking lots of Temporary Leased Facilities is not permitted.
19. All Events/ Exhibits must conform to Wyoming State statutory provisions, City of Cheyenne/ County of Laramie ordinances or codes, and any applicable occupancy permits. Enforcement of all Temporary Facility Use

Policy requirements shall occur through the Department of Administration and Information's employees and law enforcement. To the extent Permit Holders and other members of the public violate Wyo. Stat. Ann. §§ 6-6-301 through -307, which identify unlawful conduct within governmental facilities and penalties for violation of statutes, law enforcement will be contacted.

B. Event/ Exhibit Permits to Use the Jonah Building

1. The Jonah Building shall only be available for Events/ Exhibits between 8 a.m. and 5 p.m. on Monday through Friday, when the Legislature is in session or when a legislative meeting open to the public is occurring in the building. The Jonah Building is closed to the public on Saturdays and Sundays.
2. Only those areas in the Jonah Building (and the surrounding facility and grounds) identified by the Secretary pursuant to the lease documents shall be available for Events/ Exhibits. The portion of lawn northeast of the Jonah Building may also be available for Events, with boundaries as follows: (1) the northern boundary is the sidewalk along Pershing Boulevard; (2) the western boundary is the private "double" sidewalk which runs north-south from Pershing Boulevard to the front entrance of the building; (3) the eastern boundary is western edge of the private drive which runs diagonally from Pershing Boulevard to the building's central parking lot; and (4) the southern boundary is a line extending from the north wall of the Jonah Building to the private drive serving as the eastern boundary. Event/ Exhibit Permits shall not be issued for use of facilities dedicated to governmental functions, or for other activities incompatible with general public access or the rights of the Lessor and other tenants. The public may apply for an Event/ Exhibit Permit at the Jonah Building with the following limitations and conditions:
 - i. The Secretary shall first consult with legislative staff and any occupying State Officials or employees to ensure that governmental operations and needs are taken into consideration when issuing Event/ Exhibit Permits for use of the Jonah Building.
 - ii. Due to limited space availability and the rights of other tenants, the scope, quantity and frequency of Events/ Exhibits previously permitted at the Capitol Building may be curtailed for Events at the Jonah Building.

- iii. Due to limited available space, Exhibits shall be permitted at the Jonah Building on a limited basis, subject to the following:
 - A. Exhibits shall not be obtrusive or so large as to obstruct pedestrian traffic or governmental functions;
 - B. Preference shall be given to a Sponsor-applicant who has not yet been awarded a Permit over those who have, and to a Sponsor-applicant awarded a permit prior to those applicants awarded a more recent permit;
 - D. The display of Exhibits shall be time and space limited as necessary based upon available space and requests for Exhibit space; and
 - E. Permits for Exhibits will be issued for a specific time and space to the first Sponsor-applicant submitting a request for a permit for that specific time.
- iv. The Secretary may deny, rescind, reschedule, relocate, or otherwise modify any Event/ Exhibit Permit for any outdoor area of the Jonah Building, including the triangular portion of lawn northeast of the building, due to inclement weather conditions and/ or the accumulation of natural precipitation.

E. Event/ Exhibit Permits to use the U.S. Bank Building

- 1. Unless changed by the Commission, the U.S. Bank Building shall only be available for Events/ Exhibits between 8 a.m. and 5 p.m. on Monday through Friday. The U.S. Bank Building is closed to the public on Saturdays and Sundays.
- 2. Only those areas in the U.S. Bank Building (and the surrounding grounds) identified by the Secretary pursuant to the lease documents shall be available for Events. Event/Exhibit Permits shall not be issued for use of offices, meeting rooms, conference rooms, or other facilities dedicated to governmental functions, or for other activities incompatible with general public access. The public may apply for an Event Permit at the U.S. Bank Building with the following limitations and conditions:

- i. State governmental operations and open public access shall take priority over requested use for an Event. The Secretary shall first consult with any occupying Agency director or State Official to ensure that governmental operations and needs are considered when issuing Event Permits for use of this Temporary Leased Facility.
- ii. Due to limited space availability and security concerns arising from on-site private banking operations, and providing for the rights of other tenants balanced against the public's constitutional rights, the scope, quantity, and frequency of Events previously permitted at the Capitol Building will be curtailed for Events at the U.S. Bank Building.
- iii. Due to limited available space, only one (1) Exhibit at a time shall be permitted at the U.S. Bank Building.
- iv. Event permits for the use of private sidewalks shall be subject to inclement weather conditions and/ or accumulation of precipitation. The Secretary may deny, rescind, reschedule, relocate, or otherwise modify any Event Permit for any outdoor area of the U.S. Bank Building, including private sidewalks, due to inclement weather conditions and/ or the accumulation of natural precipitation.

Article IV: Miscellaneous Conditions

A. Indemnification of State of Wyoming, Lessor, and Tenants; Responsibility for Damages.

- 1. The issuance of any Event/ Exhibit Permit for Temporary Leased Facilities and surrounding areas shall be subject to indemnification and liability waivers determined by the Secretary as necessary to protect the interests and rights of the State of Wyoming, and the Lessor and any other tenants of Temporary Leased Facilities.

B. Public Purpose

- 1. Events and Exhibits, for which the primary intended purpose is to promote the interests of the general welfare of residents within the state, are deemed to be for a public purpose. Activities that are inherently private in nature, unless the Sponsor-applicant can demonstrate a public purpose to

the satisfaction of the Secretary or his designee, do not have a public purpose. Private activities include, but are not limited to: commercial activities, weddings, private receptions and birthday parties. Private activities do not serve a public purpose within the scope of this Policy, and they are therefore not eligible for a Permit under this Chapter. Prohibited commercial activities include any activity that may be considered or reasonably interpreted as being for the advertisement, promotion, sale or transfer of products or services, or to promote a commercial, for-profit venture of any kind.

C. Interpretation; Severability

1. This Policy shall be interpreted at all times in a manner harmonious with the Wyoming and United States Constitutions and other applicable law; and in a manner consistent with executed leases for Temporary Leased Facilities to the extent practicable.
2. If any portion of this Policy is held to be unconstitutional, illegal, or otherwise unenforceable, the remainder of this Policy shall continue in full effect.