

MEMORANDUM



TO: All Department Directors and Chiefs
FROM: Dale Cheatham, City Manager
SUBJECT: Building Access Policy
DATE: August 27, 2018

Attached is the revised Building Access Policy.

The Expulsion section was modified to clarify the Department/Police can issue a criminal trespass without prior Deputy City Manager review for a serious matter where immediate attention is required by police. The reporting process should still occur as soon as practical following for the necessary documentation steps.

The policy revision is effective this date. Please familiarize yourself with the policy revision, and share with appropriate personnel.

Building Access Policy



I. Purpose

It is the intent of this building access policy to protect the rights and safety of all citizens and patrons, to protect the rights and safety of city employees and volunteers, and to preserve and protect the city's buildings, facilities, and property.

II. Responsibilities and Procedures

A. *Public Access to City Buildings.* Except as listed below and during certain special events, city owned buildings and facilities are not considered open to the public. Access to city buildings and facilities is therefore generally restricted to employees, volunteers, and invited guests. The following, however, are city buildings for which a portion of the building is unrestricted and open to the public:

1. City Hall (141 W. Renfro St);
2. City Hall Annex-Lobby Only (225 W. Renfro St);
3. Library (248 SW Johnson Ave);
4. Burleson Recreation Center "BRiCK" (550 NW Summercrest Blvd);
5. Service Center Administration Building (725 S.E. John Jones Road);
6. Animal Shelter (775 S.E. John Jones Road);
7. Police Administration Building-Lobby Only (1161 S.W. Wilshire Blvd);
8. Fire Administration Offices;
9. Municipal Court (1131 SW Wilshire Blvd);
10. Hidden Creek Golf Course Clubhouse (555 E. Hidden Creek Parkway); and
11. Senior Activity Center (216 SW Johnson Ave).

B. *Public Access-Hours of Operation.* No member of the public may enter or be present within any public building at any time other than during normal business hours for that building (in general 8:00 a.m. to 5:00 p.m., Monday-Friday, unless otherwise posted). Exception: When a building is open at other hours for a meeting or event at which the public is allowed to attend.

C. *Restricted Areas.* No member of the public may enter an interior area of a city building that is restricted by signage indicating "Authorized Personnel Only" or other similar signage unless accompanied by and with the permission of a city employee or city official.

D. *Public Restrooms.* Restrooms in city buildings are provided for use by employees and members of the public who are conducting business in the building. Restrooms may only be utilized for their intended purpose and for washing of hands and face. Restrooms shall not be used for shaving, bathing, or washing clothes or other items.

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- E. *General Rules in All Public Areas.* In city buildings, no member of the public may:
1. Engage in any conduct prohibited by federal, state, or local law;
 2. Threaten violence or harm against any city employee, city official, or other member of the public or pose an immediate and imminent danger to any person or property;
 3. Cause noise or engage in conduct that is so disturbing or annoying that it interferes with the ability of city staff to perform their jobs or members of the public to conduct their business;
 4. Continuing to insist that city staff provide a service, explanation or document that city staff has made clear cannot be provided at that time;
 5. Continuing to insist on meeting with a city employee or official and remain in the building after being told that the person is either not available or will not meet with the person;
 6. Obstruct city staff from performing their duties or obstruct other members of the public from completing the business for which they came to the building;
 7. Block public access to any building or office including, but not limited to, the blocking of entrances, exits, or disability ingress or egress.
- F. *Area Specific Rules of Conduct.* The city may adopt additional rules specific to a particular area. For example, the BRiCk may adopt a rule of no running in the area around the swimming pool. Members of the public must follow and abide by all such rules.

III. Violations.

- A. *Application.* Enforcement and consequences for applicable policy violations will be handled in a fair and reasonable manner.
- B. *Authority to Remove.* At the discretion of the department director, city departmental staff has the authority to ask a person to leave a city building for the remainder of a calendar day for violations of this policy or their particular area policies. If such action is exercised, the incident will be reported to departmental management up to the director for awareness and to determine if further action is needed.
- C. *Warning; Removal; Contacting Police.* Members of the public violating this policy will first be asked to refrain from the offending behavior and be advised they will be asked to leave the building if the conduct continues. If the individual fails to comply, staff will ask the individual to leave the building. Finally, if the individual refuses a request to leave, staff will contact the police department for assistance.

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- D. *Immediate Removal.* A person may be removed from a city building and/or police contacted without prior notice or warning if their conduct or presence poses an immediate danger to person or property.
- E. *Expulsion.* Violation of this policy may lead to further action in addition to removal described above. Upon review of the department director and at the approval of the deputy city manager, a person may be expelled from the premises of a city building, facility, or property, on a temporary or permanent basis, or allowed to return if certain requirements are met. The length of the expulsion shall depend on the following factors: the type of policy violation, the severity of the violation, the number of past violations, the city building being accessed, and the activity conducted in the city building. For severe violations, a person may be expelled permanently or given criminal trespass notification. If the city expels a person from the premises of a city building, facility, or property, a letter from the Deputy City Manager will be sent to the person documenting the policy violation(s), actions taken and expectations, and appeal procedures. This provision is not intended to negate the need for immediate issuance of a criminal trespass by police on scene in sections C and D above; in the event of a criminal trespass issuance by police, Department Staff/Director needs to report as soon as practical to the Deputy City Manager to complete the follow up review and documentation process outlined herein.
- F. *Appeal of Expulsion.* A person expelled or removed from a city building, or restricted in a City building under this policy may request a hearing before the City Manager to contest the expulsion, removal or restrictions. A hearing request must be sent by email or postmarked by mail within 2 business days of receiving the city's letter. A hearing will be held no later than ten days from the date of the hearing request notice.