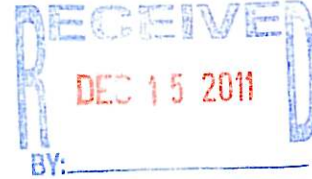


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December 12, 2011



Ms. Stephanie A. Schmitt, Staff Attorney
Freedom From Religion Foundation
P.O. Box 750
Madison, Wisconsin 53701

RE: Letter of December 6, 2011

Dear Ms. Schmitt:

Your letter of December 6, 2011 addressed to Josh Reid, Board Chair of the Gladwin County Board of Commissioners, has been referred to me for response. Often when correspondence is received from an attorney, I provide the response on behalf of the County, which I generally represent on local matters.


Your 2010 letter to former Board Chair Whittington was received and it caused the Board to ask me to review its contents and suggest a course of action going forward. The result was the adoption of an Administrative Policy in March of 2011 which incorporated our view of prevailing statute and case law, with some consultation with several other Counties in Michigan which had addressed this issue. The local newspaper had provided some coverage, I recall, of the County's deliberation although I do not keep a file of such items.

I have enclosed the policy adopted by Gladwin County. In its deliberations, the Board considered group events as well as exhibits. Attached to the policy is the Request Form. My experience has been that many groups are loosely organized, which is one reason that the individual Requestor bears responsibility for damages, etc., which was an alternative to seeking insurance certificates, bonds or the like.

Generally, the Grounds Supervisor is the contact person for this matter. His name is Rick Ghent and for mail purposes you would use the same address but I would suggest that "Attn: Board Secretary" be placed on the envelope as well because Mr. Ghent is more often working outside his office than inside it.

I trust that this letter is somewhat helpful to you. If you should have any questions, you can contact me at my office.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Douglas A. Jacobson', written over a faint rectangular stamp.

Douglas A. Jacobson
Gladwin County Attorney

DAJ:vnh

Enclosure

cc: Mr. Joshua Reid, Gladwin County Board of Commissioners

APPROVED
3/8/11

**ADMINISTRATIVE POLICY
ON THE USE OF GLADWIN COUNTY PROPERTY
FOR A PUBLIC EVENT, DEMONSTRATION OR DISPLAY**

1. Purpose: The purpose of this policy is to provide guidelines for any group or person wishing to conduct a public event, demonstration or display on Gladwin County property.

2. Authority: Gladwin County Board of Commissioners.

3. Application: This policy applies to all County offices and properties. It does not apply to the rental of County facilities such as the Recreational Area. It further does not apply to activities of the County or its Departments in the conduct of their activities on behalf of the County.

4. Responsibility: Gladwin County Grounds Supervisor or his designee.

5. Definitions: Requestor - A person making a request to use County property to conduct a public event, demonstration or display. The requestor is the contact person for the group involved, and is the person who assumes the responsibility for communicating all County policies and conditions for use of the property to the individuals involved in the event. The requestor is also legally and financially responsible for all actions of the group involved in the event, whether or not the group has formally authorized the requestor to make the request on behalf of the group.

6. Policy:

6.1 Any group or person wishing to hold a public event, demonstration or display on any County property must complete and submit the attached form to the Gladwin County Grounds Supervisor not less than one (1) week prior to the event. Tardy submissions may be rejected without reason.

6.2 Approval to hold an event on County property must be granted in writing by the Gladwin County Grounds Supervisor prior to the event. Conditions may be placed upon an approval.

6.3 The requestor shall be responsible to ensure that the group that he/she represents shall adhere to all County policies contained herein, and to any additional conditions for the use of County property required by the Gladwin County Grounds Supervisor in the written approval of the request.

6.4 All public events, demonstrations or displays on County property are subject to the following conditions:

6.4-1 Fixed objects, vehicles or other heavy equipment are not to be placed on the sidewalks, walkways or lawn.

6.4-2 No objects may be hung, tacked to, leaned against or in any fashion affixed to the County building.

6.4-3 Objects such as signs, symbols or exhibits may not be placed on any County property, except under additional general conditions which are set forth in Attachment A. Specific conditions of approval may be imposed.

6.4-4 Demonstrators shall not, in any fashion, impede pedestrian, vehicular or other traffic engaged in County business.

6.4-5 Use of County-owned facilities or equipment is neither authorized nor allowed in any fashion.

6.4-6 Any and all areas affected by the event, demonstration or display shall be cleaned and returned to its original condition which existed prior to the event. Requestor must agree to pay any damages or clean-up costs incurred by the County as a result of the event.

6.4-7 Alcoholic beverages and illegal controlled substances are not permitted on County property.

6.5 Requestor agrees to indemnify and hold harmless Gladwin County, its employees, volunteers, and Board members from any and all claims, demands or lawsuits, which may arise from the use of Gladwin County property by the requestor.

ATTACHMENT A

1. Permitted signs, symbols or exhibits (hereafter collectively referred to as EXHIBITS) may be located on the facilities for no more than forty (40) days in a calendar year.

2. EXHIBITS shall be located on County property only at places specifically designated. EXHIBITS shall not occupy more than 175 square feet of area.

3. Requestors may request a specific location for EXHIBITS. There is no assurance that a specific location request will be honored. While past use of a location by a group may be a factor in approval of a location, there is no assurance of continued use. If Requestor is dissatisfied with an assigned location, reasonable accommodation will be given to alternate locations. In general, there will be no EXHIBITS at the Jail/Sheriff Department.

4. The name of the owner and contact person for any EXHIBITS shall be displayed on the EXHIBITS [maximum of three (3) square feet].

5. No EXHIBITS shall promote or solicit any commercial business activity, unless such is incidental to the activities of a non-profit organization, e.g. low cost flu shots by a hospital.

6. EXHIBITS may not use County electrical systems.

7. No group shall use the County property under this policy for more than forty (40) days in a calendar year, without specific Board approval. Applications for use will not be accepted more than 180 days before the use begins.

8. The Board reserves its rights to provide for exceptions to this policy if it deems such to be in the public interest. Such exceptions may include the issuance of an expanded permit to recognized community groups, e.g. a municipal organization, hospital, charitable foundation or similar group, for the conduct of an event coordinated by the community group, such as an art fair, health fair, holiday festivals or the like. The Board may require that the community group provide and adhere to a general plan for the conduct of the event. There shall be no automatic right to obtain such an expanded permit, nor shall there be any vested interest in future approvals for such an expanded permit.

COUNTY OF GLADWIN
REQUEST FOR USE OF COUNTY FACILITIES
CONTACT INFORMATION

Today's Date: _____

Name of Group/Organization: _____

Duration of Event: _____ Days

From: _____ at _____ o'clock (a.m./p.m.)
Day/Date

To: _____ at _____ o'clock (a.m./p.m.)
Day/Date

Proposed Specific Location(s) of Event: _____

Purpose of Event: _____

The County of Gladwin has specific policies regarding the use of County facilities by groups. Approval for the use of County facilities for a group event is contingent upon the Requestor's assurance that the group will adhere to these policies and that he/she will inform the participants of these policies. The Requestor's signature below indicates that he/she agrees to indemnify and hold harmless Gladwin County; its employees, volunteers, and Board members from any and all claims, demands or lawsuits, which may arise from the use of Gladwin County property by the Requestor; and indicates that the Requestor has received a copy of the Administrative Policy on the Use of Gladwin County Property for a Public Event, Demonstration or Display and agrees to all of the conditions, responsibilities and legal obligations set forth therein. This form must be returned to the Commissioner's office - attention Grounds Supervisor, Gladwin County Courthouse, 401 West Cedar Avenue, Gladwin, Michigan 48624, no later than one (1) week prior to the requested event. The use of County property is not authorized until the Requestor receives written approval from the Gladwin County Grounds Supervisor or his designee.

Name of Requestor (Please print or type): _____

Address/City: _____

Home Telephone: _____ Work Telephone: _____

Signature of Requestor: _____