



The Harden Foundation Estate Facilities

**Agreement Concerning Use of Facilities
And Rules, Regulations and Policies**

The Harden Foundation offers the use of the Harden Home, Patio and Garden Area, and the Bunkhouse Conference Building (collectively, the “Facilities”) to Nonprofit Organizations for meetings, retreats, conferences, trainings and special events. The Harden Foundation is committed to providing an affordable venue where Nonprofit Organizations can hold events that will strengthen them and assist them in fulfilling their mission.

Section 1: The Facilities

1.1 Use of Facilities. The use of the Facilities is restricted to Nonprofit Organizations that have registered with the Harden Foundation (See Section 5.1 below). Nonprofit Organizations using the Facilities must ensure that all use is consistent with their charitable purpose and will not jeopardize the Harden Foundation’s 501(c)(3) status. Therefore, restrictions on use include, but are not limited to, the following:

a. No Religious or Political Use. The Facilities shall not be used for any activity that advances a particular religious doctrine or any partisan or political activity or agenda, or promotes the election of any individual who has announced or has filed for elective office.

b. No For-Profit Business Use. The Facilities shall not be used for conducting a for-profit business which includes, but is not limited to, the sale of merchandise or the solicitation of business.

c. No Charging for Admission to Events. Nonprofit Organizations may not charge admission to any event held at the Facilities with the intent to make a profit. It is permissible to charge a nominal fee to cover the costs associated with the holding of the event.

1.2 Right to Refuse Use. The Harden Foundation reserves the right to refuse the use of the Facilities at any time, for any reason.

1.3 Hours of Operation. Standard operating hours for the Facilities are Monday through Friday 8a.m.-5p.m.. Selected Saturdays may be available from 8a.m.-noon with the specific approval of the Harden Foundation Executive Director. The closing hours may only be extended with the specific, advance approval of the Executive Director.

1.4 No Cost for Use of Premises. The Harden Foundation does not charge rent for the use of the Facilities. The Harden Foundation may require Nonprofit Organizations to incur expenses for clean-up, security or similar services needed due to the type of Event.

Section 2: Damages and Indemnification

2.1 Damages. Nonprofit Organization hereby agrees to be fully and solely responsible for any damage to the Facilities, any other property belonging to the Harden Foundation, any property belonging to any other party participating in the Event, and to any person located on the Facilities or participating in an Event occurring on the Facilities, arising from the Event or caused by the Nonprofit or any of its employees, officers, directors, agents, guests, or invitees. Nonprofit Organization shall be responsible for maintaining the Facilities in as good and clean condition as existed immediately prior to the Nonprofit Organization's use. Nonprofit Organization further agrees to pay any and all costs of repair of damage to the Facilities caused by itself or its agents, guests, or invitees, or occurring during its or its agents, guests, or invitees use of the Facilities.

2.2 Indemnification. Nonprofit Organization agrees to indemnify, defend and hold harmless Harden Foundation, its directors, officers, employees, agents, and representatives, and the Facilities from any liability, claims, damage, loss, or expense (including attorney's fees and court costs) arising in any way from the Event or the Nonprofit Organization's use of the Facilities, or caused by the Nonprofit Organization or its employees, officers, directors, agents, guests or invitees.

Section 3: General Rules

3.1 General Rules.

- a. Those who use the Harden property or buildings are expected to act so as not to pose any danger to the health, safety or welfare of anyone present, including themselves. For instance, guests should not stand on chairs or tables, run or engage in activity involving gymnastics, physical dexterity, strength or endurance. Any person who engages in such activity does so at his or her own risk. In addition, they and any organization that plans, promotes, sponsors or permits such activity agrees to and does release, indemnify, defend and hold the Foundation and its directors, officers, associates and agents harmless from and against all claims, liability and costs that arise from such activity.
- b. No Smoking. Smoking is not permitted inside any of the Facilities.
- c. No Open Flames. Fireplaces shall not be used and open flames, including candles are prohibited.
- d. Supplies. The Nonprofit Organization must provide all supplies needed to conduct its Event. All kitchen supplies and equipment are for Harden Foundation staff use only. Any special needs or requests must be made in advance on the Event Reservation Form.
- e. Cleaning. The Nonprofit Organization shall be responsible for cleaning the Facilities used and removing all of the Nonprofit Organization's supplies and equipment at the conclusion of the Event. The Harden Foundation will supply garbage and recycling containers.
- f. No Attachment to Walls, Etc. No nails, tacks, tape or any other strong adhesive materials may be used on any walls, doors, windows or other surfaces. Only approved wall-friendly low adhesive tape for posting flip-chart pages and other paper materials on the walls is allowed.
- g. Furniture. No furniture may be taken outside of the Harden Home or the Bunkhouse Conference Center.

Section 4
Limited Accessibility – Historic Facilities Are NOT ADA Compliant

4.1 Accessibility. The Facilities are comprised of historic buildings which were built in the 19th Century as part of a working farm and mill. Certain portions of the Facilities are NOT compliant with the Americans with Disabilities Act (ADA). Some portions of the Facilities offer limited or no access to persons with special needs. Nonprofit Organizations using the Facilities must be aware of this fact and should plan accordingly. The Nonprofit Organization’s notices of the Event must disclose the lack of ADA compliance to the Event’s participants. Nonprofit Organization shall indemnify, defend and hold harmless the Harden Foundation and its directors, officers, employees and agents on any claim or damage arising from the Nonprofit Organization’s Event and any allegation of noncompliance with the ADA. The Bunkhouse Conference Room and the Patio Area comply with the Americans with Disabilities Act (ADA).

Section 5
Registration and Reservation

5.1 Registration. A Nonprofit Organization wishing to use the Facilities must complete and submit a Registration Form to the Harden Foundation. Once approved by the Harden Foundation, the Registration will be valid for five (5) years. The Harden Foundation reserves the right to revoke a Registration at any time, for any reason. There is no fee to Register.

5.2 Event Reservation Request Form. Nonprofit Organizations that are registered with the Harden Foundation may request the use of the Facilities by submitting an Event Reservation Request Form. A separate Event Registration Form must be completed for each requested use of the Facilities.

Section 6
Miscellaneous

6.1 Governing Law/Venue. This Agreement shall be governed by and interpreted under the laws of the State of California. Venue for any method of dispute resolution shall be Salinas, California.

6.2 Authority. Any individual executing this Agreement on behalf of a Nonprofit Organization hereby represents and warrants that he or she has the requisite authority to enter into this Agreement on behalf of said Nonprofit Organization.

FOR: _____
Name of Nonprofit Organization

Dated: _____

BY: X _____

Print Name and Title

Facilities Offered

I. Harden Home

- a. Hours of Operation: Monday through Friday: 8 a.m. to 5p.m.
- b. Capacity: 100 People
- c. Technology Available: None
- d. **ALL AREAS MAY NOT BE ACCESSIBLE TO PERSONS WITH SPECIAL NEEDS**

II. Harden Home Patio Area

- a. Hours of Operation: Monday through Friday: 8 a.m. to 5p.m.
- b. Capacity: 100 People
- c. Technology Available: CD Player and Wireless Microphone

III. Bunkhouse Conference Building

- a. Hours of Operation: Monday through Friday: 8 a.m. to 5p.m.
- b. Room Capacity: 50 People
- c. Technology Available:
 - i. Video: TV and DVD
 - ii. Telephone provided for conference calls
(Long distance Fees responsibility of nonprofit organization)
 - iii. Indoor/ Outdoor Sound System
 - iv. Wall Mounted Large Screen Flat Panel TV Monitor
 - v. Internet Access