

STARGAZING KIT USER AGREEMENT MONTEREY PARK BRUGGEMEYER LIBRARY

In consideration of being permitted to use and to check out the City of Monterey Park's ("City") Stargazing Kits at the Monterey Park Bruggemeyer Library ("Stargazing Kits" or "Kit"), and all purposes associated with such use, I agree to the following Stargazing Kit User Agreement ("Agreement") as follows:

1. I agree and represent that I have read, understand, and agree to the Library's rules and policies regarding use of the Stargazing Kits that are set forth below ("Stargazing Kit Use Rules"). I understand that if I violate these rules and policies, then the Library may revoke or suspend my privileges to use Stargazing Kits. I understand that I may appeal the loss of privileges to the City's City Manager ("City Manager") in person or in writing. The City Manager will be the final decision-making authority.
2. I agree to indemnify and hold City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising out of the Purchase or the order, or their performance, except for such loss or damage arising from City's sole negligence or willful misconduct. Should City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out my use of the Stargazing Kit, I will defend City (at City's request and with counsel satisfactory to City) and indemnify City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "City" includes City's officers, elected officials, and employees. It is expressly understood and agreed that the foregoing provisions will survive termination of this Agreement.
3. I expressly agree that the foregoing release, waiver, and indemnity section is intended to be as broad and inclusive as is permitted by the law of the State of California and that if any portion is held invalid, it is agreed that the balance shall continue in full legal force and effect.

STARGAZING KIT USE RULES

- The Agreement must be signed by all first-time users;
- A valid Monterey Park Bruggemeyer Library card must be presented at the time of checkout. Borrowers must not have an outstanding balance on their account for any lost or damaged items and must have their current address on file;
- Patrons must be 18 years or older to borrow a Stargazing Kit;
- Patrons must follow the rules provided on the "Library Cards and Fees" webpage found at the following link: <https://www.montereypark.ca.gov/248/Library-Cards-Fees>.
- Borrowers are responsible for checking that no part is missing when the Kit is issued;
- Stargazing Kits must be returned to the Circulation Desk at least 30 minutes before the library closes;
- Patrons who return Stargazing Kits after the due date may be prohibited from borrowing Kits in the future;
- Borrowers assume full financial responsibility for the cost of repair or replacement of the Kit, or any part of the Kit, due to damage or loss. The full replacement cost for a Stargazing Kit is \$580.00; and
- Borrowers are responsible for reading the safety instructions that accompany the telescopes and ensuring these are adhered to. These responsibilities include never looking at the sun through the telescope provided in the Stargazing Kit and never leaving the telescopes unattended around children.

By signing this Stargazing Kit Agreement, I agree that I have read and understand this Agreement, and further agree that no oral representations, statements, or inducement apart from the foregoing written agreement have been made. I agree that I may be held accountable for any violation of the foregoing rules.

Date: _____ Signature: _____

Name: _____

Address: _____

Phone Number: _____

STAFF USE ONLY

Library Card Number: _____

Witnessed by: _____

Date: _____