



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Peter Jensen

SUBJECT: CITY HALL FACILITY
USE UPDATE

DATE: November 2, 2006

Approved

Ray Wmner

Date

11/2/06

COUNCIL DISTRICT: 3
SNI AREA: University

RECOMMENDATION

1. Acceptance of the staff report on events at City Hall
2. Adoption of a resolution setting forth a revised fee schedule related to use of City Hall and superseding Resolution No. 72940 and approving revisions to Council Policy 7-2 related to use of City Hall to provide for
 - a. Free events Sunday through Friday for Official City Business in the Rotunda, Council Chambers, Plaza and Bamboo Garden, subject to certain limitations; and
 - b. Seasonal displays in lobbies.
3. Adoption of a resolution revising Council Policy 2-1 for the exhibition of Federal, State, City and ceremonial flags at City buildings to clarify that flags of the governments recognized by the United States may be displayed upon the request of the Mayor, a member of the City Council or the City Manager.

OUTCOME

Adoption of a resolution superseding the Schedule of Fees for City Hall (Resolution No. 72940), and the Master Facility Use Policy (Council Policy 7-2) as described in this Memorandum will enhance the ability to provide event support to the Mayor, Council and City Departments. Additionally, City Hall lobbies will be available for temporary seasonal displays by City Departments.

BACKGROUND

On June 21, 2005 Council adopted Fee Resolution No. 72749 and modified Council Policy 7-2 for events at City Hall. These were subsequently modified by Council on October 25, 2005 when a process for reduced facility rental fees for Official City Business was established for the 2005-2006

fiscal year. The Facility Use Policy defines Official City Business as the official business of the City and/or Redevelopment Agency, including meetings and functions of the City Council, Redevelopment Agency Board, and departments that are directly connected to: (1) the goals of the City Council and/or Redevelopment Agency, or (2) the core services of the department(s), or (3) the promotion of economic development.

This program allocated up to \$50,000 per fiscal year that could be used to reduce fees applicable to Official City Business events held by Departments, Divisions, the Mayor or a City Council Office, in the Council Chambers, Rotunda, Plaza, or Bamboo Garden, on a first come first served basis. The Official City Business Fee Reduction Program was available for up to 4 times per year (once per quarter) each for the Mayor's Office, Council Offices, Departments, or Divisions, to the extent that funding remained available. A listing of the number of times the program was used during City Hall's first year of operations is included in this memo as Attachment A.

The Official City Business Fee Reduction Program included only the facility rental portion of the charges associated with use and excluded the charges associated with providing equipment and staff coverage of events. Throughout the fee reduction period, staff received numerous requests from City Departments for additional reduction of costs associated with the facility, including staffing on weekends and holidays and elimination of equipment rental fees. General Services proposes to address these requests through the revisions to the program as outlined below.

Although overall facility use has been high, daytime activity in the Rotunda has been limited. As a result, General Services staff has begun to implement a plan for activation of the space during the daytime, Monday through Thursday, between the hours of 9:00AM and 3:00 PM. Included in this plan is the promotion of the space for small performances focused around the lunchtime hour.

ANALYSIS

During the first year of operation, the overall facility use has been high. The chart below lists the reservable spaces at City Hall and the event activities experienced for the first year of operations, beginning in September 2005.

| Location | # Events/ Meetings |
|-------------------------|-------------------------------|
| Committee rooms 118-120 | 1,545 |
| Council Chambers | 369 |
| Rotunda | 145 |
| Plaza | 34 |
| Total | 2,093 |

The Committee meeting rooms are the most used of the reservable spaces. The flexible setup and ability to hold large meetings of varying types makes this space very popular. Usage is primarily internal City staff, with very few (2% of total rentals for the space) external revenue-generating events taking place in the space to date. This is largely due to the high demand internally which has

resulted in unavailability for outside groups. The exception is weekends when these rooms are available but are rarely utilized.

The Council Chambers receives fairly consistent use for larger meetings, again primarily by internal City staff. The high level of technology in the space requires facility staff to be present to support these meetings. Occasional external rentals (1% of total rentals for the space) have made use of the space.

The Rotunda receives the bulk of the external rentals (61% of total rentals for the space) and is the most attractive of the event spaces. Large events such as the State of the City address, the Driver Dinner for the San Jose Grand Prix, and numerous weddings take place in this space. Staff is currently working to make the space more active during the weekday when event use is lower.

The Plaza is often used in conjunction with the Rotunda and usage is higher in nicer weather with a balance of external (50% of total rentals for the space) and internal events. Events in this space are typically larger in scale. The plaza has also been the site of several demonstrations and protests. These can be planned and coordinated through facility staff or held with no coordination for simple assemblies involving First Amendment activities.

Event Support

General Services has three staff teams who are primarily responsible for event support. These teams include:

- **Events Management** (1 Sr. Events Coordinator, .5 Events Coordinator PT, .5 Staff Technician (duties split between events and building management) – This team is the primary contact for event organizers, and is responsible for working with the organizer to plan all services needed, complete contracts, arrange for additional services (such as catering, additional security, etc.), and provide support during the event as needs arise.
- **Facilities Support** (1 Sr. Facility Attendant, 4 Facility Attendants) – This team handles set-up and take-down of events, coordinates any special building needs, and sometimes has staff present during events to deal with facilities needs.
- **Sound & Light Technical Services** (2 Sound & Light Technicians) – This team is responsible for all audio-visual needs connected with events, including projections, sound boards and mixing, and limited information technology support.

In addition, depending on the event, other General Services City Hall staff such as security officers, electricians, and HVAC mechanics provides event support as needed. This staff complement, augmented by an overtime budget and additional assistance which can be provided at event organizers' expense, has been able to provide support for the 2,093 events and meetings noted above during the first year of City Hall's operations. The need for supplemental support for this staff grows when the events schedule is heavy (as it was this October, when there were 21 consecutive event days at City Hall).

Event Costs

Staff proposes to rescind the Official City Business Fee Reduction Program described in the background section of this memo. Instead, the revised Facility Use Policy (Attachment B) would allow for two free events per week and free available equipment for official City business events held in the Rotunda, Council Chambers, Plaza, or Bamboo Garden, subject to certain limitations, as described below. Costs that cannot be covered within the budgeted resources for City Hall would still be the responsibility of the event sponsor.

All Council meetings, Redevelopment Agency Board meetings, Commission meetings, and all Council Study Sessions will continue to be supported by General Services budgeted resources, and per the Facility Use Policy take precedence over other events when the space is needed. Other functions should be supported on a cost-recovery basis. These costs are set in accordance with the approved Fees and Charges Schedule for City Hall Events. The published fees and charges amounts listed in the schedule were set on a cost recovery basis per event. An example of an event cost before and after this proposed modification is provided:

| Sample Rotunda Event for Official City Business | | | |
|--|-----------------------------------|----------------------------|-----------------------------|
| Covered Fee & Costs | Event Item | Current Fee or Cost | Proposed Fee or Cost |
| | Facility Use Fee (Rotunda) \$800 | Free | Free |
| | 15 tables | \$135 | Free |
| | 150 chairs | \$450 | Free |
| | Stage (4 sections) | \$64 | Free |
| | PA System | \$250 | Free |
| | Facilities Staff Costs (16 hours) | \$815 | Free |
| | AV Technician (6 hours) | \$375 | Free |
| External Costs (appx) | Rented Equipment | \$500 | \$500 |
| | Police Secondary Employment | \$758 | \$758 |
| | Permits | \$100 | \$100 |
| | Catering (150 x \$20 ea) | \$3,000 | \$3,000 |
| | Total Cost | \$6,447 | \$4,358 |

The free costs are supported within General Services' budgeted resources, and revenue estimates for 2006-2007 reflect these changes. The assumptions, however, are based on the criteria listed below. Changes to the criteria may affect the department's ability to support events or to achieve the budgeted revenue estimate. It is proposed that staff review actual experience after the changes have been in place for one year, and come forward to Council with any recommended changes based on our experience under these conditions.

As mentioned above, staff proposes a number of criteria that would apply to the policy. These criteria, along with the reasons for their inclusion, are listed on the following page.

Criteria for Free Events in the Rotunda, Council Chambers, Plaza and Bamboo Garden

- **Meetings or events must qualify as Official City Business**
General Services' budgeted resources should support City functions. As noted above, all Council meetings, Redevelopment Agency Board meetings, commission meetings, and all Council Study Sessions will be supported by General Services budgeted resources. Any other functions should be supported on a cost-recovery basis.
- **Meetings or events must be free and open to the public**
This requirement helps confirm that the character of the event is consistent with the definition of Official City Business.
- **Meetings or events must be held Sunday through Friday (except holidays) for up to 10 hours (including setup and breakdown) for a single day event.**
This requirement will maintain the facility's marketability for outside groups, whose events are most often scheduled for Saturdays (this is particularly true of weddings), while still preserving many open slots for Official City Business events. This provision attempts to balance the need for the City to use the facility for its events, while also ensuring that it remains available to our businesses and residents for events they would like to hold here.
- **Meetings or events qualifying for free use would be limited to two per calendar week for the facility. The Mayor's Office and each Council Office would be allowed up to 5 free uses per year, and each department or office of the City Manager's Office would be allowed up to three free uses per year. These allowances reflect the use patterns experienced in the first year. Thirty days advance reservation notice and an event application would be required.**
This requirement would help maintain space availability for all departments, provide adequate time for staff scheduling and meeting support services, and allow General Services to manage its resources to provide meeting and event support while also maintaining the facility infrastructure. Meeting requests that go beyond these limits could be supported at fee levels charged to outside groups.

In developing this recommendation, staff analyzed the staffing levels described above as compared to the actual and expected event and meeting workload. In order to accommodate the support needs associated with events on Sundays with sufficient notice, staff would adjust work schedules and/or cover the events on an overtime basis. General Services has determined that this level of support should be feasible within its current budget allocations.

For Saturday outside events, which tend to be larger and require enhanced support, General Services would need either to redeploy resources dedicated to maintenance operations on an overtime basis, or to contract for the support. In either case, these expenditures would be recovered through the fee structure from the event organizers.

General Services has accounted for the proposed change in the 2005-2006 revenue forecast. However, at this point, it is unclear how booking patterns may change. Staff will monitor this issue closely, and will consider whether further policy changes may need to be proposed to better balance our goals of meeting the business needs of the City while still maintaining the flexibility to meet the majority of the community's event needs.

Rotunda Activation

The Rotunda has seen limited use during the weekday. One of the architectural goals for the Rotunda was to serve as the gateway to the facility. In order to advance that goal by making the space more active, General Services has recently set it aside for weekday use where tables and chairs are available for the public and City Hall staff to use as a gathering place. Our experience has been that this use is gaining popularity. Next steps being considered include offering coffee and food service, and providing small performances with limited equipment and no admission charge, the first of which was held October 20, featuring two City employees.

General Services is working with Finance-Purchasing to develop a competitive process to select a vendor for coffee and food service. Any vendor contract developed from this process will allow the City the ability to opt out on short notice, should selected vendors for the 4th Street retail space desire to have the first right to provide this type of service in the Rotunda.

Lunchtime performances will be added as a way to further activate the space. City staff will be responsible for identifying appropriate performers and performances, through the management of a contracted event manager. Our aim will be to have a variety of experienced performers and performers and groups affiliated with San José schools. Casual and event usage will be tracked to guide future decisions as to changes or additions to the non-event activities being offered at the Rotunda.

Flag Policy

At the October 17, 2006 Council meeting, staff brought forward proposed amendments to the Council Policy Regarding Flags. During the discussion of this item Council asked for several changes to the proposed Council Policy 2-1 and directed staff to return the policy with this Facility Use memorandum for further review and discussion. The revised policy is attached (Attachment C), as is a document (Attachment D) listing those flags previously flown at City Hall, as per Council direction. In brief, the revised Council Policy 2-1:

- Clarifies that flags of nations recognized by the United States may be flown with City Manager approval.
- Allows other ceremonial flags previously recognized by Council action to be flown with City Manager approval.
- Allows other flags to be flown following Council action in conjunction with a ceremonial or agenda item.
- Corrects the title of the Vietnamese Freedom and Heritage flag.

The Council also directed that information be provided about the process for flag raising ceremonies at City Hall. These events are supported by General Services, and event sponsors (a City Council office, department, or the Redevelopment Agency) will be provided: a basic audio setup including two speakers, a microphone, and a staffed mixing board, 40 chairs, a podium, and staff to raise the flag. If the flag raising will require more resources than this basic level, they will be treated as events under the Facility Use Policy. As such, they will be eligible for the free use described above.

Flag raisings will be coordinated through the General Services Event Services office. Staff understands that some requests will come with short notice and will accommodate as resources

allow. However, in order to properly provide comprehensive support of the event, balance workloads, and accommodate scheduling agreements with bargaining units, staff asks for thirty days notice for flag raisings. It is also important to consider lead time for ordering of flags if one is needed. This lead time can reach 3-5 weeks at times as the flag size at City Hall requires a special order.

Seasonal Displays

In the first year at City Hall, we received a considerable amount of feedback in support of decorating lobbies for the appropriate season. The revised lobby use policy will allow for temporary seasonal decorations and for decorations for official City holidays in the tower lobby and in lobbies in the reception areas of floors in the tower and wing.

POLICY ALTERNATIVES

Eliminate Fees for Saturday Events

Council could decide to allow for free events on all days, including Saturday. This would likely have a long-term effect on the ability to book the Rotunda for external events, because Official City Business uses might reduce the number of available days and times for outside groups. It is estimated that this reduction would result in a revenue decrease of approximately \$40,000. This option is not recommended due to the external demand for the space on Saturdays by the public, and to the need for additional resources to support this additional available day for Official City Business events.

A second option would be to extend the exclusion on free events to Sundays as well as Saturdays. This would increase the availability and marketability of the space over the long term for external events. The estimated additional revenue associated with limiting Sunday events to outside groups is approximately \$21,000.

PUBLIC OUTREACH

Although this action does not meet any of the criteria below, this memorandum is posted on the City's Council Agenda Website.

- Criteria 1: Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2: Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3: Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

This memorandum has been coordinated with the City Manager's Office, the Budget Office, and the City Attorney's Office.

COST IMPLICATIONS

General Services has accounted for the proposed policy change in the 2005-06 revenue forecast for City Hall events.

BUDGET REFERENCE

Not Applicable

CEQA

EIR, Resolution #68905



PETER JENSEN
Director of General Services

For questions please contact Peter Jensen, Director of General Services, 938-2025.

Attachment A

City Hall Events – Fee Waiver
Frequency of Use

| | | Mayor & Council | City Departments |
|----------|-----------------|----------------------------|-------------------------|
| FY 05-06 | Q2 (Oct-Dec) | 2 | 6 |
| | Q3 (Jan-March) | 4 | 8 |
| | Q4 (April-June) | 10 | 7 |
| FY 06-07 | Q1 (July-Sep) | 8 | 6 |
| | TOTAL | 24 | 27 |

ATTACHMENT B

City of San José, California

COUNCIL POLICY

| | | |
|--|---------------------------|--------------------------|
| TITLE: CITY HALL FACILITY USE POLICY | PAGE 1 of 10 | POLICY NUMBER |
| | EFFECTIVE DATE | REVISED DATE |

APPROVED BY

Section I. Purpose

To establish a policy for managing use of City Hall Facilities for Official City Business, the general public and Governmental Agencies. Specific terms or phrases used in this Policy are defined in Section VIII.

Section II. Authority

San José Municipal Code, Section 4.04.020 provides the City Manager with the authority on behalf of the City to enter into and execute leases and other agreements for the use of real property within certain financial limits.

San José Municipal Code, Chapter 13.23 provides the Director of General Services with the authority to issue permits for outdoor events on the City Hall Plaza.

The applicable fees and charges for use of designated portions of City Hall and the Plaza are established by Resolution of City Council and are contained in the City's Fee Schedule.

Section III. Guiding Principles

1. The primary purpose of City Hall is to provide for the legislative and administrative operations and programs of the City for the community. Therefore, Official City Business, programs and activities shall have priority use of all City Hall Facilities.
2. City Hall is further intended to serve as a hub of civic and cultural activity and a major gathering center for community Meetings and an active program of Indoor and Outdoor Events.
3. Designated portions of the Facility may be used by groups gathered to conduct organizational or program meetings, discussion groups, panels, conferences,

seminars, study groups, planning sessions, and to discuss items of mutual interest or engage in professional development through learning activities.

4. Designated portions of the Facility may be used by individuals and groups gathered for events including banquets, dinners, shows, weddings, lectures, concerts or other similar activity for the purposes of celebration, education or cultural enrichment.
5. It is the City's intent to provide spaces that are affordable and accessible for cultural, civic and celebratory activities, without compromising security and Official City Business needs.
6. In order to make City Hall a welcoming and attractive place for both employees and visitors, the City may display plants and floral arrangements. Additionally, the City, consistent with the City Hall Facility Rules and Regulations may, on a temporary basis, install or display in City Hall decorations to celebrate or commemorate the seasons of the year and Holidays. However, nothing contained in this Facility Use Policy is intended to allow the display of decorations in a manner that is inconsistent with the Facility Use Rules and Regulations and state or federal law.

Section IV. Policy Overview

In order to preserve the functions that City Hall is designed to serve, to provide for public use of the Facility, and coordinate multiple uses of the Facility, the general policy is set forth below.

1. The City Manager will establish the Facility Use Rules and Regulations, issue permits and use agreements for indoor meeting and event spaces, and act as the final authority for the application of the policy.
2. The Director of General Services will issue permits for outdoor events on the Plaza.
3. The City Call Center is responsible for the day-to-day operations of scheduling and administering Facility reservations.
4. The granting of permission to use the Facility shall not in any way constitute an endorsement of the views of the groups reserving the Facility.
5. Users of the Facility for Meetings and Indoor Events will be required to enter into a City Hall Facility Use Agreement and comply with all requirements set forth in the City Hall Facility Use Rules and Regulations.
6. Use of the Facility for multiple meetings may be granted to the public for a period not to exceed three consecutive months, additional reservations can be made

after the end of the three month period.

7. All City Hall Facility use reservations shall be made subject to the condition that the City shall have the right to cancel or change any reservation if the Facility is needed for Official City Business. In no event shall the City have any liability whatsoever for any cancellation.
8. City Departments, City Council Offices and the Redevelopment Agency shall provide a funding source, where fees are applicable, for their reserved space, excluding reservations for meetings or functions for Official City Business and the meeting or function involves no more than the standard set up of tables and chairs, the unsupervised use of audio visual equipment, and light refreshments, and is planned, managed, and led by the City Council, Redevelopment Agency, or department staff.
9. Use of the Facility must not interfere with the conduct of Official City Business or be unduly disruptive to others present in City Hall or to adjacent properties.
10. All Commercial Activities shall be prohibited except as provided in an appropriate permit, or license issued by the City or provided for in an authorized written agreement with the City.
11. The Policy will be re-evaluated as needed.

Section V. Public Use – City Hall and Rotunda Interior

A. Tower Meeting Rooms

Tower Meeting Rooms shall be used solely for conducting Official City Business. For the first twelve months (12) these rooms will not be available to the public pending a determination of the business needs of the organization. If adequate space is determined to be available, use of meeting rooms during business hours may be granted to the public at a later time.

B. Committee Room(s)

The Committee Room(s) shall be used primarily for conducting Official City Business. However, use of the Committee Rooms may be granted to the public at the City's convenience for the purposes of a Meeting or an Indoor Event in accordance with the general policy set forth below.

1. The City may grant permission to use the Committee Rooms in the following priority schedule:
 - a. City Council/Redevelopment Agency Board and City Council Committees, including ceremonials

- b. Planning Commission
 - c. Civil Service Commission
 - d. Other Boards or Commissions
 - e. Council Appointees
 - f. City Departments/Redevelopment Agency
 - g. City established Organizations and Committees (in which City officials participate)
 - h. Government Agencies and Officials
 - i. All other user
2. Use of the Committee Rooms will be free to all users during the week (Mondays-Fridays, 8 am-10 pm). Other charges may apply for City Services for the conduct of an event.
 3. During the weekends (Saturdays and Sundays) and on Holidays, all users will be charged a facility use fee and other applicable charges for City services as set forth in the Schedule of Fees, unless (i) the Meeting or Indoor Event is for Official City Business, and (ii) the Meeting or Indoor Event involves no more than the standard set up of tables and chairs, the unsupervised use of audio visual equipment, and light refreshments, and (iii) the Meeting or Indoor Event is planned, managed, and led by the City Council, Redevelopment Agency Board, Redevelopment Agency, or City department.
 4. Use of the Committee Room(s) for Meetings shall take precedence over its use for Indoor Events.

C. Council Chambers

The Council Chambers shall be used primarily for conducting Council Meetings and Official City Business. However, use of the Council Chambers may be granted to the public for the purposes of a Meeting or an Indoor Event in accordance with the general policy set forth below.

1. The City may grant permission to use the Council Chambers in the following priority schedule:
 - a. City Council/Redevelopment Agency Board and City Council Committees, including ceremonials
 - b. Planning Commission
 - c. Civil Service Commission
 - d. Other Boards or Commissions
 - e. Council Appointees
 - f. City Departments/Redevelopment Agency
 - g. City established Organizations and Committees (in which City officials participate)
 - h. Government Agencies and Officials

- i. All other users
2. All users will be charged a facility use fee and other applicable charges for City services as set forth in the Schedule of Fees, unless (i) the Meeting or Indoor Event is for Official City Business, and (ii) the Meeting or Indoor Event involves no more than the standard set up of tables and chairs, the unsupervised use of audio visual equipment, and light refreshments, and (iii) the Meeting or Indoor Event is planned, managed, and led by the City Council, Redevelopment Agency Board, Redevelopment Agency, or City department.
3. The Council Chambers may only be used under the supervision of City personnel.

D. Rotunda

The Rotunda, as the focal point for City Hall, shall be used as the regular location for formal public speeches, government ceremonies and protocol events of the City. It is also intended that the Rotunda be used by the community as a gathering place for Indoor Events.

1. Except as specified in paragraph 2, below, all reservations shall be made on a first come, first served basis.
2. Use of the Rotunda's main floor shall take precedence over use of the Rotunda Mezzanine, unless the events reasonably allow multiple occupancy of the Rotunda.
3. All users, will be charged a facility use fee and other applicable charges for City services as set forth in the Schedule of Fees, unless (i) the Meeting or Indoor Event is for Official City Business, and (ii) the Meeting or Indoor Event involves no more than the standard set up of tables and chairs, the unsupervised use of audio visual equipment, and light refreshments, and (iii) the Meeting or Indoor Event is planned, managed, and led by the City Council, Redevelopment Agency Board, Redevelopment Agency, or City department.

E. Catering Pantry

The Catering Pantry is intended to serve as a support space for Meetings and Indoor Events at City Hall.

1. The Catering Pantry is a separately reserved space from other areas of the Facility.
2. Use of the Catering Pantry in support of Indoor Events in the Rotunda shall take precedence over all other uses.

3. All users will be charged a facility use fee and other applicable charges for City services as set forth in the Schedule of Fees, unless (i) the Meeting or Indoor Event is for Official City Business, and (ii) the Meeting or Indoor Event involves no more than the standard set up of tables and chairs, the unsupervised use of audio visual equipment, and light refreshments, and (iii) the Meeting or Indoor Event is planned, managed, and led by the City Council, Redevelopment Agency Board, Redevelopment Agency, or City department.

Section VI. Limited Public Access Areas

A. Lobby Areas and Walkways

1. The primary function of the City Hall Lobby Areas and Walkways is to provide a means of egress from and ingress to City Hall.
2. Secondly, the Lobby Areas and Walkways serve the purpose of providing a place for the public to obtain information from the City about the services available in City Hall and public information provided by the City regarding an Integral Government Function.
3. All activities within the City Hall Lobby Areas and Walkways shall be in compliance with the City Hall Facility Rules and Regulations.
4. Activities that are inconsistent with the purpose of the City Hall lobby Areas and Walkways and/or are a danger to public health and safety are prohibited as set forth in the City Hall Facility Use Rules and Regulations.

B. Secured Areas

The areas of City Hall located behind security doors or in areas requiring a security badge or permission from an employee for access, are non-public areas.

Section VII. City Hall Plaza

The Plaza including the Bamboo Courtyard shall be used for governmental purposes and by individuals and groups for Outdoor Events, and for informal gatherings.

1. The City shall regulate short-term uses of the Plaza in accordance with Chapter 13.23 of the San José Municipal Code, which sets forth the permitting requirements and procedures for the use of City Hall Plaza, and with the implementing Regulations adopted by the City Manager.
2. City Hall Plaza permits shall be required for an Outdoor Event or a Limited Outdoor Event (each as defined in SJMC Chapter 13.23) and shall be issued on a first come, first served basis unless the events reasonably allow multiple occupancy of the requested area.

3. Permits will not be issued on the East Plaza during business hours (Mondays-Fridays 8am-5pm).
4. Simple Assembly and Expressive Display Areas (each as defined in SJMC Chapter 13.23) shall be reserved on a first come first served basis.
5. The City may place additional time, place and manner restrictions on use of the Plaza in accordance with Chapter 13.23 of the San José Municipal Code and the implementing Regulations.
6. Permittees shall be required to pay all fees, deposits and all appropriate City charges, as set forth in the Schedule of Fees adopted by resolution of the City Council.

Section VIII. Definitions

These definitions are provided as a convenience and to some extent restate definitions set forth in the San José Municipal Code or the implementing regulations – each of which may be amended from time to time. In the event of any inconsistency between the definitions set forth herein, and the definitions set forth in San José Municipal Code Chapter 13.23 or in the regulations implementing such Chapter, the provisions of the Municipal Code and implementing regulations shall control.

Bamboo Courtyard. Shall mean the courtyard area located on the southern edge of the Facility bounded by City Hall Council Wing to the west; City Hall Tower to the east and curved face of the battered wall to the north.

Catering Pantry. Shall mean Council Wing Room C-148 intended for the support of food service for Meetings and Indoor and Outdoor events at City Hall.

City. Shall mean the City of San José.

City Hall. Shall mean the building located at 200 East Santa Clara Street, San José, California 95113, which encompasses all enclosed areas including the basement parking facility.

City Hall Plaza. Shall mean the exterior public open areas located adjacent to the new San José City Hall located at 200 E. Santa Clara Street, San José, CA., which area is bounded by Santa Clara Street on the north, Fourth Street on the west, Sixth Street on the east, and on the south, starting from Fourth Street going eastward along the southernmost wall of the new City Hall and continuing to the cement wall marking the southern property line of the City Hall Property. The City Hall Plaza is owned and controlled by the City and includes the adjacent sidewalks.

Commercial Activities. Shall mean the sale or exchange of goods or services for profit or for other business considerations.

Committee Room(s). Shall mean rooms C-118, C-119, and C-120 of the Council Wing of City Hall.

Council Chambers. Shall mean Council Room C-166 of the Council Wing of City Hall.

Expressive Display Areas. Shall be space for a person or limited number of persons to stand and communicate their views to those entering or exiting City Hall.

Facility. Shall mean the entire area (including interior restrooms, parking, hallways, and exterior areas) of City Hall bounded by Fourth Street and East Santa Clara Street, Sixth Street and the southern property line of the City Hall campus.

Facility Use Agreement. Shall mean the written and executed agreement between the user and the City of San José.

Facility Use Rules and Regulations. Shall mean the formal set of rules and regulations issued and published by the City Manager necessary for the management of public use of the City Hall Facility.

Government Agencies. Shall mean federal, state, and local government agencies other than the City of San José and the Redevelopment Agency.

Holiday. Shall mean those days so designated by the City Council on which City employees are entitled to paid holiday leave.

Indoor Event. Shall mean any banquet, dinner, show, entertainment, amusement, dance, exhibition, lecture, concert, auction, performance or other similar activity held in a Committee Room, the Council Chambers or the Rotunda whose requirements exceed that of a Meeting.

Integral Government Function. Shall mean: 1) a duty which the City or Redevelopment Agency (Agency) is required by law to perform; 2) an activity reasonably necessary to conduct the City's or Agency's business, such as employment relations and public employee related services; 3) public educational activities engaged in traditionally by the City or Agency and information related to the functions and activities of City or Agency Departments, and information regarding facilities or programs operated by the City or Agency or funded by the City or Agency; 4) Official Proclamations of the City or Agency, as approved by the City Council or Agency, such as "Month of the Child," and; 5) transmission of information regarding Sister Cities of the City.

Limited Outdoor Event. Shall mean a City Hall Limited Outdoor Event, as defined in San José Municipal Code Section 13.23.270, which is a City Hall Plaza Event if all of the following apply: no food or beverages are cooked, prepared or served; no sale or distribution of food, beverages, goods or other commercial merchandise occurs,

whether for compensation or free of charge; at least one (1) but no more than five (5) booths or tables are used (or a combination thereof); up to but no more than 19 chairs are used; no stage, barricades or other temporary structures are used or placed on the Plaza; no vehicles are driven or placed on any area of the Plaza; no other equipment is used other than a hand carried microphone/loudspeaker; the event is open to the public at no charge; and lasts for no longer than one day.

Lobbies and Walkways. Shall mean the interior portions of City Hall which are open to the public, including but not limited to the areas inside the doors to City Hall, areas next to City Hall elevators, sitting areas in open and public areas of the City Hall, and the public walkways, balconies and hallways in City Hall.

Meeting. Shall mean groups gathered to conduct organizational or program meetings, discussion groups, panels, conferences, seminars, study groups, planning sessions, training programs, and related activities and to discuss items of mutual interest or engage in professional development through learning activities that involve no more than the use of tables, chairs, a podium, audio visual equipment, and light refreshments.

Official City Business. Shall mean the official business of the City and/or the Redevelopment Agency and includes Meetings, Indoor Events, Limited Outdoor Events, and Outdoor Events of the City Council, Redevelopment Agency Board, Redevelopment Agency, and City departments that are directly connected to: (i) the goals of the City Council and/or Redevelopment Agency Board, or (ii) the core services of the Redevelopment Agency or City department(s), or (iii) the promotion of economic development.

Outdoor Event. Shall mean a "City Hall Outdoor Event" as defined in SJMC Section 13.23.260 which is a City Hall Plaza Event which involves any of the following: cooking, preparation, serving, sale or distribution of food or beverages; the sale or distribution of commercial merchandise; the erection of a stage, barricades, or generators; the use of six (6) or more tables or booths (or a combination thereof); the use of 20 or more chairs; the placement or use of other equipment or temporary structures on the Plaza; driving or placing vehicles on the Plaza; or if public access to the event is limited such as by invitation or by requiring payment as a condition to entry.

Redevelopment Agency. Shall mean the City of San José Redevelopment Agency.

Rotunda. Shall mean the main atrium space (Room R-101) of City Hall.

Rotunda Mezzanine. Shall mean the second floor of the Rotunda (Rooms R-202, R-203 and R-204) of City Hall.

Simple Assembly. Shall mean an assembly of persons on an unreserved area of the Plaza, if the assembly does not include equipment, temporary structures, sales or distribution of commercial merchandise, food or beverages, or any of the other characteristics of a City Hall Plaza Event as described in Chapter 13.23 of the Municipal

Code, with the exception of a hand carried microphone/loudspeaker and further provided that the assembly remains within the capacity limits of the applicable area of the Plaza.

Tower Meeting Rooms. Shall mean the City Hall Tower Meeting Rooms.

ATTACHMENT C

COUNCIL POLICY

2-1

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| TITLE EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS | PAGE 1 OF 3 | POLICY NUMBER 2-1 |
| | EFFECTIVE DATE 4/27/70 | REVISED DATE 10/17/06 |
| APPROVED BY Council Action – 4-27-70; 8-3-82-11k; 9-28-82-12a; 4-2-85-7e | | |

PURPOSE

To establish guidelines for: (1) the exhibition of the flag of the United States of America, the California State flag, the San Jose City flag from City buildings and the New City Hall flag at City Hall, and (2) the display of street flags for parades and holidays, and (3) the display of ceremonial flags.

POLICY

It is the policy of the City of San José that flags should be displayed in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the Congress, House Document No. 96-144; and the State of California Government Code Sections 430 and 437.

In order to establish a policy with respect to the locations and days when the United States of America, California State, and San Jose City flags should be displayed, the following standards should be followed.

The Director of General Services is responsible for ensuring the proper execution of this policy at all City facilities except the Airport, where the Director of Aviation is responsible for proper execution of this policy.

STANDARDS

A. Federal, State and City Flags

1. Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States flag; second, the California State flag; third, the San Jose City flag; and fourth, the New City Hall flag.

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2. Weather permitting, flags should be displayed daily in front of or at a location near City Hall, the Police Administration Building, the Civic Auditorium, the Airport, and all Fire and Police facilities during business hours.
3. Flags should not be displayed in inclement weather. However, all-weather flags may be flown on a 24-hour basis as long as they are illuminated from sunset to sunrise. The City Hall flags shall be all-weather flags, shall be flown on a 24-hour basis and shall be illuminated at night.
4. The San Jose City flag will be flown wherever there are sufficient poles to do so in accordance with #2 above. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of sufficient height. The Federal, State, and City flags shall not be flown on a single pole of any height.
5. New City facilities where any flags are to be flown shall be constructed with a sufficient number of poles to allow the City flag to be flown.
6. Indoor City flags shall be displayed at a minimum in the City Council Chambers and in the Mayor's Office.
7. On recognized Federal and/or State holidays, and on other special occasions as listed below, flags should be flown from all locations listed in paragraph A-2 above.
 - a) January 1, New Year's Day
 - b) January 20, (2001, 2005, 2009, etc., every fourth year) on the day the President of the United States is inaugurated
 - c) Third Monday in January, Martin Luther King's birthday
 - d) Third Monday in February, Presidents' Day
 - e) Second Sunday in May, Mother's Day
 - f) Third Saturday in May, Armed Services Day
 - g) Last Monday in May, Memorial Day. The flags to be flown at half-staff (first raise to top, then slowly lower to half-staff) until noon and at full staff from noon until sunset. NOTE: The United States flag must always be flown by itself when displayed at half-staff.
 - h) Third Sunday in June, Father's Day
 - i) June 14, Flag Day
 - j) July 4, Independence Day

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- k) First Monday in September, Labor Day
- l) September 9, Admission Day
- m) September 17, Constitution Day
- n) Second Monday in October, Columbus Day
- o) The first Tuesday after the first Monday in November of a presidential election year and gubernatorial election days
- p) November 11, Veteran's Day
- q) Fourth Thursday in November, Thanksgiving Day
- r) December 25, Christmas Day
- s) State holidays
- t) Special occasions of Federal, State and local proclamation

8. Flags at all City facilities shall be displayed in accordance with the above standards. However, the City Manager may order flags to be lowered to half staff including, but not limited to flags of the United States of America and State of California in honor of the death of a City employee killed in the line of duty.

B. Street Flags

Street flags are defined as flags flown on a guy wire over a city street. The guy wire is generally attached to city streetlights and is oriented perpendicular to the flow of traffic. Street flags may be flown in the downtown area on Veteran's Day and Memorial Day, if requested by a group sponsoring an event on that day and approved by the City Council. Funding for this flag flying may be provided by an outside agency or at the City's expense, depending on the decision of the City Council.

C. Ceremonial Flags

The City's flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City's official sentiments:

- 1. Flags of Governments Recognized by the United States. Flags of the governments recognized by the United States may be displayed upon the request of the Mayor, a member of the City Council or the City Manager.

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2. Flags of Sister Cities: The flags of official Sister Cities of San Jose may be displayed in conjunction with an event involving the Sister City.
3. Flags Displayed in Conjunction With Official Ceremonial Items: Other flags may be displayed in conjunction with official actions, ceremonial items, or proclamations of the City Council.
4. Flags of Professional Sports Teams: The City Manager may order the display of the flag of a professional sports team in commemoration of a significant achievement involving the City of San Jose.

Attachment D

National flags recognized by the United States that have been flown in San Jose at City Hall

- Canada
- Ethiopia
- France
- Greece
- Ireland
- Italy
- Mexico
- Peru
- Philippines
- Poland
- Portugal
- Samoa
- Spain
- United Kingdom

The flag policy allows the City Manager to approve the flying of these flags, as well as those of all other countries recognized by the US State Department.

Other ceremonial flags which have been flown at City Hall

- Assyrian flag
- City of Edmonton
- European Union
- Rainbow flag
- Vietnamese Freedom and Heritage flag

Council action taken October 17 will allow these flags to be flown at the discretion of the City Manager, in conjunction with a ceremony or event. The Council's action also allows the flying of the POW/MIA flag at Old City Hall on a permanent basis. Other flags may be flown based on a Council action or ceremonial item, upon request.