

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING THE SCHEDULE OF FEES FOR USE OF THE CITY HALL AND PLAZA AND SUPERSEDING RESOLUTION NO. 74454, TO BE EFFECTIVE JULY 1, 2009

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. AUTHORITY

Fees and charges set forth in this resolution are pursuant to the City Hall Facility Use Policy and Chapter 13.23 of the San José Municipal Code ("SJMC") related to use of City Hall Plaza and the associated regulations.

SECTION 2. DEFINITIONS

Unless expressly provided to the contrary, the following terms shall, for the purpose of this Resolution, have the meanings set forth in this Section.

- A. **Admission Fees.** Shall mean all fees charged for entry or admission to an event, including the monetary value of complimentary tickets. The value of complimentary tickets shall be determined by the City, and shall be based upon the ticket price for tickets sold for the event.
- B. **Bamboo Courtyard.** Shall mean the courtyard area located on the Southern edge of the Facility bounded by the Council Wing to the west; Tower to the east and curved face of the battered wall to the north.
- C. **Business Hours.** Shall mean 8:00 a.m. through 5:00 p.m. on any Monday through Friday that the City Hall is open to the public to conduct normal City business functions.
- D. **Catering Area.** Shall mean an outdoor area of the Bamboo Courtyard or near the Catering Pantry measuring no more than forty (40) feet by sixty (60) feet that will be used as a catering preparation area only.
- E. **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.
- F. **City.** Shall mean the City of San José.

- G. 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.
- H. City Hall Plaza or Plaza.** Shall mean the exterior public open areas located adjacent to the new San Jose City Hall located at 200 E. Santa Clara Street, San Jose, California., 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 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.
- I. City Hall Plaza Event.** Shall mean an outdoor public gathering, celebration or other event on any portion of City Hall Plaza which is further described as either a City Hall Outdoor Event in Section 13.23.260 of the SJMC or a Limited Outdoor Event in Section 13.23.270.
- J. City Manager.** Shall mean the City Manager, or such other person designated by the City Manager to fulfill the responsibilities identified as City Manager's responsibilities hereunder.
- K. Commercial Activities.** Shall mean the sale or exchange of goods or services for profit or for other business considerations.
- L. Committee Room(s).** Shall mean rooms C-118, C-119, and C-120 of the Council Wing of City Hall.
- M. Community Groups and Neighborhood Associations.** Shall mean Neighborhood Associations, Neighborhood Advisory Committees and Project Area Committees (PAC) that are partners in the Strong Neighborhoods Initiative of the City of San José and the San José Redevelopment Agency, citizens groups, and community organizations doing business with the City.
- N. Council Chambers.** Shall mean Council Room C-166 of the Council Wing of City Hall.
- O. Director.** Shall mean the Director of General Services or his or her designee, or such other person designated by the City Manager to administer the duties of Director under this Resolution.
- P. Facility.** Shall mean the entire area (including interior restrooms, parking, hallways, and exterior areas) bounded by Fourth Street and East Santa Clara Street, Sixth Street and the southern property line of the City Hall campus.

- Q. Government Agencies.** Shall mean federal, state, and local government agencies other than the City of San José and the Redevelopment Agency.
- R. Gross Admission Receipts.** Shall mean the total admission fee revenue including taxes.
- S. Holiday.** Shall mean those days so designated by the City Council on which City employees are entitled to paid holiday leave.
- T. 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.
- U. Limited Outdoor Event.** Is defined in SJMC Chapter 13.23, and shall mean a City Hall Plaza Event if all of the following apply:
1. No food or beverages are cooked, prepared or served;
 2. No sale or distribution of food, beverages or other commercial merchandise occurs, whether for compensation or free of charge;
 3. At least one (1) but no more than five (5) booths or tables (or a combination thereof) are used;
 4. Up to but no more than nineteen (19) chairs are used;
 5. No stage, barricades or other temporary structures are used or placed on the Plaza;
 6. No vehicles are driven or placed on any area of the Plaza;
 7. No other equipment is used other than a hand carried microphone/loudspeaker, and;
 8. The event is open to the public at no charge, and lasts for no longer than one day.
- V. Meeting.** Shall mean groups gathered in indoor spaces 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.

- W. Multiple-Day Outdoor Event.** Shall mean a City Hall Outdoor Event held over two (2) or more consecutive days.
- X. Nonprofit Groups.** Shall mean nonprofit (tax-exempt) organizations with proof of Federal or State tax-exempt status or proof of organized structure (by-laws or articles of incorporation).
- Y. Official City Business.** Shall mean the official business of the City and/or the Redevelopment Agency and includes meetings and functions of the City Council, Redevelopment Agency Board, offices headed by Council appointees, and City departments that are directly connected to: (I) the goals of the City Council and/or Redevelopment Agency, or (II) the core services of the City office(s) or department(s); or (III) the promotion of economic development.
- Z. Outdoor Event.** Is defined in SJMC Chapter 13.23, and shall mean a City Hall Plaza Event which involves any of the following:
1. Cooking, preparation, serving, sale or distribution of food, or beverages;
 2. Sale or distribution of commercial merchandise,
 3. Erection of a stage, barricades, generators or equipment requiring the use of City Hall electrical power;
 4. Use of six (6) or more tables or booths (or a combination thereof), twenty (20) or more chairs, the placement or use of other equipment or temporary structures on the Plaza;
 5. Driving or placing vehicles on the Plaza, or
 6. Public Access to the event is limited such as by invitation or by requiring payment as a condition to entry.
- AA. Redevelopment Agency.** Shall mean the City of San José Redevelopment Agency.
- BB. Rotunda.** Shall mean the main atrium space (Room R-101) of City Hall.
- CC. Rotunda Mezzanine.** Shall mean the second floor of the Rotunda (Rooms R-202, R-203 and R-204) of City Hall.
- DD. 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 SJMC, 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.

SECTION 3. MEETINGS AND INDOOR EVENTS

Use of the Committee Rooms, the Council Chambers and Rotunda for the purposes of Meetings and Indoor Events shall be charged in accordance with the following fee schedule and classifications.

- A.** The minimum charge for a reservation shall be the fee equivalent of two (2) hours use for Meetings and Indoor Events held Monday through Friday. The minimum charge for a reservation shall be the fee equivalent to four (4) hours use for the Committee Rooms and Council Chambers on Saturday and Sunday. The minimum charge for a reservation shall be equivalent to eight (8) hours for use of the Rotunda on Saturday and four (4) hours on Sunday.
- B.** Users shall have the option, at the time of the reservation, to pay Facility Use Fees on a per hour or package price basis where a package price is available.
- C. Facility Use Fees**¹
 - 1.** Use by Non-profit Groups; Community Groups and Neighborhood Associations; and Government Agencies:
 - a.** Committee Room(s)
C-118, C-119 or C-120
 - (1) Monday – Friday No Charge
8:00 a.m. – 10:00 p.m.
 - (2) Weekends \$ 75.00 per hour
8:00 a.m. – 10:00 p.m. (each room)
 - b.** Council Chambers \$ 90.00 per hour

¹ No facility use fees or rental fees for City equipment within the City Hall’s existing inventory shall be charged the City Council, Redevelopment Agency Board, Redevelopment Agency and City departments for use of the Council Chambers, Committee Rooms, Rotunda, and Rotunda Mezzanine for Official City Business where the Meeting or Indoor Event involves *no more than* the standard set up of tables and chairs, the unsupervised use of audio visual equipment, regularly scheduled staffing, and light refreshments, and is planned, managed, and led by the City Council, Redevelopment Agency Board, Redevelopment Agency, or City department. Further, there shall be no use fee or rental fees associated with City Council Meetings, Redevelopment Agency Board Meetings, Planning Commission Meetings, Civil Service Commission Meetings, or other commission meetings or study sessions of the City or Redevelopment Agency.

c. Rotunda

- (1) Sunday – Friday \$ 150.00 per hour
 - (2) Saturday \$ 1,200.00 for an eight (8) hour period
 - (3) Package price \$5,500
available Saturday and Sunday
Includes eight (8) hours of rental of Rotunda, Pantry and Catering Area, lighting package, 365 chairs, 35 – 60” round tables, 4 – banquet tables, 1 cake table and an event captain when needed.
- \$ 150.00 per hour for additional time beyond the eight (8) hours

d. Rotunda Mezzanine

- (1) Monday – Friday \$ 65.00 per hour
8:00 a.m. – 10:00 p.m.
- (2) Sunday \$ 150.00 per hour
8:00 a.m. – 10:00 p.m.

2. Use by other users:

a. Committee Room(s)

C-118, C-119 or C-120

- (1) Monday – Friday No Charge
8:00 a.m. – 10:00 p.m.
- (2) Weekends \$ 150.00 per hour
8:00 a.m. – 10:00 p.m. (each room)

b. Council Chambers \$ 180.00 per hour

c. Rotunda

- (1) Sunday – Friday \$ 375.00 per hour
- (2) Saturday \$ 3,000.00 for an eight (8) hour period
\$375.00 per hour for additional time beyond the eight (8) hours
- (3) Package price \$6,500
available Saturday and Sunday
Includes eight (8) hours of rental of Rotunda, Catering Pantry and Catering Area, lighting package, 365 chairs, 35 – 60” round tables, 4 – banquet tables, 1 cake table and event captain when needed.

d. Rotunda Mezzanine

- (1) Monday – Friday \$ 130.00 per hour
8:00 a.m. – 10:00 p.m.
- (2) Sunday \$ 175.00 per hour
8:00 a.m. – 10:00 p.m.

D. Events Where Admission Fee Charged. In addition to the other fees set forth herein, users (other than Non-profit Groups; Community Groups and Neighborhood Associations; and Government Agencies) holding Meetings and Indoor Events at which an admission fee will be charged in conjunction with the use of the facility shall pay:

Users (other than Non-profit Groups; Community Groups and Neighborhood Associations; and Government Agencies)	10% of gross admission receipts or Facility Use Fee, whichever is greater
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E. Use Beyond Reservation Period. Unless otherwise provided, a fee of two times the normal hourly rate shall be charged for each hour or fraction thereof that a group uses the Council Chambers, Rotunda or Rotunda Mezzanine beyond its scheduled reservation period plus any additional staffing fees. A fee of two times the normal weekend rate shall be charged for each hour or fraction thereof that a group uses the Committee Room beyond its scheduled reservation period.

F. Security/Cleaning/Damage Deposit. The following amounts shall be charged as a security/cleaning/damage deposit (“Security Deposit”) for Meeting and Indoor Event users. The Security Deposit will be refunded if the area is not damaged and left in as good as or better condition as existed prior to the event, and if no unpaid fees or charges, including overtime charges, remain. Otherwise, the Director will apply the Security Deposit to reimburse the City for the City’s actual cost for cleaning, repair or both and/or for unpaid fees and charges. If the costs, fees and charges exceed the amount of the Security Deposit, the user will be billed for the excess amount. The Director may reduce or suspend collection of the Security Deposit if the group has a history of using City Hall Meeting and Indoor Event areas, has consistently left the areas in good condition, has consistently and timely paid the fees and charges, and no circumstances exist which indicate that the applicant might fail to leave the area in as good as or better condition as existed prior to the event, fail to timely pay the fees and charges, or incur overtime charges.

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| 1. | Committee Room(s) | \$ 100.00 per reservation per room |
| 2. | Council Chambers | \$ 250.00 per reservation |
| 3. | Rotunda | \$1,000.00 per reservation |
| 4. | Rotunda Mezzanine | \$ 250.00 per reservation |

G. Application Fee. A non-refundable application fee will be charged for reservations made for Indoor Events. The fee will be applied toward the Facility Use Fee. If the Indoor Event is cancelled, the City will retain the application fee as reimbursement of administrative costs incurred by the City.

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| 1. | Application Fee | \$100.00 per reservation |
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H. Catering Fee. A catering fee shall be paid by all approved caterers who service events at City Hall. The fee reimburses the City for facility maintenance, utility and administrative costs associated with caterers’ use of the facility. The fee shall be waived for those caterers who have paid the annual City Hall Catering List Fee.

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| 1. | Catering Fee | \$100.00 per event |
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I. City Hall Catering List Fee. An annual fee of \$500.00 shall be paid by caterers who wish to advertise their catering services on the City Hall Catering List. The City will issue a Request for Proposals (RFP) to solicit applications for inclusion on the City Hall Catering List. The City Hall

Catering List will be maintained for a period of three (3) years, and selected caterers will remain on the List for that period, subject to annual payment of the City Hall Catering List Fee and continuing satisfaction of minimum qualifications set out in the RFP. The City Hall Catering List shall be provided to clients reserving the City Hall facility, but inclusion on the List shall not be considered an endorsement by the City.

1. City Hall Catering List Fee \$500.00 annually

J. Cancellation Charges, Indoor Events.

1. More than one-hundred-eighty (180) calendar days prior to event date \$ 100.00 application fee
2. One-hundred-eighty (180) calendar days or less, but more than thirty (30) calendar days prior to event date 50% of estimated fees
3. Thirty (30) calendar days prior to event date 100% of estimated fees
4. A fee of \$10.00 shall be charged for each time a group changes its reservation

K. Cancellation Charges, Committee Room Meetings

1. More than five (5) business days prior to reservation date \$ 10.00
2. Within five (5) or fewer business days of reservation date The greater of \$10.00 or 100% of estimated fees

L. Equipment Rental Fees

	Advance order at least 14 business days in advance of event	Late order less than 14 business days in advance of event subject to 10% increase for all equipment
1. Chair rental	\$ 3.00 per chair	\$ 3.30 per chair
2. Table rental		
a) 30"x72"/30'x 96"	\$ 8.00 per table	\$ 8.80 per table
b) 60" Round	\$ 9.00 per table	\$ 9.90 per table
3. Podium	\$ 15.00 per podium	\$ 16.50 per podium
4. Stage (6' x 8' section)	\$ 25.00 per section	\$ 27.50 per section
5. PA system	\$ 250.00 per use requires technician	\$ 275.00 per use requires technician
6. The Director of General Services will manage and maintain a list of additional equipment for rent.		

M. Miscellaneous Fees

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| 1. | Reimbursement for direct,
identified costs incurred by
City, including but not limited
to staffing and security | Amount of actual cost |
| 2. | Catering Pantry | |
| | a. Non-profit Groups;
Community Groups and
Neighborhood | \$ 25.00 per hour |

Associations; and
Government Agencies

- b. Other users \$ 50.00 per hour
- 3. Committee Room Reconfiguration \$ Minimum \$80.00 or non-standard equipment rental fees (for equipment not included as part of standard room rental, i.e., round tables), whichever is greater
- 4. Clean-up or damage charge Amount of actual cost
- 5. Returned checks Current established City fee

SECTION 4. PLAZA EVENTS AND SIMPLE ASSEMBLY

The fees and charges set forth in this section shall apply to the reservation of or permit to use the Plaza and Bamboo Courtyard for a Plaza Event.

A minimum charge for reservation shall be the fee equivalent to two (2) hours use for Plaza events held Monday through Friday; four (4) hours use for Plaza events on Sunday; and eight (8) hours use on Saturday. When the Rotunda is previously rented, the Plaza will be rented at the discretion of the Director.

A. Plaza Event Permits

- 1. Limited Outdoor Event \$ 125.00 for four (4) hours
- 2. Outdoor Event
 - a. Plaza: Sunday – Friday \$ 125.00 per hour
 - b. Plaza: Saturday \$3,000.00 for eight (8) hours
Additional time beyond eight (8) hours \$ 125.00 per hour
 - c. Bamboo Courtyard \$ 125.00 per hour
 - d. Outdoor Catering Area \$ 500.00 for eight (8) hours

- B.** In addition to the other fees set forth herein, users (other than Non-profit Groups; Community Groups and Neighborhood Associations; and Government Agencies) holding Outdoor Events at which an admission fee will be charged in conjunction with the use of the facility shall pay:

Users (other than Non-profit Groups; Community Groups and Neighborhood Associations; and Government Agencies)	10% of gross admission receipts or Facility Use Fee, whichever is greater
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- C.** **Assembly Reservation Fees.** Users requesting to reserve a City Hall Outdoor Event area for a simple assembly (as further described in the City Manager's Regulations) for a use other than an Outdoor Event shall pay an administrative fee pursuant to the following schedule:

1. Simple Assembly Reservation	\$ 20.00 per event
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- D.** **Use Beyond Reservation Period.** Unless otherwise provided, the following fee shall be charged for each hour or fraction thereof that a group uses an Outdoor Event space beyond its scheduled reservation period.

1. Use Beyond Reservation Period	\$250.00 per hour
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- E.** **Security/Cleaning/Damage Deposit.** The following amounts shall be charged as a security/cleaning/damage deposit ("Security Deposit") for Limited Outdoor and Outdoor Event users. The Security Deposit will be refunded if the area is not damaged and left in as good as or better condition as existed prior to the event, and if no unpaid fees or charges, including overtime charges, remain. Otherwise, the Director will apply the Security Deposit to reimburse the City for the City's actual cost for cleaning, repair or both and/or for unpaid fees and charges. If the costs, fees and charges exceed the amount of the Security Deposit, the user will be billed for the excess amount. The Director may reduce or suspend collection of the Security Deposit if the group has a history of using City Hall Outdoor Event areas, has consistently left the areas in good condition, has consistently and timely paid the fees and charges, and no circumstances exist which indicate that the applicant might fail to leave the area in as good as or better condition as existed prior to the event, fail to timely pay the fees and charges, or incur overtime charges.

1. Limited Outdoor Event	\$ 250.00 per event
2. Outdoor Event – Basic	\$ 1,000.00 per event
3. Outdoor Event which includes any extraordinary cleaning, equipment or activity which due to its weight,	Additional deposit determined by Director — up to 3 times the amount of the

size, amount of stress or pressure placed upon the Plaza, the use of any fuel or the characteristics of any material brought onto the Plaza, may foreseeably result in damage to or staining of the Plaza basic deposit

F. Application Fee. A non-refundable application fee will be charged for reservations made for Limited Outdoor and Outdoor Events and will be applied toward the rental fees. If the Limited Outdoor or Outdoor Event is cancelled, the City will retain the application fee as reimbursement of administrative costs incurred by the City.

1. Application Fee \$ 100.00 per event reservation

G. Catering Fee. A catering fee shall be paid by all approved caterers who service events at City Hall. The fee reimburses the City for facility maintenance, utility and administrative costs associated with caterers' use of the facility. The fee shall be waived for those caterers who have paid the annual City Hall Catering List Fee

1. Catering Fee \$ 100.00 per event reservation

H. City Hall Catering List Fee. An annual fee shall be paid by caterers who wish to advertise their catering services on the City Hall Catering List. The City will issue a Request for Proposals (RFP) to solicit applications for inclusion on the City Hall Catering List. The City Hall Catering List will be maintained for a period of three (3) years, and selected caterers will remain on the List for that period, subject to annual payment of the City Hall Catering List Fee and continuing satisfaction of minimum qualifications set out in the RFP. The City Hall Catering List shall be provided to clients reserving the City Hall facility, but inclusion on the List shall not be considered an endorsement by the City.

1. City Hall Catering List Fee \$ 500.00 annually

I. Cancellation Charges.

1. More than one-hundred-eight (180) calendar days prior to event date \$ 100.00
2. One-hundred-eighty (180) calendar days or less but more than thirty (30) calendar days prior to event date 50% of estimated fees
3. Thirty (30) calendar days prior to event date 100% of estimated fees
4. A fee of \$10 shall be charged for each change of the date or time of the event

J. Equipment Rental Fees.

	Advance order at least 14 business days in advance of event	Late order less than 14 business days in advance of event subject to 10% increase for all equipment
1. Chair rental	\$ 3.00 per chair	\$ 3.30 per chair
2. Table rental		
a) 30"x72"/30'x 96"	\$ 8.00 per table	\$ 8.80 per table
b) 60" Round	\$ 9.00 per table	\$ 9.90 per table
3. Podium	\$ 15.00 per podium	\$ 16.50 per podium
4. Stage (6' x 8' section)	\$ 25.00 per section	\$ 27.50 per section
5. PA system	\$ 250.00 per use requires technician	\$ 275.00 per use requires technician
6. The Director of General Services will manage and maintain		

a list of additional equipment for rent.

K. Miscellaneous Fees.

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| 1. | Reimbursement for direct, identified costs incurred by City, including but not limited to staffing and security | Amount of actual cost |
| 2. | Catering Pantry | |
| | a. Non-profit Groups; Community Groups and Neighborhood Associations; and Government Agencies | \$ 25.00 per hour |
| | b. Other users | \$ 50.00 per hour |
| 3. | Clean-up or damage charge | Amount of actual cost |
| 4. | Returned checks | Current established City fee |

SECTION 5. FREE USE OF THE ROTUNDA, COUNCIL CHAMBERS, PLAZA, AND BAMBOO COURTYARD FOR OFFICIAL CITY BUSINESS.

If available, use of the Rotunda, Council Chambers, Plaza, and Bamboo Courtyard by the City Council, Redevelopment Agency Board, Redevelopment Agency, and City departments for a Meeting, Indoor Event, Limited Outdoor Event or Outdoor Event (collectively referred to herein as “Event”), where the Event would otherwise incur a facility use fee and rental fee for City provided equipment (for example, in instances where the Event involves *more than* the standard set up of tables and chairs, unsupervised audio visual equipment, and light refreshments, or where the Event is not planned, managed, and led by the City Council, Redevelopment Agency Board, Redevelopment Agency, or City department), the Event may qualify for free use and free rental of equipment within the City’s existing inventory if the following criteria are satisfied:

- A. Event qualifies as Official City Business;
- B. Event is free and open to the public;

- C. Event is held Sunday through Friday (except Holidays) and does not exceed ten (10) hours for a single day Event, including set up and take down;
- D. Event is booked a minimum of thirty (30) days in advance.

Events qualifying for free use under this Section 5 are limited to a total of no more than two (2) per calendar week for the Facility. The Mayor's Office and each Council Office may each use up to five (5) free uses per calendar year. The Redevelopment Agency, the City Manager's Office, Offices within the City Manager's Office (for example, Office of Economic Development), and City departments may each use up to three (3) free uses under this Section per calendar year.

SECTION 6. FILMING ON CITY PREMISES

Persons who wish to engage in commercial filming or photographing at the City Hall Facility and require special access to or use of specialized equipment at the Facility in a manner which restricts or blocks access to the City Hall Facility by the public or which otherwise disrupts users of the City Hall Facility must (1) obtain the permission of the Director, and (2) pay a fee to the City as established by the Director. With the approval of the Director, the fee may be paid with an in kind promotional trade provided the City receives, at a minimum, the value of the fee. Nothing contained herein shall be construed to eliminate any other fees or permits required to reserve portions of the City Hall Facility.

SECTION 7. EFFECTIVE DATE/REPEAL.

This Resolution shall become effective July 1, 2009. As of July 1, 2009, Resolution No. 74454 and all prior Resolutions inconsistent herewith are hereby superseded.

ADOPTED this — day of June, 2009, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk