

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE AMENDING THE MASTER FACILITY USE
POLICY FOR CITY HALL AND SUPERSEDING
RESOLUTION NO. 73489**

WHEREAS, on June 21, 2005, the City Council of the City of San José (“City”) adopted Resolution No. 72748 establishing a master City Hall Facility Use Policy and superseding Council Policy 7-2, regarding use of the Council Chambers; and

WHEREAS, on October 25, 2005, the City adopted Resolution No. 72940.1 to amend and supersede the master City Hall Facility Use Policy and approve revisions to Council Policy 7-2, to clarify the definition of Official City Business; and

WHEREAS, on November 14, 2006, the City adopted Resolution No. 73489 to amend and supersede the master City Hall Facility Use Policy to allow for the temporary installation and display of decorations to commemorate the City holidays and seasons at City Hall; and

WHEREAS, the City desires to further amend the master City Hall Facility Use Policy to allow Government Agencies to use the Council Chambers for official meetings at which business impacting the City of San José will be discussed, without charge for facility use fees, including application fees and security deposits, or rental fees for equipment within the City’s inventory; and

WHEREAS, the City desires to approve the revisions to the master City Hall Facility Use Policy Council Policy 7-2, attached as Exhibit A, and to supersede the policy adopted under Resolution No. 73489;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Council Policy, entitled "City Hall Facility Use Policy," which is attached hereto as Exhibit "A" and incorporated herein by this reference as though fully set forth herein, is hereby approved and shall, as of the date and time of adoption of this Resolution, supersede the policy adopted under Resolution No. 73489 approved by the City Council on November 14, 2006.

ADOPTED this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

EXHIBIT A
City of San José, California
COUNCIL POLICY

TITLE: CITY HALL FACILITY USE POLICY	PAGE 1 of 10	POLICY NUMBER 7-2
	EFFECTIVE DATE 6/21/05	REVISED DATE 5/25/10
APPROVED BY Council Action: 6/21/05-3.5a; 10/25/05-2.4; 11/14/06-3.5b.2		

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 users
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. Notwithstanding the foregoing, no facility use fee, security deposit, application fee or rental fees for City equipment within the City Hall's existing inventory shall be charged Government Agencies for use of the Council Chambers for meetings that are subject to the open meeting and notice requirements of the Ralph M. Brown Act, Government Code §54950 et seq., or the Bagley-Keene Open Meeting Act, Government Code §11120 et seq., at which business impacting the City of San Jose will be discussed.

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.