

ORDINANCE NO. 28600

AN ORDINANCE OF THE CITY OF SAN JOSÉ WAIVING CERTAIN CANCELLATION CHARGES FOR OUTDOOR EVENTS ON FACILITIES MANAGED BY THE DEPARTMENT OF PARKS, RECREATION AND NEIGHBORHOOD SERVICES

WHEREAS, the City Council of the City of San José (“City”) adopted Resolution No. 74453, which sets the schedule of fees for the use of Parks and Recreational Facilities, on June 17, 2008; and

WHEREAS, Resolution No. 74453 includes cancellation charges for the cancellation of an event subject to an event permit issued by the Department of Parks, Recreation and Neighborhood Services; and

WHEREAS, due to the unprecedented economic conditions confronting nonprofit organizations, the City desires to waive cancellation charges applicable to event permits issued by the Department of Parks, Recreation and Neighborhood Services, for events which have been granted Festival, Parade and Celebration Grants for at least 2 of the most recent 3 years, if the nonprofit organization can reasonably demonstrate that the event was cancelled due to negative impacts of the economic recession through indicators such as low audience participation or earned revenue, reduced sponsorship, reduced individual contributions, and/or reduced grant funding;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. The Director of Parks, Recreation and Neighborhood Services is authorized to waive the cancellation charges specified in Section 7(B)(9) of Resolution No. 74453 for a nonprofit organization only if:

- A. The nonprofit organization can demonstrate that it has that issued an event permit by the Department of Parks, Recreation and Neighborhood Services for an event date or dates to occur on or after June 30, 2009 and prior to the expiration of the Director's authority to waive cancellation fees under this ordinance.
- B. The nonprofit organization received a Festival, Parade and Celebration ("FPC") grant for the particular event in at least two of the three most recent fiscal years (FY 2007-2008, 2008-2009 and 2009-2010).
- C. The nonprofit organization files a written notice of cancellation of the event with the Director of Parks, Recreation and Neighborhood Services or a person authorized by the Director to accept such notice, within 30 days of the event date set forth in the event permit.
- D. The authority of the Director of Parks, Recreation and Neighborhood Services ("Director") to waive outdoor event cancellation fees as provided hereunder, shall not include events that were scheduled to occur after October 31, 2009, unless the Director's authority is extended by the City Manager as provided below.
- E. The City Manager may extend the Director's authority to waive outdoor event cancellation fees as provided in this Ordinance, to include waiver of cancellation fees for events scheduled to occur up to and including October 31, 2010, if the City Manager determines that economic conditions continue to warrant the waiver of outdoor event cancellation fees as provided hereunder.

SECTION 2. This ordinance will remain in effect until October 31, 2010. Unless the term of this ordinance is extended by City Council, the waiver of cancellation fees set forth in this Ordinance will automatically expire on such date.

PASSED FOR PUBLICATION of title this 16th day of June, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk