



# Memorandum

**TO:** ARTS COMMISSION

**FROM:** Paul Krutko

**SUBJECT:** CITY HALL EXHIBITS POLICY

**DATE:** April 6, 2007

**Council District:** Citywide

## **RECOMMENDATION**

Approve City Hall Exhibits Policy and recommend City Council adoption.

## **BACKGROUND**

In September 2004, the San Jose Arts Commission established an ad hoc committee, the New City Hall Task Force, to make recommendations to the Mayor and City Council on how to activate the public spaces in City Hall. Key City staff and community members, including some of San José's most experienced exhibitors and events presenters, participated on this Task Force. The Task Force proposed policies for exhibitions, festivals and events, and a framework for policy oversight. The Arts Commission's report was presented to City Council on February 15, 2005.

The task force envisioned San José's City Hall as a place where residents and visitors could come together and where the City could foster a sense of community. It recommended that the City adopt a pilot City Hall exhibitions program to extend and deepen the relationship between the people who work in City Hall and members of the broader community. The stated goal of the pilot program was to:

1. Ensure that the center of civic governance also serves as a center of community-building;
2. Share the cultural richness of San José's diverse communities and their relationship to the world;
3. Demonstrate the creativity of the people who live and work in San José;
4. Express the aspirations and activities of an active and engaged citizenry; and
5. Document the continuing evolution of the democratic experience in a great American city.

Because of the short time-frame available before the opening of City Hall, the City Council adopted a limited policy regarding displays in City Hall, with the displays limited to information regarding services in City Hall, and information related to an Integral Government Function. The current City policy regarding displays in City Hall is attached to this memo as Exhibit A. Once

City Council accepted the Commission's report, the Office of Cultural Affairs worked with History San Jose to draw upon the City's own historical collection for pilot exhibits at City Hall. The pilot exhibits, currently on display, focus on a variety of themes including San Jose 'then and now,' technology, public service, arts & entertainment, and agriculture. The exhibits have been successful in accomplishing the goals established by the task force. The exhibits in the Wing will remain on display until formal exhibit guidelines are adopted and funding is available to develop programming. The exhibits in the Santa Clara Lobby are being replaced with Sister City exhibits.

### **Exhibits Committee:**

The New City Hall Task Force recommended that a permanent Exhibits Committee be formed to prepare formal exhibit policies and procedures in conjunction with staff and the City Attorney's office. The Exhibits Committee would also be charged with reviewing and processing exhibit applications. The Task Force recommended that the Exhibits Committee include representatives from the Mayor's Office, City Manager's Office, and General Services Department. The remainder of the committee was to include one Arts Commissioner, one artist, one exhibitions specialist, and three additional persons with exhibitions expertise, none of whom should have a conflict of interest or the appearance of a conflict. It was further recommended that the OCA public art program staff the City Hall Exhibitions Committee.

Since the Task Force recommendations were presented, a committee has been convened consisting of:

Ruth Tunstall Grant, Artist and Arts Commissioner, Exhibits Committee Chair

Mignon Gibson, City Manager's Office

Matt Morley, General Services Department

Sharon Gustafson, Arts Commissioner

Jan Rindfleisch, Director, Euphrat Museum, DeAnza College

Theta Belcher, Assistant Gallery Director, San Jose State University School of Art

Carlos Gonzalez, architect, sculptor and graphic designer

Barbara Goldstein, Public Art Director and Barbara Jordan, Assistant City Attorney, serve as non-voting ex-officio members.

### **ANALYSIS**

The Exhibits Committee has met three times to evaluate the New City Hall Task Force Report, to review existing exhibits, to review exhibit opportunities and criteria, and to develop recommendations.

The Committee proposes a multi-tiered program that will encourage exhibit proposals from non-profit and community-based organizations. In addition to the Integral Government Function displays, the draft policy proposes exhibits that are intended to present ideas that illuminate the following topics: Our Community, Our History, Our Creativity, (see Attachment A, Draft City Hall Exhibits Policy and B, Draft Administrative Guidelines for City Hall Exhibits Program).

The City Hall Exhibits Policy is not intended to create a public forum in the exhibit areas of City Hall. Toward that end, the proposed policy has limitations on the types of exhibits that the City will display, while at the same time encouraging a variety of interesting and dynamic exhibits to occur as follows:

- Designate public spaces on First Floor and Second Floors of City Hall for curated exhibits of Citywide or Regional significance on the topics of: Our Community, Our History, Our Creativity and that otherwise meet the City's published display criteria;
- Designate space in the Customer Service Area to continue to provide information regarding City departments and City business, programs and activities funded by the City, sister City activities, and other displays related to Integral Government Functions;
- Continue to limit the City Hall video monitors for displays regarding Integral Government Functions. However, the City will encourage displays that highlight the City's involvement in community activities (two examples of such exhibits are: photographs and costumes from outdoor special events receiving funding from the Festival, Parade and Celebration grant program of the City or children's artwork or writings produced at City-funded children's art and education programs;)
- Initiate and support the purchase of a San Jose art and cultural art collection for display in City Hall office lobbies and conference rooms

### **Available Exhibit Spaces**

The Exhibits Committee reviewed available exhibit spaces in City Hall considering current building usage. It has identified four types of viable display areas and formulated recommendations for how each type of area should be used:

1. **Ground Floor and Second Floor Lobbies and Passageways:** These spaces, including the Sixth Avenue Foyer, four niches in the Council Wing; Second floor tower lobby, "Mayor's Walk" on the second floor, and Council Lobby are most appropriate for exhibits of regional and citywide significance. (These spaces were described by the City Hall Arts Activation Task Force as Type One spaces.)
2. **Citizens Service Area Lobby:** This space, an area where community members come to apply for permits and technical assistance, is recommended for exhibits of Integral Government Function consistent with City Hall Public Use Policy (Exhibit A).

3. **City Hall Monitors:** These displays, located on the Ground and Second Floors, are recommended as venues for 'virtual' displays of Integral Government Function consistent with City Hall Public Use Policy. These displays can be interspersed with programmed City informational displays.

**Department Lobbies and Community Conference Rooms:** These spaces, located throughout the Tower and Wing buildings, can provide venues for display of a San Jose art and cultural materials collection. In its initial discussions, the original Task Force considered use of the Rotunda for exhibits and for sculpture. However, this space was ultimately ruled out because its continual use for events requires it to be easily cleared for the placement of tables and chairs.

**CEQA**

Not a project



PAUL KRUTKO  
Chief Development Officer  
City Manager's Office

**City of San José, California**  
**COUNCIL POLICY**

<b>TITLE:</b>  <b>CITY HALL EXHIBITS POLICY</b>	<b>PAGE</b>	<b>POLICY NUMBER</b>
	<b>EFFECTIVE DATE</b>	<b>REVISED DATE</b>

**APPROVED BY**  
Council Action:

### **Section I. Purpose**

The purpose of this policy is to establish a City Hall Exhibit Policy to provide for temporary display of artwork and artifacts in the San José City Hall, to help enliven the City Hall and to celebrate the creative and diverse community of San José.

### **Section II. Introduction**

Several areas have been identified inside City Hall as areas available for exhibits (referred to as "Exhibit Spaces") as further described below. Neither the San José City Hall nor the Exhibit Spaces are a public forum. The Exhibit Spaces are located in the primary, if not the only, passageways and lobbies for City employees and members of the public (including children) to reach certain City departments, to obtain City services and to conduct City business. Therefore, the City will not display artwork or other items containing explicit sexual imagery, nudity, graphic depictions of violence, or any item that creates a hostile work environment for employees.

The policies outlined below will be subject to periodic review. From time to time, the City may adopt and incorporate into this policy such additional guidelines as it deems necessary. The City may also adopt and amend administrative guidelines to implement this policy. Section III. Program Description

### **Section III. Program Description**

#### **A. Purpose, Goals & Objectives**

The purpose, goals and objectives of the San José City Hall Exhibit Program are:

1. To enliven and enrich the City Hall environment by incorporating artwork and artifacts into exhibits on the following topics (“Exhibit Topics”):
  - **Our History** – exhibits illustrating the history of San José
  - **Our Community** – exhibits providing information on the varied neighborhoods and residents of San José
  - **Our Creativity** – exhibits illustrating the visual and performing arts in San José and the Silicon Valley and the many contributions to technology and innovation from San José and the Silicon Valley
  - **Our Government** – exhibits providing information from the City regarding an “Integral Government Function”, which includes, but is not limited to, a duty which the City or Redevelopment Agency is required to perform by law; activities reasonably necessary to conduct the City’s or RDA’s business; public educational activities engaged in traditionally by the City or RDA; information related to the functions and activities of City or RDA; official proclamations of the City or RDA and transmission of information regarding Sister Cities of the City.
2. To enhance the aesthetic experience of persons visiting and working in City Hall.
3. To increase the awareness of the professional quality artwork produced by artists who live locally, with particular emphasis on San José and the Silicon Valley, but not to highlight any one particular artist or individual.
4. Provide exhibit space for the City’s art and cultural material collection.

#### **B. Exhibit Space – Specified Topics**

1. **Ground Floor and Second Floor Lobbies and Passageways:** These spaces, including the Sixth Avenue Foyer, four niches in the Council Wing; Second floor tower lobby, “Mayor’s Walk” on the second floor, and the second floor Council Chamber Lobby are Exhibit Spaces bordering the areas receiving the widest range of visitors to City Hall. These spaces are

designated for exhibits of interest to a more regional or Citywide audience, and which are limited to the first three Exhibit Topics :

- **Our History:** illustrating the history of San José
- **Our Community:** providing information on the varied neighborhoods and residents of San José
- **Our Creativity:** illustrating the visual and performing arts in San José and the Silicon Valley and the many contributions to technology and innovation from San José and the Silicon Valley

Exhibits in these areas should change no more than twice a year, pursuant to a schedule to be developed by the Exhibits Committee, as further described below.

2. **Citizens Service and Information Center Lobby:** This space located on the first floor and second floor of the City Hall tower, is an area where community members come to apply for permits and technical assistance. This area is designated for exhibits that are limited to Integral Governmental Functions.
3. **City Hall Video Monitors:** These video displays, located on the Ground and Second Floors of the City Hall, may be made available by the City from time to time for temporary display of digital media illustrating aspects of Integral Governmental Functions, including without limitation, displays generated from community programs and activities funded by the City. .
4. **Department Lobbies and Public/Community Conference Rooms:** The Department Lobbies and Conference Rooms open to the Public are designated for City-owned art and cultural material and for Integral Governmental Function Displays.

#### **Section IV. Administration**

The Director of General Services in coordination with the Director of Public Art shall administer the City Hall Exhibit Program, coordinating with other staff as necessary. The Director of General Services and the Director of Public Art or their designees will:

- A. Convene the Exhibits Committee as needed, as described below.
- B. Prepare and monitor all necessary records and documentation.

- C. Help coordinate all physical and logistical components of exhibit installation. However, unless the City provides otherwise in its solicitation for the exhibit, the exhibitor is responsible for installation and removal of his or her artwork under the City's direction in all areas
- D. Coordinate publicity and media attention for displays. However, the City has no obligation to publicize any artwork or exhibit.

## **Section V. Maintenance and Protection of Artwork or Exhibit Items**

- A. The City is not responsible for maintaining or protecting any artwork, artifact or other item related to the exhibit while on display at the San José City Hall. The exhibit or exhibitor's agent must enter into an agreement with the City, including a waiver releasing the City of San José from any and all liability for loss or damage to the works on display and an indemnification for any claims arising from the Exhibit.
- B. The exhibit or exhibitor's agent may include his/her name and contact information along with the display, but the City shall not be responsible for facilitating the sale of any work. The City's Exhibit Program is not intended as a means of commercial sales and exhibitors shall be prohibited from displaying prices on material displayed.
- C. Applicants are responsible for obtaining copyrights, licenses and any other permission necessary to display the artwork or artifacts and for providing accurate captions.

## **Section VI. Artwork and Material Selection**

### **A. REVIEW BODIES– THE EXHIBITS COMMITTEE**

1. An Exhibits Committee shall be selected by the Arts Commission and shall be subject to the Brown Act. The Exhibits Committee shall review exhibit solicitations and applications and make exhibit recommendations to the Director of General Services and the Public Art Director. The Exhibits Committee shall also be consulted on guidelines prepared by OCA to administer the Exhibit Program, and shall make recommendations to City Council on any proposed changes to this policy.

The Exhibits Committee shall include up to 7 voting members, including representatives from the City Manager's Office, and General Services

Department, one Arts Commissioner, one artist, one exhibition specialist, and two additional persons with exhibition expertise, none of whom should have a conflict of interest or the appearance of a conflict. The City Attorney will be available to provide advice and shall be included in all committee communications. OCA public art program staff the City Hall Exhibits Committee. The term of a member of the Exhibits Committee shall be for three years, with staggered terms where reasonably possible. No compensation shall be received by members of the Exhibition Committee.

2. The Public Art Director or his or her designee shall convene the Exhibition Committee as needed.
3. The Exhibition Committee will review exhibit material according to the Selection Criteria set forth in Subsection III (B), below, and make recommendations to the Chief Development Director, City Manager's Office.
4. Artwork and Exhibition Materials will be displayed for a period either described in the solicitation materials, this policy or OCA guidelines.
5. The City Manager shall have final authority over the selection, arrangement, placement and duration of display of all works of art or other artifacts or displays.

#### B. PROPOSAL SOLICITATION

1. OCA shall conduct a publicly-advertised Request for Proposals (RFP) for City Hall exhibits at least twice a year.
2. Organizations and professional curators will be eligible to submit exhibit proposals.

#### C. SELECTION CRITERIA

1. Exhibit proposals must be relevant to the Exhibit Topics identified above.
2. Artwork must have recognized artistic merit that enhances the aesthetic experience of those who visit and work in the San José City Hall.
3. Exhibit materials must be of broad historical or cultural significance to the San José or the Silicon Valley region.
4. The organization or curator must have demonstrated capacity to create an exhibition based on documentation of past curatorial experience of similar or larger exhibits.

5. The artwork, materials and exhibits as a whole must be suitable for display to a diverse audience including children and employees. It should enhance its setting and help create a sense of place. The City will not display items that contain explicit sexual imagery, nudity, or graphic depictions of violence, or any artwork that would create a hostile work environment for employees.
6. Artwork and exhibit materials must be of exhibition quality, in stable condition and suitable in scale, materials, and form for display in the San José City Hall for the anticipated display period.
7. The City will not accept items that, due to the manner of construction, materials, or any other factor, may pose a threat to public safety.
8. Exhibit proposals submitted by Santa Clara County-based individuals and organizations shall receive points for local preference.

**City of San José, California**  
**OFFICE OF CULTURAL AFFAIRS**

<b>TITLE: ADMINISTRATIVE GUIDELINES FOR CITY HALL EXHIBITS PROGRAM</b>	<b>PAGE</b>	<b>POLICY NUMBER</b>
	<b>EFFECTIVE DATE</b>	<b>REVISED DATE</b>

**APPROVED BY**

Chief Development Officer, City Manager's Office

**Section I. Purpose**

The City Hall Exhibit Policy establishes a framework for the temporary display of artwork and artifacts in the San José City Hall. The purpose of the program is to help enliven the City Hall, to celebrate the creative and diverse community of San José, and to educate the public.

**Section II. Application Process and Procedures**

Several areas have been identified inside City Hall as areas available for exhibits (referred to as "Exhibit Spaces") as further described below. Neither the San José City Hall nor the Exhibit Spaces are a public forum. The Exhibit Spaces are located in the primary, if not the only, passageways and lobbies for City employees and members of the public to reach certain City departments, to obtain City services and to conduct City business. The artwork, materials and exhibits must be suitable for display to a diverse audience. It should enhance its setting and help create a sense of place. Therefore, the City will not display artwork or other items containing explicit sexual imagery, nudity, graphic depictions of violence, or any item that creates a hostile work environment for employees.

The procedures outlined below will be subject to periodic review. From time to time, the City may adopt and incorporate additional procedures as it deems necessary.

1. Applications to create exhibits for display in these areas should be submitted on a standard application form and will be reviewed and approved by the City Hall Exhibits Committee on a quarterly basis. Exhibits may be proposed by organizations capable of creating displays of a professional standard, by curators, or by community organizations that

wish to be paired with a professional curator.

2. Applicants are responsible for providing accurate captions and for obtaining copyrights, licenses and any other permission necessary to display the work.
3. Exhibitors shall allow the City to use images of exhibits for noncommercial purposes, and Exhibitors shall not unreasonably delay or withhold consent. Reproductions for noncommercial purposes include but are not limited to the following: reproduction in exhibition catalogues; slides photographs, and electronic formats; postcards, posters, and calendars; in art magazines, art books, and art and news sections of print and electronic newspapers and websites; in general books and magazines not primarily devoted to art but of an educational, architectural, historical or critical nature; slides and film strips not intended for a mass audience; and television from stations operated for educational purposes or on programs for educational purposes from all stations. On any and all such reproductions, City shall place a copyright notice in the form and manner required to protect the copyrights in the works under the United States copyright law.

**A. For Exhibits Located in the City Hall Ground Floor Tower Lobby, Ground Floor Wing Niches and Second Floor Lobbies and Passageways:**

Exhibits in these areas should be changed no more than twice a year, staggering the change of displays so that there are new exhibits on display quarterly.

1. OCA will issue an open Request for Proposals (RFP), which shall be disseminated to local community and cultural institutions, requesting submissions for exhibits to be installed in the display areas identified in the RFP as available, and identifying which of the Exhibit Topics outlined in the Council Exhibits Policy are the focus of the particular Exhibit solicitation.
2. OCA shall issue a Request for Qualifications for curators with the goal of creating a pool of qualified and interested curators who can coordinate the exhibits solicitation, coordinate the work of the Exhibits Committee, and oversee exhibit installation in available Exhibit Spaces and other such spaces as may be designated for public display;
3. The Exhibits Committee may select an exhibit proposal that is worthy of development and requires the expertise of a professional curator. In such

cases, subject to available funding, the Committee may propose pairing a curator from the pool with the proposing organization in order to create the exhibit.

4. Organizations and curators proposing exhibits will be encouraged to seek additional outside funding to produce their exhibits.
5. OCA shall convene the Exhibits Committee generally quarterly, or as needed, to review curatorial qualifications and exhibit proposals submitted. The Exhibits Committee would make recommendations to OCA and the City Manager
6. The City Manager will review and determine from the recommendations, a pool of curators and exhibit proposals proposed to be developed into exhibits.

**B. Exhibits of Integral Government Function: Citizens Service and Information Center Lobby**

This area will follow the display procedures established by the General Services Department (See Attachment A)

**C. Community-Based Exhibits: City Hall Video Monitors**

Exhibits displayed on these monitors shall be reviewed through a standard application process administered by the General Services Department (GSD). This area will follow the display procedures established by the GSD (See Attachment A). Applications will be reviewed when received by GSD staff.

**Procedures**

The City shall issue exhibit guidelines, criteria and application forms for display on City Hall video monitors that follow the display procedures established by the General Services Department (See Attachment A).

1. Potential exhibitors submit application form for display on City Hall video monitors.
2. Applications will be reviewed on a continuous basis and on a first come first served basis – no application deadlines.
3. Designated GSD staff will review and approve applications for compliance with guidelines.
4. Non-City Departmental Displays shall be limited to two weeks.

5. Exhibitors are responsible for providing display material in an electronic format that is compatible with display requirements for video monitors.

**D. Department Lobbies and Public/Community Conference Rooms: Art and Cultural Materials Exhibits**

The Department Lobbies and Conference Rooms open to the public are designated for City-owned art, City-owned cultural materials and for Integral Governmental Function Displays.

OCA will work with Departments and GSD to create, purchase and/or commission City Hall art and cultural material collections for display in Department Lobbies and Public Conference Rooms. It is recommended that this City owned artwork and materials may represent all of the topics covered by the Exhibits Policy - San José's history, community, creativity or City governmental activities. Applications for displays in Departmental Lobbies must be signed by the Director or Deputy Director of the City Department and will be reviewed when received by GSD staff.

Gifts of art or other material offered for display in these areas shall be subject to review by the Exhibits Committee whose recommendations shall be forwarded to OCA and the City Manager for approval.

**Procedures for Purchase of Artworks and Artifacts based upon Appropriation of Funds**

1. Identify key locations for installation of art and cultural materials.
2. Issue an open Request for Proposals to artists, artisans and cultural institutions, including those in Santa Clara County to submit materials for purchase consideration.
3. Convene the Exhibits Committee, supplemented by arts and cultural professionals, to review materials submitted and recommend a purchase to the Arts Commission through the Public Art Committee.

**RESOLUTION NO. 73489**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE MASTER FACILITY USE POLICY FOR CITY HALL AND SUPERSEDING RESOLUTION NO. 72940.1**

**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**, the City desires to further amend 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 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. 72940.1;

**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. 72940.1 approved by the City Council on October 25, 2005.

////

////

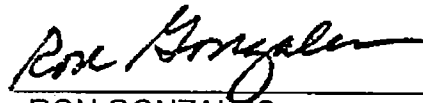
**ADOPTED** this 14th day of November, 2006, by the following vote:

AYES: CHAVEZ, LeZOTTE, NGUYEN, PYLE, REED,  
WILLIAMS; GONZALES

NOES: NONE

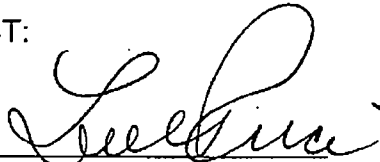
ABSENT: CAMPOS, CHIRCO, CORTESE, YEAGER

DISQUALIFIED: NONE



RON GONZALES  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk

**EXHIBIT A**  
**City of San José, California**  
**COUNCIL POLICY**

<b>TITLE:</b>  CITY HALL FACILITY USE POLICY	<b>PAGE</b> 1 of 10	<b>POLICY NUMBER</b> 7-2
	<b>EFFECTIVE DATE</b>  6/21/05	<b>REVISED DATE</b>  11/14/06

**APPROVED BY**

Council Action: 6/21/05-3.5a; 10/25/05-2.4

**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.