

City of San José, California

COUNCIL POLICY

TITLE COUNCIL POLICY ON FREE USE OF CONVENTION AND CULTURAL FACILITIES	PAGE 1 of 3	POLICY NUMBER 1-1
EFFECTIVE DATE October 20, 1981	REVISED DATE	
APPROVED BY COUNCIL ACTION		9/29/81, Item 9d1; and 10/20/81, Item 9d2

BACKGROUND

Requests may be received from various organizations holding conventions, celebrations, festivals, or other similar events in San José for City assistance to help defray costs for using City Convention and Cultural Facilities. It is desirable to establish certain guidelines for the granting of such assistance. Since several policies exist for this purpose, a consolidated policy is desired.

PURPOSE

To establish the policy of the City concerning free usage of the Convention and Cultural Facilities; and establish the method and procedures for requesting consideration by the City Council for assistance in payment of all or part of the convention and cultural facilities fees as established in the prevailing schedule of fees and charges. Consolidates Council Policies #1-1, Municipal Auditorium Free Usage, #1-3, City Assistance to Conventions, and #1-4, Community Theater Usage.

POLICY

A. Funding Cycle

The City Council shall establish annual budget allocations for the free use of convention and cultural facilities to help offset all or part of the rental cost for conventions or to otherwise subsidized cultural groups. This will be considered as part of the City's annual contribution to cultural groups.

Applications for free use of convention and cultural facilities for celebrations, festivals, rallies, and similar events shall be considered only during an annual proposal process. Such proposal process shall be completed in sufficient time for inclusion in the subsequent fiscal year budget. Requests received outside of these processes or which are above and beyond the allocations for the fiscal year will not be considered for funding by the Council. The Convention and Cultural Facilities Director shall have the authority to deny such requests. Free use requests for conventions shall be considered by the San José Convention/Visitors Bureau as necessary to attract conventions to the City although total allocations for such use shall be included in the annual budget, and requests above and beyond the annual allocations shall not be considered.

B. Criteria for Funding

1. Free Use for Conventions

It is the policy of the City Council that each request for City assistance from an organization holding a convention in San José be considered on its individual merits and that no precedence be established by any previous Council action. Furthermore, minimum qualifications as detailed below must be met before individual requests will be evaluated. Adherence by a convention organization to these minimum qualifications in no way insures that convention requests for City assistance will be approved.

TITLE	PAGE	POLICY NUMBER
COUNCIL POLICY ON FREE USE OF CONVENTION AND CULTURAL FACILITIES	2 of 3	1-1

a. **Minimum Qualifications of a Convention Requesting City Assistance**

1. Non-discriminatory in membership and participation.
2. Non-profit in nature.
3. Sufficient significance to warrant favorable State and/or National attention and publicity.
4. Sufficient number of people and length of time involved to demonstrate increased revenue to the City.
5. Sufficient size to reserve a minimum of twenty-five rooms in hotels within the City of San José as well as to utilize convention facilities.

b. **Conditions of Participation**

1. Applicants may be required to submit evidence of past behavior which could be indicative of their ability to reflect credit on the City.
2. The flag of the City of San José provided by the City Clerk upon Council authorization is to be prominently displayed in relationship to the activities of the convention.
3. The organization accepts full responsibility for the care, maintenance, and return of the City flag to the City Clerk.

c. **Form of Assistance**

1. City assistance to conventions shall be provided in the form of rent credit equal to \$2 per night for each San José hotel room booked by the convention.

2. Free Use for Parades and Celebrations

Criteria for organizations requesting free use of convention and cultural facilities through cultural grant rent subsidies shall be in accordance with the criteria established by the Fine Arts Commission or the Convention and Cultural Facilities Department for such purposes. No free use shall be granted from the Citywide Parades and Celebrations appropriation obtained from the General Fund.

3. **Convention and Cultural Facilities Free Usage**

In order to be considered for a waiver of all or part of the scheduled Convention and Cultural Facilities fees, applicants must conform to the following guidelines.

- a. Any established charitable or other non-profit organization may request a waiver of all or part of the fees for use of the Convention and Cultural Facilities. The Convention and Cultural Facilities Department is to be reimbursed from a previously provided appropriation established for this purpose, and the necessary fees are to be transferred from this appropriation to the Convention and Cultural Facilities Department.
- b. The requestor must provide sufficient evidence for the City to determine whether the event will provide sufficient charitable or civic benefit to the community.
- c. In order to be considered for a waiver of all of the fees, the requestor may not obtain revenue, either by admission charge, collections, donations, free will offerings, etc.; nor will any on-premise sales be permitted.
- d. If the organization obtains revenue from the event and has received the approval of the Public Solicitation Commission, a percentage or admission rate fee may be waived, and the organization may be required to pay the minimum applicable charge based on the established schedule of rates.
- e. The free or reduced rate users may be moved from any facility in the complex to another if the attendance warrants such a move and to facilitate use of the original area by another group.

TITLE	PAGE	POLICY NUMBER
COUNCIL POLICY ON FREE USE OF CONVENTION AND CULTURAL FACILITIES	3 of 3	1-1

- f. No requestor may be granted free use or special rates if such usage would be in conflict with any state or federal statute or any municipal ordinance.
- g. All free or reduced rate users must obtain or provide evidence of the required applicable insurance and execute the appropriate Convention and Cultural Facilities standard use permit.

4. **Citywide Free Use**

Exception: Free use funds may be used by City Departments charging admission to make programs cost recovery per Council direction. (Admission funds must be revenue to the City's General Fund.) Use of facility will be contingent upon availability without displacing paying users. Director may reschedule free use events with 30 days notice in the event of a conflict with a proposed major user production.

C. **Responsibility for Balance of Costs**

Any costs for use of City Convention and Cultural Facilities which are not subsidized by the City must be reimbursed to the City by the user. Use of facilities shall be subsidized only to the extent that budget allocations for such purposes exist.

