

# COUNCIL POLICY

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<b>EFFECTIVE DATE</b> May 1, 1972	<b>REVISED DATE</b> April 20, 1993	
<b>APPROVED BY COUNCIL ACTION</b> 2/17/81-Item 9d; 10/20/81-Item 9d; 11/2/82Item 8d; 2/18/86 Item 7c(1); 11/21/89-Item 7c; 11/17/92-Item 7c(1); 04/20/93, Item 9i		

## I BACKGROUND

The Council recognizes the importance of providing monetary and other City departmental support for community festivals, parades and celebrations that are held for the economic enhancement, cultural enrichment and/or promotional consideration to the City of San José. However, any festival, parade, procession or other celebration which uses outdoor public space to the exclusion of other citizens is an example of special privilege at public expense. It is, therefore, the intent of this Council that permits be required in order to conduct such events.

## II PURPOSE

To establish Council policy regarding the conditions under which festivals, parades and celebrations shall be funded and conducted and to provide administrative procedures for the implementation of this policy.

## III POLICY

### A. Cost Responsibilities

The Council has determined that the Cinco de Mayo, 16 de Septiembre, and Veterans Day Parades and the Memorial Day Ceremony and the Fourth of July Fireworks Show are official City events, and, as such, the City will fund them from the overall budget appropriation, but separate from the established festival/parade funding criteria. All such funded costs are to be limited to City services provided by the various City Departments. The necessary funding amount will be taken off the top of the total yearly budget appropriation for festivals, parades and celebrations, and the balance distributed among the remaining festival, parade and celebration grantees.

Cash grants may be allocated to eligible organizations upon filing an application with the Office of Cultural Affairs by the established deadline and approval of the grant recommendations by the Arts Commission, the Housing and Community Services Committee and Council. The major cost for all events, other than the designated official City events, shall be borne by the sponsoring community organization or group. The grant may not fund more than 40% of the event's total expense budget. The City may provide departmental services and minimal financial support to improve the quality of the event and to ensure the health and safety of the community. The sum allocated by the City for this purpose shall be detailed annually in the Citywide Programs section of the Adopted Operating Budget. Overexpenditures shall be borne by the sponsoring organization.

### B. Use of Facilities

Use of City Convention and Cultural Facilities is determined by Council policy and a schedule of fees approved by Council. Funds established for Festivals, Parades and Celebrations from the General Fund may be used for the rental of City Convention and Cultural Facilities to the extent the rental is related to the funded event.

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**C. Eligibility Criteria**

1. The City will not grant anything to, or in aid of, any religious sect, church, creed or sectarian purpose.
2. Subject to subsection C(1), in order to be eligible for City grant assistance, the sponsoring organization must meet the following criteria:
  - a. Submit the grant application and all required attachments by the established deadline.
  - b. Be a not-for-profit corporation, with valid by-laws filed with the Secretary of State of the State of California.
  - c. Qualify as a public service non-profit organization under Section 501(c) of the Internal Revenue Code.
  - d. Be financially and managerially sound and be able to demonstrate the ability to produce the event.
  - e. Must have been in active service to the public for at least one year prior to the date of application.
  - f. Have its principal office and base of operations in the City of San José.
  - g. Agree to use the grant funds for event-related expenses only and not for any previous year's operating deficit, administrative costs unrelated to production of the event or for any capital equipment purchases.
  - h. Have no outstanding debts payable to the City of San José.
  - i. Submit a typed post-evaluation (including attendance) and financial report for the event before consideration for funding the following year.
  - j. Be willing to work with the Office of Cultural Affairs on the event application and obtain all required permits, insurance, street closures, etc. in a timely manner.
  - k. Attendance and participation in an annual event planning workshop conducted by the Office of Cultural Affairs by the key event coordinator(s).
  - l. Be willing to acknowledge the support of the City of San José where appropriate, and include on all printed information relating to grant funded programs the following:  
 "This program has been made possible, in part, through a grant from the City of San José, Office of Cultural Affairs," and/or display the City's logo when other sponsor logos are displayed.

\*Items C2b and C2c may be waived if the applicant is a business organization wishing to raise and/or contribute funds to a San José-based non-profit organization that meets these criteria.

**D. Categories of events**

The City will provide funding for events in four categories:

1. Large-scale events that have total attendance in excess of 50,000.
2. Ethnic and neighborhood festivals-festivals that highlight San José's neighborhood and cultural diversity with attendance ranging from 10,000 to 50,000.
3. Other-all other previously funded events.
4. New-all events proposed for first time funding.

Each category will be allocated a percentage of the total available funds by the Festival, Parade and Celebration Grants Review Committee within pre-established ranges. The established ranges for each category are:

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Large-scale	40—60%
Ethnic and neighborhood festivals	20—40%
Other	10—20%
New	0—10%

**E. Criteria for funding**

Criteria for determining the provision of funding for festivals, parades, celebrations and other public events shall be the following:

- Uniqueness
- Total attendance
- Promotional, cultural and/or neighborhood significance
- Economic impact on San José
- Cross cultural exposure
- Ability to raise additional funding and/or in-kind support

**IV PROCEDURES**

**A. Applications for Grant Assistance**

Organizations wishing to apply for City financial assistance shall submit a completed Festival, Parade and Celebration Grant Application to the Office of Cultural Affairs by the established deadline.

Applications, included in a Procedural Guide, are available from the Office of Cultural Affairs at 291 South Market Street where they may be picked up or mailed to the requestor.

**B. Review Process**

1. The Office of Cultural Affairs staff receives the application and reviews it for eligibility, completeness. An organization whose application is ineligible or incomplete will receive written notification within one month of the grant's deadline. Applicants who have been ruled ineligible will not be considered for funding.
2. In order to maintain funding eligibility, applicants are required to attend an annual event planning workshop conducted by the Office of Cultural Affairs.
3. An eight member Grants Review Committee consisting of three Arts Commissioners, three San José community members and two peer review panelists appointed by the Arts Commission reviews the application in depth. The applicant may be asked to answer questions or to submit further written information to support statements made in the application. The applicant may also be asked to appear before the Grants Review Committee for an oral presentation to communicate additional pertinent information. The Grants Review Committee determines the level of grant awards and submits the grant recommendations to the Arts Commission.
4. Once approved by the Arts Commission, the grant recommendations are submitted to the Housing and Community Services Committee.
5. Once approved by the Housing and Community Services Committee, the grant recommendations are submitted to the City Council for final approval.
6. Notification of final approval of the grant awards are mailed to each organization and grant agreements are drafted for each event.
7. Once the agreement is fully executed, a check is issued to the organization by the City.
8. Final reports must be submitted to the Office of Cultural Affairs within thirty days following the event. Failure to submit a final report precludes future funding from the Festival, Parade and Celebration Grant Program.

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**C. Applications for Participating in Events of National Prominence.**

Applications for assistance to non-profit organizations from San José participating in events of national prominence shall be evaluated in accordance with Council Policy 1-2, Assistance to Non-Profit Organizations from San José Participating in Events of National Prominence.

**D. Applications for Temporary Use of City Equipment**

Applications for temporary use of City-owned equipment for events which are not coordinated or administered by the City shall be evaluated in accordance with Council Policy 2-5, Temporary Use of City Equipment by Community Organizations.

**E. Applications for Permits**

Sponsoring organizations shall be responsible for obtaining the necessary permits from the appropriate City Departments and governmental agencies.

**F. Parade Route**

All parade routes are subject to confirmation by the San José Police Department, Permits and Licenses Section, not later than 30 days prior to the event. All parade requests shall be reviewed by the Police Department and the Office of Cultural Affairs to determine the impact on public safety and others' rights based on rationale established by these developments. Any proposed route which would severely impact public safety or others' rights shall not be approved.

**G. Applications for Conducting Special Events in Outdoor Public Spaces**

Any organization planning to conduct an event in an outdoor public space must obtain and complete a Special Events Application from the Office of Cultural Affairs. Applications should be submitted to the Office of Cultural Affairs no later than ninety days prior to the event's scheduled date. A Special Events Application not submitted in a timely manner could jeopardize the City's ability to provide the required services for the event and result in the denial of the application. Submission of the Special Events Application by the applicant does not release the applicant from obtaining any and all necessary permits related to the event as well as satisfying any and all reasonable conditions established by the Office of Cultural Affairs for the event. The Office of Cultural Affairs coordinates the use of outdoor public spaces in the City and coordinates the delivery of City services and billings for special events subject to Council-approved General Policy Guidelines for Outdoor Events in the Central Business District and Council Policy 5-2.