

**EXHIBIT A**

**City of San José, California**

**COUNCIL POLICY**

<b>TITLE</b> CITY HALL SPECIAL EVENT LIGHTING POLICY	<b>PAGE</b> 1 of 4	<b>POLICY NUMBER</b>  7-14
<b>EFFECTIVE DATE</b> 6/20/2017	<b>REVISED DATE</b>	
<b>APPROVED BY COUNCIL ACTION</b> 6/20/17, Item 2.17		

**PURPOSE**

The purpose of this policy is to establish a City Hall Special Event Lighting Program to provide for temporary lighting displays at the City Hall Rotunda for private and public events and the City Hall Tower as related to official City business and local, national, and world events.

**POLICY**

Special event lighting at City Hall should be in conformance with City Hall Rules and Regulations, the City Hall Facility Use Policy, the established Fees and Charges, and consistent with this policy. The Director of Public Works (or designee) is responsible for ensuring the proper execution of this policy at City Hall.

The primary purpose of City Hall is to provide for the legislative and administrative operations and programs of the City for the community. The City Hall Tower has limited public access and is not intended to be utilized as a forum for free expression by the public. Lighting of the City Hall Tower will only be reserved for official City business and local, national, and world events, as recognized by a proclamation by the Mayor and City Council.

The Rotunda, as the focal point for City Hall, is used as a regular location for formal public speeches, governmental ceremonies, and protocol events of the City. It is also intended to be used as a gathering place for indoor events. Lighting of the Rotunda will be reserved for official City business and local, national, and world events, as recognized by the Council or City Manager in conformance with this policy, or in connection with a facilities rental agreement.

**STANDARDS**

**A. Definitions**

These definitions are provided for the interpretation of this policy. This policy should be interpreted in conjunction with the City Hall Facility Use Policy and the City Hall Plaza Rules and Regulations which may be amended from time to time.

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**Extended Lighting.** Shall mean a duration beyond one cycle between sundown and sunrise.

**Official City Business.** Shall mean the official business of the City and includes meetings, indoor events, limited outdoor events, and outdoor events of the City Council and City departments that are directly connected to: (i) the goals of the City Council or (ii) the core services of the City department(s), or (iii) the promotion of economic development.

**Rotunda Lights.** Shall mean the lighting fixtures within the internal and external areas physically installed on the Rotunda structure and no other infrastructure.

**Tower Lights.** Shall mean the lighting fixtures within the internal areas physically installed in the northern Tower public elevator lobby areas and no other infrastructure.

**B. Rotunda Light Display**

1. Official Ceremonial Items: Rotunda lights may be displayed in conjunction with proclamations for official actions, or ceremonial items as approved by City Council, such as for the recognition of Breast Cancer Awareness.
2. Official City Business: Rotunda lights may be displayed in conjunction with a proclamation from City Council in recognition of Official City Business that directly connects to the goals of the City Council, core services of a City Department, or the promotion of economic development, such as for the recognition of the Green Vision.
3. Commemoration of a Special Event or Sporting Event: Rotunda lights may be displayed to commemorate a significant achievement, initiative, or sporting event involving the City of San José upon the request of the City Manager or designee, or a proclamation by the City Council, such as for the support of the San Jose Sharks in the Stanley Cup Playoffs.
4. Official Public Art Displays: Rotunda light displays of public art, such as in the participation of the Illuminating Downtown Program, are to be coordinated through the Office of Cultural Affairs in recognition of artistic and cultural endeavors on behalf of the City of San José and in conjunction with a proclamation from City Council. Any proposed public art must be approved through the City's standard public art process.
5. Honorary or Solidarity Events: Rotunda lights may be displayed in honorable recognition of a world, national, local, or City tragedy, event, and/or an Act of God upon the request of the City Manager or designee, or a proclamation by the City Council, such as for the honoring of the victims of the September 11 attacks.

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6. Indoor Events: Rotunda lights may be displayed for indoor special events in conjunction with a facilities rental agreement, such as for private weddings. The granting of permission to use the lighting shall in not in any way constitute an endorsement of the views of the groups reserving the Facility.
7. Extended lighting for the Rotunda shall be subject to approval in advance by the City Manager or designee, or by a proclamation by the City Council.

The Rotunda lighting will be displayed on the following recognized holidays and other special occasions listed below, unless otherwise superseded by a facilities rental agreement or by authorization by the City Manager or a proclamation by the City Council, or for an Honorary or Solidarity Event. Prescheduled lighting may resume after such an event:

- a) Week of Opening Day for the San Jose Earthquakes (blue)
- b) Duration of San Jose Sharks Playoffs (teal)
- c) Week of Memorial Day (red, white, and blue)
- d) Week of Independence Day (red, white, and blue)
- e) Week of Opening Day for the San Jose Sharks (teal)
- f) Duration of San Jose Earthquakes Playoffs (blue)
- g) Week of Veterans Day (red, white, and blue)
- h) Holiday Season from December 1<sup>st</sup> to January 2<sup>nd</sup> (green and red)

**C. Tower Light Display**

1. Lighting of the Tower will typically be in conjunction with the Rotunda lighting approval process and schedule, excluding private rental agreements.

Should scheduling conflicts occur between the Rotunda and Tower, lighting shall be independent, with the Rotunda lighting being displayed for the private event, and Tower lighting being displayed for the City event. Honorary or Solidarity Event lighting as described in Section B(5) may take priority over any other lighting events, whether in the Tower or Rotunda.

2. Tower lighting is subject to available staff resources and cost recovery fees will be required from City Departments to program the lights until the Tower lighting infrastructure becomes fully automated.
3. Tower lighting is not available for use by private entities or third parties.

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**APPROVAL PROCESS**

City Activities

Rotunda lighting requests are to be submitted to the Department of Public Works for review to determine adherence to this policy, date availability, and resources. Requests are to be submitted at least 20 business days prior, or as soon as possible, to the first date of lighting display for the Rotunda, except for Honorary or Solidarity Events described in Section B(5) above. Tower lighting requests are to be submitted to the Department of Public Works for review and adherence to this policy, date availability, and resources and will be subject to staff resources and applicable cost recovery fees required from City Departments. The Department of Public Works will waive the applicable fees once the Tower lighting infrastructure becomes fully automated.

Private Activities

Rotunda lighting requests are to be submitted to the Department of Public Works for review to determine adherence to this policy, date availability, resources, and applicable fees. Requests are to be submitted at least 20 business days prior, or as soon as possible, to the first date of lighting display. Tower lighting is not available for use by private entities.

**PRIORITY**

Lighting activities in conjunction with a facilities rental agreement will be determined by the agreement. The City Manager or City Council has the right to cancel and/or change the Rotunda lighting schedule, including those in a facility rental agreement, in the event of an Honorary or Solidarity Event in Section B(5) above. In such an event, every effort will be made to reschedule the event to meet the needs of the requestor, and the requestor's sole recourse against the City shall be a refund for that paid for the lighting in the facilities rental agreement. If there are lighting request conflicts, the following is a sequence of the priorities, with the highest priorities listed first:

- Honorary or Solidarity Events
- Facility Rental Agreements
- Approval by City Manager or Events by Proclamation
- Event schedule listed in this policy

**FEES**

Tower lighting requests are subject to staffing and programming fees and will be waived once the Tower lighting becomes fully automated. Private lighting activities are subject to Fees and Charges as established by Council resolution.