

(R-84-1734)

RESOLUTION NUMBER R- 260623

Adopted on MAY 07 1984

RESOLUTION AMENDING COUNCIL POLICY NO. 700-43
REGARDING BOOKING AND RENTAL POLICIES OF THE
CONVENTION AND PERFORMING ARTS CENTER


BE IT RESOLVED, by the Council of The City of San Diego as follows:

That Council Policy No. 700-43 entitled, "Booking and Rental Policies of the Convention and Performing Arts Center," be and it is hereby amended as set forth in the Council Policy filed in the office of the City Clerk as Document No.

RR- 260623.

BE IT FURTHER RESOLVED, that the City Clerk is hereby instructed to add the aforesaid to the Council Policy Manual.

APPROVED: John W. Witt, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

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Or.Dept:Prop.
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COUNCIL POLICY

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BACKGROUND

As a publicly-owned, tax-supported complex, the Convention and Performing Arts Center (CPAC) serves a broad cross-section of community interests and tastes. The Center provides suitable facilities for conventions, conferences and meetings, exhibits, and a wide variety of theatrical events. However, within the framework of serving broad community interests, CPAC operates under administrative policies designed to achieve two specific goals: (1) The attraction and booking of the maximum number of out-of-town conventions and trade shows; and (2) the support and stimulation of local nonprofit cultural organizations such as the San Diego Opera, the San Diego Symphony, and the ballet companies. To achieve these twin goals, booking policies and rental rate schedules have been established which assure maximum utilization of the facilities by out-of-town conventions and by local nonprofit cultural organizations.

The attraction of conventions has been seen from the beginning as an inherent part of downtown economic redevelopment. Out-of-town convention delegates spend sizeable sums of money in the local area, thus providing an effective stimulus to the economy, and an enhancement of the local job market. In addition, delegate spending for hotel/motel accommodations results in financial gain to the City through revenue from the Transient Occupancy (T.O.) Tax. As all of the annual City subsidy in support of the Center's operating budget is appropriated from T.O. Tax revenues, the increases in the latter that result from CPAC convention delegate spending thus provide a return for the City's ongoing investment.

The Convention and Visitors Bureau (CONVIS) plays a key role in the Center's convention business. Under its contractual commitments to the City, CONVIS is responsible for promoting and advertising CPAC's convention facilities. In discharging this obligation, CONVIS recruits and solicits nationwide for conventions which can be booked into CPAC.

Local nonprofit performing arts organizations have been materially assisted by not only preferential rental rates, but by the Center's long-standing practice of booking tenants on a generally first-come, first-served basis. This practice enables the organizations to place holds on future dates in the Civic Theatre, a circumstance essential to their viability and long term interests.

PURPOSE

The purpose of this directive is to formalize the policies which govern booking and rental procedures at the Convention and Performing Arts Center, as well as to define the fiscal policies which are a necessary adjunct to those procedures.

RR- 260623
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OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

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POLICYA. General Booking Policies

1. Center to Serve Broad Community Interests - It is City policy that the Center, as a complex of publicly owned, tax supported facilities, serve a broad cross-section of community tastes and interests. No prospective event will be denied a booking on the basis of aesthetic, political, social, racial, or religious considerations.
2. First-Come, First-Served Policy - the Center's booking procedures shall operate on a first-come, first-served basis. Except as provided for in paragraphs A7 and B3 below, no distinction will be drawn between requesting individuals or organizations other than the relative timeliness of their requests. However, any request for a booking date(s) more than five (5) years distant may be refused at the discretion of the City Manager or his designated representative. All booking requests will be considered tentative until such time as the tenant has paid a deposit as specified by the Center and/or obtained a fully executed agreement (Use Permit). Dates held on a tentative basis may be released at the discretion of the City Manager or his designated representative.
3. Booking Date Challenge Policy - The holder of a tentative booking date(s) for any of the Center's facilities, if and when challenged by a second party willing to make immediate advance payment for the same date(s), must either remit the full basic rental fees within the time period specified by the Center, or relinquish the date(s) to the second party. For local cultural organizations affiliated with the Combined Arts and Education Council (COMBO) a modified version of the challenge policy will be applicable. A COMBO group, when challenged for a booking date(s), will be required to enter into a firm contractual commitment for the subject date(s) within the time period specified by the Center, or relinquish the date(s) to the challenger. However, advance payment of the rental fees will not be required of a COMBO group as a condition of sustaining the challenge.
4. No Waiver of Fees - Except as provided for in this paragraph, and paragraphs B4 and C3 below, the Center's facilities will not be made available to any individual or organization (including departments and activities of the City) without payment of the appropriate fees and charges. As an exception to the policy, the City Manager or his designated representative shall be permitted to deviate from the established schedule of rental fees and charges when it is clearly in the best interests of the City to do so. Specifically, the exercise of this

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authority shall be limited to those instances in which the failure to so act would result in a net loss of revenue to the City. All other exceptions to the policy shall be at the discretion of the City Council. If the Council grants a waiver of rental fees and charges, a reimbursement to the Center in the full amount of the waived fees and charges shall be made from a funding source specified by the Council.

5. Use Permit Requirement - Except as provided for in paragraph C3 below, the use of any portion of the Center's facilities by an individual or organization shall require the prior execution of an appropriate written agreement (Use Permit).
6. Schedule of Rental Fees and Charges - All fees and charges for services and facilities in the Center shall be in accordance with an established schedule. Revisions and/or modifications to the schedule shall be subject to review and approval by the City Council.
7. Denial of Use of Center - An event which, in the opinion of the City Attorney, would be in violation of the law will not be permitted to be conducted in the Center's facilities. In addition, any of the following conditions may be cause for denial of a booking, at the discretion of the City Manager or his designated representative:
 - a. When the requesting individual or organization has an unpaid account with the Center related to an earlier event, or an unpaid account with another activity or agency of the City of San Diego.
 - b. When through negligence or disregard by the requesting individual or organization, an earlier event resulted in unreasonable damage to the facilities, and/or presented a clear danger to the safety of patrons or others.
 - c. When the proposed use of the facilities for events other than sponsored conventions (see paragraph B.1. below) would result in a net financial loss to the City.
 - d. When the date(s) for a proposed event would fall within sixty (60) days of a like or similar event already on the booking schedule, and the City Manager or his designated representative determines that the staging of the second event could jeopardize the success of the event previously booked.

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B. Convention Booking Policies

It is the policy of the City that an ongoing effort be extended to attract and book the maximum number of out-of-town conventions and trade shows. To assist this effort, the City will in part sponsor qualified conventions through a program of priority bookings and waived charges. The following policies and procedures shall apply:

1. Criteria for Sponsored Convention Status - Conventions will be afforded sponsored status when they meet the following criteria:
 - a. A minimum of fifty percent (50%) of the registered delegates must stay in San Diego hotels or motels.
 - b. The convention must use a headquarters hotel.
 - c. The convention must conduct business meetings for two or more days. One day conventions do not qualify.
 - d. The convention must be a recurring event listed with either the International Association of Convention Bureaus (IACB) or the California Association of Convention Bureaus (CACB) or be a first-time convention that meets all other requirements and is approved by both CONVIS and the Center.

2. Relationship of the Sponsored Convention Program to the Convention and Visitors Bureau (CONVIS) - CONVIS is the agency primarily responsible for solicitation and recruitment of out-of-town conventions. It is also the agency responsible for validating conventions for sponsored status in accordance with the criteria described in the preceding paragraph.

3. Booking Priority of Sponsored Conventions - Except as otherwise provided for in this paragraph, the booking of a sponsored convention eighteen (18) months or longer before the scheduled convention date may preempt and/or cancel a reservation for any other type of event. This priority extends to all Center facilities with the exception of the Civic Theatre. As an exception to this policy, a booking date held by the City Clerk for an election-related event may not be arbitrarily preempted or cancelled in favor of a sponsored convention. In the instance when the proposed dates for a sponsored convention conflict with an election-related event already booked, the City Clerk shall attempt to locate and book an alternate site. If, however, a suitable alternate site is unavailable, the Center's booking for the election-related event shall remain firm, and the event shall retain first priority.

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4. Waiver of Charges - Sponsored conventions will not be charged the basic rental fee for the space utilized. However, if the convention has commercial exhibits as a part of the meeting, the established charge for commercial exhibit space will be assessed the convention. There will be no charge to sponsored conventions for the use of in-house equipment. However, payment of rental charges for any additional equipment that may be required will be the responsibility of the convention. Sponsored conventions will not be charged for house staff personnel, in a number not to exceed five (5) personnel per building. All additional personnel as may be required, including the security staff, will be paid for by the convention. In addition, the costs for any special call-in service will be charged to the convention.
5. Reimbursements to the Center for Sponsored Conventions - The full amount of all charges waived in accordance with the preceding paragraph will be reimbursed to the Center from the T.O. Tax Fund. The reimbursements will include the costs of house staff personnel utilized in support of sponsored conventions. The City's annual budget for Special Promotional Programs shall make provision for such reimbursements.

C. Use of the Concourse Plaza Area

Under certain circumstances, permission may be granted to individuals or organizations for use of the outside area referred to as the Concourse Plaza. Such use shall be governed by the following:

1. General Requirements - Use shall be limited to individuals and/or nonprofit organizations and agencies which are supportive of public service interests, or of charitable and benevolent causes, or of governmental and political purposes. The sale of goods by nonprofit organizations for fund raising purposes may be permitted at the discretion of Center management. Permission shall not generally be granted for the purpose of soliciting or recruiting enrollment in clubs, organizations or institutions. Individuals or organizations engaged in retail, wholesale, cash and carry operations, or in any other form of commercial enterprise shall not be permitted the use of the Concourse Plaza for such purposes.
2. Use of Amplified Sound - Events or activities which entail the use of amplified sound may be conducted in the Concourse Plaza area provided the sound does not interfere with the events or activities being conducted inside the various buildings of the Center. An advance determination that an event in the Plaza with amplified sound would interfere with other scheduled activities in the Center

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will be a discretion of Center management, and such determination will be sufficient reason to deny a booking request for an event of that type in the Plaza.

3. Procedures - No rental charge will be assessed for the use of space in the Concourse Plaza. However, use of any Center equipment or services by the requesting individual or organization will require payment of the customary charges for such items. Permission to use the Plaza will be based on a first-come, first served basis in accordance with the policy described above. Use of the Plaza by the same requestor will normally be limited to two (2) single event dates per month and/or six (6) event dates per year. An exception may be granted to an individual or organization renting the interior facilities of the Center. In such instances, the use of the Plaza area may coincide with the use of the interior facilities. Although formal use permits will not normally be executed for events in the Plaza, a "hold harmless" declaration by the event sponsor may be required if by the nature of the scheduled activity it is appropriate.

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MAY 07 1984

Passed and adopted by the Council of The City of San Diego on
by the following vote:

| Councilmen | Yeas | Nays | Not Present | Ineligible |
|-----------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Bill Mitchell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bill Cleator | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| William Jones | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksma | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Gotch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dick Murphy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Uvaldo Martinez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Roger Hedgecock | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Mayfield L. Portecow, Deputy.

Office of the City Clerk, San Diego, California

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