



COUNCIL AGENDA: 4/18/2023
ITEM: 2.12
FILE NO: 23-598

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: April 18, 2023

**SUBJECT: Approval of City Hall Free Use for the Trans Day of Visibility Event
Sponsored by Council Districts 9 and 6 as a City Council Sponsored Special
Event to Expend City Funds and Accept Donations of Materials and Services
for the Event**

Recommendation

As recommended by the Rules and Open Government Committee on April 12, 2023:

- (a) Adopt a resolution authorizing “Free Use” for events and activities held on April 29, 2023 for the Trans Day of Visibility event;
- (b) Approve the Trans Day of Visibility scheduled on April 29, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (c) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley and Davis)

[Rules Committee referral 4/12/2023 - Item B.6]



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Pam Foley
Councilmember Dev Davis

SUBJECT: SEE BELOW

DATE: 03/30/2023

Approved

Date

03/30/2023

SUBJECT: APPROVAL OF CITY HALL FREE USE ON SATURDAY, APRIL 29, 2023 FOR THE TRANS DAY OF VISIBILITY EVENT SPONSORED BY COUNCIL DISTRICT 6 AND COUNCIL DISTRICT 9 AS A CITY COUNCIL SPONSORED SPECIAL EVENT TO EXPEND CITY FUNDS AND ACCEPT DONATIONS OF MATERIALS AND SERVICES FOR THE EVENT.

RECOMMENDATION

1. Adopt a resolution authorizing “Free Use” for events and activities held on Saturday, April 29, 2023 for the Trans Day of Visibility event;
2. Approve the Trans Day of Visibility event on April 29, 2023 as a City Council Sponsored Special Event and approve the expenditure of funds;
3. Approve and accept donations from various individuals, businesses, or community groups to support the event; and
4. Place the item on the Tuesday, April 18, 2023 City Council Agenda for action.

BACKGROUND

In June 2019, the City adopted the Schedule of Fees Resolution No. 79138, Section 13.080 for Free Use of the City Hall Facility and Plaza Use. Presently, the resolution allows the City Council, Redevelopment Agency Board, and City departments to have “Free Use” of the facilities for those events that 1) qualify as official city business; 2) are free and open to the public; 3) occur on a Sunday through Friday; and 4) are booked 30 days in advance. Resolution No. 79138 does not apply to free use requests for Saturday events and as such City Council approval is required to authorize free use for the Trans Day of Visibility event on Saturday, April 29, 2023.

The Billy DeFrank LGBTQ Community Center in conjunction with the Council District 6 and Council District 9 Offices seeks approval for free use of City Hall facilities and plaza to hold its annual Trans Day of Visibility. The event is co-sponsored by Council District 6 and Council District 9 and directly aligns with top City priorities and policies by providing access to information and opportunities for a diverse population that includes transgender/nonbinary/intersex people.

Trans Day of Visibility is a community-driven and community-targeted one-day event celebrating the experiences and lives of transgender/nonbinary/intersex people, timed in conjunction with the International Trans Day of Visibility. The goal is to celebrate and include this all-too-often invisible, ignored, and neglected segment of our vibrant and diverse community. The Billy DeFrank LGBTQ Community Center has held this free event to celebrate inclusivity for more than ten years.

Trans Day of Visibility has evolved over the last decade into a free one-day intensive conference offering:

- **Resources:** Tables providing information and takeaways from representatives of organizations providing services to trans individuals.
- **Education:** Workshops and presentations by both professionals (medical, legal, health) and community members (Friends & Family, Surgery Experiences, Nonbinary, Youth, etc.), providing hard-to-get and invaluable information.
- **Community:** Every year, people come out for the very first time at the Trans Day of Visibility. This open and accessible downtown event is a welcoming venue. The social area features the stage and the resource tables. Games, seating areas, and snacks are provided, all of which help people feel comfortable and welcome. Simply seeing other trans people (including youth and parents), and their successful lives, is empowering for many.
- **Access to community officials:** It is empowering for people to feel seen by their county and city officials. This event provides this opportunity for officials to perform outreach and hear the concerns of gender-expansive community members.

ANALYSIS

Approval for this event's free use designation is required because the event will be held on Saturday, April 29, 2023. This event is expected to significantly benefit the community if scheduled on a Saturday as it would accommodate the schedules of community members who work full-time jobs during the weekday and increase the number of participants.

Free use is requested because the Trans Day of Visibility event at the City Hall Rotunda kicks visibility up into a higher gear. It highlights that Transgender people are part of the City and have a place in representative government. It also shows the community at large that yes, Transgender people live in our neighborhoods and share the same basic needs as us. They hope to reach many more people by being in this location.

The Billy DeFrank LGBTQ Community Center is a 501(c)(3) nonprofit that is actively registered with the California Secretary of State (C1145446) and current in its charity registration with the California Attorney General's Registry of Charitable Trusts. It is based in San José and provides community, leadership, advocacy, services, and support to Silicon Valley's LGBTQ People and their partner agencies, including local government. The Billy DeFrank Center has advocated for policy development in the City of San José that supports the health of the LGBTQ community.

Approval by the City Council of the event will ensure compliance with the Council's prior direction regarding Council Special Events. In observance of existing fundraising disclosure requirements, Councilmember Pam Foley and Councilmember Dev Davis will report any cash or in-kind donations received for the event on their Disclosure of Fundraising Report (DFR-1). Approval of this memorandum will enable Council Districts 6 and 9, City departments, and the Office of the City Clerk to proceed with the event. Any cash donations received will be processed pursuant to the City's normal financial and budgetary procedures.

PUBLIC OUTREACH/INTEREST

Upon approval of this free Saturday use, public outreach will be conducted by The Billy DeFrank LGBTQ Community Center to notify the community about the event's occurrence. The Office of the City Clerk will post the item on the City's Website for the April 12, 2023 Rules Committee Agenda and the April 18, 2023 City Council Agenda.

COST AND FUNDING SOURCE

The total cost of the event to the City is \$8,281.50, of which \$2,584 will be split and paid by Council District 6 and Council District 9. The remaining \$5,697.50 will be charged to the Department of Public Works/Event Services' budget. The breakdown of expenses are below. In addition, an estimated loss of parking revenue at the City Hall garage and 4th Street garage is \$4,000 (200 cars x 8 hours of use, for a maximum of \$20 for the day). Each year, each Council Office is allotted seven free uses for events qualifying for free use. Approval of this action would go towards one of the Council District 9 Office's free uses. To date, the Council District 9 office has not used any of its free uses.

\$2,584.00 Split Payment by Council District 6 and Council District 9

- Event Captains: \$300.00
- Security Guards: \$704.00
- AV Staff: \$1,280.00
- Cleaning Fee: \$300.00

\$5,697.50 Paid by the Department of Public Works/Event Services

- Rental Fee: \$2,250.00
- Application Fee: \$50.00
- Refundable Damage Deposit: \$1,800.00
- Equipment: \$1,347.50
- Additional Lighting: \$250.00

CEQA

Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services; Not a Project, PP17-011, Temporary Special Events resulting in no changes to the physical environment.