



County of Santa Clara

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Policy Type: Administrative

Category: Facilities

Policy Name: Use of County Facilities at 70 W. Hedding Street and 55 W. Younger Avenue

Policy Owner: County Executive

Policy Purpose

The purpose of this policy is to provide a framework for the use of County facilities located at 70 W. Hedding Street and 55 W. Younger Avenue, and to define the responsibilities of the County and the user.

Policy Summary

Board Policy 3.44, Use of County Facilities, provides guidelines for the use of County meeting rooms, buildings, auditoriums, and other facilities. All County agencies and departments meeting for County business and non-County organizations seeking to use a County facility at either 70 W. Hedding Street or 55 W. Younger Avenue must apply for a permit and obtain approval before such use. Failure by a user to comply with any of these requirements may preclude future use of County facilities, or warrant additional requirements or restrictions for future use.

Types of Non-County Organizations That May Apply for Permits

All non-County organizations who wish to use these County facilities must apply for a permit. The following organizations are considered non-County organizations for the purposes of this policy:



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- Agencies and officers of federal, state or other local governments
- Registered or recognized County employee organizations
- Non-profit organizations and other organizations
- Groups formed and authorized by departments and agencies for the purpose of furthering the provision of County-related services

County Facilities Covered Under This Policy

This policy only addresses the use of the following County facilities:

- 70 W. Hedding Street, San Jose
 - James P. McEntee Sr. Plaza (Front Plaza)
 - Breezeway
 - Rear Patio
 - Board Chambers
 - Isaac Newton Senter Auditorium
 - Room 157
 - East Wing Lower Level Conference Room
 - Cafeteria



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- 55 W. Younger Avenue, San Jose
 - Auditorium
 - Room 135

Requirements for Permit Applications for Use of County Facilities

While County agencies and non-County organizations both must apply for a permit and obtain approval before using County facilities, only non-County organizations are subject to the security, insurance and cost recovery portions of this policy.

Refer to the Application For Use of County Facilities Form for the contact information to the applicable permitting department:

| <u>County Facility</u> | <u>Permitting Department</u> |
|--|--|
| <i>70 W. Hedding Street</i> <ul style="list-style-type: none">● Cafeteria | Employee Services Agency 8 th Floor, East Wing |



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| County Facility | Permitting Department |
|---|---|
| <p><i>70 W. Hedding Street</i></p> <ul style="list-style-type: none"> • Back Patio • Board Chambers • Breezeway • East Wing Lower Level <p>Conference Room</p> <ul style="list-style-type: none"> • Front Plaza • Isaac Newton Senter Auditorium • Room 157 <p><i>55 W. Younger Avenue</i></p> <ul style="list-style-type: none"> • Room 135 • Sherriff's Auditorium | <p>Clerk of the Board of Supervisors 10th Floor, East Wing</p> |

Permit applications must be submitted to the applicable permitting department a minimum of 10 business days prior to the meeting or event, and may not be submitted more than 6 months in advance. Applications for the use of County facilities will not be considered approved until evidence of insurance and a check for the costs indicated on the permit have been provided by the user (where applicable), and the permit has been signed for approval by the user and the permitting department. Use of County facilities cannot be guaranteed if an application is not timely submitted. All permitted use of County facilities is subject to cancellation if space is needed for County business or in the event of an emergency situation, as outlined below.



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Cancellation of Permitted Use of County Facilities

Authorized use of a facility may be cancelled by the County if the space is needed for County business and no other appropriate space is available. The County will make all reasonable efforts to find replacement space, and 24-hour notice will be given when possible.

The County's need to use its facilities during declared states of emergency, for emergency response, or under unusual security conditions, such as a National Terrorism Advisory System threat alert, may lead to a cancellation of permitted use of County facilities with no advance notice.

Refunds for Cancellation of Events

If an event is cancelled, and sufficient notice is provided, the permitting department may issue a refund to the permit applicant. If the applicant purchased Special Event Insurance through the County's program, the premium cannot be refunded.

Other than cancellations, refunds will not generally be issued. If the event ends early or if fewer than expected people attend, the County still incurs the cost of having employees available to perform the required work, and often a required minimum number of hours for overtime work. If costs are incurred because cancellation notice is given without sufficient time, the refund will be reduced by those costs incurred by the County. An example of such costs would be staff reporting for duty when the event is cancelled at the last minute.

Times and Duration of Permitted Use of County Facilities

The use of County facilities by non-County organizations is limited to the hours between 8 a.m. and 9 p.m., Monday through Friday, and 8 a.m. to 6



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p.m. on Saturdays and Sundays. Non-County organizations are restricted to one calendar day per use of a County facility. Hours of use are to be specified on the permit, and all use of County facilities must cease at the end of the time permitted for use. Overnight use of County facilities is not allowed.

Estimate of the Maximum Number of Users of County Facilities

The maximum estimated number of event attendees must be specified on the permit. For larger events, the maximum number of attendees expected at any one time may be used as an estimate. This estimate will be used for purposes of determining whether there is adequate capacity in the desired County facility for the proposed use, and the level of insurance and security required. If the actual number of attendees is greater than that specified in the application, and additional costs are incurred by the County as a result, these costs will be charged to the user.

Expected Activities for Permitted Use of County Facilities

The user of a County facility is expected to provide sufficient specific information about the event and all planned activities to allow for a thorough review of the request by the permitting department. Incomplete information may delay processing of the permit. The user must disclose any pre-event promotion and/or advertising.

Security for Permitted Use of County Facilities

Security will be required for all non-County organizations that use County facilities during County non-business hours, and as deemed necessary by the permitting department for any event. Security will be provided by the Office of the Sheriff. Users will be subject to charges that allow full recovery of costs for the provision of security services.



Required Insurance for Permitted Use of County Facilities

Users will be required to provide in advance a certificate which provides evidence of insurance, and must agree to indemnify, defend, and hold the County harmless for claims or loss arising out of facility usage. Insurance coverage must be in accordance with the Insurance Requirements for Use of County Facilities.

Any exceptions to these insurance requirements must be approved by the Employee Services Agency, Risk Management Division, and any changes to the indemnification language must be approved by Office of the County Counsel. In the event the user cannot provide evidence of insurance, the user may contact the Employee Services Agency for information on obtaining insurance through the County's Special Event Insurance Program. Once a certificate of insurance has been issued through the Special Event Insurance Program, the premium cost cannot be refunded, even if the event is cancelled.

Fire Marshal Review of Permitted Use of County Facilities

Planned uses and activities at County facilities will be subject to review and approval by the Fire Marshal. For some events, completion and approval of applications for a Special Event Permit and/or a Tent/Canopy Permit from the Fire Marshal's Office may be required. Provision of all Fire Marshal services, including staff inspections if necessary, will be subject to charges for full cost recovery.

Environmental Health Review of Permitted Use of County Facilities

Planned uses and activities of County facilities will be subject to review and approval by the Department of Environmental Health. For some events,



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completion and approval of applications for Temporary Event Permits may be required as directed by Department of Environmental Health. Approval of a plan for disposal of food and/or grease waste and any necessary inspection services will be subject to charges for full cost recovery.

Facilities and Fleet Review of Permitted Use of County Facilities

Planned uses and activities of County facilities will be subject to review by the Facilities and Fleet department (FAF). As determined by FAF, required services may include: providing access to and/or closing a building, equipment setup and removal, cleanup after the event, and refreshing restrooms. A service schedule will be developed after application review, and will be subject to charges for full cost recovery.

The Facilities and Fleet department requires a minimum of 10 business days for review of the proposed use prior to the event. Any request for use of County facilities must include the time required by FAF for setup and/or cleanup for the meeting or event. Setup for a meeting or event will require a minimum of 60 minutes, and cleanup will require a minimum of 45 minutes after the use of a County facility.

The quantity and location of any tables and chairs requested for use at a County facility will be subject to availability and confirmation by the Facilities and Fleet Department. Applicants will be required to provide a diagram specifying where items are to be placed in order to facilitate this review.

Approval of Use of County Technical Equipment

Use of County technical equipment in County facilities will occur only with pre-approval by the Clerk of the Board of Supervisors, and will be subject to charges for full cost recovery. No audio-visual or other technical



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equipment will be provided by the County unless a specific application is made and approved. Such audio-visual or technical equipment includes, but is not limited to, equipment for the hearing impaired, internet access, laptop computers, PowerPoint presentation tools, tape recording of the event, and wireless microphones.

Food, Beverages, and Alcohol at County Facilities

Food and beverages may be provided in approved areas in County facilities, subject to the County's Nutrition Standards. The sale of food and beverages is not permitted. Alcohol is not allowed at any County facility.

Food and/or beverages are not allowed in the Board Chambers, the Isaac Newton Senter Auditorium, Room 157, Sheriff's Auditorium, or Room 135 (55 W. Younger Ave., San Jose).

Any food preparation on site at a County facility will be subject to approval by the Fire Marshal and the Department of Environmental Health. The location of all related equipment will be subject to approval by the Fire Marshal and the Department of Environmental Health.

Fundraising at County Facilities

Except as otherwise provided for events on McEntee plaza or on the South Patio, admission may not be charged and funds may not be raised at meetings and events held in County facilities. This does not preclude the availability or dissemination of membership information.

McEntee Plaza (the exterior public open area adjacent to the front of the County Government Center building along Hedding Street) and the South Patio area (the exterior public open area located between the rear of the County Government Center building and the reserved parking area) are



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primarily designated for civic and governmental uses and access to the County Government Center building. The Administration will issue event permits for the use of McEntee Plaza and the South Patio area to non-County organizations subject to this policy, provided that such use does not conflict with civic and governmental use of these areas.

Fundraising by non-profit organizations (must have State/Federal non-profit ID number) is allowed during permitted events on McEntee Plaza or the South Patio area so long as fundraising is ancillary to the primary focus of the event.

Health, Safety and Property Protection at County Facilities

All permit applications will be reviewed to address specific issues that may arise relative to the proposed use. This will include review of proposed decorations and activities.

No activities will be allowed that could be hazardous to health and safety, and consideration will be given to protection of County property. Smoking is prohibited in any enclosed structure owned or leased by the County. Smoking on County facilities must comply with all County of Santa Clara smoking prohibition ordinances, Board policies and any other provisions imposed by state or local law or regulations.

Exceptions to the Cost Recovery Provisions of This Policy

Elected members of the California State Assembly or State Senate, or of the United States House of Representatives or Senate, are not subject to the cost recovery provisions of this policy.



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Procedures

The following procedures should be used for processing a request for use of a County facility and for processing payments for permitted use of those facilities

Processing Requests for Use of County Facilities

- 1) The **Permit Applicant** will request use of a County facility by completing the Application for Use of County Facilities and submitting the completed application to the responsible department.
- 2) The **Permitting Department** will send completed applications to the following service departments for review and provision of cost estimates, as applicable:
 - 2a) **Office of the Sheriff**, for security review
 - 2b) **Facilities and Fleet Department**, for facility and janitorial needs
 - 2c) **Employee Services Agency, Liability/Property Insurance Department**, for review of insurance certificates or work with the user to obtain Special Event Insurance
 - 2d) **Office of the Fire Marshal**, for compliance with the Fire Code, if applicable
 - 2e) **Department of Environmental Health**, for compliance with regulations if food is being served at an event, if applicable
- 3) Each **Service Department** will review the application, and provide one of the following responses:



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- 3a) Initial and return, indicating that the facility user meets all requirements and no further action is necessary
- 3b) Initial and return with an estimate of cost to provide service at the event and any applicable backup materials (invoices, statements of cost, etc.)
- 3c) Return with "N/A" if there are no activities subject to review by the department
- 4) The **Service Department** will return the form to the department processing the application.
- 5) If additional information is required, the **Permitting Department** will work with the service department and the applicant to obtain all required information.
- 6) On receipt of the reviewed applications, the **Permitting Department** will total the estimated costs and provide the cost estimate to the applicant.
- 7) The **Permit Applicant** must pay all costs and meet all requirements (inspections, insurance, etc.) before the Permit for Use of County Facilities will be issued.
- 8) On a weekly basis, each **Permitting Department** will forward a listing of all scheduled off-hours events to the following offices: MAC Room, 70 West Hedding Emergency Facility Manager, 70 West Hedding Information Desk, and the Office of the County Executive.



Processing Payment for Permitted Use of County Facilities

- 1) If there are applicable charges for the use a County facility, the **Permitting Department** will inform the applicant of the total cost to use the facility and collect the fees.
- 2) The **Permit Applicant** will pay the total cost of the fees with a check or money order made out to "The County of Santa Clara" prior to receiving a permit to use the County facility.
- 3) The **Permitting Department** will deposit the fees upon receipt from the applicant.
- 4) Upon the conclusion of an event, each **Service Department** will inform the permitting department if there were any costs beyond what was initially estimated. Additional costs may include (but are not limited to) additional security or janitorial service if there are more attendees than reported on the application form.
- 5) If there are additional costs, the **Permitting Department** will provide the user with an invoice for the additional costs.
- 6) The **Permitting Department** will be responsible for processing intra-County transfers to the service departments. The amount transferred will be the amount reported on the initial application form plus any additional costs reported after the event.
- 7) If an event is cancelled, the **Permitting Department** may issue a refund to the applicant, consistent with this policy.
- 8) **Permitting Department** will establish procedures to track all costs and disbursements.



Definitions

For the purposes of this policy, the following definitions apply:

- 1) **"County Facility"** means any building, property, office, or workspace owned, leased, or regularly used for County business.
- 2) **"County's Nutrition Standards"** means the comprehensive set of County nutrition standards imposed by County ordinances and Board policies. These required nutrition standards apply to beverages and food served at County-sponsored meetings and events in which County funds are used, and are recommended standards for meetings or events that are held at County facilities but in which food and beverages are provided and/or donated by others and no County funds are used.
- 3) **"Permit Applicant"** means any individual who submits an Application for Use of County Facilities for the proposed use of a County meeting room, building, auditorium, or other facility by a non-County organization.
- 4) **"Permitting Department"** means the applicable County department which is responsible for receiving an Application for Use of County Facilities. The Permitting Department will review the application and issue a Permit of Use of County Facilities, in conformity with this policy.
- 5) **"Service Department"** means one of several County departments responsible for the review of an Application for Use of County Facilities to ensure that the requested use of the County facility complies with various security, facility, janitorial, insurance, fire safety and food safety standards and requirements. A Service Department will also review each application



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in order to provide the Permit Applicant with an estimate of the costs associated with the proposed event.

Frequently Asked Questions

None.

Related Policies

- Food and Beverage Sales - <https://saecommon.sccgov.org/countypolicy/Food-and-Beverage-Sales.pdf>
- Special Event Set-Up - <https://saecommon.sccgov.org/countypolicy/Special-Event-Set-Up.pdf>
- Use of County Facilities – Board Policy 3.44 - <https://saecommon.sccgov.org/countypolicy/Board-Policy-3.44-Use-of-County-Facilities.pdf>
- County Ordinance Code - Sec. B31-9 - Animals in County Buildings - https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITBRE_DIVB31ANFO_CHIINGE_SB31-9ANCOBU

Related Forms and Information

- Application For Use of County Facilities - [\[url\]/sites/forms/Facilities/FacilitiesCountywideForms/application-for-use-of-county-facilities.pdf](#)



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- Insurance Requirements for Use of County Facilities -
[url]/sites/policies/FormsrelatedtoPolicies/Insurance-Requirements-For-Use-of-County-Facilities.pdf
- Lower Level Conference Room Guidelines -
[url]/sites/policies/FormsrelatedtoPolicies/Lower-Level-Conference-Room-Guidelines.pdf
- Master Contract for County Event Equipment Rentals -
[url]/sites/policies/FormsrelatedtoPolicies/Event-Rentals-Master-Contract-CW2229372.pdf
- Meeting Room Reservations - Facility Use Policy -
[url]/sites/policies/FormsrelatedtoPolicies/Meeting-Room-Reservations-Facility-Use-Policy.pdf
- Nutrition Standards Resource Page - [url]/sites/resources/County-Nutrition-Standards/Pages/default.pdf
- Room Configurations - [url]/sites/policies/FormsrelatedtoPolicies/Room-Configurations.pdf

History

| Date | Changes Made |
|------------|---|
| 12/18/2014 | Updated to reflect that the Clerk of the Board is now the permitting department for the breezeway, lower level conference room and front plaza. (Kyle Larson) |
| 9/15/2014 | Added "Lower Level Conference Room Guidelines" form. (John Myers) |
| 2/25/2014 | Policy Uploaded. (Kyle Larson) |



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