



Kate Harrison  
Vice Mayor, District 4

CONSENT CALENDAR  
March 8, 2022

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Harrison  
Subject: Adopt Resolutions Referring to the City Manager to Establish a Policy of Reducing or Waiving Park Fees for Free, Permitted Outdoor Theater, Arts Events, and Other Events Based on Objective Public Welfare Criteria and Relinquishing Council Funds to Support the San Francisco Mime Troupe's Payment of Park Fees for Its 2022 Free Outdoor Performance Season

RECOMMENDATION

Adopt Two Resolutions:

1. Establishing a policy and referring to the City Manager to create a process to reduce or waive City Park Fees for free and permitted outdoor theater, arts events, and other events as appropriate based on objective consideration of their benefits to the public welfare, including but not limited to educational content, non-profit status, and means.
2. Approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Vice Mayor Harrison, to the San Francisco Mime Troupe, the non-profit fiscal sponsor of 2022 Berkeley Park performances, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Vice Mayor Harrison and any other Councilmembers who would like to contribute.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

The City of Berkeley has a long tradition of supporting theater, artists and the educational and entertainment value associated with live performance and other events. Unfortunately, the arts community has been devastated by the COVID-19 pandemic. Despite important investments through the Berkeley Relief Fund and other policies, smaller and less well-funded organizations are still facing hardships with respect to renewing free outdoor events in Berkeley's parks. At the same time, Park Fees have risen dramatically since the pandemic; according to the San Francisco Mime Troupe, Parks permit fees have nearly tripled since 2019. Until 1999, the City waived Park Fees for free theater performances in Berkeley parks in recognition of their educational, entertainment, and public welfare contributions to the people of Berkeley.

Although it is critical that Berkeley recovers its costs to maintain its park and facilitate events, when appropriate, it is also critical the City recognize and facilitate the contribution of less well-off arts organizations to Berkeley's civic and artistic culture and

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fabric. For example, within the indoor context, the City of Berkeley has already provided millions worth of rent to help the Berkeley Repertory Theater and additional COVID-19 deferments of building permit, inspection, connection, and impact fees for arts workforce housing and workshop space. Freight and Salvage, Shotgun Players, and Aurora Theatre Company have also received city grants and assistance. It is critical that the City recognize the contributions of its outdoor theater and arts organizations as well.

It is therefore in the public interest to establish a policy and refer to the City Manager to create a process to reduce or waive City Park Fees for free and permitted outdoor theater, arts events, and other events as appropriate based on due consideration of their benefits to public welfare, non-profit status, and means.

### BACKGROUND

It has come to the attention of the Council that the COVID-19 pandemic and increasing fees for Berkeley parks events have imperiled the ability for certain arts and other organizations that contribute greatly to Berkeley fabric, culture, and wellbeing to continue to provide free performances and events.

For example, the San Francisco Mime Troupe (SFMT) is currently considering whether to indefinitely suspend all future free theater (with voluntary donations) performances within Berkeley parks. SFMT is an historic democratically run, worker-owned, multi-ethnic, multi-generational, multi-cultural, gender-balanced, and 501(c)3 nonprofit theater of social justice. Their mission is to create and produce theater that presents a working-class analysis of the events that shape our society, that exposes social and economic injustice, that demands revolutionary change on behalf of working people, and to present this analysis before the broadest possible audience with artistry and humor. Due to the pandemic, the SFMT have not performed in Berkeley since 2019 but had planned to restart performances this year.

The Troupe has a long tradition of offering free theater for audiences across San Francisco Bay Area parks City Parks, including Berkeley, from July 4th through Labor Day. Until 1999, the City waived Park Fees for free San Francisco Mime Troupe performances in Berkeley parks, including Live Oak, Cedar Rose and Willard. Substantially increased fees since 2019 will make Berkeley performances cost prohibitive. Park Fees are established pursuant to BMC 6.46, and while the ordinance provides exemptions for an "indigent person," it does not appear that there is such a comparable or similar waiver process for organizations. Fees were last updated as part of Resolution N.S. 69,892 in May 2021, and range from \$180 to \$1000 per event (not including insurance requirements) depending on the number of participants and resident status. At the same time, SFMT is not eligible for certain city grants that would help soften the blow of the increased permit fees.

The purpose of Berkeley's park system is to provide residents of Berkeley and visitors alike with *free access* to recreation, peaceful relaxation, entertainment and other benefits. The public park system stands in direct contrast to private alternatives.

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It is in the public interest to pass a resolution referring to the City Manager to create a process to reduce or waive City Park Fees for free and permitted outdoor theater, arts events, and other events as appropriate based on objective consideration of their benefits to the public welfare, including but not limited to educational content, non-profit status, and means.

It is also in the public interest for Councilmembers to relinquish office funds to the SFMT to help cover fees for their 2022 park performances. Even though the new fee reduction and waiver policy will hopefully assist organizations such as SFMT, the organization has to plan its performances and permits in advance and cannot wait for the development and adoption of such policy.

#### FISCAL IMPACTS OF RECOMMENDATION

Current fees range from \$180 to \$700 per event. The exact financial impact cannot be determined until staff develop objective criteria for which organizations qualify for reduced or waived fees. Any reduction in fees should be considered within the context of the value of free events to the people of Berkeley and associated patronage of local Berkeley businesses and City services.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Outdoor performances can be a low-carbon activity as compared to other forms of indoor and outdoor entertainment.

#### CONTACT PERSON

Vice Mayor Kate Harrison, (510) 981-7140

#### ATTACHMENTS

1. Resolution 1
2. Resolution 2

RESOLUTION NO. ##,###-N.S.

RESOLUTION REFERRING TO THE CITY MANAGER TO ESTABLISH A POLICY OF  
REDUCING OR WAIVING PARK FEES FOR FREE AND PERMITTED OUTDOOR  
THEATER, ARTS EVENTS, AND OTHER EVENTS BASED ON OBJECTIVE PUBLIC  
WELFARE CRITERIA

WHEREAS, the City of Berkeley has a long tradition of supporting and encouraging free theater, artistic, and other events, and the educational and entertainment value associated with live performance and outdoor spaces; and

WHEREAS, unfortunately, the arts community has been devastated by the COVID-19 pandemic; and

WHEREAS, park fees have risen substantially in recent years, threatening the viability of ongoing free and permitted outdoor theater, arts, and other events sponsored by non-profit organizations of limited means; and

WHEREAS, although it is important that Berkeley recovers its costs to maintain its parks and facilitate events, when appropriate, it is also critical the City recognize and facilitate the contribution of less well-off arts organizations to Berkeley's civic and artistic culture and fabric; and

WHEREAS, the public park system stands in direct contrast to private alternatives with a purpose of providing residents of Berkeley and visitors alike with free and relatively low-carbon access to recreation, peaceful relaxation, entertainment and other benefits.

NOW, THEREFORE BE IT RESOLVED, by the Council of City of Berkeley that it refers to the City Manager to create a process to reduce or waive City Park Fees for free, permitted outdoor theater, arts events, and other events as appropriate based on objective consideration of their benefits to the public welfare, including but not limited to educational content, non-profit status, and means.

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Vice Mayor Kate Harrison has funds in her office expenditure account; and

WHEREAS, a non-profit tax exempt entity, the San Francisco Mime Troupe, seeks funds in the amount of at least \$500 to provide the following public services to educate and entertain Berkeley audiences through outdoor theater performances in Berkeley parks; and

WHEREAS, the provision of such services would fulfill the municipal public purpose of supporting and encouraging free theater, art, and community interaction through free educational outdoor performances open to all Berkeley residents and visitors; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to the San Francisco Mime Troupe to fund municipal public purpose services of free educational theater in Berkeley's public parks.

