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NOTICE OF PROPOSED RULES

POSTING DATE:
July 24, 2020

By: Trish Tatro, Acting Director
Austin Convention Center Department

The Acting Director of the Austin Convention Center Department (ACCD), which operates facilities including the Austin Convention Center and the Palmer Events Center, proposes to adopt the following **Rules for Facility Access and Use**. These proposed rules will replace the current Facility Access and Use Policy.

EFFECTIVE DATE OF PROPOSED RULES

The rules proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before August 25, 2020 (or the 32nd day after the date of this notice, whichever is later) or after October 2, 2020 (the 70th day after the date of this notice).

If the proposed rule is not adopted on or before October 2, 2020 (the 70th day after posting of this notice), it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

REQUEST FOR COMMENTS ON PROPOSED RULES

The City requests comments from the public with respect to the proposed rules included in this Notice. Comments must be submitted in writing to the contact person below no later than August 24, 2020 or the 31st day after the date of this notice).

Contact Person:
Chris McIlvain, Security Chief
Austin Convention Center

Email: ACCDAccessUsePolicy@austintexas.gov

Phone: 512-404-4000

TEXT OF PROPOSED RULES

The text of the proposed Rules for Facility Access and Use is attached to this notice. The text of the proposed rules is also available on the City of Austin's website at www.austinconventioncenter.com, and the current Facility Access and Use Policy is also available at: www.austinconventioncenter.com.

A copy of the complete text of the proposed Rules for Facility Access and Use is also available for public inspection at:

Austin Convention Center
500 East Cesar Chavez St.
Austin, TX 78701
(Posted on the Southeast doors
on Cesar Chavez Street.)

Palmer Events Center
900 Baron Springs Rd.
Austin, TX 78704
(Posted on the Southeast doors
on Barton Springs Road.)

BRIEF EXPLANATION OF PROPOSED RULES

The proposed Rules for Facility Access and Use amend policies relating to the public's use of the Austin Convention Center and Palmer Events Center, which include changes related to Personal Behavior, Weapons in ACCD Facilities, Protests at ACCD facilities, and First Amendment activity at ACCD facilities. These rules are intended to clarify the permissive use of certain areas of the outside grounds of ACCD facilities for purposes of First Amendment activity and to clarify the policy related to possession and use of weapons at ACCD facilities.

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate building use is established in the City of Austin Rules for Public Use of City Properties (effective 9/1/15) and Administrative Bulletin 11-04 (effective 9/21/15). (Please note: Pursuant to City Code § 25-2-166(A), "[t]he purpose of the Convention Center overlay district is to protect and enhance the health, safety, and welfare of the public, and to promote pedestrian activity and vitality in the Convention Center Area." The Acting Director of ACCD is the City Manager's delegate for rule adoption.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEW AND APPROVED

Trisha Tatro
Trish Tatro, Acting Director
Austin Convention Center Department

Date: 7/23/2020

Anne L. Morgan, City Attorney

Date: 7/23/2020

This Notice of Proposed Rule was posted on the City website by the City Clerk. Date and time stamp are on the front of the notice.

AUSTIN
CONVENTION CENTER
DEPARTMENT

Policy	**Rules for Facility Access and Use**
Effective Date	7/23/2020
Approval	*Trisha Tatro*
Title	Trish Tatro, Acting Director

Purpose

To provide employees and others working at and in Austin Convention Center Department facilities requirements for accessing the property and procedures for providing authorized access to others.

Overview

ACCD premises are local government facilities operated by the City of Austin. ACCD facilities are not public forums. ACCD is an enterprise department and provides venue space and business services which are intended solely for the use and general control of those who are contracting or have contracted with the COA - ACCD. ACCD reasonably controls those persons who access its properties so that the Department can conduct business and other approved activities free from unlawful and disruptive interference. Maintaining a safe and secure environment for all persons at ACCD facilities is a priority.

Applies To ☒ **Austin Convention Center** ☒ **Palmer Events Center**

All ACCD Employees (regular full-time, regular part-time, and temporary employees) and
All Contractor/Preferred Provider/Subcontractor Employees, Visitors and Attendees/Guests/Exhibitors

Abbreviations, Acronyms & Symbols

ACCD	Austin Convention Center Department
ACC	Austin Convention Center – 500 E. Cesar Chavez St., Austin, TX 78701
PEC	Palmer Events Center – 900 Barton Springs Rd., Austin TX 78704
SOC	Security Operations Center operated by the Security and Safety Division, PEC or ACC

Definitions

ACCD	Austin Convention Center Department, ("Department") facilities comprised of the Austin Convention Center, Palmer Events Center, and ACCD Parking Garages (Barton Springs Road, W. 2nd Street, and E. 5th Street)
ACCD Employee	Regular full-time, regular part-time, and temporary Department employees
ADA	Americans with Disabilities Act
Attendees/Guests/ Exhibitors	Individuals associated and/or registered for a specific event occurring at ACCD facilities
In-House Contractor/ Preferred Provider Employees	ACCD exclusive contractor employees along with limited key staff identified as ACCD "Preferred-Providers" of professional services who primarily office at ACCD facilities

PEC	Palmer Events Center - 900 Barton Springs Road, Austin, Texas
Policy	Facility Access
Restricted Access Area	An area designated with warning signage which has limited or no access based on department policy guidelines
SOC	Security Operations Center
Subcontractor Employees	Employees temporarily working/performing a specific task or project for ACCD or for ACCD in-house contractors
Visitors	Individuals visiting ACCD Facilities (excluding event guests/attendees/ exhibitors)

Roles & Responsibilities

ACCD Management	Updates ACCD Policies & Procedures Manual to include policy/ procedure/ process/ form.
ACCD Employee	Abides by Policy and completes required training, if applicable. Reports incidents of access rules and Policy violations immediately. Violations of this Policy shall be subject to disciplinary action in accordance with designated COA Personnel Policies, up to and including termination.
Contractor Management and Subcontractor Management	Ensures contract and subcontract employees abide by Policy and complete required training, if applicable.
In-House Contractor/Subcontractor Preferred Provider Employees	Abides by ACCD Policy and contract requirements and reports incidents of access rules and policy violations immediately.
Managers and Supervisors	Ensure ACCD employees abide by Policy and complete required training, if applicable. Perform appropriate disciplinary action for Policy violations.
Non-Public Areas	Areas within facilities that generally include "back of house" areas and hallways, service yard areas and docks, business office and employee areas, and other areas that are not open for regular business
Occupational Health and Safety Coordinator	Assists in the handling of ADA resource inquiries.
Security-Safety	Provides appropriate access devices, access privileges, and ID to individuals. Monitors access to facilities and responds to access issues or questions. Contacts appropriate employee and contractor supervisory and management staff in regard to violations of Policy.

Facility Access Procedures

I. ADA/Accessibility Statement

A. ACCD is committed to providing all attendees, guests, and visitors a safe and secure community, including accessibility services and ADA resources. If any question or concerns arise regarding ADA resources, please contact ACCD's Occupational Health and Safety Coordinator at 512.404.4016 or through the Security Operations Center (SOC).

II. Categories of Acceptable Access/ID Devices

A. There are five (5) devices approved to provide authorized identification and access to those employed or providing contractor or other business services to ACCD. These devices are used to provide identification and varying levels of facility access to those working on ACCD property. All persons

working or conducting business at ACCD should be identified through one of the following, which should always be worn in a way that allows it to be ***clearly visible*** to others.

1. Regular Full-time, Regular Part-time, and Temporary ACCD Employee Access/ID Badges
2. In-House Exclusive Contractor Employee/Preferred Provider ACCD Access/ID Badges
3. Other COA Employee ID Badges
4. Temporary Badge/Access - ACCD Photo and Non-Photo ID Badges
5. Temporary Worker ID - ACCD Wristbands or ACCD "Temporary" Visitor disposable tags

B. Individuals accessing ACCD facilities as an Attendee/Guest/Exhibitor of a specific event must display identification or credentials associated with said event at all times. (See Section IV.)

III. Individual Access Requirements

A. All ACCD employees, in-house contractor/preferred-provider and subcontractor employees must adhere to the security requirements detailed below. Subcontractor employees and temporary employees who violate the applicable requirements below may be removed from ACCD facilities or property:

1. All persons who bring others into non-public areas of ACCD facilities, (who are not already authorized access as described in the above **Section II** (**Categories of Acceptable Access/ID Devices)** are responsible for providing a physical escort while on the facility premises.
2. All persons in non-public areas who are not directly escorted by an ACCD employee must clearly display an access/ID device (Section II) while on facility premises.
3. Any ACCD employee may check an individual's status or contact the SOC whenever observing person(s) in non-public areas of ACCD facilities who are not being directly escorted by an ACCD employee or who are not displaying any required access/ID devices.
4. All persons who are working at ACC or require non-public area access (other than those identified as in Section II as regular ACCD employees or In-House Contractor/Preferred Provider Employees) are **REQUIRED** to enter and check-in through the service entrance at the pedestrian gate on Red River Street, or at the ACC SOC or Administrative Offices. Any other means of access into the facility is unauthorized. Persons who are working at PEC or require non-public area access (other than those identified above as regular ACCD employees or In-House Contractor/Preferred Provider Employees) must enter through the PEC Administrative Offices or make contact with PEC Event or Facility Security and check-in.
5. Use of ACCD ID/Access Devices by anyone to access/attend events or shows for non-ACCD business is prohibited. All employees, contractors/preferred providers and subcontractors are prohibited from accessing ACCD non-public areas while not on regular duty or conducting departmentally sanctioned business with Department divisions.
6. **Restricted Access** or **Client Access Only** temporary signs will be placed on doors and around locations that are not to be accessed by employees, in-house contractors, or others. Employees and in-house contractor/preferred provider employees should be mindful that these areas are designated by the event client and violations will be investigated and documented. Employees or in-house contractor/preferred provider or subcontractor employees should contact the ACCD SOC for information if unsure of an area's access restrictions. (See *Restricted Access Areas Policy*.)
7. Restricted areas of the facility with signs stating "Authorized Personnel Only" or "Non-Public Area-Authorized Persons Only" are off limits to all persons except those authorized.
8. Doors that are controlled by electronic access card readers should be the primary entrance and exit points to rooms that are otherwise secured (locked). This includes rooms for which there are key operated doors. *ACCD employees, in-house contractor/preferred-provider and subcontractor employees will not circumvent the security features provided by an access controlled door by using door keys on any other door to the room or facility*. Persons found to have violated this policy may face disciplinary measures. Persons requiring assistance entering a locked room or facility should contact the facility SOC via the outside intercoms, ACCD radio, or phone.
9. ACCD employees, in-house contractor/preferred-provider and subcontractor employees may have access card restrictions for exterior door access, depending on employee position/job, time of day, etc. If any employee requires assistance entering a locked facility, contact the SOC via ACCD radio, intercoms, or phone.

10. Unless authorized by ACCD Management, exterior access into ACCD facilities using door keys is prohibited.
11. Under no circumstances may any person block open, or allow to be blocked open, any locked or card-access facility doors.
12. Under no circumstances shall any person issued an access/ID device, allow another person entry into any ACCD facility using their access/ID device. This includes "*piggy-backing*" through access doors or gates. Any person with an ACCD access/ID device who allows another person to enter using their access privileges should bring the person directly to the SOC to be checked-in.
13. Due to security and safety concerns, employees and other persons conducting business at ACC are not allowed to walk through the open service yard vehicle gates to enter or exit the service yards. Entry and exit should be by way of the designated pedestrian gates and walkways using appropriate access/ID devices and check-in procedures.
14. All move-in and move-out of exhibits and shows must be through the service yard and dock areas by persons who have authorized access and only during scheduled hours. Move-in and move-outs are not allowed to be conducted through other facility doors, including other exterior doors of ACCD facilities. Permission for such activity requires prior written request to ACCD Director, or his/her designee, and approval before activity may occur.
15. During periods where there is no move-in or move-out traffic in the service yards, only persons with legitimate business needs are allowed into the service yards. During show hours, the service yard exits will not be used as a "short-cut" for Attendees/Guests/Exhibitors to leave the facility.
16. Pedestrian traffic through ACCD's service yards and exhibit halls is restricted to authorized persons during event/show move-in and move-outs. Unless prior written approval has been obtained, children under seventeen (17) years of age are prohibited from ACCD service yards and exhibit halls during a show or events move-in and move-out.
17. Temporary badge/access devices issued to contractors, subcontractors, or temporary workers must be returned to the SOC at the completion of the ACCD work assignment. Non-photo temporary badges must be returned at the end of the employees work shift/assignment. Failure to return temporary badges/access devices at the completion of work assignments may lead to future ACCD facility access restrictions for that person.

IV. Event/Show Credentials and ID Badges

A. Event/Show credentials and ID badges that provide authorized access associated with the event/show, must be visibly worn and are only valid for access to specific areas which are part of the event/show. ACCD Security Division will be provided with information regarding show credentials/access badges which may allow limited access to some non-public areas of the facilities. Event/Show credentials and rules do not override general ACCD and COA access policies related to entry by others into facilities, blocking open doors, or entering restricted access areas.

V. Deliveries to ACCD

A. Deliveries to ACCD facilities follow the guidelines detailed in the *ACCD Shipping and Receiving SOP*.

B. Deliveries to the Administrative Offices are accepted per training and guidelines set by the Administrative Offices Receptionist. All other deliveries must follow the access guidelines defined in this Policy.

C. Deliveries that are for ACCD Divisions and Units will require contact with ACCD Shipping and Receiving Unit per ACCD Shipping and Receiving SOP.

D. If the delivery is for an event/show, the client or designee must be on site to accept the delivery.

1. If the client or designee is not available to accept delivery, ACCD Security Division will contact the Event Services Coordinator prior to accepting/refusing the delivery.
2. If the Event Services Coordinator cannot be contacted, the delivery is refused and the driver is asked to return at a time the client or designee is able to receive the delivery. An email about the delivery is sent to the Event Services Coordinator for the event.
3. Security Operations Center includes the delivery or non-delivery information in the Shift Briefing Report and notifies the recipient via email.

VI. Media

A. Any requests to access ACCD facilities by the media are forwarded to ACCD's Public Information and Marketing Program Manager (Refer to ACCD Media Policy)

VII. Weapons in ACCD Facilities

A. The transport, display, or carrying of weapons and simulated weapons into ACCD facilities is governed by State Law, relevant City Administrative Bulletins, City Ordinances, and ACCD policies and procedures.

B. Weapons in the facilities may include lawfully carried weapons (See *License to Carry on ACCD Premises* training bulletin), event related weapons, and simulated weapons. Illegal weapons are prohibited from City of Austin property.

C. Some areas of Austin Convention Center Department facilities are considered "Non-Public" and accessible to authorized persons only. Persons entering these areas must abide by the same policies as City of Austin employees. Weapons, including those lawfully carried, are restricted from these areas.

D. Any questions regarding weapons in the facilities by staff should be directed immediately to the SOC.

VIII. Personal Behavior

A. A person may not:
   1. Unreasonably disrupt the normal use of ACCD facilities;
   2. Interfere with or disrupt the use of ACCD Facilities by a person who has contracted for use of any portion of the facilities;
   3. Create congestion in facility pedestrian or vehicular pathways, including all ingress/egress pathways leading to any access point of the facilities, or block access to an entrance, exit, passageway, driveway, or resource;
   4. Use loud speakers or other noise amplifying devices in a manner that interferes with the normal use of the facilities or with the use of the facilities by a person who has contracted for use of any portion of the facilities;
   5. Picket, protest, petition, distribute literature, or otherwise solicit persons in parking areas/garages, driveways, or areas leased to third parties.
      (a) A lessee of ACCD facilities may authorize petitioning, distribution of literature, or solicitation of invitees to an event to the extent such activity does not disrupt access to/from the facility and to the extent the authorization does not violate the terms of any contract for lease of ACCD facilities.
      (b) ACCD reserves the right to establish and post on its website permitting procedures or other procedures to establish reasonable procedures to prevent disruption of the normal use of ACCD facilities, including the use of any portion of a facility by a third-party contractors of ACCD facilities.
      (c) Persons may picket, protest, petition, distribute literature, solicit, or perform other First Amendment activity in the area described as the grassy area east of the parking garage driveway and south of the canopy-covered walkway that runs East/West parallel to the parking garage adjacent to the Palmer Events Center.
      (d) 5-day Notice Required: Persons or organizations must notify ACCD 5 days in advance of the date the person or group intends to use ACCD facility property for picketing, protesting, petitioning, distributing literature, soliciting, or performing other activities that were not approved through ACCD's normal process for leasing its facilities or for reserving the use of its facilities. The notice must provide a reasonable estimate of the number of persons expected to appear, the date and time period of the anticipated activity, and contact information for the person or the group organizer. The notice may require additional information as reasonable to facilitate the normal use of ACCD facilities by lessees, persons who previously reserved the facility, other invitees, and City staff. (ACCD will waive the notice requirements during dates and time periods that its facilities are not being used for lease or reservation by third parties or City personnel.)

(e) ACCD will post maps showing the borders of ACCD facility property and identifying areas on or near ACCD facility property that are designated for First Amendment activity.

6. Harass, sexually harass, abuse, threaten, or fight with another person;
7. Threaten facility property;
8. Vandalize, steal, or recklessly or intentionally damage ACCD Facilities or property.
9. Otherwise, incite a breach of the peace;
10. Perform a criminal act.
11. Camp

B. ACCD reserves the right to use permitting procedures or take other reasonable steps to prevent unreasonable interference with the use of ACCD facilities by its lessees, invitees, and employees and to manage crowd control and minimize congestion and interference with pedestrian flow and vehicular traffic.

IX. Protests at ACCD Facilities

A. ACCD strongly supports the public's First (1st) Amendment rights to freedom of speech. ACCD seeks to balance the freedom of speech rights with the rights of persons or entities who have entered contracts for the use of ACCD facilities, as well as those who are conducting normal business at ACCD. Employees who become aware of potential protests inside ACCD facilities or on the outside public areas around ACCD should contact the SOC immediately.

References & Documentation

I. Reference
   A. ACCD Media Policy
   B. Shipping and Receiving SOP
   C. ACCD Restricted Access Areas Policy
   D. Security and Safety Facility Access SOP
   E. ACCD License to Carry training bulletin
   F. Americans with Disabilities Act

II. Documentation

III. Revision
   A. July 20, 2020

Questions & Comments

We are interested in your questions or comments on implementation, usability and any other aspects of this procedure.

Call or email your comments to:

Security & Safety Division (512) 404-4110
Email ACCDSecurityAdmin@austintexas.gov