

6-9-05
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RESOLUTION NO. 20050526-20

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The Council accepts the Economic Growth and Redevelopment Services Office, Cultural Arts Program's mission statement relating to the Austin City Hall Live Music Series, attached to this resolution as Exhibit A.

The Council accepts the Economic Growth and Redevelopment Services Office, Cultural Arts Program's Live Music Series Guidelines for Austin City Hall, attached to this resolution as Exhibit B.

ADOPTED: May 26, 2005 **ATTEST:** _____
Shirley A. Brown
City Clerk

Exhibit A

**ECONOMIC GROWTH & REDEVELOPMENT SERVICES
OFFICE
CULTURAL ARTS PROGRAM**

**MISSION STATEMENT FOR
AUSTIN CITY HALL LIVE MUSIC SERIES**

The City of Austin's Economic Growth & Redevelopment Services Office, Cultural Arts Program shall develop and promote a live music series at Austin City Hall, including the plaza, to showcase and promote the excellence of local musicians, to support the development and exposure of emerging Austin musicians, and to encourage public dialogue, understanding, and enjoyment of music.

Exhibit B



CULTURAL ARTS PROGRAM LIVE MUSIC SERIES GUIDELINES FOR AUSTIN CITY HALL

1. PURPOSE

The City of Austin's Cultural Arts Program presents an ongoing series of music events at Austin City Hall and Plaza to showcase local musicians, support emerging artists, and to encourage public dialogue, understanding and enjoyment of music. The Program's goal is to present a series of music events that reflect the artistic excellence and cultural diversity of Austin and promote the City's cultural and economic initiatives.

2. POLICY

The City of Austin respects freedom of expression in music. However, the Austin City Hall and Plaza do not function as a music performance venue. The City reserves the right to approve content of lyrics and performance material at its sole discretion. Performance of music at Austin City Hall or the Plaza does not create a public forum.

3. LOCATIONS AND LIMITATIONS

Austin City Hall is not a music performance venue. The areas where music may be performed are:

- the plaza stage area and open space outside the South entrance;
- the mayor's, city council's, and city manager's terraces;
- the atrium lobby on the first floor; and
- other public areas within the building at the discretion of the city manager.

4. SELECTION AND ELIGIBILITY

The City may invite organizations or individuals to submit a proposal for a performance in Austin City Hall or the Plaza. The City retains absolute discretion over selection and scheduling of music events.

A group or individual that wants to be considered for a performance event in Austin City Hall or the Plaza must submit a proposal to the Cultural Arts Program Manager. A proposal for a performance shall include information about the musicians, a sample of recorded work, and listing of technical requirements.

The City shall review each proposal, and shall send the proposer written notice of acceptance, modification, or rejection of the proposal. The building manager shall review and approve proposed technical and security requirements. The City's acceptance letter will include proposed performance dates and other performance related requirements.

The city manager may appoint a selection panel to assist in evaluation of proposals. If the city manager elects to appoint a selection panel, its members may include City staff and community representatives. Selection criteria may include the local, regional, or national reputation of musicians and cultural diversity of musical performances.

5. TERMS OF AGREEMENT

The participating musicians or sponsoring organization must sign a performance agreement with the City for the event. The terms of these guidelines are incorporated as part of the performance agreement. The performer or sponsor of the event may be responsible for the cost of delivery, set-up, and removal of required equipment, other than City owned sound equipment. Set-up and staging must conform to plans approved by the program manager and the building manager. The program manager is responsible for coordinating the staging of a music event with other City departments, including building services and security and shall decide the placement or staging of music events.

6. REQUIRED DOCUMENTATION

Not later than the 30th day before the date of a scheduled performance, the

musicians performing in the event must provide the City:

- a completed performance agreement;
- a listing of technical requirements to be provide by the City, if any
- a written statement describing the musicians as the basis for a press release by the City; and
- if applicable, a certificate of insurance.

The City may cancel a performance or replace the artists if the sponsoring organization or musicians performing in the event fail to submit the required information on or before the due date. The program manager may not permit a performance to occur if the artist has not submitted the required information on or before the date the performance is scheduled.

7. PERFORMANCE RESCHEDULING OR CANCELLATION

The City may reschedule or cancel a music event at the City's discretion at any time before the start date of the event. The City may cancel a music event if necessary due to inclement weather, to protect the musicians, equipment, or public safety, or due to unexpected building use.

The City will make a reasonable effort to reschedule a music event that is cancelled due to inclement weather or unexpected building use. The City is not responsible for any expense incurred by the organization or artist participating in the event related to a rescheduled or cancelled performance.

If the program manager receives a complaint or believes that a performance is derisive, vulgar, or otherwise offensive to visitors, the program manager may terminate the performance. The city manager may review the program manager's decision to terminate a performance and reschedule the performance at a later date. The city manager retains sole discretion on whether to allow a performance subject to a complaint.

8. EQUIPMENT SET-UP AND REMOVAL

The musicians or sponsoring organization for the music event shall deliver musical equipment and all related components needed for the performance, and other informational material as required in the performance agreement

on the date specified in the performance agreement. The program manager and the building manager shall supervise load in and set up for a performance and equipment removal following a performance.

9. SALES

Merchandise, including CDs and recordings of musicians performing at Austin City Hall or the Plaza may be for sale by the sponsoring organization or musician performing during the performance, if approved by the City. The City will provide written authorization if sales will be allowed in conjunction with the music event.

The musician is responsible for all aspects of a sales transaction. Information on how to contact the musician to purchase merchandise, including CDs or recordings, may be in supplementary sales material provided at the sole expense of the musician. The City must approve any supplementary sales material and the location and display of the material.

The City does not receive a commission on or compensation from the sale of merchandise or recordings at music events in Austin City Hall or the Plaza.