

NEWPORT THEATRE ARTS CENTER

Background

The Newport Theatre Arts Center (Theatre) has been the site of community theatre productions since 1979. The Friends of the Newport Theatre Arts Center (Friends), a non-profit public benefit corporation, have, since 1980, managed the Theatre and offered first class theatrical productions and shows using dedicated volunteers from the community. The Friends have presented at least four productions a year, have funded their program through ticket sales and donations from the private sector, and have used excess funds to purchase theatrical equipment. The plays and shows presented by the Friends are affordable to all economic segments of this community and offer residents a unique opportunity to attend or participate in theatrical productions. The Friends represent the epitome of "community theatre" - a volunteer effort using principally non-equity performers that is self funded and offers performers of all skill levels an opportunity to develop their talents.

Management/Primary Use

The City Council has, pursuant to a written management agreement, appointed the Friends as the primary user and manager of the Theatre in recognition of their dedication, skill and effort over the years. The City Council is aware that the consistent presentation of first class community theatre requires extensive pre-production use of the venue for rehearsal, set construction and related activities. The City Council has determined that the community theatre program offered by the Friends requires exclusive use of the Theatre for continuous and extended periods of time throughout the year and from year to year.

As manager, the Friends are required to make the Theatre available, and to supervise its use, by other groups or organizations selected by the City (Third Party/Third Parties) for stage plays or artistic events during no less than two (2) two-week periods each year (Reserved Periods). The Friends are also required to allow and supervise use by residents and local business owners for short meetings or events of limited duration. The City Council expects the Friends, in supervising the use of the Theatre by any Third Party, to serve as a resource, if called upon, to facilitate the efforts of community groups authorized by City to present stage plays at the Theatre.

Reserved Periods

The City, through the Recreation & Senior Services Director, is responsible for selecting the Third Party/Third Parties that will be permitted to use the Theatre to present stage plays or other artistic productions during the Reserved Periods. Third Party use of the Theatre shall be granted pursuant to a special event permit and license agreement (permit). In selecting among applicants, preference shall be given to public benefit non-profit corporations in good standing that have received a tax exempt determination pursuant to Section 501(c)(3) of the Internal Revenue Code. Since the theatre is one of very few venues in the area that is capable of accommodating live stage performances, preference shall be given to an applicant seeking permission to use the Theatre for live theatrical performances presented during at least one entire Reserved Period. The City shall use the following criteria in selecting among qualified applicants that have submitted timely applications requesting use of the Theatre at the same time during all or a portion of any Reserved Period:

- A. Previous experience in presenting live stage productions of a magnitude similar to that proposed in the application;
- B. Firm commitments from technical, artistic and support staff capable of producing a live stage play;
- C. The extent to which Newport Beach residents are involved in the production;
- D. The extent to which the production involves or generates educational opportunities for youth;
- E. Whether the applicant has secured the rights to produce the play and the extent to which the applicant can demonstrate the ability to pay required fees and charges.
- F. The potential for recurring use by the applicant.

In the event that no application is submitted and approved by the City authorizing presentation of a live theatrical performance during any Reserved Period, preference shall be given to the applicant who first submits a timely application to present a cultural or artistic event that is consistent with the historical usage of the Theatre.

The Recreation & Senior Services Director is authorized to meet and confer with applicants who have submitted conflicting requests in an effort to determine if the applicants are willing to modify the requests to avoid the conflict. The Recreation & Senior Services Director is also authorized to partially grant or modify any application to eliminate conflict or to preserve use of the Theatre for the City or for other purposes.

While the Recreation & Senior Services Director will generally determine Third Party use of the Theatre pursuant to the application process. However, the City Council may, upon a determination that a requesting group substantially complies with the selection criteria in A - F and at a noticed public meeting, authorize Third Party use of the Theatre for multiple or consecutive Reserved Periods subject only to execution of the required permit.

Procedures

- A. Subject to the provisions of Subsection B, any individual, group or organization requesting permission to use the Theatre during all or a portion of any Reserved Period, or for any event that requires a special event permit pursuant to Chapter 11.03 of the Newport Beach Municipal Code (applicant) shall file an application for a permit. The application shall be filed with the Recreation & Senior Services Department no less than 45 days prior to the first date of the Reserved Period during which applicant proposes to use the Theatre and shall be accompanied by the fee established by resolution of the City Council. The application shall be submitted on forms provided by the Recreation & Senior Services Department, all requested information shall be provided and an individual authorized to bind the applicant shall sign the application. The applicant shall clearly specify the requested dates and times for use of the Theatre and describe, in detail, the production to be presented as well as the technical, artistic and support personnel to be involved in the production.
- B. In the event that the City Council has authorized use of the Theatre by a Third Party pursuant to the provisions of the "Reserved Periods" section, the Third Party shall submit the information required by Subsection A within fifteen days after the action by the City Council but is not otherwise required to comply with the procedures specified Subsection A.

Conditions

All use of the Theatre shall be subject to strict compliance with this Policy, the application submitted, the "House Rules" (Exhibit A) and the terms and conditions of the Special Event Permit and License Agreement (Permit). The House rules and the Permit shall be provided to the applicant when the application is filed. In addition, each Permittee shall strictly comply with the following conditions:

- A. The Theatre shall not be used, or open for use, by any person before 8:00 a.m. or after 11:30 p.m. on any day.
- B. The Permittee shall take all reasonable steps to ensure that all users respect nearby residents by minimizing noise, parking and other impacts.
- C. The Permittee shall use the property, the Theater and the Theatre Equipment with due care and in a manner that avoids any damage, any injury to any person, and minimizes wear and tear.
- D. The Permittee shall comply with all applicable laws and shall take all reasonable steps to ensure that guests and invitees also comply with all applicable laws.
- E. The Permittee shall fully and immediately comply with all requests of the Recreation & Senior Services Director and the Chief of Police or their employees.

Fees

Use of the Theatre by any Third Party shall be subject to the payment of fees to the City for the use of the Theatre (Property Fee) and to the Friends, to the extent applicable, for use of the stage and sound equipment (Equipment Fees) and skilled personnel qualified to operate the Equipment (Operator Fees). The Property Fee, Equipment Fees and Operator Fees are as specified in the Fee Schedule (Exhibit B). The Recreation & Senior Services Director may waive all or a portion of the Property Fee upon request and a showing of good cause. The Recreation & Senior Services Director shall collect, and remit to the Friends, any Equipment Fees and/or Operator Fees. Users shall pay Property Fee and 50% of the estimated Equipment and Operator Fees a minimum of one week (7 calendar days) prior to the event.

[Attachment - Exhibit A]

[Attachment - Exhibit B]

History

Adopted I-18 - 7-27-1981
Amended I-18 - 10-22-1984
Amended I-18 - 11-28-1988
Amended I-18 - 10-22-1990
Amended I-18 - 1-24-1994 (changed to I-6)
Amended I-6 - 5-22-2001
Amended I-6 - 4-8-2003 (changed to B-6)
Amended B-6 - 9-13-2005
Amended B-6 - 10-10-2006

EXHIBIT A
HOUSE RULES

The following rules apply to all use of the Newport Theatre Arts Center (Theatre) by any Third Party using the Theatre.

A. THEATRE USE

The right to use the Theatre includes only the main theater consisting of the 90 seat auditorium and stage, "green room", entry lobby and public restrooms, box office area, two downstairs dressing rooms and bathroom, all access ways, parking area and exterior grounds. In no event shall Permittee use any office equipment or telephones owned by the Friends of the Newport Theatre Arts Center (Manager), the kitchen/office maintained by the (Manager), backstage workroom, or costume, prop and set storage rooms. Use of these areas is non-exclusive and Manager's agents may also occupy the designated areas provided they do not interfere with Permittee's use of the Theatre or the production. Only technical personnel approved by the Manager are allowed to enter the tech booth.

B. MANAGERS PROPERTY/EQUIPMENT

Permittee shall not use Manager's tools, costumes, props, or sets. Permittee may use the telephone provided by the City.

C. SUPERVISION

Access to, and use of, the Theatre shall be pursuant to the supervision of a Stage Manager or House Manager designated by the Manager.

D. MARQUEE

Permittee is to provide the layout for inclusion of text in the marquee and Manager approved personnel will install the lettering or supervise the installation by Permittee. Only layouts that utilize existing Theatre lettering will be allowed. The marquee will be available to Permittee only during the Use Period.

E. CLEANING

The carpeted areas and seats in the Theatre must be completely covered by Permittee during any set construction, painting or other work on the stage or in the auditorium area to protect those facilities against dust and damage. At the conclusion of the Use Period, Permittee shall return all facilities and equipment to the condition immediately prior to use by Permittee.

F. SOUND MONITORS

The sound monitors are permanently located and Permittee shall not move or relocate the monitors.

G. FOOD BEVERAGES

Food or drink is permitted only in the lobby. No food or drink may be taken into the auditorium. Permittee shall consult with Manager, and receive Manager's approval, prior to any sale or distribution of food or beverages on or from the Theatre.

H. BOX OFFICE PERSONNEL

Permittee shall provide box office personnel as well as tickets and/or reservation services. Permittee shall also provide any security or admission personnel. Manager may be able to supply box office personnel if Permittee makes a timely request and pays required fees.

I. DECORATIONS

Permittee shall not use confetti, glitter, spray paint, liquid paint, burning objects or helium balloons on the property. Permittee shall obtain Manager's approval of a decorating plan prior to installing any decorations.

J. DRESSING ROOMS

The dressing rooms are reserved for the use of the actors and stage personnel. In no event shall the dressing rooms be used for entertainment of guests or the storage of equipment. Smoking and alcohol are prohibited in dressing rooms.

K. RIGHTS AND ROYALTIES

Permittee shall provide evidence that they have applied for the rights to stage, at the Theatre, the production described in the application for permit and that all required royalties and rentals have been paid. In no event shall Permittee be allowed access to the Theatre without providing proof of rights and royalties. Permittee shall not film or reproduce any production unless and until Permittee provides evidence that publisher or owner of the performance rights has given express permission to do so.

EXHIBIT B

FEE SCHEDULE

FEEES CHARGED ARE IN ACCORDANCE WITH THE
MASTER FEE SCHEDULE WHICH IS ANNUALLY ADJUSTED BY
RESOLUTION OF THE CITY COUNCIL

- A. Lighting Designer to hang, focus and program lights.
- or -
Lighting Technician who will program existing hanging lights only and operate lights for shows - per hour with 3 hour minimum.
- B. Sound Designer to place sound equipment in locations, adjust microphones and program equipment, etc.
- C. Additional technicians to operate lights and/or sound equipment during performance -- per hour with 3 hour minimum.
- D. Stage Manager who will monitor backstage activities and assist with matters involving use of stage and curtain only -- per hour with 3 hour minimum.
- E. House Manager who will monitor front of house, direct ushers and assist with matters involving front of house only -- per hour with 3 hour minimum.
- F. Ushers -- per usher per show, from 30 minutes before performance through intermission.
- G. Lamp and lighting equipment use, including dimmer packs, computers, light board, hanging fixtures, lamps and gels -- per hour or part of hour, including programming time, as well as running time for show. Rate to be different per hour if both lighting and sound equipment are used.
- H. Permittee reimburse the City for all charges or costs associated with services requested by Permittee. No charge for use of small piano other than tuning charge if user wants piano tuned. Small piano moving and replacement to original location to be done by Permittee.
- I. Property Fee is charged per day of use.