Recreation Commission Agenda and Report

General Order of Business

1. Preliminary
   A. Call to Order
   B. Salute to the Flag
   C. Roll Call
2. Consent Calendar
3. Approval of Minutes
4. Public Communications
5. Staff Presentations/Ceremonial Items
6. Action Items
7. Commission Referrals
8. Commission and Staff Communications
9. Adjournment

IMPORTANT NOTICE REGARDING THE RECREATION COMMISSION MEETING

Pursuant to State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic, the City Council Chambers will not be open for July 7, 2021 meeting of the Recreation Commission. The meeting will be conducted remotely via video/teleconference.

The Public may watch and/or participate in the public meeting by joining the meeting through the Zoom Videoconference link provided below. The public may also join the meeting by calling the below listed teleconference phone number.

Submission of Public Comments: For those wishing to make public comments at the July 7, 2021 Recreation Commission meeting, you may either: (1) submit your comments by email prior to the meeting, or (2) by Spoken Public Comment during the meeting.

How to submit Public Communications/Public Comment by email prior to the meeting:
Send an email to tleung@fremont.gov by 2:00 p.m. the day of the meeting. Please identify the agenda item number and meeting date in the subject line of your email, or specify that it is not related to an agenda item. Emails will be compiled into files by agenda item number, distributed to the Recreation Commission and staff, and published in the City's Agenda Center on www.fremont.gov. Electronic comments on agenda items for the Recreation Commission meeting may only be submitted by email. Comments via text and social media (Facebook, Twitter, etc.) will not be accepted.

How to provide Spoken Public Comment during the meeting: The meeting will begin at 7 p.m. Whether you participate online or by phone, you may wish to "arrive" early so that you can address any technology questions prior to the start of the meeting.
How to provide Spoken Public Comment during the meeting (cont.):

1) By online:
   Recreation Commission Zoom Webinar: https://zoom.us/j/95154008217
   a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+
      Certain functionality may be disabled in older browsers including Internet Explorer. Mute all
      other audio before speaking. Using multiple devices can cause an audio feedback.
   b. Enter an email address and name. The name will be visible online and will be used to notify you
      that it is your turn to speak.
   c. When the Chair calls for the item on which you wish to speak, click on “raisehand.” Speakers
      will be notified shortly before they are called to speak.
   d. When called, please limit your remarks to the time limit allotted.

2) By phone:
   833-430-0037 (toll free)
   Webinar ID: 951 5400 8217
   Click*9 to raise a hand to speak, via phone.

Order of Discussion
Generally, the order of discussion after introduction of an item by the Chair will include comments and
information by staff followed by Recreation Commission questions or inquiries. The applicant, or their
authorized representative, or interested citizens may then speak on the item. At the close of public discussion,
the item will be considered by the Recreation Commission and action taken.

Consent Calendar
Items on the Consent Calendar (printed on separate sheet) are considered to be routine by the Recreation
Commission and will be enacted by one motion. There will be no separate discussion of these items unless a
Commissioner or citizen so requests, in which event the item will be removed from the Consent Calendar and
considered in its normal sequence on the agenda.

Addressing the Recreation Commission
Any person may speak on any item under discussion by the Recreation Commission after receiving recognition
by the Chair. Speaker cards will be available at the speaker’s podium prior to and during the meeting. To
address the Commission, a card must be submitted to the Clerk indicating name, address and the number of the
item upon which a person wishes to speak. Speakers are required to line up to conserve time between speakers.
When addressing the Recreation Commission, please walk to the rostrum located directly in front of the
Commission. State your name and address. In order to ensure all persons have the opportunity to speak, a time
limit may be set by the Chair for each speaker. In the interest of time, please limit your comments to new
material; do not repeat what a prior speaker has said.

Public Communications
Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Public
Communications section. Please be aware provisions of California Government Code Section 54954.2(b)
prohibit the Recreation Commission from taking any immediate action on an item which does not appear on the
agenda, unless it meets stringent requirements. The Chair may limit the length of your presentation.

Assistance
Assistance will be provided to those requiring accommodations for disabilities in compliance with the
Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working
days in advance of the meeting by contacting the Community Services Department at (510) 494-4347.
Information
For Information on current agenda items please contact the Community Services Department at (510) 494-4347.

Copies of the Agenda and Report are available at the Community Services Department administrative office at 3300 Capitol Avenue, Building B and are available at each Commission meeting. In addition, complete agenda packets will be available for review at the Commission meeting or at the Community Services Department office three days prior to Commission meetings.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Tracey Leung, Executive Assistant
Community Services Department
3300 Capitol Avenue, Building B
Fremont, California 94538
Telephone: (510) 494-4347

*Your interest in the conduct of your City’s business is appreciated.*

<table>
<thead>
<tr>
<th>Recreation Commission</th>
<th>Department Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jannet Benz</td>
<td>Suzanne Wolf, Community Services Director</td>
</tr>
<tr>
<td>Brian Hughes</td>
<td>Kim Beranek, Community Services Deputy Director</td>
</tr>
<tr>
<td>Mia Mora</td>
<td>Juan Barajas, Park Superintendent</td>
</tr>
<tr>
<td>Sundar Sankaran</td>
<td>Tara Bhuthimethee, Senior Landscape Architect</td>
</tr>
<tr>
<td>Larry Thompson</td>
<td>Kathy Cote, Environmental Services Manager</td>
</tr>
<tr>
<td>Elissa Winters</td>
<td>Jimmy Dilks, Waterpark Revenue &amp; Sales Manager</td>
</tr>
<tr>
<td>(one vacant)</td>
<td>Andrew Freeman, Business Manager</td>
</tr>
<tr>
<td></td>
<td>Matt Herzstein, Waterpark Operations Manager</td>
</tr>
<tr>
<td></td>
<td>Irene Jordahl, Recreation Superintendent II</td>
</tr>
<tr>
<td></td>
<td>Mark Mennucci, Senior Landscape Architect</td>
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<td></td>
<td>Ernie Moreira, Urban Landscape Manager</td>
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<td></td>
<td>Ken Pianin, Solid Waste Administrator</td>
</tr>
<tr>
<td></td>
<td>Roger Ravenstad, Parks Planning &amp; Design Manager</td>
</tr>
<tr>
<td></td>
<td>Michael Sa, Recreation Superintendent I</td>
</tr>
<tr>
<td></td>
<td>Lance Scheetz, Recreation Superintendent II</td>
</tr>
</tbody>
</table>
1. **PRELIMINARY**
   A. Call to Order
   B. Salute to the Flag
   C. Roll Call

2. **CONSENT CALENDAR** - None

3. **APPROVAL OF MINUTES**
   • May 7, 2021

4. **PUBLIC COMMUNICATIONS**

5. **STAFF PRESENTATIONS/CEREMONIAL ITEMS**
   5.1 An update of the Parks and Recreation Master Plan will be provided.

6. **ACTION ITEMS**
   6.1 **AMENDMENTS TO CITY OF FREMONT MASTER FEE SCHEDULE AND THE RECREATION FACILITY USE POLICY**
   Amendment to the City of Fremont Master Fee Schedule Resolution to Update Certain Recreation Services Facility Use and Service Fees and Amendment to the Recreation Facility Use Policy.

7. **COMMISSION REFERRALS**

8. **COMMISSION AND STAFF COMMUNICATIONS**

9. **ADJOURNMENT**
STAFF PRESENTATIONS/CEREMONIAL ITEMS

STAFF REPORT

6.1 AMENDMENTS TO CITY OF FREMONT MASTER FEE SCHEDULE AND THE RECREATION FACILITY USE POLICY

Amendment to the City of Fremont Master Fee Schedule Resolution to Update Certain Recreation Services Facility Use and Service Fees and Amendment to the Recreation Facility Use Policy.

Contact Persons:

Name: Gloria Kim Kim Beranek
Title: Recreation Supervisor II Deputy Director
Dept: Community Services Community Services
Phone: (510)494-4385 (510)494-4330
Email: gkim@fremont.gov kberanek@fremont.gov

Executive Summary: This item is before the Recreation Commission to consider a recommendation to the City Council to amend the City of Fremont Master Fee Schedule to establish rental fees for the newly constructed Downtown Event Center and Plaza and to amend the City of Fremont Recreation Facility Use Policy.

BACKGROUND:

Facility Use Fees - On March 5, 2019 the City Council Adopted Resolution No. 2019-05 updating Master Fee Resolution 8672 which established user fees for recreation services and activities. Staff is recommending amendments to the Master Fee Resolution to establish fees for the newly constructed Downtown Event Center and Plaza.

Facility Use Policy - On March 26, 2002 the City Council adopted Resolution 9759 amending the Recreation Facility Use Policy. Staff is recommending amendments reflect the operational needs for the new Downtown Event Center and Plaza. The amendments will help ensure maximum marketing potential, revenue generation, community, and business use of the high-end facility. Fremont is one of a few cities in the Bay Area that does not require General Liability or Liquor Liability Insurance for facility renters, so staff is also recommending that General and Liquor Liability Insurance be required with specified rentals.

DISCUSSION/ANALYSIS:

A. Facility Use Fees:
Pursuant to Government Code 50402, the City is authorized to establish fees for use of park facilities and services provided that the fees do not exceed the cost of providing such services. The Recreation Services Enterprise Fund was established as a cost recovery model in that its programs are balanced with offering
reasonable rates that are comparable to other local market rate institutions to cover operational expenses.

In December 1999, following the first complete review of existing use fees for Recreation Services Division facility use and services in thirteen years, staff recognized the need to review fees more frequently and recommend incremental fee adjustments in order to maintain market and financial viability. The Recreation Services Division staff has since reviewed fees periodically and staff has recommended updating fees where market and other economic conditions support such actions, as well as recommending new fee categories as new facilities come online.

1. Downtown Event Center and Park Plaza
On April 10, 2018 the City Council approved construction to begin on Phase I of the Civic Center Master Plan. The Downtown Event Center and Park Plaza will be the foundation for the vibrant downtown and will galvanize the community’s desire to create a social and civic heart for the City. The Event Center is currently under construction and will be completed in Fall 2021. This high-end facility will offer the community a beautiful venue for group and family celebrations and provide businesses a downtown location to conduct seminars, trade shows, and meetings.

The operational oversight of the facility has been assigned to the Community Services Department. A new position for this site has not yet been approved and to conserve financial resources for a year, a current Recreation Supervisor from the Recreation Services Division will be reassigned to staff this facility. It is anticipated that at least one additional full-time position will be requested in FY 2022/23 to support the Downtown Event Center and Park Plaza facility.

Over the last year, Recreation staff conducted tours and surveyed the fees of comparable facilities located in Pleasant Hill, Concord, San Ramon and Dublin to compare and determine recommended fees and levels of service.

Fees and charges for the Downtown Event Center as recommended are higher than fees and charges at other City of Fremont community facilities due to the new construction, and higher quality furniture, fixtures, and equipment. It is also anticipated the demand for this facility will be high so individual room rates will be higher with discounted bundles offered for full facility rentals. Full-day facility rentals are less wear and tear on the facility and require less staff time than hosting multiple rentals on the same day.

Based on research, staff is recommending the following fee structures for the Event Center, Plaza, additional equipment add-ons and deposit:
### Event Center & Plaza Proposed Pricing

<table>
<thead>
<tr>
<th>Room Only</th>
<th>Entire Building</th>
<th>Plaza</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State Room w/Kitchen - 6 Hour Minimum</strong>&lt;br&gt; (capacity: 168 dining/306 assembly)</td>
<td><strong>Liberty Room - 3 Hour Minimum</strong>&lt;br&gt; (capacity: 36 dining/80 assembly)</td>
<td><strong>Plaza - 3 Hour Minimum</strong>&lt;br&gt; (capacity: 100)</td>
</tr>
<tr>
<td>Rental Day</td>
<td>Hourly Rates</td>
<td>Commercial</td>
</tr>
<tr>
<td>M-Th</td>
<td>$133</td>
<td>$190</td>
</tr>
<tr>
<td>Fri &amp; Sun</td>
<td>$154</td>
<td>$220</td>
</tr>
<tr>
<td>Sat</td>
<td>$260</td>
<td>$260</td>
</tr>
<tr>
<td><strong>Capitol Room - 6 Hour Minimum</strong>&lt;br&gt; (capacity: 80 dining/108 assembly)</td>
<td><strong>Capitol Room - 6 Hour Minimum</strong>&lt;br&gt; (capacity: 80 dining/108 assembly)</td>
<td><strong>Capitol Room - 6 Hour Minimum</strong>&lt;br&gt; (capacity: 80 dining/108 assembly)</td>
</tr>
<tr>
<td>Rental Day</td>
<td>Hourly Rates</td>
<td>Commercial</td>
</tr>
<tr>
<td>M-Th</td>
<td>$46</td>
<td>$65</td>
</tr>
<tr>
<td>Fri &amp; Sun</td>
<td>$53</td>
<td>$75</td>
</tr>
<tr>
<td>Sat</td>
<td>$90</td>
<td>$90</td>
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Non-profit Rate is 30% less than the Fremont Resident & Business Rate  
Non-resident Private and Nonprofit is 20% higher than the Fremont Resident & Business Rate  
Non-resident Business Rate is 30% higher than the Fremont Resident & Business Rate  
Commercial Rate is 20% higher than the Non-resident Private & Nonprofit Rate  
Non-profit Rate will not be available on Saturdays which is a peak rental time so Fremont Nonprofits would pay Resident Business Rate
<table>
<thead>
<tr>
<th>Rental Day</th>
<th>Bundles</th>
<th>Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Fremont Nonprofit</td>
<td>Resident Business &amp; Private</td>
</tr>
<tr>
<td>M-Th</td>
<td>10-Hour</td>
<td>$2,241</td>
</tr>
<tr>
<td></td>
<td>8-Hour</td>
<td>$1,793</td>
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<td></td>
<td>6-Hour</td>
<td>$1,345</td>
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<tr>
<td>Fri &amp; Sun</td>
<td>10-Hour</td>
<td>$2,619</td>
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<tr>
<td></td>
<td>8-Hour</td>
<td>$2,096</td>
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<td></td>
<td>6-Hour</td>
<td>$1,572</td>
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<tr>
<td>Sat</td>
<td>10-Hour</td>
<td>$4,410</td>
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<td></td>
<td>8-Hour</td>
<td>$3,528</td>
</tr>
<tr>
<td></td>
<td>6-Hour</td>
<td>$2,646</td>
</tr>
</tbody>
</table>

Bundles include: entire building, outdoor patio, dance floor, use of the cocktail tables and 10% discount
Bundles do not include Downtown Plaza exclusive use but it may be added for the listed rental fee

B.  Facility Use Policy
The purpose of the Recreation Facility Use Policy is to ensure that City of Fremont recreation facilities will be used for activities that are in the best interest of the general public and the City, in conformance with City policies set forth in the General Plan and the Parks and Recreation Master Plan, and in conformance with applicable laws.

The Downtown Event Center and Plaza is a new and unique facility that is expected to be completed in Fall of 2021. The following revisions to the Facility Use Policy are being recommended by staff:

1. Application and Approval for Reserving Use of Facilities
Currently, most City facilities can be reserved up to one year in advance. In order to encourage full facility Event Center rentals, which will maximize revenue and minimize the impact to the facility, staff recommends that the Event Center full facility applications (with or without the Plaza) be accepted 18 months prior to the requested event date. Larger business events and celebrations are often scheduled 10 to 18 months out. By setting the full day facility application window at 10 to 18 months prior to the event date it will ensure the entire facility is used to its maximum potential. If full facility rentals are not given an application priority, it will result in smaller single rentals and the City will miss out on the increased revenue that comes with larger rentals. This will help customers that want exclusive use of the facility to have priority. The Downtown Plaza applications (without full Event Center facility rentals) will be accepted one year prior to date requested and individual room rentals will be available no earlier than ten months prior based on
availability. This staggered application acceptance will help ensure that full facility rentals continue to be the priority with partial facility rentals occurring if they are available. It is worth noting that the level of service at this facility will be higher than other City facilities and will include staff set-up and take down with pre-determined layout options. Additional equipment and AV support will also be available at this facility and may require a separate fee that will be called out in the supplemental conditions section of the rental permit. To build the value of a full facility rental bundle pricing proposed will include some of the services and equipment listed. Bundle prices are 10% below the individual rental rates and the additional equipment, lobby and patio space is included in the bundle rate package.

2. General Terms and Conditions Governing Use of Facilities

**Alcohol Regulations:** The serving of alcoholic beverages during facility rentals requires issuing an additional permit and must be requested on the application at the time of submission. Currently the Recreation Services Facility Use Policy restricts alcohol use to beer, wine, wine punch and/or champagne at applicable recreation facilities. Additional staff or security may be required for any function that serves alcohol.

Since the Event Center is expected to host higher-end events, celebrations and business functions, staff recommends that distilled spirits service be allowed with the vendor obtaining adequate State ABC licenses and permits at the Downtown Event Center. The renter will be required to contract with a licensed vendor that holds an off-premises catering liquor license. Proof of proper license, permit, and liability insurance must be submitted to facility supervisor seven days prior to event date. Host served distilled spirits will not be allowed. The Department reserves the right to place restrictions on the use of alcoholic beverages in accordance with State Law and City policy. Additional staff or security will be required for any function that serves distilled spirits.

**Permittee’s Responsibility for Potential Liability - Insurance Requirement:** While doing research on facilities at other cities it was noted that Fremont was one of the only cities not requiring general liability and alcohol liability insurance and an additional insured endorsement. Staff surveyed 17 cities and all but two required General Liability (with additional insured endorsement) and most also required Alcohol Insurance for their building rentals. The current Recreation Services Facility Use Policy states that insurance may be required at the Department’s discretion. Adding this requirement allows the City of Fremont to match a well-known practice with the 15 other cities and helps protect the City reinforcing that the renter is responsible for the behavior of their guests and any activities/incidents that occur at or by their group event. City of Fremont Risk Management supports this requirement.

To ensure fair and consistent application staff is the recommending that General Liability and Liquor Liability insurance be required for all Recreation rentals with an attendance of 50 or more in attendance and for all rentals that will serve any type of alcohol. Special Event General Liability Insurance meeting this requirement can be purchased and provided by the applicant’s personal insurance provider or through the California Joint Powers Risk Management Authority. The City will provide a link on the Facility Rental webpage for information purposes. Some homeowners and renter insurance companies offer these liability policies as an additional option for their
current customers. Current fees through the City provider are listed below and vary depending on
group size and hazard rating. More details and examples of hazard ratings are included as an
attachment.

<table>
<thead>
<tr>
<th>California Joint Powers Risk Management Authority</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Event Insurance Charges - effective May 1, 2021</td>
<td></td>
</tr>
<tr>
<td>Admissions or Attendance</td>
<td>Hazard Group I</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>1 to 100</td>
<td>$125</td>
</tr>
<tr>
<td>101 to 500</td>
<td>$150</td>
</tr>
<tr>
<td>501 to 1,500</td>
<td>$218</td>
</tr>
<tr>
<td>1,501 to 3,000</td>
<td>$287</td>
</tr>
<tr>
<td>3,001 to 5,000</td>
<td>$430</td>
</tr>
</tbody>
</table>

Research process and market analysis: As in all previous fee reviews, staff research and methodology
has been directed at meeting three critical interests. The first interest is to ensure that fees are consistent
with the external local market for similar services and consistent with internal pricing for like facilities. A
second interest is to ensure that customer demand for service is met without creating additional impact on
City resources. The third interest is ensuring that pricing is consistent with the City’s enterprise approach
to doing business. These three interests were addressed as follows:

1) Market Consistency: In achieving internal and external market consistency, staff ensures that
updated and new fees maintain a comparable position in the external market for similar facilities
and services and are internally consistent with fees for similar City facilities/services. To
determine external market consistency, Event Center rental fees, outdoor park/patio rental fees
insurance requirements and rental deposit information was gathered from various cities and public
agencies.

2) Impact on City Resources: The proposed revised fees create no new impacts on existing City
resources. New fee categories will create little or no new impacts since the Event Center and Plaza
will be reserved through existing facility reservation systems and processes. Both updated and new
fees ensure that the customer will continue to bear the costs of providing service. Ultimately an
additional FTE will need to be added to staff and provide oversight of this facility. In FY 2021/22
existing staff and/or current vacancies will be reassigned to supervise this facility.

3) Business Model/Cost Recovery: A third interest was ensuring that recommended fees were
consistent with the City’s enterprise-based approach to doing business by recovering the actual
costs for providing the service. Recommended fees for the Downtown Event Center and Plaza are
aimed at meeting this interest by setting fees consistent to our Community Center structure and
ensuring that the City is maximizing its revenue during peak days and for full facility rentals. The
proposed fees reflect the new facilities quality and higher level of furnishings, equipment and
services over the other City of Fremont similar sized rooms and facilities.

Summary: Staff recommends that the City Council adopt a resolution to amend the Master Fee
Resolution to include the rental and deposit fees for the new Downtown Event Center and Plaza. Staff also
recommends that the City of Fremont Recreation Facility Use Policy be amended to include the following: authorizing the proposed application time period for the Downtown Event Center; authorizing renters to serve distilled spirits through the use of a licensed vendor that holds an off-premises catering liquor license; requiring facility rentals with an attendance of 50 or more be required to secure General Liability Insurance with additional insured endorsement and that any renter serving any type alcohol be required to secure both General Liability and Liquor Liability Insurance with additional insured endorsement.

ENCLOSURES:

Exhibit 1: Proposed Master Fee Schedule
Exhibit 2: Updated Facility Use Policy
Exhibit 3: CA Special Event Insurance Charges 2021

RECOMMENDATIONS:

1. Recommend to the City Council to amend the Master Fee Resolution to reflect the changes in the Proposed Master Fee Schedule.
2. Recommend to the City Council to adopt a resolution to amend the Recreation Facility Use Policy.
ATTENDING VIRTUAL MEETINGS

ZOOM WEBINAR RECREATION COMMISSION MEETING

How the Meeting Will Work
Recreation Commission meetings will be held via Zoom Webinar. The City of Fremont Recreation Division is hosting the meeting, the Recreation Commission, Director of Community Services, Deputy Director of Community Services, Parks Planning and Design Manager and staff who have presentations are the panelists, and Fremont residents and members of the public – as well as City staff – are attendees. Webinar attendees do not interact with one another; they join in listen-only mode, and the host can unmute one or more attendees as needed.

How to Provide Public Comments
Staff at Recreation Division is accepting public comments on behalf of the Recreation Commission via Email. Please add the Recreation Commission meeting date in the subject line such as in the example below.

▪ Email Address: tleung@fremont.gov
▪ Subject: Public Comment for the Upcoming Recreation Commission Meeting 7/7/21 – (Please identify the agenda item number)
▪ Send email by: 2 p.m., Wednesday, July 7, 2021

Live Public Comment: if you are unable to provide a written comment (by email), you may join the webinar as an attendee to comment during the public comment portion of the agenda. You may access the webinar via the link below. Public participation guidelines are provided in the right column of this page.

▪ Recreation Commission Meeting Zoom Webinar: https://zoom.us/j/95154008217
▪ By Phone: 833-430-0037 (toll free)
  Webinar ID: 951 5400 8217
  Click *9 to raise a hand to speak, via phone

Public Participation Guidelines
Below are recommendations from the Recreation Division to be considered for use by members of the public in meetings conducted via Zoom Webinar.

▪ Identification: Upon entering the webinar, please enter your name, number or other chosen identifier, so that the host can call upon you during the public comment period.
▪ Raise Hand (pictured above): You have the ability to virtually raise your hand for the duration of the webinar, but you will not be acknowledged and your mic will remain muted until you are called on during the public comment period. Click *9 to raise a hand to speak, via phone. Click Lower Hand to lower it if needed.
▪ Public Comment Period: Use “Raise Hand” to be called upon by the host. The host will unmute your mic and you will have the ability to share your comment. Each speaker is allowed up to three (3) minutes, at the discretion of the Chair. We kindly request speakers to mute or turn down the broadcast, when it is their opportunity to speak, as it may cause interference with the speaker system.
▪ Use headphones/mic for better sound quality and less background noise.