



POLICY AND PROCEDURE

Subject: COMMERCIAL FILMING	Index: Public Relations/Information Number: 103-1-2
Effective Date: 11-16-94	Prepared By: Beaches, Parks and Recreation
Supersedes: Initial Policy	Approved By: <i>D. Scott Diehl</i>

1.0 **PURPOSE:**

To establish standardized administrative policy for regulating commercial filming activities, in conjunction with the City's Commercial Filming Ordinance and Commercial Filming Permit Application Form.

2.0 **ORGANIZATIONS AFFECTED:**

All Departments/Divisions.

3.0 **REFERENCES:**

San Clemente Municipal Code Chapter 29C.

4.0 **POLICY:**

To provide a uniform procedure for evaluating and permitting commercial filming activities which are held wholly or partially within the City of San Clemente.

5.0 **DEFINITIONS:**

5.1 Commercial Filming Defined

Filming activities shall mean all activity attendant to staging and/or shooting commercial still or motion pictures, television shows or programs, and commercials or advertisements. It does not include filming for the purpose of spontaneous, unplanned television news broadcasts by reporters, photographers, or camera operator, or studio filming, or the filming or videotaping of motion pictures solely for private use. Also, it does not include commercial still or motion filming on public property that does not: 1) restrict the normal use of public property, 2) involve the use of props, and 3) involve more than two (2) film crew members.

6.0 ***PROCEDURE:***

6.1 Application: Filing Deadlines

Commercial Filming Permit Application Forms shall be available at the office of the Department of Beaches, Parks and Recreation. Completed applications shall be submitted to the Director of Beaches, Parks and Recreation Office no later than four (4) working days prior to the commencement of the filming activities, unless such filming will require the closure or partial closure of either a public street, park or municipal pier, in which case, the application must be submitted no later than ten (10) working days from the commencement of the filming.

6.1.2 Responsibilities of the Director of Beaches, Parks and Recreation

The Director of Beaches, Parks and Recreation shall review all submitted applications and either 1) assign a member of his/her staff with the responsibility of processing and administering the filming application, or 2) make a recommendation to the City Manager on the most appropriate department to serve as the "Filming Coordinator" on the filming activity. The City Manager shall be responsible to assign the most appropriate department to take the lead role in processing and administering the commercial filming permit application. The Department Head assigned to take the lead role shall designate a staff member to serve as the Filming Coordinator.

6.1.3 Responsibilities of the Filming Coordinator

The Filming Coordinator shall be responsible for making sure that the application is complete and shall call or forward the completed application with any necessary supporting documentation to all potentially involved or interested departments for their review and comments.

The Filming Coordinator shall approve, conditionally approve or deny the filming application within three (3) working days of the completed application, or as soon as possible thereafter and forward a determination to the applicant with a copy sent to all potentially involved or interested departments. The Filming Coordinator shall advise the City Manager prior to notifying an applicant that its application cannot be approved in time for the scheduled shoot or has been denied.

6.1.4 Responsibilities of All Departments

Each department shall be responsible for forwarding their comments, including "no comment," on the proposed filming activity within two (2) working days of receipt of the completed application. Departments that will likely incur costs from the event, including such costs as employee salaries and benefits, facilities, materials or equipment shall include a summary of same and their costs with their comments.

6.1.5 Responsibilities of Human Resource/Risk Manager

As described in the Commercial Filming Permit Application form, applicant will be required to send their insurance certificate and endorsement directly to the City's Human Resource/Risk Manager, along with the name and phone number of an insurance company's representative the Human Resource/Risk Manager can call for further information. The Human Resource/Risk Manager will be responsible for approving the insurance coverage, advising the applicant and/or their insurance agent of deficiencies in their insurance coverage or waiving the coverage. Once the Human Resource/Risk Manager makes a determination on the insurance, he or she shall advise the Filming Coordinator of same. The Human Resource/Risk Manager shall forward the evidence of insurance coverage to the City Clerk's office for filing and send a copy to the Filming Coordinator with the Human Resource/Risk Manager's written approval to be attached to the applicant's permit.

6.2 Fees and Recovery Costs

Applicants shall pay a Filming Permit Fee as adopted by resolutions pursuant to the City's Commercial Filming Ordinance. Additionally, applicants shall pay for all City costs associated with the filming activity.

6.3 Waiver of Fees

If a fee waiver is requested, the above time limits shall not apply. Fee waiver requests shall be forwarded by the Lead Department to:

- 1) the City Council for determination on a waiver of fees established by Ordinance or Resolution such as facility costs, and/or
- 2) the City Manager for determination of budgeted personnel, material and equipment cost.

The Lead Department shall include with the waiver request, a complete description of the waiver request, the cost(s) of the waiver, the impact the request may have on other City services, and their recommendation. Determination of waivers shall be based upon the following factors:

- a. Whether the Filming Activity is sponsored by a non-profit organization is exempt under Section 501(c)(3) of the Internal Revenue Code;
- b. Whether the revenue generated by the Filming Activity largely or entirely offsets the City's cost of processing and administering the Filming Activity, and/or benefits the City of San Clemente, San Clemente residents, or San Clemente businesses to such an extent that the waiver of fees or costs is justifiable;
- c. Whether the payment of the fees or costs create a financial hardship on the organization and/or person sponsoring the Filming Activity; and
- d. Whether the event is held solely within the City of San Clemente.

6.4 Conflict With Other Activities or Events

In the event of a conflict between two or more existing or proposed activities or event, the Filming Coordinator shall notify the City Manager of the conflict and recommend which activity or event should have precedence. The City Manager shall determine which event should have precedence based on, but not limited to, the following:

- a. Economic benefit to city business;
- b. Ability of event/activity to promote a positive image for the city through regional and/or national media services;
- c. Expertise, qualification, past performance record and public acceptance for the activity/event;
- d. Date of submittal of applications;
- e. Activity/events interferes with normal pedestrian and traffic flows;
- f. Impact of activity/event upon city finances and services;
- g. Ability of each applicant to reschedule or relocate the activity/event.
- h. Other pertinent factors.

6.5 Filming Coordinator and Other Departments' Responsibilities In Following Up Filming Activities

Each department shall provide written notice within three (3) working days of the filming to the Filming Coordinator when their costs differ from the actual costs collected from the event applicant. The Filming Coordinator will be responsible for forwarding a refund or invoice for additional payment, as the case may be, to the applicant within 30 days of the event. Also, each department shall expeditiously notify the Filming Coordinator of any deficiencies or violations of the filming permit and/or recommendations for similar future filming activities.

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