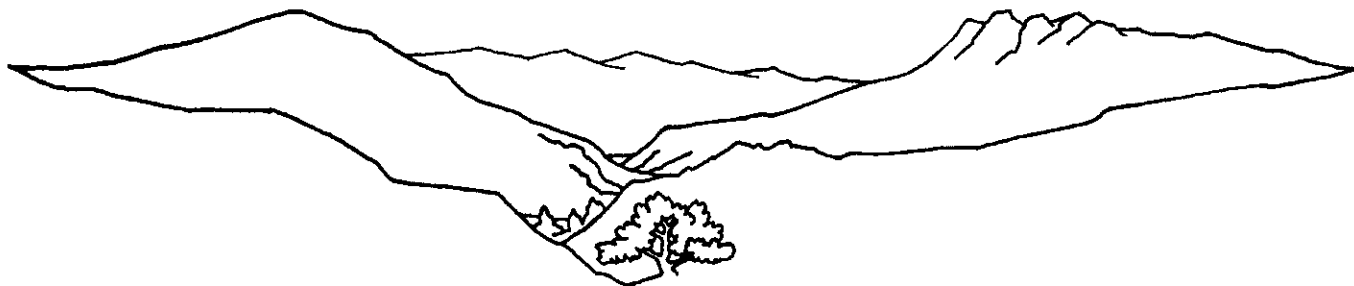


CONEJO OPEN SPACE CONSERVATION AGENCY



TO: Board of Directors

FROM: COSCA Staff

DATE: July 8, 2009

SUBJECT: Proposed Fee Schedule for Commercial Filming and Photography on COSCA Open Space

RECOMMENDATION:

Adopt attached Resolution 2009-2 setting the fee schedule for commercial filming and still photography on COSCA open space, effective upon adoption.

BACKGROUND:

At its May 13, 2009 Board meeting, the COSCA Board of Directors adopted Ordinance No. 01-2009 establishing COSCA open space rules and regulations, which became effective on June 13, 2009. Section 241 of the Ordinance, entitled "Filming and Commercial Photography" (excerpted in **Exhibit "A"**), specifies that "the COSCA Board of Directors shall assess a fee for the use of COSCA property for commercial filming or photographic purposes".

Until the adoption of COSCA Ordinance No. 01-2009, CRPD's filming fee schedule was used for filming on COSCA property, and the fees were paid to CRPD. Under the new ordinance, COSCA-specific fees will be collected for filming on COSCA open space. Site use fees will be deposited into the Board-controlled COSCA Trust Fund, while fees intended to provide cost recovery (for example, the administrative processing fee and the fee for Ranger time) may be retained by the City or CRPD to cover the costs incurred.

Proposed Filming Fee Schedule

COSCA staff compiled a chart comparing filming and still photography fees charged by several other open space or park agencies, including Rancho Simi Recreation and Park District (RSRPD), Mountains Recreation and Conservation Authority (MRCA), Conejo Recreation and Park District (CRPD), National Park Service/Santa Monica

A Joint Agency
City of Thousand Oaks/Conejo Recreation and Park District
2100 E. Thousand Oaks Blvd., Thousand Oaks, CA 91362

Mountains National Recreation Area (NPS/SMMNRA) and East Bay Regional Park District (EBRPD) (**Exhibit "B"**). After reviewing this chart, staff believes that CRPD's filming fees are priced appropriately in comparison to the "market". Accordingly, staff has prepared COSCA Resolution 2009-2 (**Exhibit "C"**) reflecting the proposed fee schedule for filming and still photography on COSCA-owned or COSCA-managed open space. This fee schedule, which is summarized in **Exhibit "D"**, mirrors the fees charged by CRPD with only one exception.

Staff recommends charging a security deposit for filming on COSCA property, to be determined on a case-by-case basis by the COSCA Manager, CRPD Parks Superintendent, or their designee. The security deposit will help to ensure that the filming site is returned to a natural condition after filming is finished, as required under Section 241(g) of the COSCA Ordinance. The amount required for the security deposit will vary depending on the filming plans, but should represent staff's estimate of what eventual site restoration may cost. If the film crew restores the site to staff's satisfaction, the security deposit will be returned to the applicant. MRCA and NPS/SMMNRA require similar security deposits (NPS considers it a bond) for filming on their properties.

CONCLUSION:

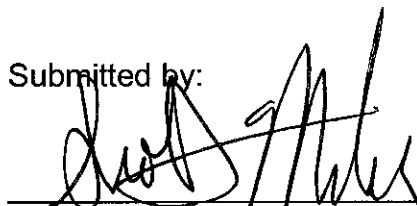
The proposed COSCA commercial filming and still photography fee schedule is based on CRPD's filming fee schedule, which is in line with fees charged by similar agencies, but also includes a variable security deposit for filming on COSCA property to ensure proper site restoration. Adoption of Resolution 2009-2 establishing this fee schedule will encourage compliance with COSCA Ordinance Section 241(g) and will avoid any confusion that might result from adopting significantly different filming fees from those charged by CRPD.

Prepared by:



Kristin E. Foord
COSCA Manager

Submitted by:



Scott Mitnick, City Manager
City of Thousand Oaks



Jim Friedl, General Manager
Conejo Recreation & Park District

EXHIBIT "A"

SECTION 241 – FILMING AND COMMERCIAL PHOTOGRAPHY

Individuals engaged in the making of movies, still photography, or television films for commercial purposes shall observe the following procedures. Permission to film on COSCA-owned land pursuant to this section may be granted by the City Manager or CRPD General Manager or a designated representative with the following stipulations:

- a. Issuance of a COSCA commercial filming permit, available from the COSCA Manager, and compliance with its contents. Requests may be received by letter, telephone, or in person.
- b. A certificate of insurance naming COSCA as coinsured on the day or days of filming with the limits of not less than \$1,000,000 for public liability and \$1,000,000 for property liability, which must be on file with COSCA prior to approval of the permit. The COSCA Board of Directors shall assess a fee for the use of COSCA property for commercial filming or photographic purposes. This fee will be reviewed periodically.
- c. Applicants must comply with all City of Thousand Oaks ordinances relating to filming and are responsible for obtaining all necessary City permits as required under those ordinances.
- d. The applicant shall provide all personnel and services necessary to the satisfaction of COSCA for crowd control, traffic control, fire control, maintenance, and any other situations that attract potential hazards due to the presence of the filming production. Any COSCA, City or CRPD personnel services provided shall be compensated to COSCA at an hourly rate designated by the City Manager or CRPD General Manager or an authorized agent. The appropriate fee will be established to cover all costs incurred by COSCA or CRPD. At the time of COSCA permit issuance, an estimate of such fees will be given the applicant.
- e. The applicant shall be responsible for complete replacement, refurbishing, or payment to COSCA for any damaged, destroyed, or otherwise disturbed property during the time of the filming for which the permit applies.
- f. Filming and related activities shall not be allowed if it will cause permanent damage to open space resources, including plants, animals, or cultural, archaeological, historical, or geologic features.
- g. All land and open space resources therein shall be returned to their natural condition upon completion of filming.
- h. All or a portion of the fees may be waived by the City Manager or CRPD General Manager or their designee for productions when the primary purpose is educational or training, and said organization is a nonprofit corporation within the State of California.

Filming and Still Photography Fees Charged by Other Open Space-Owning Agencies

	CRPD ¹	RSRPD ²	MRCA ³	NPS/SMN/NRA ⁴	EBRPD ⁵
Site Use Fee	\$630/day 25 ppl, \$1,130/day 50 ppl, \$1,860/day 75 ppl, \$2,800/day 100 ppl, etc. same rate as site use fee	\$500/day lge studios, \$300/day med studios, \$150/day sm studios same rate as site use fee	\$1,000/day 20 ppl, \$2,000/day 40 ppl, \$3,000/day 60 ppl, \$4,000/day 80 ppl, \$5,000/day 100 ppl, etc. \$1,500/day \$70.00/hr	\$150/day 10 ppl, \$250/day 30 ppl, \$500/day 50 ppl, etc. + complete cost recovery \$950 - \$1,350/day included in cost recovery	\$1,250/day, \$750 half day, \$165/hr \$360/day (-\$30/hr) \$25.00/hr
Ranger Fee	\$42.50/hr	\$37.50/hr			
Security Deposit	none	\$500	yes, determined case-by-case	yes, determined case-by-case	none
Parking Fee	included in site fee	\$150/day	generally included in site fee	included in site fee	\$108/day (= \$9/hr)
Administrative Fee	\$85	\$100	included in site fee	\$175	included in site fee
Student Films	fees waived except for \$85 admin fee	fees waived except for \$25 admin fee	50% discount but must pay 100% of Ranger fee	\$175 admin + \$450/day	fees waived at discretion of staff
Still Photography	\$85 admin + \$110/day	\$100 admin + \$125/day	same as motion filming	\$175 admin + \$50-\$250/day	\$100/year

Note: standard days are 12 hours across all agencies

Abbreviations:

- (1) Conejo Recreation and Park District
- (2) Rancho Simi Recreation and Park District
- (3) Mountains Recreation and Conservation Authority
- (4) National Park Service/Santa Monica Mountains National Recreation Area
- (5) East Bay Regional Park District

EXHIBIT "C"

RESOLUTION NO. 2009-2

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CONEJO OPEN SPACE CONSERVATION AGENCY ESTABLISHING A FEE SCHEDULE FOR COMMERCIAL FILMING AND STILL PHOTOGRAPHY ON COSCA OPEN SPACE

WHEREAS, the Conejo Open Space Conservation Agency (COSCA) is a Joint Powers Agency of the City of Thousand Oaks and the Conejo Recreation and Park District; and

WHEREAS, the Joint Exercise of Powers Agreement creating the Conejo Open Space Conservation Agency was approved by Resolution No. 77-383 of the City Council of the City of Thousand Oaks on October 18, 1977, and was approved by Resolution No. 101877-A of the Conejo Recreation and Park District on October 18, 1977; and

WHEREAS, on May 13, 2009 the Conejo Open Space Conservation Agency Board of Directors adopted Ordinance No. 01-2009 establishing COSCA open space rules and regulations; and

WHEREAS, Section 241 of Ordinance No. 01-2009 establishes the right of the COSCA Board of Directors to assess fees for the use of COSCA property for commercial filming or photographic purposes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Conejo Open Space Conservation Agency does hereby adopt the fees and refund amounts detailed in Attachment A, which shall remain in effect until changed by said Board of Directors.

PASSED AND ADOPTED THIS 8th Day of July, 2009.

Rorie Skei, Chairperson

Attachment A

Fees for Commercial Filming and Still Photography on COSCA Open Space

Effective July 8, 2009

1. Still Photography:

- a. Processing Fee: \$85 (non-refundable)
- b. Ranger Fee: \$42.50/hr
- c. Site use Fee: \$110/day
- d. Cancellation Fee:
 - i. Full refund less the processing fee plus a \$15 cancellation fee if notified prior to a minimum of 10 working days to scheduled date.
 - ii. A cancellation fee of 25% or rental fees plus non-refundable processing fee will be assessed if cancellation is made less than 10 working days prior to scheduled date.

2. Motion Picture Filming:

- a. Processing Fee: \$85 (non-refundable)
- b. Ranger Fee: \$42.50/hr
- c. Site use Fee: Calculated according to number of vehicles or number of people, whichever determines the larger impact, according to the chart below:

Site Use Fees

	Vehicles	People	Fee
C1	1-10	1-25	\$630
C2	11-20	26-50	\$1,130
C3	21-30	51-75	\$1,860
C4	31-40	76-100	\$2,800
C5	41-50	101-125	\$3,900
C6	51+	126+	\$5,000

- d. Cancellation Fee: Calculated according to the following chart, based on the codes in the chart above.

Cancellation Fees

	More than 10 Days Notice	Less than 10 Days Notice
C1	\$25	\$77
C2	\$50	\$140
C3	\$75	\$230
C4	\$100	\$310
C5	\$125	\$380
C6	\$150	\$440

3. **Non Profit Filming or Photography:** 50% of the above rates, or as otherwise determined by the City Manager or CRPD General Manager or their designee.
4. **Student Filming or Photography:** \$85 processing fee required, all other fees may be waived at the discretion of the City Manager or CRPD General Manager or their designee. Student I.D. plus letter from Dean or similar required as proof of student status.

Notes: Daily fees shall apply to a 12-hour day or a fraction thereof. Additional fees may be assessed by the City Manager or CRPD General Manager or their designee in the event that a major impact on open space areas is anticipated due to production activities.

EXHIBIT "D"

Summary of Proposed COSCA Filming and Photography Fees

	COSCA
Site Use Fee	\$630/day 25 ppl, \$1,130/day 50 ppl, \$1,860/day 75 ppl, \$2,800/day 100 ppl, \$3,900 125 ppl, \$5,000 126+ ppl.
Site Prep/Set Construction	same rate as site use fee
Ranger Fee	\$42.50/hr
Security Deposit	yes, determined on a case-by case basis
Parking Fee	included in site fee
Administrative Fee	\$85
Student Films	fees waived at discretion of staff, except \$85 admin
Still Photography	\$85 admin fee + \$110/day