

**REVISED POLICY REGARDING FILMING ON DISTRICT PROPERTY ADOPTED
SEPTEMBER 7, 2011**

RESOLUTION NO. 11-9-126
ADOPTING REVISED POLICY FOR FILMING ON DISTRICT PROPERTY

WHEREAS, pursuant to Resolution No. 90-2-38 adopted February 21, 1990, as subsequently amended by Resolution Nos. 94-2-24 and 99-2-23 adopted February 16, 1994 and February 17, 1999, respectively, the OCWD Board adopted a policy on filming on District Property; and

WHEREAS, the Property Management Committee has recommended amendment of such filming policy to, among other things: increase the license fee for still photography from \$150/day to \$250/day; and allow for recovery from the Film Licensee the costs incurred for District staff time when the Licensee requests extra work to prepare the location site for photography or filming, as determined by the General Manager;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby adopt the following new policy setting forth the procedures for issuance of Licenses to film on District property:

OCWD POLICY FOR FILMING ON DISTRICT PROPERTY

- 1) *Upon approval as to form by District General Counsel, the General Manager is authorized to issue Licenses to film on District property;*
- 2) *The location of the film shall be evaluated by the District's General Manager, or his designee, to ascertain the amount of risk involved;*
- 3) *If the film location is in Prado Basin, the production company or group shall be required to post a \$1 million or more Bond or Letter of Credit or a Supplemental Coverage Endorsement to its Commercial General Liability Insurance Policy, in a form acceptable to the District, to cover the cost of unlawful "take" of vireo habitat or nesting (as such terms are defined under State and Federal Law), such Bond or Letter of Credit or Supplemental Coverage Endorsement to remain in force for three months from the last date of the Licensee's activities on the premises;*
- 4) *The Licensee must execute and return the License with the required Licensee fee, and Licensee's Certificate of Insurance and Bond must be approved by the District's General Manager, or his designee, prior to commencement of use;*
- 5) *Fees charged for commercial photography shall be \$500 per day for video/motion pictures and \$250 per day for still pictures;*

- 6) *Upon recommendation by a Department Manager, the General Manager may waive Licensee fees under the following exemptions:*

Charitable Films, including commercials, motion pictures, television program, video tapes or still photography, produced by a nonprofit organization which qualifies under Section 501 (c) (3) of the Internal Revenue Code or Section 23701 of the California Revenue and Taxation Code as a charitable organization. If such a nonprofit organization is involved in charitable film making, videotaping or still photography, no person, directly or indirectly may receive a profit from the marketing, production or showing of the film, video tapes or photographs.

An Applicant who submits a letter written on school letterhead by a school administrator or instructor stating that the applicant is currently enrolled in a recognized United States educational institution and that the film, video tape or photograph is not for commercial release.

An organization, group or individual sponsored or cosponsored by the District; or a governmental agency.

- 7) *The District shall impose an additional cost to be paid by the Film Licensee to recover the costs incurred for District staff time when the Licensee requests extra work to prepare the location site for photography or filming, as determined by the General Manager.*
- 8) *Filming licenses issued shall be reported to the Board of Directors.*

RESOLVED FURTHER, that this resolution hereby supersedes and replaces all prior resolutions regarding filming on District property.