

# Agenda Report

TO: CITY COUNCIL  
THROUGH: FINANCE COMMITTEE

NOVEMBER 4, 2002

FROM: CITY MANAGER

SUBJECT: INCREASE OF FEE FOR VIOLATION OF FILMING  
RESTRICTIONS

## **RECOMMENDATION:**

It is recommended that the City Council, following a public hearing, approve the attached resolution and amend the FY 03 General Fee Schedule to raise the fee for violation of noise conditions in film permits from \$691.00 to \$5,373.00.

## **BACKGROUND:**

In August, 2002, the early morning filming with the marching band at Washington Middle School by N.B.C. and also the staged explosions, which occurred at Hahamongna Watershed Park for "Alias," resulted in complaints from the neighbors. In both cases, the film company did not apply for this activity on their filming permits, nor receive neighborhood signatures.

Council requested that staff consider increasing the filming fee for filmmakers who violate their noise conditions or create this type of late night disturbance in the community without receiving permission from the neighbors and the City.

Consequently, staff recommends raising the standard \$691.00 fee which recoups the City's personnel and administrative costs on typical violations. A fee of \$5,373.00 is recommended for those who violate the conditions related to noise by not applying for this activity on their filming permit. Once a company violated this requirement, they would be subject to this penalty fee. The Police Department monitor would request their compliance within a 20 minute time frame. If they refused to comply by the end of the 20 minute time period, they would be subject to an additional \$5,373.00 penalty fee, and the police officer would request that all filming cease.

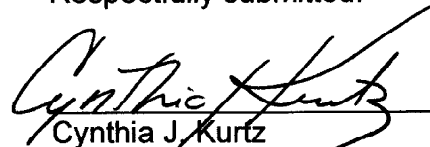
This \$5,373.00 amount covers all administrative and personnel costs for mitigating these types of noise violations and includes responding to complaints,

which can be numerous and involve extensive staff time. All companies, including the major studios, would be discouraged from violating their permits, since this amount is considered substantial. In addition, any violation would bring a film company one step closer to being banned from working in the city for at least a six month period of time. A second violation, on a future permit, calls for this immediate ban to be enacted.

**FISCAL IMPACT:**

There are rarely more than two noise violations by the filming industry per year. Consequently, increasing the violation fee should not have any substantial negative or positive fiscal impact.

Respectfully submitted:

  
Cynthia J. Kurtz  
City Manager

Prepared by:

  
Ariel Penn  
Filming & Special Events Mgr.

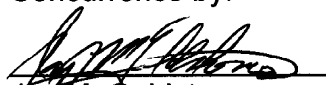
Reviewed by:

  
Eric Duyshart  
Economic Development Manager

Approved by:

  
Richard Bruckner  
Planning & Development Director

Concurrence by:

  
Jay M. Goldstone  
Director of Finance