



Fulton County Board of Commissioners
Agenda Item Summary

17-0875

BOC Meeting Date
 8/2/2017

Requesting Agency
 Office of External Affairs

Commission Districts Affected
 All Districts

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
 Public hearing on changes to amend the Filming Fee Schedule; request approval of Ordinance to amend Section 102-566 et seq. of the Fulton County Code of Ordinances regarding motion picture production and commercial filming or commercial still photography on property owned or leased by Fulton County; to require that no filming shall be authorized on Fulton County property unless the filming is in compliance with Section 102-566 et seq. as amended, or as permitted by policies or procedures established by the County Manager; and to amend the County's Filming Fee Schedule.

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*
 Fulton County Code Section 1-117 gives the Board of Commissioners exclusive control over County property.

Is this Item related to a Strategic Priority Area? *(If yes, note strategic priority area below)*
 Yes All People trust government is efficient, effective, and fiscally sound

Is this a purchasing item?
 No

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Community Impact: Updates Fulton County's Commercial Filming Policy.

Department Recommendation: Approve

Project Implications: In light of the growing film industry in Georgia, this updated policy will allow Fulton County to follow industry best practices for filming on Fulton County property.

Community Issues/Concerns: None

Department Issues/Concerns: The previous Commercial Filming policy was last updated in the 1990s. This update is required to update outdated elements and bring Fulton County in compliance with best practices.

Contract & Compliance Information *(Provide Contractor and Subcontractor details.)*

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

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Solicitation Information	NON-MFBE	MBE	FBE	TOTAL
No. Bid Notices Sent:				
No. Bids Received:				
Total Contract Value	.			
Total M/FBE Values	.			
Total Prime Value	.			
Fiscal Impact / Funding Source	<i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i>			
.				
Exhibits Attached	<i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i>			
Source of Additional Information	<i>(Type Name, Title, Agency and Phone)</i>			

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Procurement

Contract Attached: .	Previous Contracts: .		
Solicitation Number: .	Submitting Agency: .	Staff Contact: .	Contact Phone: .

Description:.

FINANCIAL SUMMARY

Total Contract Value:		MBE/FBE Participation:	
Original Approved Amount: .		Amount: .	%: .
Previous Adjustments: .		Amount: .	%: .
This Request: .		Amount: .	%: .
TOTAL: .		Amount: .	%: .

Grant Information Summary:

Amount Requested: .	<input type="checkbox"/>	Cash
Match Required: .	<input type="checkbox"/>	In-Kind
Start Date: .	<input type="checkbox"/>	Approval to Award
End Date: .	<input type="checkbox"/>	Apply & Accept
Match Account \$: .		

Funding Line 1: .	Funding Line 2: .	Funding Line 3: .	Funding Line 4: .
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KEY CONTRACT TERMS

Start Date: .	End Date: .
Cost Adjustment: .	Renewal/Extension Terms: .

ROUTING & APPROVALS
(Do not edit below this line)

X	Originating Department:	Corbitt, Jessica	Date: 10/12/2017
X	County Attorney:	Stewart, Derval	Date: 10/12/2017
.	Purchasing/Contract Compliance:	.	Date: .
.	Finance/Budget Analyst/Grants Admin:	.	Date: .
.	Grants Management:	.	Date: .
X	County Manager:	Anderson, Dick	Date: 10/12/2017

DIVISION 3. – COMMERCIAL FILMING ON COUNTY PROPERTY ~~MOTION PICTURE PRODUCTION~~^[11]

Footnotes:

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Cross reference— Businesses, ch. 18.

Sec. 102-566. – Purpose ~~Statement of policy~~.

The Fulton County Board of Commissioners invites and encourages film production utilizing County property by Applicants, provided that the procedures created by the county manager or his/or her designee are adhered to, and that the County is indemnified from any responsibility arising from injury, accident, destruction of property, or other occurrence associated with the project. Fulton County, acting through the County Manager or his/her designee reserves the right to refuse access to county property on the grounds provided in the procedures or at the discretion of the County Manager.

(92-RC-194, 5-20-92, 2017)

Sec. 102-567. – Definitions.

- (a) *Applicant* – Any person, business, or other entity submitting a request to the County for commercial filming or commercial still photography on a County owned or leased property or facility.
- (b) *Commercial Filming* – Digital or film recording of a visual image or sound recording by an applicant for a market audience, such as for a documentary, television or feature film, advertisement, the creation of a product for sale, or the use of actors, models, sets, props or similar project, but not including activities associated with broadcasting breaking news.
- (c) *Commercial Still Photography* – The use of photographic equipment by an applicant to capture still images on film, digital format, and other similar technologies now in existence or will be created and is intended for a market audience or for sale.
- (c) *County Property* – Fulton County owned or leased real property, building, facility, personalty, easement, right-of-way, parking lot or other similar asset.
- (d) *Film Location Agreement* – The standard form agreement developed by the Office of the County Attorney for use by the County and the Applicant to create a binding relationship between the parties regarding commercial filming or commercial still photography on County owned or leased property or facility. This agreement may be modified from time to time by the Office of the County Attorney to meet the needs of the County.

(2017)

Sec. 102-568. – Delegation. The County Manager or his/her designee is hereby authorized with the necessary discretion to approve or disallow commercial filming or commercial still photography, and related matters on Fulton County property, and the County Manager is hereby granted the authority: (i) to establish procedures governing commercial filming or photography on County property, (ii) to post

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such procedures on the County's webpage, and other suitable locations, (iii) approve or deny request to conduct commercial filming or commercial still photography on county property, and (iv) to execute Fulton County's form agreement for filming purposes as this form agreement may be modified as necessary by the County Attorney to protect the interests of Fulton County. Except as delegated herein to the County Manager, no other approval for commercial filming or commercial still photography on County property by any County official, officer, employee or agent shall be valid or enforceable.

Sec. 102-569. - Filming request procedures. These procedures shall be established by the County Manager and may be modified from time-to-time as deemed necessary for the interest of the county. These procedures shall be posted on the County's webpage or other suitable location to place the public on notice of the requirements to seek approval to conduct commercial filming or commercial still photography on County property.

- ~~(a) All requests for filming on county property will be directed to the department of public information. All contacts and arrangements will be made through this department. The filmmaker/production company is not to be directed to any other office of the county.~~
- ~~(b) The department of public information will forward a film request package, which will include an insurance verification certificate, a price list, two copies of the letter of agreement, including a project description exhibit, to the applicant for completion.~~
- ~~(c) The department of public information will arrange a meeting and tour between the department of public works and the production location scout. Upon the production location scout's approval of location, the department of public works will make recommendations to the department of public information.~~
- ~~(d) Upon the completion and receipt of the film request package, the department of public information will direct the applicant to the finance department to pay the \$150.00 application fee and to the public works department to establish the logistics and personnel requirements for completion of his/her production.~~
- ~~(e) The department of public information will submit the completed letter of agreement and insurance verification to the county attorney for review and approval.~~
- ~~(f) Once reviewed by the county attorney, the request will be forwarded with the completed film request package, along with any recommendations to the county manager, for transmittal to the board of commissioners, to be approved or rejected. The department of public information will communicate the board's approval or denial to the applicant.~~
- ~~(g) If the request is approved, the department of public information will notify the applicant and direct them to the finance department so that they may pay the required fees. They will then be directed to the department of public works so the two parties may work together on the logistics of the filming.~~
- ~~(h) Once filming is completed, the department of public works will obtain assessment of damages and direct the finance department to refund the unused damage deposit and per diem holdover to the applicant.~~

(92-RC-194, 5-20-92, 2017)

Sec. 102-568. - Schedule of fees and deposits for production utilizing Fulton County property.

- ~~(a) All fees are subject to change at any time without notice.~~
- ~~(b) There is a \$150.00 nonrefundable request filing fee to begin application with the county. Upon agreement to utilize county property and the completion of a film request package, this fee will be applied to location charges at the completion of filming.~~
- ~~(c) There shall be a minimum of one day shoots. Any portion of a day will be treated as a complete day.~~
- ~~(d) All requests must be filed with the appropriate county office ten business days in advance of a shoot to avoid rush processing fees.~~

~~(e) Any shooting or preparation requiring county personnel before 9:00 a.m. and/or after 5:00 p.m. will be charged at 1.5 times the rates specified in this subsection. The applicant is responsible for the cleaning of the shooting location. Any cleaning charges performed by the county employees as a result of filming will be calculated at the hourly rate specified as follows and deducted from the damage deposit:~~

(1)	Exterior shots on county property	\$ 200.00 per day
(2)	Interior shots on county property	225.00 per day
(3)	Damage deposit for interior shoots (refunded at completion of property inspection after shooting)	1,000.00
(4)	Location holding for shots	75.00 per location
(5)	Rush processing fee (if application is filed with the county less than ten business days prior to the shooting)	100.00
(6)	If use of county officers is required (for security purposes)	35.00 per hour
(7)	If use of county maintenance is required (to be determined by department of public works)	25.00 per hour
(8)	If use of the county electrician is required (to be determined by department of public works)	35.00 per hour
(9)	Location preparation/set up	50.00 per

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		location
(10)	Off street parking for production vehicles	— 50.00 per axle
(11)	Per diem holdover: deposit to cover costs of prearranged filming time overruns on county property. Such deposit shall be refunded upon the timely completion of the project.	
(12)	Prearranged location use or filming duration:	
	One day	— 400.00
	Two days	— 600.00
	Three or more days	— 1,000.00

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~~(92-RC 194, 5-20-92)~~

Sec. 102-570. – Fees. The Board of Commissioners reserve the right to establish applicable fees and rates for the use of County property for commercial filming or commercial still photography from time-to-time at its sole discretion. Any change to the fee schedule must be approved by the Board of Commissioners.

(2017)

Sec. 102-571. – Violations. County employees who violate this code section or the procedures established by the County Manager may be disciplined under applicable County personnel regulations. Any approval by a County official (including elected, appointed or constitutional), officer, employee or agent for filming on County property, except as provided in this code section or the procedures established by the County Manager shall be null and void, not enforceable and shall not be honored by Fulton County.

Secs. 102-572—102-600. - Reserved.

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1 **ORDINANCE TO AMEND SECTION 102-566 ET SEQ. OF THE FULTON**
2 **COUNTY CODE OF ORDINANCES REGARDING MOTION PICTURE**
3 **PRODUCTION AND COMMERCIAL FILMING OR COMMERCIAL STILL**
4 **PHOTOGRAPHY ON PROPERTY OWNED OR LEASED BY FULTON**
5 **COUNTY; TO REQUIRE THAT NO FILMING SHALL BE AUTHORIZED ON**
6 **FULTON COUNTY PROPERTY UNLESS THE FILMING IS IN COMPLIANCE**
7 **WITH SECTION 102-566 ET SEQ. AS AMENDED, OR AS PERMITTED BY**
8 **POLICIES OR PROCEDURES ESTABLISHED BY THE COUNTY MANAGER;**
9 **TO AMEND THE COUNTY’S FEE SCHEDULE; AND FOR OTHER**
10 **PURPOSES.**

11 **WHEREAS**, the State of Georgia has become one of the fastest growing
12 areas in the country for the production of commercial films and related creative
13 endeavors stemming in part from the passage of the Georgia Entertainment
14 Investment Act ("GEIA") of 2008, to increase the State’s tax credit for qualified
15 filming projects, among others; and

16 **WHEREAS**, these filming projects have generated an economic impact of
17 more than \$7 billion in Georgia during the 2016/2017 fiscal year alone and
18 employ an estimated 200,000 Georgians statewide, making up 5 percent of
19 employment in the state; and

20 **WHEREAS**, the financial impact of these projects in Fulton County (the
21 “County”) has led to an increase in requests to lease Fulton County-owned or
22 leased property for the production of commercial films and other related projects;
23 and

24 **WHEREAS**, the Board of Commissioners has exclusive jurisdiction and
25 control, pursuant to 1880-81 Ga. Laws, p. 508 [codified as §1-117 of the Fulton
26 County Code of Laws], in directing and controlling all the property and money of
27 Fulton County, as it deems expedient; and

28 **WHEREAS**, the Board of Commissioners implemented Policy and
29 Procedure 600-35 on June 18, 1997 titled “Permission and Fee Scale for use of
30 Fulton County Property for Filming Motion Pictures”, which is now codified as
31 Fulton County Code § 102-566 et. seq. (Motion Picture Production); and

32 **WHEREAS**, the purpose of Fulton County Code § 102-566 et seq. is to
33 create an orderly and uniform process that ensures that Fulton County is
34 appropriately reimbursed for the use of County’s resources, property, and County
35 manpower to assist persons engaged in filming on Fulton County-owned or
36 leased property; and

1 **WHEREAS**, the County is committed to meeting the needs of persons
2 desiring to conduct commercial filming on County-owned or leased property and
3 using property for production-related purposes, while simultaneously lessening or
4 avoiding the impact of commercial filming or photography on its citizens and the
5 services provided by the County to the public; and

6 **WHEREAS**, the Board of Commissioners believes that it is in the best
7 interests of the citizens to implement rules, laws, and regulations governing
8 commercial filming and photography on County property; and

9 **WHEREAS**, to the County finds it necessary to amend the County's fee
10 scales to ensure that the County is fully remunerated for the use of its property
11 for commercial filming; and

12 **WHEREAS**, due to the competitive nature of the industry and short
13 turnaround required for approval of film locations, the Board of Commissioners
14 deems it appropriate to authorize the Fulton County Manager with the necessary
15 discretion and authority to approve commercial filming and similar activities on
16 the County's property; and to grant the County Manager with the authority to
17 expedite the required approvals necessary to conduct commercial filming or
18 photography on County property; and

19 **WHEREAS**, to ensure that all commercial filming or photography on
20 County property occurs in a safe and orderly manner, and to protect the interests
21 of the County, the Board of Commissioners finds it necessary to require that no
22 commercial filming or commercial still photography may occur, nor be approved
23 by any County officials, officers, employees or agents, unless such filming fully
24 complies with the requirements of Fulton County Code § 102-566 et seq., or any
25 other rules, regulations or procedures established under the discretion and
26 authority of the County Manager.

27 **NOW, THEREFORE, BE IT ORDAINED**, by the Fulton County Board of
28 Commissioners that Fulton County Code § 102-566, et seq. is hereby amended,
29 as fully set forth in Exhibit "A," and incorporated herein by reference.

30 **BE IT FURTHER ORDAINED**, that no commercial filming or commercial
31 still photography is authorized or can take place upon Fulton County-owned or
32 leased property, unless such filming complies with the terms of Fulton County
33 Code § 102-566, et seq., or any other rules, regulations or procedures hereafter
34 established or amended.

35 **BE IT FURTHER ORDAINED**, by the Fulton County Board of
36 Commissioners that no person other than the Fulton County Manager or his/her

1 designee may authorize or approve any commercial filming or commercial
2 photography upon Fulton County-owned or leased property.

3 **BE IT FURTHER ORDAINED**, that the County Manager or his/her
4 designee is hereby authorized to approve or disallow commercial filming or
5 commercial still photography and related activity on Fulton County-owned or
6 leased property and to execute Fulton County’s Standard Form Agreements for
7 filming purposes as these Standard Form Agreements may be drafted and
8 modified by the County Attorney to protect the interests of Fulton County.

9 **BE IT FURTHER ORDAINED**, that the County Manager is hereby granted
10 the authority to: (i) establish policies and procedures governing commercial
11 filming or photography, and (ii) post such rules, regulations or procedures on the
12 County’s web page.

13 **BE IT FURTHER ORDAINED**, that the County Manager shall provide a
14 list of all Standard Form Agreements approved by presenting same on a
15 quarterly basis on the Board of Commissioners’ Consent Agenda.

16 **BE IT FURTHER ORDAINED**, that the Fulton County Board of
17 Commissioners hereby approves the Fulton County Fee Schedule for
18 commercial filming and commercial still photography set forth in Exhibit “B,” and
19 incorporated herein by reference.

20 **BE IT FINALLY ORDAINED**, that this ordinance shall take effect upon its
21 adoption, and all ordinances, resolutions, policies, procedures and parts of
22 ordinances, resolutions, policies or procedures in conflict with this ordinance are
23 hereby repealed to the extent of such conflict.

24 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton
25 County, Georgia, this _____ day of _____, 2017.

**FULTON COUNTY BOARD OF
COMMISSIONERS**

BY: _____
Bob Ellis, Vice Chairman
Board of Commissioners

ATTEST:

APPROVED AS TO FORM:

Tonya R. Grier, Interim Clerk to the
Commission

Patrise Perkins-Hooker, County
Attorney

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Fulton County Proposed Commercial Filming Fee Schedule

Below is a schedule of proposed fees. This fee schedule would apply to all filming, commercial photography and production support taking place in properties owned or leased by Fulton County Government.

These fees will be considered by the Board of Commissioners on Wednesday, October 18, 2017. A public hearing will be held at 10 a.m. Members of the public may address the Board of Commissioners regarding these fees.

(1)	<p style="text-align: center;">Exterior Filming on Fulton County Property</p> <p>Includes use of exterior facility for filming or production support, including use of parking lots, etc.</p>	\$ 1,500.00 / day per location
(2)	<p style="text-align: center;">Interior Filming on Fulton County Property</p> <p>Includes use of exterior facility for filming or production support, including use of rooms for catering, etc.</p>	\$2,500.00 / day per location
(3)	<p style="text-align: center;">Premium Location Fee</p> <p>Additional fee applies for filming in locations with higher associated logistical concerns, including Government Center, Courthouse and Airport.</p>	\$1,000 day per location
(4)	<p style="text-align: center;">Damage Deposit</p> <p>Refunded at completion of property inspection after shooting.</p>	\$10,000.00 / day per location
(5)	<p style="text-align: center;">Location Holding for Filming</p> <p>Non-refundable fee to hold a certain location. Maximum hold time is 1 week.</p>	First Come, First Served
(7)	<p style="text-align: center;">Off-street parking for production vehicles.</p>	\$10 Per Space (outside perimeter) \$20 Per Space (inside perimeter)

- Each production is required to provide a certificate of liability insurance for a minimum of \$1 million. Each project will be assessed for potential risk to Fulton County property and additional requirements may apply.
- Student and nonprofit projects may be considered in partnership with arts organizations associated with Fulton County, at the request of Fulton County agencies.
- Separate setups on separate floors or areas of large facilities will be counted as separate locations.

Fulton Films Process External

