

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

September 12, 2023

FROM

MARK WARDLAW, Director, Land Use Services Department

SUBJECT

Access Agreement with Conveyor Media, LLC for Production and Filming Activity

RECOMMENDATION(S)

1. Find it would serve a public purpose to support the public knowledge and highlight San Bernardino County services related to code enforcement activities to waive the payment of the economic development film permit fee in the amount of \$258 in connection with filming the production of a television pilot and potential television series currently titled "Code Enforcers".
2. Approve Access **Agreement No. 23-1014** with Conveyor Media, LLC, including non-standard terms, allowing access to authorized code enforcement offices and staff for the purpose of filming the production of a television pilot and potential television series currently titled "Code Enforcers", in an amount that will ensure the reimbursement of all costs incurred as part of San Bernardino County's participation in the filming of the production, as required by Section 41.2408 of the San Bernardino County Code, from September 12, 2023 through September 12, 2024.

(Presenter: Mark Wardlaw, Director, 387-4431)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Except for the waiver of the economic development film permit fee, Conveyor Media, LLC (Producer) will pay all applicable fees in accordance with Section 41.2408 of the San Bernardino County (County) Code related to the County's participation in the production of the television pilot and potential television series. All cost recovery will be in accordance with the Schedule of Fees on file in the Office of the Clerk of the Board of Supervisors.

BACKGROUND INFORMATION

The Producer is in negotiations with a television network to produce an unscripted television series currently titled "Code Enforcers" that follows code enforcement officers throughout the workday (Program). The Producer intends the first season of the Program will be set primarily in the County and has approached the Land Use Services Department, Code Enforcement Division (Department), to be a participant in the Program. Participation in the Program would include authorizing the Producer and its production personnel permission to access, enter and

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record designated County facilities, property, and Department staff in connection with code enforcement activities.

The purpose of the Access Agreement is to outline terms and conditions on how the Producer will access Department offices and staff while filming code enforcement activities. Access for filming will be controlled by Department staff and limited to those individuals that have agreed to appear on film by executing a standard appearance release, consent and waiver form. In addition, the County will assign a designated representative from the County Administrative Office Communications Team to review a rough and final cut of the film with the authority to reject any material that does not provide an acceptable portrayal and representation of the Department.

Approval of this item will find a public purpose, as required by Section 16.0231 of the County Code, to waive the economic development film permit fee in the amount of \$258. If the network fails to pick up the series, either the County or Producer may terminate the Access Agreement.

Per County Policy 11-05, contracts containing non-standard terms must be approved by the Board of Supervisors. The Access Agreement with the Producer includes the following non-standard contract terms:

1. Termination of the Access Agreement is only permitted for cause and only after 30 days have elapsed after notice of material breach is delivered if the Producer has not corrected the breach.
 - The County standard contract requires a contract to be terminable at the County's convenience after 30 days prior notice of termination. Termination for cause is an acceptable revision.
 - Potential Impact: The County will only be able to terminate the Access Agreement prior to its natural termination date if there is a material breach of the Access Agreement by the Producer.

2. The County agrees to not seek injunctive relief to enjoin, restrain, or restrict the production, advertising/promotion, distribution, and/or exhibition of the production. This limitation does not apply to any breach of Section C.4 of the Access Agreement related to the County's review and approval process and the parties agree that the County may seek injunctive relief for the use of unapproved material and the breach of Section C.4.
 - The County standard contract does not limit the County's remedies.
 - Potential Impact: If the Producer breaches the terms of the Access Agreement (except for Section C.4), the County will be limited to seeking damages, and cannot seek a court order to stop or restrict actions by the Producer.

3. During the term of the Access Agreement, the County agrees it will not enter into an agreement with another media company or other third party in connection with the production of a television series that is substantially similar to the production.
 - The County standard contract does not include an exclusivity requirement.
 - Potential Impact: If the County agrees to the Access Agreement, the County will not be able to participate in other television productions related to code enforcement activities for the term of the agreement with the Producer.

Approval of the Access Agreement, including non-standard terms, is recommended as the proposed production will educate the public and highlight County services within the county

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related to code enforcement activities. The production may also assist in achieving the future compliance of code enforcement actions associated with filming the production.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Daniel Pasek, Deputy County Counsel, and Jason Searles, Supervising Deputy County Counsel, 387-5455) on August 22, 2023; Finance (Penelope Chang, Administrative Analyst, 387-5412) on August 24, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 25, 2023.

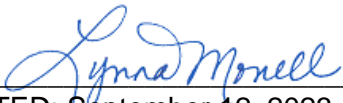
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: September 12, 2023



cc: LUSD - Keyvanian w/agree
Contractor - c/o LUSD w/agree
File - w/agree
CCM 09/25/2023