

MEDIA PRODUCTION ACTIVITIES POLICY

PURPOSE:

This Policy aims to regulate audiovisual and digital media content creation encompassing filmmaking, audio content production, and photography activities (“Media Production Activities”) on Coachella Valley Public Cemetery (“Cemetery”) grounds to ensure the peaceful and respectful use of Cemetery grounds and the surrounding community.

POLICY:

The Coachella Valley Public Cemetery District (“District”) may, under certain conditions, permit the use of the District’s Cemetery, facilities, and other property for Media Production Activities by any person, entity, organization, or business outside the context of an official interment service or unrelated to the specific official functions of the District.

PERMIT REQUIRED:

No person, entity, organization, or business shall use any real property, facility, right-of-way, road, sidewalk, driveway or any other space owned, operated, or leased by the District for any Media Production Activities without a permit issued by the District pursuant to the provisions of this Policy. News media outlets may engage in Media Production Activities without first obtaining a permit for the purpose of broadcasting news reports and events by providing media credentials to the General Manager. Media credentials include documentation or identification that verifies an individual’s status as a member of the press or media organization and can include press passes, media identification cards, freelance credentials, professional organization membership, government-issued media credentials, business cards, or internet links to personal portfolios, online articles, or published work. News media outlets will still be required to indemnify, defend, and hold harmless District.

APPLICATION REQUIRED:

Each applicant must submit a completed application to the District’s General Manager at least thirty (30) days prior to the proposed Media Production Activities.

APPLICATION INFORMATION:

The following information shall be provided by applicant:

- (1) The applicant’s name, mailing address, email address, and telephone number;
- (2) The name, address, email address, and telephone number of the person or persons in charge of the proposed Media Production Activities;
- (3) The specific location where the proposed Media Production Activities will take place;
- (4) The inclusive hours and dates when the proposed Media Production Activities will occur;

- (5) A general statement of the character or nature of the proposed Media Production Activities;
- (6) The exact number of on-location personnel to be involved with the proposed Media Production Activities;
- (7) The exact amount/type of vehicles/equipment to be employed along with a parking plan;
- (8) A description of any conduct or activities related to the proposed Media Production Activities which may cause public concern or potentially disrupt the quiet enjoyment of the surrounding community; and
- (9) Any other information requested in the District's permit application.

If the applicant fails to provide all of the above information in the District's permit application, the application shall be deemed incomplete and shall not be processed, nor shall a permit be approved. The General Manager has the sole discretion to issue or deny a permit.

APPLICATION FEE:

Applicant shall pay the requisite application fee for the cost of processing the application, in the amount set forth in the District's duly adopted fee schedule. If the applicant fails to pay the requisite application fee, the application shall be deemed incomplete and shall not be processed, nor shall a permit be approved.

The following persons, entities, and organizations shall be exempt from paying the application and filming fees, but shall comply with all of the remaining provisions of this Policy:

- (1) Public agencies;
- (2) Currently enrolled students who produce written proof from their educational institution that the student is engaged in a bona fide student project or assignment if related to the operations of functions of the District; and
- (3) Bona fide non-profit tax-exempt organizations in good standing with all relevant local, state and federal regulatory agencies

IMPACT COSTS:

Applicant shall pay for any anticipated costs associated with mitigating any known potential impacts the District may incur in connection with the proposed Media Production Activities. The amount of such costs shall be determined on a case-by-case basis by the General Manager or designee depending on the scope, intensity, and location of the proposed Media Production Activities. If the applicant fails to pay the requisite impact costs, the application shall be deemed incomplete and shall not be processed, nor shall a permit be approved.

SECURITY DEPOSIT:

To ensure cleanup and repair of any District property that will be utilized in any manner in connection with the proposed Media Production Activities, the applicant may be required to

submit a refundable security deposit in a reasonable amount determined by the General Manager or designee. The District may use any portion of the security deposit to pay for any cleanup or repair that is deemed necessary by the General Manager or designee because of the applicant's use of the subject property and the applicant's failure to perform the necessary cleanup or repair in a timely manner. If the District uses any of the money to pay for cleanup or repair, the District will provide the applicant with a written list of conditions that necessitated the cleanup or repair and the amounts of money taken from the security deposit for such purposes. Upon completion of proposed Media Production Activities and inspection of the site by the District, if no cleanup or repair is needed, the full amount of the security deposit shall be returned to the applicant. If the applicant fails to pay the requisite security deposit, the application shall be deemed incomplete and shall not be processed, nor shall a permit be approved.

COST OF ADDITIONAL SERVICES:

If during the course of the Media Production Activities the General Manager or designee determines that additional services are necessary to protect public health or safety or to maintain the peace and tranquility of the surrounding community, such services may be provided or retained by the District and the applicant shall be required to reimburse the District for any such additional services.

INDEMNIFICATION:

Applicant shall agree, pursuant to an agreement approved as to form by the District's General Legal Counsel, to defend, indemnify and hold harmless the District, its officers, officials, agents, employees, and volunteers from and against any and all claims, demands, actions, losses, damage, injuries, and liability, direct or indirect (including any and all costs and expenses in connection therewith, including settlement fees), arising out of the proposed Media Production Activities, except for any such claim arising out of the sole and/or active negligence or willful misconduct of the District, its officers, agents, employees, or volunteers.

If applicant fails to sign the agreement described in this section, the application shall be deemed incomplete and shall not be processed, nor shall a permit be approved.

INSURANCE:

Applicant shall provide the District with a Certificate of Insurance showing evidence of commercial liability coverage in connection with Licensee's activities at the Premises with minimum coverage in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate, and evidence of commercial automobile liability coverage with limits not less than \$1,000,000 per occurrence for owned, non-owned and hired automobiles. To the extent required by law, Licensee shall further maintain worker's compensation coverage for any employees who are working on District property. The General Manager may waive or modify this requirement if it is deemed that the scope, intensity and/or location of the proposed Media Production Activities present little to no significant risks. However, if the applicant fails to otherwise provide proof of such insurance, deemed acceptable by the General Manager

or designee, the application shall be deemed incomplete and shall not be processed, nor shall a permit be approved.

PERMITTED HOURS:

Media Production Activities may only be permitted between 8:00 a.m. and 5:00 p.m., which may be adjusted at the discretion of the General Manager based upon the General Manager's sole determination that the proposed production activity will not disrupt the normal operations of the District or cause any disruptions or nuisances to the surrounding community.

RESTRICTIONS:

Media Production Activities shall be subject to the following restrictions:

- The conduct of the proposed Media Production Activities shall not unduly interfere with normal operations of the District, threaten to result in damage or detriment to District property, or threaten or cause bodily harm or extreme discomfort to any person.
- Use of the District's office is prohibited except in an emergency.
- Loud noises (guns, music, screams, loud machinery or vehicles, etc.) are prohibited.
- Blocking of roads is prohibited.
- Vehicles on grass are prohibited.
- All activities must cease when an interment service is in progress.
- Applicant must provide own dressing rooms and restrooms. (Note: Facilities for large groups are not available.)
- Applicant must provide security and crowd control.
- Entrances showing the Cemetery name may be filmed, however, filming of family markers is discouraged. If filming of markers is necessary, any identifying information must be blurred or otherwise concealed to protect the privacy of and respect the families involved.
- No one is allowed in a casket without District approval. (Note: Cemetery cannot provide casket).
- No nudity shall be permitted.
- No animals, except for service animals may be permitted.
- The dignity and decorum of the Cemetery shall be maintained at all times.
- No smoking or alcohol use shall be permitted.
- All other Cemetery use policies shall be applicable.

CONDITIONS OF APPROVAL:

The General Manager or designee in their sole discretion may impose conditions of approval on a permit for the proposed Media Production Activities for purposes of mitigating any anticipated direct or indirect negative impacts on the District or surrounding community.

CREDIT:

If a resulting film includes credits, the Coachella Valley Public Cemetery District and the Coachella Valley Public Cemetery shall be acknowledged as one of the locations included in the subject motion picture or film, using the District's official seal/logo, unless otherwise directed by the General Manager. Page 5 of 5

VIOLATIONS:

Failure to comply with any provision of this Policy or condition of a permit for the proposed Media Production Activities shall result in automatic revocation of the subject permit. Upon such revocation, the applicant shall immediately cease all Media Production Activities, and remove all vehicles, supplies, equipment and all other material from the District's premises.

OUTSTANDING COSTS OWED TO DISTRICT:

The amount of any outstanding costs owed to the District shall be deemed a civil debt. The District may commence the appropriate legal action in the name of the District in any court of competent jurisdiction to seek the necessary court order to compel the debtor to pay the District any outstanding debt owed to the District, plus attorneys' fees as the prevailing party. The remedy prescribed by this section shall be cumulative, and the use of this particular civil action to collect an unpaid debt owed to the District shall not bar the use of any other civil, equitable or administrative remedies available to the District.

PREVAILING PARTY:

In the event any action, suit, or proceeding is brought for the enforcement of, or the declaration of any right or obligation pursuant to this Policy or as a result of any alleged breach of any provision of this Policy, the prevailing party in such suit or proceeding shall be entitled to recover its costs and expenses, including reasonable attorney's fees, from the losing party, and any judgment or decree rendered in such a proceeding shall include an award thereof.