

ORDINANCE NO. 10169 (N.S.)

**AN ORDINANCE AMENDING ARTICLE XXIIb SECTIONS 398.14 THROUGH 398.15
AND DELETING ARTICLE XXVII SECTION 505 OF THE SAN DIEGO COUNTY
ADMINISTRATIVE CODE RELATING TO THE USE OF COUNTY FACILITIES BY
NON-COUNTY ORGANIZATIONS AND PERSONS**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it previously appointed the Director of General Services as the Administrator of the County Administration Center. Therefore, it is necessary to amend the San Diego County Administrative Code to transfer the authority to issue licenses for the use of the County Administrative Center by non-County organizations and persons from the Clerk of the Board of Supervisors to the Director of General Services. It is also necessary to delete a section to the Administrative Code authorizing the Clerk of the Board of Supervisors to process and issue licenses for use of the County Administration Center by non-County organizations and persons.

Section 2. Article XXIIb, Section 398.14 of the San Diego County Administrative Code is amended to read as follows:

**SEC. 398.14. LICENSES AND PERMITS FOR ACTIVITIES OTHER THAN
COMMERCIAL MOTION PICTURE FILMING.**

Each year a number of requests are received from both public and private interests for use of County property and facilities. It is the purpose of this Ordinance to establish a single point of contact for consideration of and action on applications for licenses and/or permits for such use of County property and facilities other than for purposes of commercial motion picture, television or video filming, and to delegate limited responsibility to the Director of General Services to enable processing of and action upon such requests to be carried out in a uniform, timely manner. Such requests shall be acted upon as follows:

(a) Except as provided in paragraph 2 below, and in Section 398.15, hereof, all requests and applications of persons, firms, and public agencies to use County property and facilities, other than County roads and County Parks, for routine activities for private or commercial purposes shall be directed to the Director of General Services for investigation and coordination with affected County agencies and departments, and issuance or denial of licenses or permits as applicable.

(b) This section shall not apply to any application or request for issuance of a license or permit for a single use in excess of 5 years or for a single use wherein the cost to the County is estimated by the Director of General Services to exceed \$5,000. Such applications or requests shall, after investigation by the Director of General Services, be forwarded to the Board of Supervisors with a recommendation for Board action.

(c) Full County costs, including indirect costs, shall be determined by the Director of General Services for any use of County property of facilities under this section and shall be charged to the applicant in accordance with Board of Supervisors Policy B-29; "Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery." The Director of General

Services shall require from the applicant, prior to issuance of the license or permit, payment of an amount sufficient to cover such costs, and if such costs exceed that amount shall bill the applicant for such excess costs. Where the Director determines that the cost of any use is negligible and the Director further determines that the public benefit would be served thereby, the Director shall waive such cost.

(d) The license or permit issued by the Director of General Services under this section shall be embodied in a form which shall be sufficiently flexible to allow individual treatment of extraordinary circumstances surrounding the use involved.

(e) The form of license or permit shall contain the following:

(1) Identification of the applicant, the location and time of use and the type of use involved.

(2) Restrictions against impeding the flow of vehicular traffic and public access to or from County property or facilities.

(3) A hold harmless clause, insurance provisions and performance bond provisions sufficient to ensure protection of the County's interests.

(4) A specific statement of the fee or other consideration for the use of the County property or facilities.

(5) A statement of the County's absolute discretion to terminate the license or permit at any time.

(6) Such other provisions as may be required by law.

(f) Each license or permit shall be approved as to form by County Counsel prior to issuance.

(g) A copy of each license or permit issued under this section shall be filed with the Department of General Services.

(h) No license or permit issued hereunder shall be construed for any purpose as constituting a lease of County property or facilities.

Section 3. Article XXIIb, Section 398.15 of the San Diego County Administrative Code is amended to read as follows:

SEC. 398.15. LICENSES AND PERMITS TO USE COUNTY PROPERTY OR FACILITIES FOR COMMERCIAL MOTION PICTURE FILMING.

The County regularly receives requests to use County facilities for commercial motion picture, television and video filming and production. Such activities have been found to be of significant local economic benefit. It is the purpose of this Ordinance, therefore, to establish a procedure for consideration of, and action upon, applications for licenses or permits for use of County property and facilities by individuals or firms performing commercial motion picture, television and video filming which facilitates and accommodates such activities, to the extent that such activities do not materially impair the normal delivery of County services. Such requests shall be administered as follows:

1. All applications of persons, firms or corporations to use County property and facilities (other than County roads or County parks and beaches for routine activities) for private or commercial motion picture, television, or video filming or production shall be directed to the Chief Administrative Officer for investigation, coordination with affected County agencies and departments, and issuance or denial of licenses or permits, as applicable.

2. This section shall not apply to any application or request for issuance of a license or permit for a single use in excess of 30 consecutive days or for a single use wherein the cost to the County is estimated by the Chief Administrative Officer to exceed \$5,000. Such application or requests shall, after investigation by the Chief Administrative Officer, be forwarded to the Board of Supervisors with a recommendation for Board action.

3. For purposes of licenses or permits issued pursuant to this section, the provisions of Board of Supervisors Policy B-29, "Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery," shall not apply. Instead, the Chief Administrative Officer shall levy such fees and charges as the Chief Administrative Officer deems reasonable for the use of County facilities; provided, however, that nothing herein shall preclude the Chief Administrative Officer from seeking full cost recovery for expenses incurred by the County, particularly for unusual or extraordinary expenses.

Prior to issuance of any license or permit, applicants shall deposit such fees, or a reasonable estimate of such costs, with County. If the County is seeking full cost recovery from applicant, and if costs actually incurred by County exceed such deposit, the Chief Administrative Officer shall cause such excess costs to be collected from applicant. Notwithstanding the foregoing, however, where the Chief Administrative Officer determines that the cost of any use is negligible, and further determines that the public benefit would be served thereby, all costs and fees may be waived.

4. The license or permit issued by the Chief Administrative Officer under this section shall be embodied in a form which shall be sufficiently flexible to allow individual treatment of extraordinary circumstances surrounding the use involved.

5. The form of license or permit shall contain the following:

(a) Identification of the applicant, the location and time of use and the type of use involved.

(b) Restrictions against impeding the flow of vehicular traffic and public access to or from County property or facilities.

(c) A hold harmless clause, insurance provisions and performance bond provisions sufficient to ensure protection of the County's interests.

(d) A specific statement of the fee or other consideration for the use of the County property or facilities.

(e) A statement of the County's absolute discretion to terminate the license or permit at any time.

(f) Such other provisions as may be required by law.

6. Each license or permit shall be approved as to form by County Counsel prior to issuance.

7. A copy of each license or permit issued under this section shall be filed with the Department of General Services.

8. No license or permit issued hereunder shall be construed for any purpose as constituting a lease of County property or facilities.

Section 4. Article XXVII, Section 505 is deleted in its entirety.

Section 5. Effective Date and Publication. This Ordinance shall take effect and be in force thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage, a summary thereof shall be published once with the names of the members of the Board voting for or against it in a newspaper of general circulation in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 27th day of September, 2011.

Approved as to form and legality:

THOMAS E. MONTGOMERY, County Counsel

By

Mark Day, Senior Deputy