

ORDINANCE NO. 9075 (NEW SERIES)

**AN ORDINANCE AMENDING
THE SAN DIEGO COUNTY CODE RELATING TO
THE APPLICATION FOR THE SOLID WASTE MANAGEMENT AGREEMENT AND
PUBLIC BENEFIT AGREEMENT APPLICATIONS**

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

Section 1: Section 68.533 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 68.533. COUNTY RESERVES RIGHT TO DENY GRANT OF AGREEMENT.

The form of Solid Waste Management Agreement shall be approved by the Board of Supervisors. The Director shall have the authority to negotiate and execute any Agreement upon finding that such Agreement meets the requirements of this Chapter and is in the public interest. Any applicant who has been denied an Agreement may appeal such decision to the Board of Supervisors as provided in Section 68.550 of this Chapter. Upon review of the appellant's documentation, and recommendation of the Director, the Board of Supervisors may enter into an Agreement, refuse to enter into an Agreement or enter into such an Agreement subject to specific conditions. No provision of this Chapter may be deemed or construed as to require the County to enter into an Agreement when in the opinion of the Board of Supervisors such is not in the public interest.

Section 2: Section 68.539.2 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 68.539.2. APPLICATION FOR COLLECTOR.

Collector applicants shall file a completed application form with the Director for the consideration of an Agreement. The application shall be submitted on forms provided by the Director. All applications for a Solid Waste Management Agreement shall be reviewed by the Director and by other appropriate County agencies, as the Director may deem necessary. Collector applicants shall be subject to background investigation conducted by the Sheriff's department or other appropriate agency.

All collector applications must include:

- (a) Name and address of the applicant.
- (b) If the applicant is a firm, association, organization, partnership, joint venture, privately held corporation, business trust, or company, the names and addresses of owners and the officers and their percentages of ownership. Publicly held corporations shall supply proof of corporate entity and names of local officers.

- (c) A description of all trucks and equipment, including license plate numbers and vehicle identification numbers, that the applicant owns or has under applicant's control for the collection or transportation of solid waste which will be used to provide service in the Agreement area. This will include the age and mechanical conditions of said trucks, and a statement as to whether said trucks meet the equipment standards of this Chapter.
- (d) Facts demonstrating that the applicant owns or has access to suitable facilities for keeping equipment clean and in good repair, and that he/she owns or has access to reasonable office and billing facilities. The applicant's storage yard and maintenance facilities are to be located in an appropriate land use zone classification, and are to be reasonably located to service the permit area.
- (e) A statement of the applicant's experience and capability in the collection and/or transportation of solid waste.
- (f) Proof of insurance and affirmation of indemnification.
- (g) Such further information as the Director may reasonably require to evaluate and process an application.

Section 3: Section 81.1303 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 81.1303. APPLICATION; CONTENTS THEREOF.

The Director shall provide the form for the application required under these regulations for preparation of the public benefit agreement. The application shall contain, but not be limited to, the information and documentation hereinafter specified:

- (a) The name and addresses of the applicant and of all persons having a legal or equitable interest in all of part of the property proposed to be used.
- (b) Evidence that the applicant:
 - (1) Has a legal or equitable interest in the property involved; or
 - (2) Has written authorization from a person having a legal or equitable interest to make such application.
- (c) Legal description and a listing of the Assessor's Parcel Numbers of the property, including a statement of total area of the property concerned.
- (d) The form of public benefit agreement proposed by the applicant.
- (e) All explanatory text, plans, maps, drawings, pictures and such other documentation as may be required by the Director to evaluate the proposal.

- (f) Designation of an agent representing the legal ownership of all property proposed to be subject to the public benefit agreement.

The Director may waive the filing of one or more of the above items where the same information required is filed with a Specific Plan application to be concurrently considered.

PASSED, APPROVED AND ADOPTED this 11th day of August, 1999.