

ORDINANCE NO. 9580 (NEW SERIES)

**AN ORDINANCE AMENDING SECTION 398.14
AND ADOPTING 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 Clerk of the Board of Supervisors 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 Administration Center by non-County organizations and persons from the Director of General Services to the Clerk of the Board of Supervisors. It is also necessary to add a new 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. 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 AND
USE OF THE CAC.**

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 the County Administration Center or 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/or 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 or 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 Clerk of the Board of Supervisors.
- (h) No license or permit issued hereunder shall be construed for any purpose as constituting a lease of County property or facilities.

Section 3. Section 505 is added to the San Diego County Administrative Code to read as follows:

SEC. 505. USE OF COUNTY ADMINISTRATION CENTER BY NON-COUNTY GROUPS OR PERSONS.

Each year the County receives requests from public and private organizations, groups and persons to use the County Administration Center (CAC) facilities. The purpose of this section is to set forth the regulations and procedures governing non-County use of the CAC facilities for purposes other than commercial motion picture, television or video filming, and to delegate limited responsibility to the Clerk of the Board of Supervisors (Clerk) to process and approve such requests.

(a) Use of the Interior of the CAC for Non-County Governmental Purposes, Weddings Performed by the County Clerk and Related Post-Wedding Activities. In addition to normal, County-government-related purposes, use of the CAC shall be authorized only for non-County governmental purposes, weddings performed by the County Clerk, and related post-wedding activities. Such uses may occur only during normal business hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, excluding holidays.

(1) Use of the CAC for Non-County Governmental Purposes. The term "non-County governmental purposes" means federal, state and local governmental agencies other than the County. All requests for use of the CAC for non-County governmental purposes shall be made on a Facility Use Application provided by the Clerk. The Clerk shall approve the application if the Clerk determines that:

- (i) The proposed use is for non-County governmental purposes;
- (ii) The particular facilities are available on the date and time requested;
- (iii) The proposed use will not interfere with normal County business;
- (iv) The number of expected participants does not exceed the capacity of the particular facility requested;
- (v) The proposed use will not require the commitment of County resources other than the use of the space at the CAC; and
- (vi) The proposed use will occur during normal business hours.

(2) Use of the CAC for Post-Wedding Activities. The following provisions shall apply to use of rooms in the CAC for post-wedding activities related to weddings performed by the County Clerk:

(i) Only the rooms on the 6th, 7th and 8th floors in the CAC tower are available for this use and only if the room is not needed for County business;

(ii) These rooms may be used only during normal business hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, excepting holidays;

(iii) Requests to use one of these rooms shall be made on a Facility Use Application provided by the Clerk;

(iv) The license charge for using a room is \$70 per hour with a minimum of two hours; and

(v) The person requesting use of a room shall pay the Clerk a refundable cleaning deposit in an amount determined by the Clerk.

(3) Issuance of Facility Use Agreement. If a request for post-wedding activities complies with the requirements listed in subsection (2) above, the Clerk shall approve the application, and the Clerk and the applicant shall enter into a Facility Use Agreement that shall include, at a minimum, the following provisions:

(i) Name and address of the applicant;

(ii) Date, time and duration of use and room to be used;

(iii) Restrictions against interfering with normal County business in the CAC;

(iv) A hold harmless clause to protect the County's interests;

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

(vi) A statement of the fee or other consideration for use of the CAC;

(vii) A prohibition against alcoholic beverages; and

(viii) Any other provision required by law or determined by the Clerk to be appropriate and in the County's interests.

(b) Use of CAC Grounds for Public Assemblies. The following provisions apply to use of the CAC grounds for organized public protests, demonstrations, vigils and other expressions of free speech.

(1) Authorized public assemblies may occur only in the specified outdoor Public Assembly Areas at the CAC. These areas are the west side of the CAC between the fountain and North Harbor Drive, the east side of the CAC between the flag pole and Pacific

Highway, and the north and south sides of the CAC on the sidewalk areas, but not on the entrance steps. These events may occur only during the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, excluding holidays.

(2) Requests to use the outdoor Public Assembly Areas for authorized public assemblies shall be made on a Facility Use Application provided by the Clerk. The Clerk shall review the application and approve or deny it within two business days after receiving the application. The Clerk shall deny the application only if: (i) the outdoor Public Assembly Area requested is not available on the date and time requested; or (ii) the use would not occur during the days and hours listed above. No public assembly use shall block any entrance to or exit from the CAC.

(3) If the Clerk approves the application, the Clerk and the applicant shall enter into a Facility Use Agreement that shall include, at a minimum, the following provisions:

- (i) Name and address of the applicant;
- (ii) Date, time, duration and location of the use;
- (iii) Restrictions against interfering with normal County business in the CAC;
- (iv) A hold harmless clause to protect the County's interests;
- (v) A statement of the County's absolute discretion to terminate the license or permit at any time; and
- (vi) Any other provision required by law.

(c) Use of CAC Parking Lots and East and West Plazas. The following provisions apply to the use of the parking lots and the east and west plazas at the CAC.

(1) The CAC parking lots and east and west plazas are available for use by non-profit community groups on Monday through Friday between 6:00 p.m. and 7:00 a.m., on weekends and on holidays (when the CAC is not open to the public for normal County business).

(2) Requests to use these areas shall be made on a Facility Use Application provided by the Clerk.

(3) All applicants must have the insurance and pay the refundable damage/cleaning deposit in an amount determined by the Clerk.

(4) The Clerk shall review the application and approve the use if:

- (i) The area is available on the date and time requested;

(ii) The use will not occur during normal business hours (7:00 a.m. to 6:00 p.m. Monday through Friday, except on holidays);

(iii) The applicant has the required insurance and pays the required deposit.

(4) If the Clerk approves the use, the Clerk and the applicant shall enter into a Facility Use Agreement that shall include, at a minimum, the following provisions:

(i) Name and address of the applicant;

(ii) Date, time, location and duration of use;

(iii) A hold harmless clause to protect the County's interests;

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

(v) A prohibition against alcoholic beverages; and

(vi) Any other provision required by law or determined by the Clerk to be appropriate and in the County's interests.

(d) Facility Use Agreement. The Facility Use Agreement executed by the Clerk pursuant to subsections (b) and (c) above is not, and shall not be construed to be, a lease of County property or facilities. The Facility Use Agreement shall be approved as to form by County Counsel.

Section 4. Effective Date and Publication. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary thereof shall be published once with the names of the members of the Board voting for and against it in a newspaper of general circulation in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 29^h day of July, 2003.