

CHAPTER 39

Assembly Concurrent Resolution No 38—Relative to approving a certain amendment to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of November, 1946.

[Filed with Secretary of State January 31, 1947]

City of
Long Beach
Charter
amendment

WHEREAS, The City of Long Beach, in the County of Los Angeles, State of California, contains a population of over

50,000 inhabitants, and has been, ever since the year 1921, and now is, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of April, 1921, and approved by the Legislature of the State of California, on the twenty-sixth day of April, 1921 (Statutes of 1921, page 2054), and amendments thereto duly ratified by the qualified voters of said city and by resolutions of said Legislature as set out in the certificate of the Mayor and City Clerk of said City of Long Beach, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of said City of Long Beach, as set out in the certificate of the Mayor and City Clerk of said City of Long Beach, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED Certificate
ELECTORS OF THE CITY OF LONG BEACH AT A
SPECIAL MUNICIPAL ELECTION HELD THEREIN
ON THE 5TH DAY OF NOVEMBER, 1946, OF A
CERTAIN AMENDMENT TO THE CHARTER OF
THE CITY OF LONG BEACH, STATE OF CALI-
FORNIA.

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES. } SS.
CITY OF LONG BEACH. }

We, HERBERT E. LEWIS, Mayor of the City of Long Beach, and FRANK J. BEGGS, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California, on the 26th day of April, 1921, and amendments thereto duly ratified by the qualified voters of said City, and approved by resolution of said Legislature and filed with the Secretary of State of the State of California the 27th day of April, 1923, (Statutes 1923, page 1624), and amendments thereto duly ratified by the qualified voters of said City and approved by resolu-

tion of said Legislature and filed with said Secretary of State the 18th day of April, 1925, (Statutes 1925, page 1330), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 15th day of January, 1929, (Statutes 1929, page 1977), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 29th day of March, 1929, (Statutes 1929, page 2062), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 2nd day of March, 1931, (Statutes 1931, page 2780), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 19th day of April, 1933, (Statutes 1933, page 3006), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 29th day of April, 1935, (Statutes 1935, page 2565), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 10th day of June, 1935, (Statutes 1935, page 2677), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 20th day of June, 1935, (Statutes 1935, page 2698), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 14th day of May, 1937, (Statutes 1937, page 2921), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 9th day of April, 1941, (Statutes 1941, page 3351), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 11th day of January, 1943, (Statutes 1943, page 3091), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 27th day of January, 1945, (Statutes 1945, page 2950), and amendments thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 23rd day of May, 1945, (Statutes 1945, page 3090), and an amendment thereto duly ratified by the qualified voters of said City and approved by resolution of said Legislature and filed with said Secretary of State the 25th day of July, 1946; and

That the legislative body of said City, namely, the City Council of said City, did, by motion duly adopted on the 21st day of September, 1946, on its own motion, and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly propose to the qualified electors of

said City of Long Beach one (1) amendment to the charter of said City, numbered Proposition One, and ordered that said proposed amendment be submitted to said qualified electors of said City at a special municipal election to be held in said City on the 5th day of November, 1946; and

That said amendment numbered One was, on September 24, 1946, duly published in the Long Beach Independent and in each edition thereof during said day of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendment, and at all times since has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendment, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendment; and

That said proposed amendment was duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendment could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendment so printed in convenient pamphlet form was duly and regularly distributed in the manner provided by law; and

That said City Council did, by ordinance designated as Ordinance No. C-2551, order the holding of a special municipal election in said City of Long Beach on the 5th day of November, 1946, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendment, as aforesaid, and which ordinance was published at least three times in the Long Beach Independent, the official newspaper of the City of Long Beach, ten days prior to the date of said election, to wit: On the 23rd, 24th and 25th days of October, 1946, in the Long Beach Independent, the official newspaper of the City of Long Beach and a newspaper of general circulation and published in said City, and said ordinance was posted in three conspicuous places in the City of Long Beach; and

That said special municipal election was held in said City of Long Beach on the 5th day of November, 1946, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendment once in the Long Beach Independent, as aforesaid; and

That at said special municipal election held, as aforesaid, a majority of the qualified voters of said City of Long Beach voting thereon, voted in favor of said proposed charter amendment and duly ratified the same; and

That the City Council of said City of Long Beach did, at the time and in the manner and form provided by law, to wit, on the 12th day of November, 1946, regularly canvass the

returns of said special municipal election, and did then and there duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified said proposed amendment; and

That said proposed amendment to the charter of the City of Long Beach, ratified by the voters of said City, as aforesaid, is in words and figures as follows, to wit:

PROPOSITION NO. 1

That the Charter of the City of Long Beach be amended by adding a new section thereto to be known as Section 229z to read as follows:

Transfer of money derived from development of oil, gas, etc., from "Harbor Revenue Fund" to "Public Improvement Fund"

Notwithstanding any other provision in this Charter contained, the City Treasurer shall from time to time, and at least once each calendar month, transfer all money hereafter derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from beneath tidelands and submerged lands acquired by the City from the State of California, lying outside of the Harbor District and westerly of the east line of Pine Avenue and the prolongation thereof projected southward, by directional drilling from drill sites within said Harbor District, which by the provisions of Section 229x of said Charter are required to be paid into the "Harbor Revenue Fund", from said "Harbor Revenue Fund" to the "Public Improvement Fund" created by subdivision 1 of subsection (c) of Section 229x, as amended by the amendment of 1946, and effective July 23, 1946; provided that said transfer shall be made only in the event that such money may be used and expended for the purposes for which said "Public Improvement Fund" may be used and expended without violating the provisions of grants by which the City acquired title to said tide and submerged lands from the State of California, to wit, 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794. Provided, however, that all moneys hereafter derived by the City from the development of oil, gas or other hydrocarbon substances from beneath lands lying outside of the Harbor District, acquired by the City by purchase, tax-deed, exchange, trade, gift, or any other method than through a grant from the State of California, by directional drilling from drill sites within said Harbor District, shall be paid into the "General Purpose Fund" of the City. Provided further, that the City Treasurer shall from time to time, and at least once each calendar month, transfer all moneys derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from beneath tide and submerged lands acquired by the City of Long Beach from the State of California lying outside of the Harbor District and westerly of the east line of Pine Avenue and the prolongation thereof projected southward, whether by directional drilling or otherwise, and which are required by Section 260.6 of this Charter to be paid into the "Tideland Oil Fund", from said "Tideland

"General Purpose Fund"

"Tideland Oil Fund"

Oil Fund" to the "Public Improvement Fund"; provided that said transfer shall be made only in the event that such money may be used and expended for the purposes for which said "Public Improvement Fund" may be used and expended, without violating the provisions of grants by which the City acquired title to said tide and submerged lands from the State of California, to wit, 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794.

That the foregoing is a full, true and correct copy of said proposed amendment to the charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

IN WITNESS WHEREOF, HERBERT E. LEWIS, Mayor, as aforesaid, and FRANK J. BEGGS, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed, on this 22nd day of January, 1947.

(SEAL)

HERBERT E. LEWIS
Mayor of the City of Long Beach
FRANK J. BEGGS
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendment to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, has been, and is now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, A majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as a part of the charter of the City of Long Beach. Approved