

CHAPTER 54

Assembly Concurrent Resolution No. 58—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a municipal election held therein November 6, 1956.

[Filed with Secretary of State, January 22, 1957]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

City of
Long Beach
Charter
amendments

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A MUNICIPAL ELECTION HELD THEREIN NOVEMBER 6TH, 1956, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

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

We, George M. Vermillion, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows:

Certificate

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 and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach eight amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 6th day of November, 1956; and

That said eight proposed amendments to be so submitted November 6, 1956, were designated as Propositions AA, BB, CC, DD, EE, FF, GG, and HH, and were duly published the 18th day of September, 1956, in the Long Beach Independent and in each edition thereof during said date 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 amendments, 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 amendments, 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 amendments; and

That said proposed amendments were 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 amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No C-3590, order the holding of said municipal election in said City of Long Beach on November 6, 1956, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and that said ordinance was published at least three times in said Long Beach Independent ten days prior to the date of said election, to wit: October 24, 1956, October 25, 1956 and October 26, 1956; and

That said municipal election was held in said City of Long Beach on November 6, 1956, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution adopted on the 11th day of December, 1956, duly declare the results of said municipal election and did 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 seven of said proposed amendments; and

That said proposed amendments to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

PROPOSITION AA

That the Charter of the City of Long Beach be amended by Repeal repealing Section 260.8 thereof and:

1. By amending paragraph 3 of subdivision (c) of Section 229x to read as follows:

3. At least once each calendar month, and so long as the balance in the Harbor Reserve Fund shall not exceed the sum of fifteen million dollars, there shall be transferred from the Harbor Revenue Fund to the Harbor Reserve Fund, which latter fund has been heretofore created and established and is hereby continued, thirty per centum of the gross amount of all money received by the City and required by this Charter to be paid into said Harbor Revenue Fund from the development of oil, gas and other hydrocarbon substances from beneath tidelands and submerged lands. Whenever, and so long as the balance in said fund shall equal the sum of fifteen million dollars, no further transfers thereto shall be made until the balance therein shall be less than said sum. Said Harbor Reserve Fund shall be a continuing fund and not subject to transfer at the close of the fiscal year. The money thus transferred shall, from time to time, be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any moneys in any sinking fund, or any surplus moneys in the treasury, of cities in the State. The interest, earnings, income and/or profits from the investment of said money shall likewise be paid into said Harbor Reserve Fund and may likewise be invested in the same manner as the money transferred as aforesaid.

Oil and gas
revenues
Transfer to
Harbor
Reserve
Fund

Money in said fund may be expended therefrom by the Board of Harbor Commissioners, whether or not such expenditures shall have been provided for in the official budget of said Board, for any purpose for which money in the Harbor Revenue Fund may lawfully be used if approved by a vote of a majority of all members of said Board and by the City Council by an affirmative vote of not less than two-thirds of all of the members thereof. Should the balance in said fund on the effective date of this amendment exceed the sum of fifteen million dollars, any excess thereof shall be transferred and credited to the Harbor Revenue Fund.

2. By adding subdivision (5) to Section 229d to read:

Required
payments
to State

(5) To pay to the State of California such amounts thereof, whether or not included in the official budget, as shall be required by reason of the enactment by the legislature of Chapter 915 of the Statutes of 1951, or as may be lawfully required by subsequently enacted legislation, as such legislation is, has been and may hereafter be construed by the courts having jurisdiction thereof.

3. By amending subdivisions (a), (b), (c) and (d) of Section 260.6 to read, respectively:

Tideland
Oil Fund

(a) Any and all money derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from beneath all tidelands and submerged lands specified and described in those certain grants from the State of California to the City of Long Beach, to wit, 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794, except from beneath such of said lands as are located within the Harbor District of the City of Long Beach as said district was bounded and described on May 1, 1946, shall be paid into the Tideland Oil Fund. Money placed in the Tideland Oil Fund shall be used exclusively for the following purposes:

1. Paying all reasonable and necessary expenses incident to the production, processing, sale or other disposal of the above-mentioned oil, gas or other hydrocarbon substances;

2. Paying to the State of California such amounts thereof, whether or not included in the official budget, as shall be required by reason of the enactment by the legislature of Chapter 915 of the Statutes of 1951, or as may be lawfully required by subsequently enacted legislation, as such legislation is, has been and may hereafter be construed by the courts having jurisdiction thereof;

3. Establishing, constructing, maintaining and improving public parks, parkways, highways, and playgrounds on tide and submerged lands; also the construction, maintenance and operation of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation;

provided, however, such money may not be used or expended for any purpose in violation of the provisions of the aforesaid grants from the State.

(b) Money remaining in the Tideland Oil Fund, after payment of necessary expenses incident to production of oil, gas or other hydrocarbon substances and to the State of any portion thereof due it all as provided in paragraphs 1 and 2 of subdivision (a) above, shall not be used for any of the other aforesaid purposes unless, prior thereto, a majority of those voting thereon vote in favor of a proposition, for each such use, submitted by the City Council at any City election wherein all City electors are entitled to vote. Such money,

however, may be used without such prior approval of the electors, and without the necessity of a provision therefor in the official budget of the City, for the payment of costs and expenses for land subsidence remedial or beach erosion work, or to meet a public emergency caused by war, fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, if the City Council, by not less than an affirmative vote of two-thirds of all of the members thereof, declares the need for such land subsidence remedial or beach erosion work or declares the existence of such public emergency.

(c) The sum of two hundred fifty thousand dollars of the money remaining in said Tideland Oil Fund, after payment of necessary expenses and of the State's portion both as hereinabove provided, may be used each fiscal year for any purpose not in violation of said grants from the State, as shall have been provided for in the official budget of the City, without prior approval of the electors of such use. If any or all of said sum of two hundred fifty thousand dollars is not used within a fiscal year, the unused amount shall accumulate and shall likewise be available for such use in any succeeding fiscal year.

(d) The sum of five hundred thousand dollars out of any portion of the money remaining in the Tideland Oil Fund, after payment of necessary expenses and of the State's portion thereof, both as hereinabove provided, may be used each fiscal year for the maintenance and operation of improvements constructed upon said tidelands and submerged lands in this section referred to and for the maintenance of said lands, as shall have been provided for in the official budget of the City, without prior approval of the electors of such use.

4. By adding a new section 260.9, to read:

Sec. 260.9. In order to comply with any judgment which may be entered in the case entitled *People vs. Long Beach*, being file No. 649466 in the Superior Court of the State of California in and for the County of Los Angeles, payment of the amount of money and transfer of securities from the various funds of the City required to comply therewith is hereby authorized, approved and ratified. Certain funds holding certain types of securities may be required to advance a larger portion of the securities necessary to satisfy any such judgment than such funds should ultimately bear, and, in such event, the City Council is authorized to require by resolution, as soon as practicable after payment of any such judgment, the transfer of money and securities between such funds in order to retain in each of such funds the same balance which would have remained therein after such payment had the funds contained only cash instead of cash and securities.

Payments
required by
People vs
Long Beach

PROPOSITION BB

That the Charter of the City of Long Beach be amended as follows:

(1) By adding a new subdivision to Section 229x thereof, to be known and designated as (g) to read as follows:

Extension
of oil and gas
leases, etc

(g) Notwithstanding the competitive bidding requirement contained in subdivision (f) of this section, or the limitation as to term contained in subparagraph (aa) of paragraph (3) of subdivision (b) of this section, the Board of Harbor Commissioners may, by negotiation, and pursuant to the terms, conditions and limitations thereby agreed to, extend the term of any lease, contract or other agreement entered into prior to the effective date of said subdivision (f) concerning the lands referred to in subdivision (a) of this section, other than tidelands and submerged lands granted to the City by the State of California. Any such extension of term, including the existing unexpired term of any such lease, contract or other agreement, shall not exceed twenty-five years. Before any such extension agreement shall be valid or become effective for any purpose, a copy thereof shall be transmitted to the City Clerk, who shall present such agreement to the City Council not later than said City Council's next regular meeting; nor shall any such agreement be valid or become effective for any purpose if at any time within thirty days from the date of such presentation to it, the City Council shall, by a majority vote of all the members thereof, disapprove such agreement.

The power of extension hereby conferred is in addition to all other powers possessed by said Board with respect to any lease, contract or other agreement heretofore entered into concerning the lands referred to in subdivision (a) of this section, and this subdivision is not intended, nor should it be construed as divesting or in any manner diminishing any power which the Board now has, with respect to matters not involving an extension of term, to amend or modify any such lease, contract or other agreement for the remainder of the term thereof.

(2) By amending subdivision (a) of Section 298.5 thereof to read as follows:

Oil and gas
leases, etc

(a) Except as to lands referred to in sections 229x and 217 of this Charter, the City Council may authorize and direct the execution of leases, contracts or other agreements between the City of Long Beach and other persons, firms, corporations or associations to drill for, develop, extract, take or remove, or dispose of oil, gas or other hydrocarbon substances, from, under, across or through any and all lands including tide, submerged and overflowed lands, whether filled or unfilled, belonging to the City of Long Beach, or such lands in or from which the City may now or hereafter have the right so to drill for, develop, extract, take or remove, and dispose of oil, gas and other hydrocarbon substances for the term or period in each instance not to exceed such as provided by law; provided, any such lease, contract or other agreement shall be made and entered into with the highest responsible bidder upon competitive bidding in the manner and form as shall be approved by

said City Council, after publication of notice calling for bids in the official newspaper of the City; provided, further, said City Council may authorize the execution of any such lease, contract or other agreement between the City and other persons, firms, corporations or associations including such lands, other than tidelands and submerged lands granted to the City by the State of California, in a community lease embracing adjoining lands not belonging to the City without such competitive bidding.

Notwithstanding the competitive bidding requirement hereinabove provided, the City Council may, by negotiation, and pursuant to the terms, conditions and limitations thereby agreed to, extend the term of any lease, contract or other agreement entered into prior to March 5, 1954, concerning the lands above referred to and over which said City Council had the authority to direct the execution of any such lease, contract or other agreement; provided, however, that any such extension of term, including the existing unexpired term of any such lease, contract or other agreement, shall not exceed twenty-five years. Extension

The power of extension hereby conferred is in addition to all other powers possessed by the City Council with respect to any such lease, contract or other agreement heretofore entered into, and this subdivision is not intended, nor should it be construed, as divesting or in any manner diminishing any power which the City Council now has, with respect to matters not involving an extension of term, to amend or modify any such lease, contract or other agreement for the remainder of the term thereof.

PROPOSITION CC

That the Charter of the City of Long Beach be amended by amending Section 300 thereof to read as follows:

Sec. 300. The term of any contract for furnishing gas or electricity to the City shall not exceed twenty-five years. Gas and electric contracts

PROPOSITION DD

That the Charter of the City of Long Beach be amended by amending Section 20 thereof to read as follows:

Sec. 20. To lease for a period not exceeding twenty-five years any property owned by the City and not dedicated to public use. This restriction shall not apply to a lease or other agreement having as its primary purpose the production of oil, gas or other hydrocarbon substances. Leases

PROPOSITION FF

That the Charter of the City of Long Beach be amended by amending Section 101 thereof to read as follows:

Sec. 101. In all Civil Service examinations except promotional examinations, the Board shall, in addition to all other Civil service examinations
Veterans' preferences

credits, give to veterans passing the examination a credit of ten additional points.

Veterans as used herein shall mean all persons released or discharged from active service under honorable conditions, who shall have served for a period of thirty days or more during time of war in the Armed Forces of the United States or in the Coast Guard. Time of war shall include any expedition of the Armed Forces of the United States.

Such credit shall likewise be granted to the widows of veterans and to the wives of injured veterans who themselves are not qualified, but whose wives are qualified to hold such positions. In case of a tie grade between a veteran and a non-veteran, the veteran shall be ranked highest.

Those claiming the benefit of this section must submit satisfactory documentary proof of their eligibility.

On the effective date of this section, the Board shall apply veteran's preferences hereunder to all existing eligible lists.

PROPOSITION GG

That the Charter of the City of Long Beach be amended by amending Section 228(4) thereof to read as follows:

Harbor
District

(4) To have control and jurisdiction of that part of the City of Long Beach, hereinafter defined as the "Harbor District" and as said district was bounded and described on the first day of May, 1946, and to make and enforce therein general rules and regulations, to the extent that may be necessary or requisite for port purposes and harbor development, and in carrying out the powers elsewhere vested in said Board; provided, however, that with the approval of the City Council, said Board may, with the prior approval of the electors, relinquish to the Council control of portions of the said area, and likewise, upon request of the Board, the Council may, by ordinance, also with the prior approval of the electors, change the boundaries of the Harbor District.

PROPOSITION HH

Repeals

That the Charter of the City of Long Beach be amended by repealing sections 1, 37c, 38, 109, 109a, 187.2 and 224b, subsection (16) of section 228, and sections 229i, 229u, 229.1, 236 to 249a, both inclusive, 267a, 333, 339 and 341 thereof.

That the foregoing is a full, true and correct copy of said proposed amendments 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, GEORGE M. VERMILLION, Mayor, as aforesaid, and MARGARET L. HEARTWELL, 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 26th day of December, 1956.

(SEAL)

GEORGE M. VERMILLION
Mayor of the City of Long Beach
MARGARET L. HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are 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, Approval
the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,
That said amendments 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 are hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the charter of the City of Long Beach.