

MINUTE ITEM

35. APPLICATION OF THE CITY OF LONG BEACH TO USE ITS TIDELAND REVENUES FOR MAINTENANCE AND OPERATION OF TIDELAND BEACHES - L.B.W.O. 10,098.

Following presentation of Informative Calendar Item 38 attached, the Executive Officer reported that staff reviews were being conducted cooperatively with the City of Long Beach to determine the proper proportions of the beach areas for which tideland funds may be authorized, after which specific staff recommendations for approval of expenditure of funds will be made to the Commission.

Mr. Joseph A. Ball, Special Counsel for the City of Long Beach, asked that, in consideration of current budget preparation, authorization, subject to final audit, be given for expenditure of funds to establish the principle involved.

UPON MOTION MADE BY MR. CRANSTON, DULY SECONDED, AND ADOPTED UNANIMOUSLY, A RESOLUTION WAS ADOPTED GIVING ADVANCE APPROVAL, PURSUANT TO CHAPTER 29, STATUTES OF 1956, 1ST E.S., TO THE CITY OF LONG BEACH TO EXPEND FROM ITS SHARE OF TIDELAND REVENUES, FOR MAINTENANCE AND OPERATION OF TIDELAND BEACHES, AN AMOUNT NOT TO EXCEED \$542,209.42, SUBJECT TO THE CONDITION THAT THE AMOUNTS, IF ANY, TO BE ALLOWED AS COSTS DEDUCTIBLE UNDER CHAPTER 29, STATUTES OF 1956, 1ST E.S., WILL BE DETERMINED BY THE COMMISSION UPON ENGINEERING REVIEW AND FINAL AUDIT SUBSEQUENT TO COMPLETION OF SUCH WORK DURING THE 1959-1960 FISCAL YEAR.

Attachment
Calendar Item 38 (1 page)

SUPPLEMENTAL

INFORMATIVE

38.

APPLICATION OF THE CITY OF LONG BEACH TO USE ITS TIDELAND REVENUES FOR MAINTENANCE AND OPERATION OF TIDELAND BEACHES - L.B.W.O. 10,098.

On April 2, 1959, the City of Long Beach, through the office of its City Attorney, submitted a request to the State Lands Division for approval of the expenditure of the City's share of the tideland revenues for maintenance and operation of tideland beaches. The amount of proposed expenditures set out in the request was \$542,209.42, which is the estimated cost of maintaining beaches in the City of Long Beach during 1958-59. Upon receipt of this request, the staff submitted a request to the office of the Attorney General for an opinion as to the propriety of the expenditures as proposed by the City of Long Beach.

In a formal opinion dated June 17, 1959, the Attorney General's office advised the State Lands Commission as follows: "The City of Long Beach may properly use its tidelands oil income to maintain and operate public beaches on its granted tidelands. A public beach is a public park and the use of the Long Beach granted tidelands for purposes of a public park thereon is a proper trust use and purpose and a matter of state-wide interest. However, tidelands trust income may be used by the City to finance maintenance and operation only of public beaches on tidelands. General municipal funds may be utilized by the City to maintain and operate that part of the public beaches located on uplands or lands municipally owned by the City free of the tidelands trust."

Staff reviews are now in process to determine the proportion of the anticipated maintenance and operation expenses contained within the City's request which are attributable to tideland beaches, and the proportion thereof which must be attributed to public beaches on the uplands.