

MINUTE ITEM

14. APPLICATION OF THE CITY OF LONG BEACH TO USE ITS TIDELAND REVENUES FOR MAINTENANCE AND OPERATION OF TIDELAND BEACHES AND FACILITIES DURING 1961-62 FISCAL YEAR, L.B.W.O. 10,147.

After consideration of Calendar Item 3 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION GIVES PRIOR APPROVAL TO THE COSTS DISBURSED BY THE CITY OF LONG BEACH FOR OPERATION AND MAINTENANCE OF TIDELAND BEACH AREAS IN THE 1961-62 FISCAL YEAR ENDING JUNE 30, 1962, FROM THE CITY'S SHARE OF TIDELAND OIL REVENUES, WITH A TIME LIMITATION OF OCTOBER 31, 1962, FOR DRAWING FROM THE TIDELAND OIL FUND ACCOUNT TO REIMBURSE CITY DEPARTMENTAL ACCOUNTS FOR SAID DISBURSEMENTS IN THE TOTAL AGGREGATE OF \$654,400 AS SET FORTH IN ATTACHED EXHIBIT "A", AND ALSO, IF APPROVED BY THE ATTORNEY GENERAL AS TO LEGAL SUFFICIENCY, AN AMOUNT OF \$107,000 AS SET FORTH IN ATTACHED EXHIBIT "B"; ALL COSTS CONCERNED HEREIN TO BE SUBJECT TO THE CONDITION THAT THE AMOUNTS, IF ANY, TO BE ALLOWED AS EXPENDITURES FROM TIDELAND TRUST FUNDS, WILL BE DETERMINED BY THE COMMISSION UPON REVIEW AND FINAL AUDIT SUBSEQUENT TO COMPLETION OF SUCH WORK DURING THE 1961-62 FISCAL YEAR.

Attachment

Calendar Item 3 (7 pages)

CALENDAR ITEM

3.

APPLICATION OF THE CITY OF LONG BEACH TO USE ITS TIDELAND REVENUES FOR MAINTENANCE AND OPERATION OF TIDELAND BEACHES & FACILITIES DURING 1961-62 FISCAL YEAR, L.B.W.O. 10,147.

On May 5, 1961, the City of Long Beach, through the office of its City Attorney, submitted a request to the State Lands Commission for approval of the expenditure of a portion of the City's share of tideland revenues for maintenance and operation of tideland areas and facilities during the 1961-62 fiscal year. The amount of proposed expenditures for which approval is requested is \$761,400, which includes work by:

1. Public Service Department for Beach Cleaning and Maintenance, Maintenance of Beach Comfort Stations, Maintenance of Lifeguard Stations and Miscellaneous Tideland Maintenance Costs consisting of Maintenance of Sewer Pump Stations, Piers and Structures, Beach Parking Lots, Beach Recreation Areas, Beach Park Areas, and Miscellaneous Beach Facilities.	\$221,400.
2. Park Department for Maintenance of Beach Landscaped Park Areas.	41,000.
3. Central Services Department for Maintenance and Operation of Beach Comfort Stations.	76,500.
4. Engineering Department for Engineering Services and Minor Construction Projects.	5,000.
5. Marine Department for Lifeguard Service and Departmental Administration.	310,500.
6. Police Department for Special Beach Patrol Services.	19,000.
7. Auditorium-Stadium Department for Maintenance and Operation of Convention and Exhibit Hall, including basic stock of janitorial and operating supplies and incidental expenses associated with the opening of a major building.	78,500.
8. Health Department for Laboratory tests to insure purity of ocean water.	<u>9,500.</u>
Total	\$761,400.

CALENDAR ITEM 3. (CONTD.)

In Formal Opinion No. 59/125, dated June 17, 1959, the Office of the Attorney General 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."

With respect to the propriety of using tideland monies for the operation and maintenance of facilities located on tidelands or existing for the purpose of promoting the use of tidelands for trust purposes, the Attorney General advised, in informal opinion dated June 6, 1960 that such costs may be considered a proper trust purpose where it can be shown that they are a special charge related to maintenance of tideland beaches and are not a general municipal service. Applying these principles, it has been concluded that those items designated as Miscellaneous Tideland Maintenance Costs, including maintenance of sewer pump stations, piers and structures, beach parking lots, beach recreational areas, beach park areas, and miscellaneous beach facilities totaling \$34,200, are a proper charge, although the costs are subject to allocation if partial uplands use or benefit is determined.

The attention of the office of the Attorney General was directed to the costs requested by the City for Police Department, Health Department, and Auditorium-Stadium Department, as shown on attached Exhibit "B", which are different from the type of costs previously approved by the Commission. The Attorney General has indicated the need for time for review of these items; consequently, in the opinion of the staff, the costs shown on Exhibit "B" should be approved by the Commission subject to review of the office of the Attorney General as to legal aspects.

Since disbursements for the beach services are made directly from City departmental accounts, with the charges later transferred to the Tideland Oil Fund Account, the City has requested an extension of time to accomplish such transfers as they are related to the 1961-62 fiscal year costs. In agreement with past Commission action, the staff recommends approval conditioned upon the disbursements being made prior to July 1, 1962 and the account transfers relating to the Tideland Fund being accomplished by October 31, 1962.

IT IS RECOMMENDED THAT THE COMMISSION GIVE PRIOR APPROVAL TO THE COSTS DISBURSED BY THE CITY OF LONG BEACH FOR OPERATION AND MAINTENANCE OF TIDELAND BEACH AREAS IN THE 1961-62 FISCAL YEAR ENDING JUNE 30, 1962 FROM THE CITY'S SHARE OF TIDELAND OIL REVENUES, WITH A TIME LIMITATION OF OCTOBER 31, 1962 FOR DRAWING FROM THE TIDELAND OIL FUND ACCOUNT TO REIMBURSE CITY DEPARTMENTAL ACCOUNTS FOR SAID DISBURSEMENTS IN THE TOTAL AGGREGATE OF \$654,400 AS SET FORTH IN ATTACHED EXHIBIT "A", AND ALSO, IF APPROVED BY THE ATTORNEY GENERAL AS TO LEGAL SUFFICIENCY, AN AMOUNT OF \$107,000 AS SET FORTH IN

CALENDAR ITEM 3. (CONTD.)

ATTACHED EXHIBIT "B"; ALL COSTS CONCERNED HEREIN SUBJECT TO THE CONDITION THAT THE AMOUNTS, IF ANY, TO BE ALLOWED AS EXPENDITURES FROM TIDELAND TRUST FUNDS, WILL BE DETERMINED BY THE COMMISSION UPON REVIEW AND FINAL AUDIT SUBSEQUENT TO COMPLETION OF SUCH WORK DURING THE 1961-62 FISCAL YEAR.

Attachment

Exhibit "A" (1 page) and Exhibit "B" (3 pages)

EXHIBIT "A"

APPLICATION FOR APPROVAL TO EXPEND TIDELAND OIL REVENUES ON MAINTENANCE
AND OPERATION OF TIDELAND BEACH AREAS AND FACILITIES

City of Long Beach, California

During 1961-62 Fiscal Year

PUBLIC SERVICE DEPARTMENT

Beach Cleaning and Maintenance		\$ 168,500	
Maintenance of Beach Comfort Stations		13,000	
Maintenance of Lifeguard Stations		5,700	
Miscellaneous Tideland Maintenance Costs -			
Maintenance of Sewer Pump Stations	\$ 12,800		
Maintenance of Piers and Structures	5,200		
Maintenance of Beach Parking Lots	600		
Maintenance of Beach Recreation Areas	11,600		
Maintenance of Beach Park Areas	3,000		
Maintenance of Miscellaneous Beach Facilities	1,000		
			<u>34,200</u>
TOTAL - PUBLIC SERVICE DEPARTMENT			\$221,400

PARK DEPARTMENT

Maintenance of Beach Landscaped Park Areas		41,000	
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CENTRAL SERVICES DEPARTMENT

Maintenance and Operation of Beach Comfort Stations		76,500	
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ENGINEERING DEPARTMENT

Engineering Services and Minor Construction Projects		5,000	
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MARINE DEPARTMENT

Lifeguard Service and Departmental Administration		<u>310,500</u>	
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TOTAL		\$ 654,400	
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EXHIBIT "B"

APPLICATION FOR APPROVAL TO EXPEND TIDELAND OIL REVENUES ON MAINTENANCE

AND OPERATION OF TIDELAND BEACH AREAS AND FACILITIES

City of Long Beach, California

During 1961-62 Fiscal Year

POLICE DEPARTMENT

Crossing Guards at following intersections:	\$ 13,140
Ocean and Magnolia	
Ocean and Golden	
Ocean and Pine	
Ocean and Locust	
Seaside and Linden	
Seaside and Alamitos	
54th Place and Ocean	
Bayshore and 2nd	
Patrolmen	3,522
Two patrolmen for three-month period to beach patrol from Magnolia to Seal Beach jetty	
Direct payroll burden, departmental supervision and general City overhead	2,338
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SUB-TOTAL	\$ 19,000

EXHIBIT "B" (CONTD.)

AUDITORIUM-STADIUM DEPARTMENT

(All costs hereunder are for maintenance and operation of the Convention and Exhibit Hall.)

Personal Services Budget	\$ 23,080
Building Maintenance Engineer (6 months)	
General Maintenance men (two for 4 months)	
Event Attendant (one for 3 months)	
Event Attendant (four for 2 months)	
Caretaker (one for 2 months)	
Seasonal Event Attendants, Telephone Operator and Admission Attendants (2 months)	
 Non-Personal Expense Budget	55,420
Purchase of basic stock of operating supplies and regular maintenance costs required to operate the building.	
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 SUB-TOTAL	 \$ 78,500

Convention and Exhibit Hall scheduled for occupancy June 1, 1962.

Convention and Exhibit Hall planned for operation during May and June 1962.

EXHIBIT "B" (CONTD.)HEALTH DEPARTMENT *

(All costs hereunder are for sampling and testing water quality for all public beaches and water contact sports areas of the City)

Routine Program for Beaches and Bays Health Department Laboratory Cost (1296 samples at \$3.90)	\$ 5,054.40	
Division of Sanitation, collecting samples and inspecting areas (216 hours at \$5.15)	1,112.40	
Rivers Health Department Laboratory (78 samples at \$3.90)	304.20	
Division of Sanitation (70½ hours at \$5.15)	363.08	
Surveys, Special Problems, etc. Health Department Laboratory (432 samples at \$3.90)	1,684.80	
Sanitation Division (94 hours at \$5.15)	484.10	
Payroll and General Administration Overhead	<u>497.02</u>	
	SUB-TOTAL	<u>\$ 9,500</u>
	TOTAL EXHIBIT "B"	\$ 107,000

* Weekly samples are taken during six months warm season.
Monthly samples are taken during six months cool season.