

MINUTE ITEM

26. PROPOSED LEASE TO PRIVATE INTERESTS BY CITY OF LONG BEACH OF NAVY LANDING - L.B.W.O. 10,192.

Commissioner Anderson and the Executive Officer reported that several telegrams and other communications had been received from members of the Citizens Committee of Long Beach for the Preservation of Public Beaches and Parks, and from other interested persons with respect to the propriety of a proposed modification under private contract of the existing Long Beach Navy Landing facilities to be used for other purposes.

Mrs. James P. Crowley, representing the aforementioned Citizens Committee, outlined reasons why the Lands Commission should intervene in behalf of the citizens of Long Beach and not allow the lease to go to a private organization, such as the long waiting lists for boat moorings that exist. Mrs. Alberta P. Guiver, representing the Long Beach Sailing Club, as well as the Committee for the Preservation of Alamitos State Beach, indicated that the views of those organizations were the same as the views expressed by Mrs. Crowley.

The Executive Officer reported that the question has been under informal discussions with the Office of the Attorney General and with staff counsel, and that the consensus at the moment, to be followed up by a more definitive opinion, was that the type of operation proposed by the City of Long Beach does not require advance approval by the Lands Commission, and is not under its jurisdiction.

Mr. Harold A. Lingle, Chief Deputy City Attorney for Long Beach, reviewed the reasons why the City had decided to put the area out for lease on a competitive-bid basis--this appearing to be the most efficient and profitable way to use the area. He stated that the City's interests would be protected, because the City would retain the right to control the rates to be charged. It is the opinion of the City Attorney's office, which opinion has been filed with the Long Beach Council, that the City definitely has jurisdiction. He indicated, in response to a question by the Chairman, that the lease could be written to require that the space be made available to the public for mooring on a first-come-first-served basis.

The Executive Officer asked that the record reflect that the Navy Landing was a construction of the City of Long Beach under Chapter 29, Statutes of 1956, First E.S., utilizing the City's share of tidelands funds, and that no State funds as such were spent on the facility.

The Chairman suggested that the City delay consummation of the lease until a legal opinion was received as to the Lands Commission's proper role in the matter, in response to which Mr. Lingle stated, "If there is any way we can do it that we don't jeopardize the legality of it, I know the City will do it."

Mrs. Crowley then submitted an addendum to the original Navy Landing lease specifications, with a request that a study be made thereof, together with the lease and the invitation to bid, by the State's attorneys. She claimed that the planned action was a "give-away", and that it had been handled in secrecy and not given the required publicity.

The Chairman indicated that the matter would be given the State's attention; however, no formal action was taken.

The Executive Officer indicated that the specific request to the Attorney General's office for a review of the Commission's jurisdiction and possible responsibility would be supplemented with all of the data presented at this meeting.