

35. REQUEST BY THE OFFICE OF THE ATTORNEY GENERAL FOR THE STATE LANDS COMMISSION TO MAKE CERTAIN POLICY DETERMINATIONS IN RE CITY OF LOS ANGELES v. CITY OF LONG BEACH, ET AL., LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 892,790 - W.O. 503.513.

During consideration of Calendar Item 30 attached, appearances were made by the following:

Edward Farrell, Assistant City Attorney for the City of Los Angeles, assigned to the Harbor Department, who emphasized the importance of this legislation to the City of Los Angeles and gave reasons therefor, stating that, in fact, the City of Los Angeles wanted to make certain that the discriminatory rates being offered by the cities of Oakland and Long Beach were legal. If such rates should be determined by the Courts to be legal, the City of Los Angeles then intends to work out similar rate agreements, so as to be competitive.

Leslie E. Still, Deputy City Attorney for the City of Long Beach, who outlined reasons why the cities of Oakland and Long Beach had felt it necessary to offer the alleged discriminatory rates.

The Chairman noted that the State Lands Commission has a State-wide interest that is different from the interests of the various parties, and it is in this context that the State wishes to retain its position in the law suit.

For a complete verbatim report of the presentations made, see the reporter's transcript, copy of which is on file in the Los Angeles Office of the State Lands Commission.

UPON MOTION DULY MADE AND CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

1. THE EXECUTIVE OFFICER IS AUTHORIZED TO INFORM THE ATTORNEY GENERAL THAT THE STATE LANDS COMMISSION WILL REMAIN AS A PARTY IN THE CASE OF CITY OF LOS ANGELES v. CITY OF LONG BEACH, ET AL., LOS ANGELES SUPERIOR COURT NO. 892,790, AND THAT THE ATTORNEY GENERAL IS TO WAIVE ANY OBJECTIONS WHICH THE COMMISSION MIGHT ASSERT CONCERNING ITS JOINDER IN SAID ACTION.
2. THE EXECUTIVE OFFICER IS AUTHORIZED TO RETAIN THE SERVICES OF AN EXPERT ECONOMIC ANALYST AND CONSULTANT TO ADVISE THE COMMISSION AS TO THE STATE-WIDE EFFECT OF THE PRACTICES CITED BY THE CITY OF LOS ANGELES IN ITS COMPLAINT, IN ORDER THAT THE COMMISSION WILL BE IN A POSITION TO FORMALLY ADVISE THE ATTORNEY GENERAL AS TO THE MATTERS OF POLICY WHICH THE ATTORNEY GENERAL SHALL ASSERT ON THE COMMISSION'S BEHALF.

Attachment
Calendar Item 30 (2 pages)

30.

REQUEST BY THE OFFICE OF THE ATTORNEY GENERAL FOR THE STATE LANDS COMMISSION TO MAKE CERTAIN POLICY DETERMINATIONS IN RE CITY OF LOS ANGELES v. CITY OF LONG BEACH, ET AL., Los Angeles Superior Court No. 892,790 - W.O. 503513.

On November 4, 1966, the Governor and the Chairman of the State Lands Commission were served with a Summons and Complaint in the case of the City of Los Angeles v. City of Long Beach, et al., Los Angeles Superior Court No. 892,790. Previously, in October 1966, the Attorney General similarly was served.

Los Angeles is seeking declaratory relief essentially aimed at invalidating agreements between the Cities of Oakland and Long Beach and Sea-Land of California, and between Oakland and Matson Navigation Company, concerning the use of port facilities. The primary basis for the relief sought is the allegation by Los Angeles that Oakland and Long Beach violated the terms of the State's statutory grants of the lands within each city's harbor which prohibit discrimination in rates.

Section 6301 of the Public Resources Code provides, in part, that: "All jurisdiction and authority remaining in the State as to tidelands and submerged lands as to which grants have been or may be made is vested in the commission."

The State Lands Commission is required as a necessary party to any action or proceeding involving title to or the boundaries of tidelands or submerged lands that have been granted in trust by the Legislature (Public Resources Code Section 6308). The Attorney General has advised the Commission that a technical argument might be advanced that the Commission is not a necessary party to the aforementioned action. Due to the scope of the issues presented, the Attorney General has requested a policy determination by the Commission as to whether such objections should be raised or should be waived and the Commission agree to participate as a party.

Additionally, the Attorney General has requested that the Commission, in the event it should agree to remain as a party to the action, advise his office concerning the Commission's position with regard to the policy aspects of the case which may require the retention of an expert economic consultant to assist the Commission in making determinations requested by the Attorney General. (See letter of Attorney General dated March 7, 1967, attached hereto as Exhibit "A".)

IT IS RECOMMENDED THAT:

1. THE EXECUTIVE OFFICER BE AUTHORIZED TO INFORM THE ATTORNEY GENERAL THAT THE STATE LANDS COMMISSION WILL REMAIN AS A PARTY IN THE CASE OF CITY OF LOS ANGELES v. CITY OF LONG BEACH, ET AL., LOS ANGELES SUPERIOR COURT NO. 892,790, AND THAT THE ATTORNEY GENERAL IS TO WAIVE ANY OBJECTIONS WHICH THE COMMISSION MIGHT ASSERT CONCERNING ITS JOINDER IN SAID ACTION.

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2. THE EXECUTIVE OFFICER BE AUTHORIZED TO RETAIN THE SERVICES OF AN EXPERT ECONOMIC ANALYST AND CONSULTANT TO ADVISE THE COMMISSION AS TO THE STATE-WIDE EFFECT OF THE PRACTICES CITED BY THE CITY OF LOS ANGELES IN ITS COMPLAINT, IN ORDER THAT THE COMMISSION WILL BE IN A POSITION TO FORMALLY ADVISE THE ATTORNEY GENERAL AS TO THE MATTERS OF POLICY WHICH THE ATTORNEY GENERAL SHALL ASSERT ON THE COMMISSION'S BEHALF.