

CHAPTER 6

Assembly Concurrent Resolution No. 6—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 special municipal election held therein on the ninth day of July, one thousand nine hundred forty-six.

[Filed with Secretary of State July 25, 1946]

City of
Long Beach
Charter
amendments

WHEREAS, The City of Long Beach, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1921, and

now is, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of April, 1921, and approved by the Legislature of the State of California, on the twenty-sixth day of April, 1921 (Statutes of 1921, page 2054), and amendments thereto duly ratified by the qualified voters of said city and by resolutions of said Legislature as set out in the certificate of the mayor and city clerk of said City of Long Beach, hereinafter set forth; and

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

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREON ON THE 9TH DAY OF JULY, ONE THOUSAND NINE HUNDRED FORTY-SIX, 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, HERBERT E. LEWIS, Mayor of the City of Long Beach, and FRANK J. BEGGS, 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 Eight, Article Eleven, 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 fourteenth day of April, 1921, and approved by the legislature of the State of California, on the twenty-sixth day of April, 1921, and amendments thereto duly ratified by the qualified voters of said city, and approved by resolution of said legislature and filed with the Secretary of State of the State of California the 27th day of April, 1923, (Statutes 1923, page 1624), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said

Secretary of State the eighteenth day of April, 1925, (Statutes 1925, page 1330), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the fifteenth day of January, 1929, (Statutes 1929, page 1977), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-ninth day of March, 1929, (Statutes 1929, page 2062), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the second day of March, 1931, (Statutes 1931, page 2780), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the nineteenth day of April, 1933, (Statutes 1933, page 3006), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-ninth day of April, 1935, (Statutes 1935, page 2565), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the tenth day of June, 1935, (Statutes 1935, page 2677), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twentieth day of June, 1935, (Statutes 1935, page 2698), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the fourteenth day of May, 1937, (Statutes 1937, page 2921), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the 9th day of April, 1941, (Statutes 1941, page 3351), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the eleventh day of January, 1943, (Statutes 1943, page 3091), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-seventh day of January, 1945, (Statutes 1945, page 2950), and amendments thereto duly ratified by the qualified voters of said city and approved by resolution of said legislature and filed with said Secretary of State the twenty-third day of May, 1945, (Statutes 1945, page 3090); and

That the legislative body of said city, namely, the City Council of said City, did, by motion duly adopted on the twenty-first day of May, 1946, on its own motion, and pursuant to the provisions of Section Eight, of Article Eleven, of the Constitution of the State of California, duly propose to the qualified electors of said City of Long Beach seven (7) amendments to the charter of said city, numbered Propositions One to Seven, 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 9th day of July, 1946; and

That said amendments numbered One to Seven inclusive, were, on May twenty-six, 1946, duly published in the Long Beach Independent and in each edition thereof during said day 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 ordinance designated as Ordinance No. C-2512, order the holding of a special municipal election in said City of Long Beach on the 9th day of July, 1946, 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 which ordinance was published at least three times in the Long Beach Independent, the official newspaper of the City of Long Beach, ten days prior to the date of said election, to wit: On the twenty-sixth, twenty-seventh and twenty-eighth days of June, 1946, in the Long Beach Independent, the official newspaper of the City of Long Beach and a newspaper of general circulation and published in said city, and said ordinance was posted in three conspicuous places in the City of Long Beach; and

That said special municipal election was held in said City of Long Beach on the 9th day of July, 1946, 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 the Long Beach Independent, as aforesaid; and

That at said special municipal election held, as aforesaid, a majority of the qualified voters of said City of Long Beach voting thereon, voted in favor of all of said seven proposed charter amendments and duly ratified the same; and

That the City Council of said City of Long Beach did, at the time and in the manner and form provided by law, to wit. on the sixteenth day of July, 1946, regularly canvass the returns of said special municipal election, and did then and there 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 all of said seven proposed amendments; and

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

PROPOSITION NO. 1

That the Charter of the City of Long Beach be amended by amending subdivision 1 of subsection (c) of Section 229x thereof to read as follows:

"Harbor
Bond Redem-
ption
and Interest
Fund"

1. REVENUE FROM LANDS ACQUIRED BY GRANT FROM STATE OF CALIFORNIA. Whenever there may be outstanding bonds issued by the City of Long Beach for harbor purposes, not less than fifty per centum (50%) of any and all money derived by the City of Long Beach from oil, gas or other hydrocarbon substances, from all tidelands and submerged lands acquired by the City from the State of California, as distinguished from lands acquired by the City through purchase, tax deed, exchange, trade, or gift, shall be paid into a special fund, the "Harbor Bond Redemption and Interest Fund." All moneys placed in such special fund, pursuant to this section, or otherwise, shall be used solely and exclusively to pay the principal and interest on all such bonds issued by the City of Long Beach for harbor purposes. When there shall have been deposited in such fund sufficient of such money to pay the principal and interest on any and all such outstanding bonds, thereafter, and until there may be other such bonds outstanding, the moneys provided herein to be placed in said "Harbor Bond Redemption and Interest Fund", shall be paid into the "Harbor Revenue Fund." The balance of such moneys so derived from all tidelands and submerged lands acquired by the City from the State of California, shall be paid into the "Harbor Revenue Fund."

Transfers:
"Harbor
Revenue
Fund" to
"Public
Improvement
Fund"

The City Treasurer shall from time to time and at least once each calendar month transfer twenty-five per centum (25%) of all moneys hereafter derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from beneath the lands constituting the Harbor District on May 1, 1946, and all of the moneys hereafter derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from beneath those lands which may be added to said Harbor District after said May 1, 1946, as provided by Section 229t of this Charter, which by the provisions of this subdivision are required to be paid into the "Harbor Revenue Fund", from said "Harbor Revenue Fund" to the "Public Improvement Fund", which said fund is hereby created and established; provided said transfer shall be made only in the event that such moneys may be used and expended for the purposes hereinafter stated without violating the provisions

of grants by which the City acquired title to all tide and submerged lands from the State of California, to wit, 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794. Said "Public Improvement Fund" shall be a continuing fund and not subject to transfer at the close of the fiscal year. The moneys transferred to and placed in the "Public Improvement Fund" shall be used exclusively for the payment of costs and expenses for construction, reconstruction, repair and maintenance of public improvements, including the purchase of such land, rights and properties as may be necessary therefor, as shall have been provided for in the official budget of the City adopted by the City Council.

PROPOSITION NO. 2

That the Charter of the City of Long Beach be amended by adding a new section thereto to be known as Section 260.6, to read as follows:

Sec. 260.6. Any and all moneys derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from tidelands and submerged lands acquired by the City from the State of California by grants, to wit 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794, except from such lands as are now or may hereafter be located within the Harbor District of the City of Long Beach, shall be paid into a special fund to be designated as "Tideland Oil Fund", which said fund is hereby created and established. Such fund shall be a continuing fund and not subject to transfer at the close of the fiscal year. The moneys placed in the "Tideland Oil Fund" shall be used exclusively for the purposes of establishing, constructing, maintaining and improving public parks, parkways, highways, playgrounds, and the construction, maintenance and operation of wharves, locks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, as shall have been provided for in the official budget of the City adopted by the City Council.

PROPOSITION NO. 3

That the Charter of the City of Long Beach be amended by adding a new section thereto to be known as Section 229y, to read as follows:

Sec. 229y. That notwithstanding any other provision in this Charter contained, all money received from the operation of the port and its facilities shall be deposited in the City Treasury in a fund which is hereby created to be known as the "Harbor Operating Fund." Said "Harbor Operating Fund" shall be a continuing fund and not subject to transfer at the close of the fiscal year. The moneys paid into said fund shall be used for paying the necessary expenses of conducting the operation of all harbor or port facilities controlled or operated

by the City, subject to the power of the Board to transfer said moneys, or any part thereof, to the general funds of the City, as provided in Section 229g of this Charter.

PROPOSITION NO. 4

That the Charter of the City of Long Beach be amended by amending Section 297 thereof to read as follows:

Faithful
performance
bonds on
contracts

Sec. 297. The City Manager, the Port Manager, and the Board of Water Commissioners shall require such faithful performance bonds as may be required by the City Council, the Board of Harbor Commissioners and the Board of Water Commissioners, respectively, to be filed with contracts entered into by them on behalf of the City, and such other bonds as may be required by law. All such bonds shall have the approval of the City Attorney endorsed thereon before the contract is signed by the City Manager, the Port Manager, on behalf of the Board of Harbor Commissioners, or the Board of Water Commissioners, or other person authorized so to do, and when such contract is so signed, the ten per centum (10%) accompanying the bid shall be returned to the bidder. If the bidder to whom the contract is awarded shall, for ten (10) days after such contract is tendered to him for signature, fail or neglect to enter into such contract and file the required bond or bonds, the City Auditor shall draw the money due on the certified check or bank draft accompanying the bid or declare the bond accompanying the bid forfeited and collect the money due thereon and pay the same into the City Treasury, and under no circumstances shall the check or the proceeds thereon be returned to the defaulting bidder.

PROPOSITION NO. 5

That the Charter of the City of Long Beach be amended by amending Section 329 thereof to read as follows:

General
laws of
California
applicable

Sec. 329. All general laws of the State of California applicable to municipal corporations now or hereafter enacted and which are not in conflict with the provisions of this Charter or ordinance of the City of Long Beach shall be applicable to the City of Long Beach.

PROPOSITION NO. 6

That the Charter of the City of Long Beach be amended by adding a new section thereto to be known as Section 49.1, to read as follows:

Qualifi-
cations
for certain
positions

Sec. 49.1. Notwithstanding any provision in this Charter to the contrary, any person between the ages of eighteen (18) and twenty-one (21) years who is a citizen of the United States and who has been a bona fide resident of the City of Long Beach or territory legally annexed thereto for at least one (1) year next preceding the date of his employment, may be appointed to and hold any of the following positions: Recreation Leader,

Recreation Department; Page, Library Division of the Department of Public Welfare; and Seasonal Lifeguard, Lifeguard Division of the Department of Public Safety.

PROPOSITION NO. 7

That the Charter of the City of Long Beach be amended by repealing Section 214 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, HERBERT E. LEWIS, Mayor, as aforesaid, and FRANK J. BEGGS, 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 19th day of July, 1946.

HERBERT E. LEWIS

Mayor of the City of Long Beach

[SEAL]

FRANK J. BEGGS

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 of Article XI of the Constitution of the State of California; now, therefor,

Be it resolved by the Assembly of the State of California, the ^{Approval} *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, and each of them is, 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.*