

MINUTE ITEM

28. LONG BEACH TIDELANDS LEGISLATION, A.B. 132 - W.O. 4550.

The Chairman reported that, as Director of Finance, he intended to recommend certain amendments to A.B. 132 to the Ways and Means Committee.

At the Chairman's request, the Executive Officer outlined these amendments.

UPON MOTION DULY MADE, SECONDED, AND CARRIED UNANIMOUSLY, A RESOLUTION WAS ADOPTED:

THAT THE COMMISSION GO ON RECORD AS SUPPORTING A.B. 132 WITH, BUT NOT WITHOUT, THE CHAIRMAN'S SUGGESTED AMENDMENTS, AS FOLLOWS:

1. AMEND SECTION 2(b) BY ADDING THAT THE "...BENEFIT AND PROFIT OF THE STATE...AND THE CITY...(BE) 'CONSISTENT WITH PUBLIC POLICY WITH RELATION TO THE PREVENTION OF MONOPOLIES'".
2. AMEND SECTION 4 TO PROVIDE FOR A FINANCIAL SCHEDULE WHICH WOULD ACCRUE TO THE STATE AND SPECIFYING A SUM TOTAL OF APPROXIMATELY \$165 MILLION AS THE MAXIMUM AMOUNT PAYABLE TO THE CITY OF LONG BEACH TO BE USED FOR QUALIFIED SHORELINE DEVELOPMENT PROGRAMS.
3. AMEND SECTION 6 TO REQUIRE THE CITY OF LONG BEACH TO SUBMIT MASTER PLANS OF THEIR SHORELINE DEVELOPMENT PROGRAM WHICH WOULD BE SUBJECT TO THE REVIEW AND APPROVAL BY THE STATE LANDS COMMISSION.
4. AMEND SECTION 7 TO DELETE THE BOUNDARY DESCRIPTION, AND TO PROVIDE THAT THE BOUNDARY BE DETERMINED BY THE COURT.
5. CLARIFY THE QUESTION OF SUBSIDENCE CONTROL BY:
  - A. PROVIDING A MECHANISM FOR ASSURANCE THAT THE DETERMINATION AS TO THE NECESSITY FOR SUBSIDENCE CONTROL BE IN THE HANDS OF THE CITY OF LONG BEACH;
  - B. REQUIRING THAT PROGRAMS AND PLANS FOR SUBSIDENCE CONTROL BE SUBJECT TO REVIEW BY THE STATE LANDS COMMISSION;
  - C. ALLOWING THE CITY TO IMPLEMENT ITS PROGRAM UPON A FINDING BY THE COMMISSION THAT THE PROGRAM IS REASONABLY NECESSARY FOR SUBSIDENCE CONTROL;
  - D. PROVIDING FOR ARBITRATION BY A THIRD PARTY IN THE CASE OF DIS-AGREEMENT BETWEEN THE CITY AND COMMISSION, WITH THE ENTIRE BURDEN OF PROOF ON THE STATE THAT THE PROGRAM IS UNNECESSARY FOR SUBSIDENCE CONTROL;
  - E. ALLOWING THE CITY TO CONTINUE ITS PROGRAM OF SUBSIDENCE CONTROL DURING THE ARBITRATION PROCESS UNTIL AND UNLESS THE THIRD PARTY ARBITRATOR SHOULD DECIDE THAT THE PROGRAM WAS UNREASONABLE.