

MINUTE ITEM

27. (LONG BEACH BOUNDARY DETERMINATION - CHAPTER 2000/1957 - W. O. 2716.0.)

Following presentation of Calendar Item 37 attached, Mr. Kirkwood asked why the office of the Attorney General was not competent to do the work. Deputy Attorney General Jay L. Shavelson stated that, upon authorization of Assistant Attorney General William V. O'Connor, he could report that originally the office of the Attorney General took a neutral position in regard to having the work done by outside attorneys, but that under the present shifting of assignments, and due to the fact that recently a number of additional deputies had been engaged, it was felt that that office was now adequately staffed to handle the specific problem. It was stated further that if special outside counsel were engaged, the office of the Attorney General felt that it would be incumbent upon them to withdraw from the problem. Also, while the legislation authorizes the engaging of special counsel, it appears to be discretionary with the Commission as to whether it wishes to do so.

Assistant Attorney General Walter S. Rountree added that the office of the Attorney General now has sufficient help to handle the problem, emphasizing recent staff additions already indoctrinated in some of the legal problems of the State Lands Commission, together with a program for more staff additions. Therefore, it was felt that while it was a discretionary matter with the Commission, the staff of the Attorney General could handle the problem, and probably could do so more quickly than outside counsel.

Mr. Kirkwood stated that the problems involved are within the purview of the Attorney General's functions.

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

THE ACTING EXECUTIVE OFFICER IS AUTHORIZED TO PROCEED WITH THE OFFICE OF THE ATTORNEY GENERAL IN DETERMINING THE BOUNDARIES OF THE TIDE AND SUBMERGED LANDS CONVEYED IN TRUST TO THE CITY OF LONG BEACH, IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 2000, STATUTES OF 1957.

Attachment

Calendar Item 37 (2 pages)

CALENDAR ITEM

MISCELLANEOUS

37.

(LONG BEACH BOUNDARY DETERMINATION - CHAPTER 2000/1957 - W. O. 2716.0.)

Chapter 2000, Statutes of 1957, effective September 11, 1957, provides as follows:

"Section 1. The State Lands Commission shall determine the boundaries of the tide and submerged lands conveyed in trust to the City of Long Beach by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, and Chapter 158, Statutes of 1935. The commission shall survey, monument, and plat the boundaries of such lands.

"The commission may bring any actions necessary to determine such boundaries, and for that purpose may employ special counsel.

"The commission shall report to the Legislature not later than February 15, 1958, its progress in carrying out the purposes of this act.

"The sum of fifty thousand dollars (\$50,000) is appropriated out of the Investment Fund to the State Lands Commission for the purposes of this act."

The determination of the subject boundaries has been under active review by the office of the Attorney General in conjunction with the State Lands Division since the enactment of Chapter 29, Statutes of 1956, 1st E.S., which requires supervision by the State Lands Commission of operations on the tide and submerged lands previously granted to the City of Long Beach.

It appears that the most effective progress in the determination of the boundaries in the manner desired by the Legislature could be accomplished through employment of special counsel to coordinate all legal research with past and current work on the subject by the office of the Attorney General. Initial determinations of the scope of the problems involved have shown that these are principally in the field of legal research (and probably of litigation). The surveying, monumenting, and platting of the boundaries of the lands, as required by the statute, would constitute a smaller portion of the total effort after the determination of the legal boundary locations.

The office of the Attorney General has volunteered complete cooperation and to make available to any special counsel retained by the Commission all information developed from the current study of the boundary location problem.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ACTING EXECUTIVE OFFICER TO DETERMINE THE AVAILABILITY OF SPECIAL COUNSEL TO MAKE RECOMMENDATIONS ON THE DETERMINATION OF THE BOUNDARIES OF THE TIDE AND SUBMERGED LANDS CONVEYED

MISCELLANEOUS 37. (CONTD.)

IN TRUST TO THE CITY OF LONG BEACH, AND TO REPORT SUCH AVAILABLE COUNSEL FOR
SELECTION BY THE COMMISSION AND FOR RETENTION UNDER SERVICE CONTRACT TO
ACCOMPLISH THE PURPOSES OF CHAPTER 2000, STATUTES OF 1957.