

MINUTE ITEM

13. APPLICATION OF CITY OF LONG BEACH FOR AUTHORITY TO PURCHASE TWO 4-WHEEL-DRIVE HEAVY DUTY DUMP TRUCKS FROM ITS SHARE OF TIDELAND OIL REVENUES, FOR PURPOSE OF MAINTAINING TIDELAND BEACHES - L.B.W.O. 10,165.

After consideration of Calendar Item 7 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION GIVES PRIOR APPROVAL TO THE EXPENDITURE OF \$27,737.60 BY THE CITY OF LONG BEACH FROM ITS SHARE OF TIDELAND OIL REVENUE FOR THE PURCHASE OF TWO 4-WHEEL-DRIVE HEAVY DUTY DUMP TRUCKS FOR USE IN THE OPERATION AND MAINTENANCE OF LONG BEACH TIDELAND BEACH AREAS, SAID EXPENDITURE OF \$27,737.60 BEING 88% OF \$31,520.00 OF THE TOTAL COST OF SAID TRUCKS ALLOCABLE TO TIDELAND BEACHES. IF IT IS LATER DETERMINED THAT THE PERCENTAGE OF AREA ALLOCABLE TO TIDELAND BEACHES IS LESSER OR GREATER THAN 88%, AN ADJUSTMENT IN ACCORDANCE WITH SUCH ALLOCATION IS TO BE MADE BETWEEN THE TIDELAND OIL FUND AND THE CITY OF LONG BEACH GENERAL MUNICIPAL FUND.

Attachment
Calendar Item 7 (1 page)

CALENDAR ITEM

7.

APPLICATION OF CITY OF LONG BEACH FOR AUTHORITY TO PURCHASE TWO 4-WHEEL-DRIVE HEAVY DUMP TRUCKS FROM ITS SHARE OF TIDELAND OIL REVENUES, FOR PURPOSE OF MAINTAINING TIDELAND BEACHES - L.B.W.O. 10,165.

On June 14, 1962, the City of Long Beach, through the office of its City Attorney, submitted a request to the State Lands Commission for approval of the expenditure of a portion of the City's share of tideland oil revenues for the purchase of two 4-wheel-drive heavy dump trucks for beach maintenance.

The legal propriety of the request appears established by Formal Opinion No. 59/125, dated June 17, 1959, of the office of the Attorney General, in which the State Lands Commission was advised as follows: "The City of Long Beach may properly use its tideland oil income to maintain and operate public beaches on its granted tidelands. A public beach is a public park and the use of the Long Beach granted tidelands for purposes of a public park thereon is a proper trust use and purpose and a matter of State wide interest. However, tideland trust income may be used by the City to finance maintenance and operation only of public beaches on tidelands. General municipal funds may be utilized by the City to maintain and operate that part of the public beaches located on uplands or lands municipally owned by the City free of the tidelands trust."

The tideland boundary throughout the beach area has not been determined at this time. When it is determined, it will not be so marked physically in the field as to allow maintenance crews to restrict use of the equipment to only uplands beach or to only tideland beach. In past years the expense of beach maintenance has been prorated tentatively by the City (subject to final location of the boundary), 12% to uplands beaches and 88% to tidelands beaches, based on respective beach areas in the total. In this respect, in the opinion of the staff, the tentative proration should continue.

In letter dated June 26, 1962, the City Attorney stated as follows: "In the past the City made a yearly charge for the equipment used because the equipment was on hand and there was no point in buying new equipment. We are now at a point where the dump trucks must be replaced. There is no provision nor is there money available in the City budget to purchase new dump trucks from City General Purpose Funds, but they can be purchased from Tideland Oil Revenues. By far the greater portion of the use of the trucks is to clean the tideland portions of the beach. As the use of the trucks is principally for trust purposes, we believe the purchase should be made from Tideland Oil Revenues with a charge to the City for any use on the uplands."

IT IS RECOMMENDED THAT THE COMMISSION GIVE PRIOR APPROVAL TO THE EXPENDITURE OF \$27,737.60 BY THE CITY OF LONG BEACH FROM ITS SHARE OF TIDELAND OIL REVENUE FOR THE PURCHASE OF TWO 4-WHEEL-DRIVE HEAVY DUTY DUMP TRUCKS FOR USE IN THE OPERATION AND MAINTENANCE OF LONG BEACH TIDELAND BEACH AREAS, SAID EXPENDITURE OF \$27,737.60 BEING 88% OF \$31,520.00 OF THE TOTAL COST OF SAID TRUCKS ALLOCABLE TO TIDELAND BEACHES. IF IT IS LATER DETERMINED THAT THE PERCENTAGE OF ARRA ALLOCABLE TO TIDELAND BEACHES IS LESSER OR GREATER THAN 88%, AN ADJUSTMENT IN ACCORDANCE WITH SUCH ALLOCATION IS TO BE MADE BETWEEN THE TIDELAND OIL FUND AND THE CITY OF LONG BEACH GENERAL MUNICIPAL FUND.

8260