



Date: May 7, 2004  
To: Members, Government Reform Task Force  
From: Heather A. Mahood, Assistant City Attorney  
Subject: REVISED - Obsolete and Superseded Charter Sections

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Pursuant to your request, the following Charter provisions are obsolete, and may be eliminated from the Charter. I have categorized them by subject matter, and have set forth language to be deleted in full.

**Taxes - Sections 903, 1714, 1717 and 1724**

These sections purport to give the City the authority to place taxes on real property. However, they have been pre-empted by the state's Propositions 13 and 218, and such taxes could not be assessed without a vote of the citizens.

**Text to be deleted:**

**Section 903. PUBLIC RECREATION TAX LEVY.**

The City Council shall annually levy and collect on all the taxable property in the City of Long Beach for the purposes of creating a special fund to be designated as the "Playground and Public Recreation Fund" at least five cents (5¢) on each One Hundred Dollars (\$100.00) of the value on all real and personal property of the City, as assessed by the City for City purposes, and, in addition thereto, shall have power to appropriate such additional funds as it may deem necessary and proper. Said funds shall be exclusively maintained and used to meet the legal demands and expenditures of the Board made for the purposes of public recreation.

**Section 1714. LIBRARY TAX LEVY.**

The City Council shall levy and collect annually, on all taxable property in the City of Long Beach, as in other cases, a special tax sufficient to maintain the Long Beach Public Library and

branch libraries, and all fees and monies received by the Public Library in connection with its operations shall be deposited to the Library Fund, including all receipts for the fiscal year 1934-1935, and this money shall be used for the purpose of supporting and maintaining the Library Department, and establishing, supporting and maintaining branch libraries and purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount provided for by the appropriation ordinance for this purpose shall be incurred in any one year. This limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City, in accordance with the provisions of this Charter and of the general laws of the State of California for the purpose of defraying the cost of such improvements.

Section 1717. TRANSPORTATION TAX LEVY.

The City Council of Long Beach is hereby authorized to establish a fund to be known as the "Transportation Fund". The City Council may annually levy and collect a special tax on all taxable property in the City of Long Beach for the purposes of depositing in said fund an amount not to exceed five cents (5¢) on each One Hundred Dollars (\$100.00) of the assessed value of all real and personal property in the City assessed for City purposes. Said fund shall be used to meet any obligations undertaken by the City to acquire, develop, operate, or maintain a public transportation system or to provide for, or to assist a nonprofit corporation to provide such a system. The provisions of this Charter relating to public utilities and franchises shall not limit the powers conferred upon the City Council by this Section.

Section 1724. THE MUNICIPAL BAND TAX.

The City Council shall levy and collect annually on all taxable property in the City of Long Beach, as in other cases, a special tax sufficient to support, employ and maintain a Municipal Band.

**Finance -- Sections 1700 and 1707**

Section 1700 sets forth a definition of the City's "fiscal year," which was changed years ago. It is preferable to remove this language from the Charter and have it instead be set by ordinance. Section 1701 defines a "General Purpose Reserve Account," which no longer exists.

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**Text to be deleted:**

**Section 1700. THE FISCAL YEAR.**

The fiscal year of the City of Long Beach shall commence on the first day of July of each year and shall end on the thirtieth day of June next following, or as provided for by ordinance upon the recommendation of the City Manager.

**Section 1707. GENERAL PURPOSE RESERVE ACCOUNT.**

The City Council may, from time to time, appropriate or transfer monies to a special account in the General Purpose Fund to be designated as the "General Purpose Reserve Account" which account is hereby created and established; provided, that the balance in said account shall not exceed Two Million Five Hundred Thousand Dollars (\$2,500,000). All funds presently in the Public Improvement Reserve Fund shall be transferred to the General Purpose Reserve Account. The General Purpose Reserve Account shall be a continuing account and not subject to transfer or included in the General Purpose Fund Unreserved balance at the close of the fiscal year.

The monies appropriated or transferred to and placed in said General Purpose Reserve Account in accordance with appropriation ordinances or applicable sections of this Charter shall be used as determined by the City Council. Upon receiving consent of the City Council, by vote of two-thirds (2/3) of its members, expressed by resolution, the City Manager shall have the power to transfer or expend monies from said General Purpose Reserve Account as set forth in said resolution.

**Utilities – Section 1500**

This section established a Department of Public Utilities, which hasn't existed for many years.

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**Text to be deleted:**

Section 1500. ORGANIZATION.

There is hereby created and established a Department of Public Utilities, to be under the supervision and control of the City Manager in all matters. This department shall consist of the City's Gas Utility and such other public utilities as may, from time to time, be owned, operated or controlled by the city. The City Manager shall appoint a General Manager of the Department of Public Utilities and such other supporting superintendents or managers as he determines necessary to serve at the pleasure of the City Manager.

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