



Date: November 27, 2006

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske, Fifth District *GS/jj*

For: Charter Amendment Committee

Subject: **Proposed Charter Amendment to Dedicate City Parks and Recreational Open Space in Perpetuity**

DISCUSSION

There are approximately 5.7 acres of recreational open space within the City of Long Beach for every 1,000 residents (based on 2004 population projection and staff research). This is substantially below the average of 14.6 acres per 1,000 for other major cities in California. It is important to note that many of these other cities have state, county, or open space district parks within their boundaries that serve the needs of their residents. Long Beach does not have any of these types of parks.

Consequently, much prior discussion has taken place in the City of Long Beach concerning the need to preserve and protect Long Beach's recreational open space from being utilized for other purposes without the consent of the residents.

Long Beach Efforts to Place Parks in Perpetuity:

In 2004, the Government Reform Task Force proposed two versions (See Attachment) of a Charter amendment that would prevent the sale or other alienation of parks, plazas, beaches, golf courses, playgrounds, recreation facilities and other recreation uses in the City unless and until such action is approved by the residents. One version requires the vote of the residents; the other requires a public hearing and approval by the Parks and Recreation Commission.

Huntington Beach Efforts to Place Parks in Perpetuity:

The voters of the City of Huntington Beach have passed two Charter provisions regarding the requirement that a vote of the people be the final approval of projects approved by the city for construction on parkland or beaches. The cost for the ballot measure is borne by the applicant for the project. If the project requires a lease or other financial consideration, the terms and conditions of the lease and/or financial aspect of the project shall be included in the information provided for the vote.

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In addition to the requirement of final approval of projects by the voters, the Huntington Beach Charter states:

"(a) No public utility or park or beach or portion thereof now or hereafter owned or operated by the City shall be sold, leased, exchanged or otherwise transferred or disposed of unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative vote of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

(b) No golf course, driving range, road, building over three thousand square feet in floor area nor structure costing more than \$100,000.00 may be built on or in any park or beach or portion thereof now or hereafter owned or operated by the City unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative vote of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

(c) Section 612(a) and 612(b) shall not apply;

(1) to libraries or piers;

(2) to any lease, franchise, concession agreement or other contract where;

- the contract is to perform an act or provide a service in a public park or beach AND
- such act was being performed or service provided at the same location prior to January 1, 1989 AND
- the proposed lease, franchise, concession agreement or other contract would not increase the amount of parkland or beach dedicated to or used by the party performing such act or providing such service.

"(d) If any section, subsection, part, subpart, paragraph, clause or phrase of this amendment, or any amendment or revision of this amendment, is for any reason held to be invalid or unconstitutional, the remaining sections, subsections, parts, subparts, paragraphs, clauses or phrases shall not be affected but shall remain in full force and effect. (12/7/90)"

San Jose Efforts to Place Parks In Perpetuity:

The City of San Jose's Charter provides:

"Except as otherwise provided elsewhere in this Charter, the public parks of the City shall be inalienable unless otherwise authorized by the affirmative votes of the majority of the electors voting on such a proposition in each case; provided and excepting, however, that the same or any interest therein, or any concessions or privileges therein or in any

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building or structure situation therein, may be leased by the Council, or the Council may grant permits or licenses for the same, without any vote of any electors, if the term of each such lease or permit does not exceed three (3) years. As used herein, "public parks" means any and all lands of the City which have been or are dedicated, improved and opened to the public for public park purposes."

Policy Issue:

Should the City Council Charter Committee recommend to the voters an amendment to the Charter that would require the affirmative votes of the majority of the electors whenever the City Council considers the sale, alienation or lease of land dedicated, improved and opened to the public for public park purposes?



City of Long Beach
Working Together to Serve

Memorandum

Date: May 20, 2004
To: Members of the Charter Amendment Committee
From: Gerald R. Miller, City Manager *GRM*
Subject: Proposed Versions of Proposed Language for Parks in Perpetuity

Per the request of the Government Reform Task Force, language has been developed related to Parks in Perpetuity. Two versions are provided for consideration by the Committee.

Version 1

The City Council shall by ordinance adopt zoning and other regulations for the proper use and protection of parks, plazas, beaches, golf courses, playgrounds, recreation facilities, and other recreation areas in the City.

Notwithstanding any other provisions of this Charter to the contrary, those areas that have been dedicated or designated as public park or recreation areas of the City shall not be sold or otherwise alienated unless first authorized or later ratified by an affirmative vote of a majority of the qualified electors of the City voting at an election for such purpose. No sale or alienation of dedicated or designated park or recreation areas shall occur unless such sale or alienation is conditioned upon the requirement that the park or recreation area will be replaced by other dedicated or designated park or recreation areas on substantially an amenity for amenity basis, and at a ratio of at least two to one (2:1); and further that an approximately equal portion of the replacement land will be located in the park service area where the land was converted, and an approximately equal portion of the replacement land will be located in a park service area needing parkland as determined by the Parks and Recreation Commission.

Version 2

The City Council shall by ordinance adopt zoning and other regulations for the proper use and protection of parks, plazas, beaches, golf courses, playgrounds, recreation facilities, and other recreation areas in the City.

Notwithstanding any other provisions of this Charter to the contrary, those areas that have been dedicated or designated as public park or recreation areas of the City shall not be sold or otherwise alienated unless first authorized or later ratified by an affirmative vote of a majority of the qualified electors of the City

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voting at an election for such purpose; except that the City Council may sell or alienate public parks or recreation areas, or any portions thereof, if, after a public hearing, and the approval of the Parks and Recreation Commission, the City Council determines that said park or recreation areas will be replaced by other dedicated or designated park or recreation areas on substantially an amenity for amenity basis, and at a ratio of at least two to one (2:1); and further that an approximately equal portion of the replacement land will be located in the park service area where the land was converted, and an approximately equal portion of the replacement land will be located in a park service area needing parkland as determined by the Parks and Recreation Commission.

GRM:CFS:kdh