

CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

H-3

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • 562.570.6726

January 18, 2011

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record and open the public hearing to receive public comment;

Adopt Resolution calling for a special election regarding the alteration of the services authorized to be financed by Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial Area); and

Adopt Resolution declaring the results of the special election and directing recording of a first amendment to the notice of special tax lien for Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial Area). (District 5)

DISCUSSION

In 2007, under the provisions of the Long Beach Special Tax Financing Improvement Law (Chapter 3.52 of Division V of the Long Beach Municipal Code), the City Council formed Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial Area) (Improvement Area) to provide a means to finance certain public improvements and municipal services in a portion of the Douglas Park area south of Cover Street. The City is authorized to levy a special tax on property located in the Improvement Area (all of which is currently owned by The Boeing Company) to pay costs of specified facilities and services.

On May 26, 2010, the City entered into a Douglas Park Amended and Restated Development Agreement (Amended DA) with The Boeing Company, which allows for the services authorized to be funded by the Improvement Area to be altered to increase the area in which the services can be provided, and to remove a requirement that the services be in addition to those provided in the Improvement Area prior to the formation of the Improvement Area. City staff and representatives of The Boeing Company have agreed upon a planned implementation of the applicable provisions of the Amended DA that pertain to the Improvement Area.

On January 4, 2011, the City Council adopted a Resolution of Consideration to alter the description of the services authorized to be funded in and adjacent to the Improvement Area. That resolution called for a public hearing on the matter by the City Council at the January 18, 2011 City Council meeting. It is recommended that the City Council hold the public hearing regarding the proposed alteration of the description of the services authorized to be funded by the Improvement Area, and take testimony of any person desiring to speak on the matter.

Following the conduct of the public hearing, it is recommended that the City Council adopt a Resolution calling for a special election regarding the proposed alteration of the description of the services authorized to be funded by the Improvement Area. Because The Boeing Company owns all of the land in the Improvement Area, it is the only voter in the election, and the resolution authorizes and directs the City Clerk to conduct the election. The ballot for the election has already been sent to and returned by The Boeing Company, and it is expected that the election will be held and canvassed immediately following the adoption of the Resolution calling for the election.

Following the canvass of the election, it is recommended that the City Council adopt a Resolution declaring the results of the election and directing recordation of a first amendment to the Notice of Special Tax Lien for the Improvement Area. The amendment to the Notice of Special Tax Lien will place the public on notice of the authority of the Improvement Area to fund any of the services included in the revised description of the services for the Improvement Area.

This matter was reviewed by Assistant City Attorney Michael J. Mais on December 30, 2010 and Budget Management Officer Victoria Bell on December 29, 2010.

TIMING CONSIDERATIONS

City Council action on this item is requested on January 18, 2011, so that the alteration of the description of the services can be completed as contemplated by the Amended DA.

FISCAL IMPACT

There is no fiscal impact to the General Fund associated with the requested action. Payment of the costs of services to be provided by the Improvement Area, and of outside counsel fees associated with the alteration proceedings, will be paid from proceeds of special tax levies in the Improvement Area, which special taxes are to be paid by the owner of the property in the Improvement Area. This action is not expected to have a significant impact on local jobs.

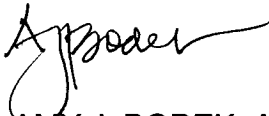
SUGGESTED ACTION:

Approve recommendation.

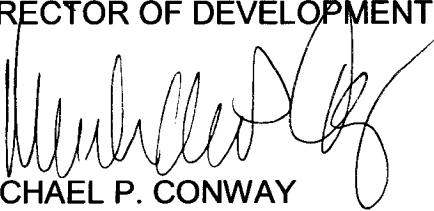
Respectfully submitted,



**ERIK SUND
ACTING DIRECTOR OF FINANCIAL MANAGEMENT**



**AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES**



**MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS**

ES:DN:MRN
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ATTACHMENTS - RESOLUTIONS (2)

APPROVED:



**PATRICK H. WEST
CITY MANAGER**

1 RESOLUTION NO. RES-11-_____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH CALLING SPECIAL ELECTION
5 REGARDING ALTERATION OF THE SERVICES
6 AUTHORIZED TO BE FUNDED BY IMPROVEMENT AREA
7 B OF THE CITY OF LONG BEACH COMMUNITY
8 FACILITIES DISTRICT NO. 2007-1 (DOUGLAS PARK –
9 COMMERCIAL AREA)

10
11 WHEREAS, on January 4, 2011, this City Council adopted Resolution No.
12 RES-11-_____ entitled "A Resolution of the City Council of the City of Long
13 Beach of Consideration to Alter the Services Authorized to be Funded By Improvement
14 Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park
15 – Commercial Area)" (the "Resolution of Consideration"), proposing to expand the area in
16 which the services authorized to be funded by the City of Long Beach Improvement Area
17 B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park –
18 Commercial Area) (the "Improvement Area") can be provided, pursuant to the Long
19 Beach Special Tax Financing Improvement Law, constituting Section 3.52.511 et seq. of
20 the Long Beach Municipal Code (the "Law"), by changing the description of the services
21 so authorized, as specified in Section 3 of the Resolution of Consideration; and

22 WHEREAS, the Resolution of Consideration, which makes reference to the
23 map of the Resolution of Formation for and the boundaries of the Improvement Area, and
24 contains the revised description of the alteration to the description of the services
25 authorized to be funded by the Improvement Area, is on file with the City Clerk and the
26 provisions thereof are incorporated herein by this reference as if fully set forth herein; and

27 WHEREAS, on this date, this City Council held a noticed public hearing as
28 described in the Resolution of Consideration relative to the alteration of the description of

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1 the services authorized to be funded by the Improvement Area; and

2 WHEREAS, at the hearing all property owners and any other interested
3 persons desiring to be heard on all matters pertaining to the alteration of the description
4 of the services to be funded by the Improvement Area were heard and a full and fair
5 hearing was held; and

6 WHEREAS, written protests with respect to the alteration of the description
7 of the services to be funded by the Improvement Area have not been filed with the City
8 Clerk by fifty percent (50%) or more of any registered voters residing within the territory of
9 the Improvement Area or the owners of land constituting one-half (1/2) or more of the
10 area of land within the Improvement Area and not exempt from the levy of the special tax;
11 and

12 WHEREAS, the proposition of the alteration of the description of the
13 services to be funded by the Improvement Area shall be submitted to the qualified
14 electors of the Improvement Area as required by the Law;

15 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
16 follows:

17 Section 1. The foregoing recitals are true and correct.

18 Section 2. The proposed alteration of the description of the services to
19 be funded by the Improvement Area has not been precluded by majority protest pursuant
20 to Sections 3.52.535 and 3.52.5210 of the Law.

21 Section 3. All prior proceedings taken by this City Council in connection
22 with the proposed alteration of the services authorized to be funded by the Improvement
23 Area as set forth in the Resolution of Consideration have been duly considered and are
24 hereby found and determined to be valid and in conformity with the requirements of the
25 Law.

26 Section 4. Subject to the approval of the sole qualified elector of the
27 Improvement Area at the special election referred to below, the services authorized to be
28 funded by the Improvement Area are hereby altered as set forth in Section 3 of the

1 Resolution of Consideration.

2 Section 5. Pursuant to Sections 3.52.535 and 3.52.5217 of the Law, the
3 issue of the alteration of the services to be funded by the Improvement Area shall be
4 submitted to the sole qualified elector of the Improvement Area at an election called
5 therefor as provided below.

6 Section 6. The ballot measure shall be in the form attached hereto as
7 Exhibit A and by this reference incorporated herein, and the form of ballot is hereby
8 approved.

9 Section 7. This City Council hereby finds that fewer than 12 persons
10 have been registered to vote within the territory of the Improvement Area for each of the
11 ninety (90) days preceding the close of the public hearing heretofore conducted by this
12 City Council for the purposes of these proceedings. Accordingly, and pursuant to Section
13 3.52.5217B. of the Law, this City Council finds that for purposes of these proceedings the
14 qualified elector is the sole owner of the real property within the Improvement Area and
15 that the vote shall be by the landowner, with one vote for each acre or portion thereof the
16 landowner owned in the Improvement Area as of the close of the public hearing.

17 Section 8. This City Council hereby calls a special election to consider
18 the measure described in Section 6 above, which election shall be held immediately
19 following adoption of this Resolution in the City Council Chambers. The City Clerk is
20 hereby designated as the official to conduct said election. It is hereby acknowledged that
21 the City Clerk has on file a copy of this Resolution, a map of the boundaries of the
22 Improvement Area, and a sufficient description to allow the City Clerk to determine the
23 boundaries of the Improvement Area.

24 Section 9. The voted ballot shall be returned to the City Clerk prior to and
25 immediately following adoption of this Resolution, and when the qualified elector has
26 voted, the election shall be closed.

27 Section 10. Pursuant to Section 3.52.5217D. of the Law, the election shall
28 be conducted by mail ballot.

1 Section 11. This City Council acknowledges that the City Clerk has
2 caused to be delivered to the sole qualified elector of the Improvement Area a ballot in
3 the form set forth in Exhibit A hereto. The ballot delivered to the qualified elector
4 indicated the number of votes to be voted by the landowner.

5 The ballot was accompanied by all supplies and written instructions
6 necessary to the use and return of the ballot. An envelope to be used to return the ballot
7 was enclosed with the ballot, had the return postage prepaid, and contained the
8 following: (a) the name and address of the landowner, (b) a declaration, under penalty of
9 perjury, stating that the voter is owner of record or authorized representative of the
10 landowner entitled to vote and is the person whose name appears on the envelope, (c)
11 the printed name, signature and address of the voter, (d) the date of signing and place of
12 execution of the declaration pursuant to clause (b) above, and (e) a notice that the
13 envelope contains an official ballot and is to be opened only by the City Clerk.

14 Analysis and arguments with respect to the ballot measure have been
15 waived by the landowner voter, by means of the waiver contained in its voted ballot, as
16 permitted by Section 3.52.5218B. of the Law.

17 Section 12. The City Clerk shall accept the ballot of the qualified elector
18 upon and prior to the adoption of this Resolution, whether said ballot be personally
19 delivered or received by mail.

20 Section 13. This City Council hereby further finds that the provision of
21 Section 3.52.5217A. of the Law requiring a minimum of 5 days following the adoption the
22 resolution of calling the election to elapse before said special election is for the protection
23 of the qualified electors of the Improvement Area. The voted ballot of the sole qualified
24 elector of the Improvement Area contained a waiver of the time for the special election.
25 Accordingly, this City Council finds and determines that the qualified elector has been
26 fully apprised of and has agreed to the shortened time for the election and thereby has
27 been fully protected in these proceedings. This City Council also finds and determines
28 that the City Clerk has concurred in the shortened time for the election.

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Section 14. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of January 18, 2011, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

EXHIBIT A

OFFICIAL BALLOT

SPECIAL ELECTION
(January 18, 2011)

IMPROVEMENT AREA B OF THE CITY OF LONG BEACH
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(DOUGLAS PARK - COMMERCIAL AREA)

This ballot is for a special, mailed ballot election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Long Beach no later than immediately after adoption of the resolution of the City Council calling said election, either by mail or in person. The City Clerk's office is located at 333 West Ocean Boulevard, Long Beach, California, 90802.

To vote, mark a cross (X) in the voting line after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Long Beach and obtain another.

BALLOT MEASURE: Shall the services authorized to be funded by Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area) be altered as described in Section 3 of Resolution No. RES-11-____ of the City Council of the City of Long Beach adopted January 4, 2011, entitled "A Resolution of the City Council of the City of Long Beach of Consideration to Alter the Services Authorized to be Funded by Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area)"?

Yes _____

No _____

By execution below, you also indicate your waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Sections 3.52.5217A and 3.52.5218B. of the Long Beach Municipal Code.

Number of Votes: 55

Property Owner: The Boeing Company

By: _____

Name: _____

Title: _____