

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING SECTIONS 3.52.414,  
AND 3.52.5217 AND ADDING SECTION 3.52.415 TO THE  
LONG BEACH MUNICIPAL CODE PERTAINING TO  
ASSESSMENT DISTRICT AND SPECIAL TAX FINANCING  
IMPROVEMENT PROCEDURES

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 3.52.414 C of the Long Beach Municipal Code is  
hereby amended as follows:

C. "Improvement" includes all work, improvements, appliances or facilities  
which the city has the power to finance under its charter and which are for a public  
purpose or which are necessary or incidental to a public purpose, including but not  
limited to the construction, reconstruction, maintenance and repair of all or part of  
any such work or improvement. "Improvements" shall also include without  
limitation any use or capacity rights in any improvement, electric current, gas or  
other illuminating agents for power or lighting service, and any real property,  
rights-of-way, easements or interests in real property, acquired or to be acquired  
by gift, purchase or eminent domain, and which are necessary or convenient in  
connection with the construction or operation of any work of improvement  
authorized to be acquired or to be made or constructed under this division.  
Improvement also includes the conversion of existing electric or communication  
facilities and the construction, reconstruction or relocation of any other electric or  
communication facilities which may be incident thereto. For purposes of the  
preceding sentence, the terms "conversion" and "electric or communication

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 facilities" shall have the meanings given to such terms in Section 5896.2 of the  
2 California Streets and Highways Code.

3  
4 Section 2. Section 3.52.5217 B of the Long Beach Municipal Code is  
5 hereby amended to read as follows:

6 B. Except as otherwise provided in subsection C of this section, if at least  
7 twelve persons, who need not necessarily be the same twelve persons, have been  
8 registered to vote within the territory of the proposed community facilities district  
9 for each of the ninety days preceding the date of the protest hearing, the vote shall  
10 be by the registered voters of the proposed district, with each voter having one  
11 vote. Otherwise, the vote shall be by the landowners of the proposed district and  
12 each landowner who is the owner of record at the close of the protest hearing, or  
13 the authorized representative thereof, shall have one vote for each acre or portion  
14 of an acre of land that he or she owns within the proposed community facilities  
15 district. The number of votes to be voted by a particular landowner shall be  
16 specified on the ballot provided to that landowner. Notwithstanding the foregoing,  
17 if the vote is to be by the landowners of the proposed district as described in the  
18 second preceding sentence, as an alternative to having such landowner have one  
19 vote for each acre or portion of an acre of land that a landowner owns within the  
20 proposed community facilities district, the legislative body may provide that each  
21 landowner have a vote for each dollar of special tax that may be levied on such  
22 landowner's land to be included in the proposed community facilities district, based  
23 upon the proposed rate and method of apportionment and manner of collection of  
24 special tax for the proposed community facilities district, and the special taxes  
25 thereby to be levied in the first full fiscal year following formation of the proposed  
26 community facilities district; provided that the legislative body finds that such  
27 alternative method of voting is more reflective of the burden of the special tax to be  
28 levied in the proposed community facilities district.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Section 3. Section 3.52.415 is hereby added to the Long Beach Municipal Code, to read as follows:

3.52.415 Initiation of proceedings for conversion of electric or communication facilities.

Proceedings for the financing of Improvements of the character described in the third and fourth sentence of the definition of "Improvement" in Section 3.52.414 C shall be initiated either by a petition which describes the boundaries of the proposed assessment district, generally describes the proposed conversion and requests that proceedings for the conversion be taken pursuant to this division, which petition is signed by the owners of land within the proposed assessment district on which more than one-half of the proposed assessments are to be levied, as such owners are shown by the last equalized assessment roll used by the City or are otherwise known to the City; or a determination by the City Council that the City or a public utility has voluntarily agreed to pay over 50 percent of all costs of conversion, excluding costs of user's connections to underground electric or communication facilities. Upon presentation of the petition and a certificate by the engineer of work or City Engineer as to the sufficiency thereof, or upon the making of such determination by the City Council, the City Council may adopt a resolution of intention described in Section 3.52.420 with respect to the formation of an assessment district to finance the Improvements referred to in this Section 3.52.415.

Section 4. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2008, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

HAM:fl  
05/01/08  
#A08-01301