



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-35

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May 6, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare ordinance amending Chapter 3.52 regarding procedures for establishing assessment districts read the first time and laid over to the next regular meeting of the City Council for final reading.

DISCUSSION

Pursuant to the request of the City Council at its meeting of March 11, 2008, this office has prepared for your consideration the attached above-referenced ordinance.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

Heather A. Mahood
Assistant City Attorney

HAM:fi
Attachment
#A08-01301

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.

OFFICE OF THE CITY ATTORNEY
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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
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