



OFFICE OF THE CITY ATTORNEY
Long Beach, California

C-6

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

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Dominic Holzhaus
Belinda R. Mayes

June 21, 2005

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HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

To refer the City's Noise Compatibility Ordinance (Long Beach Municipal Code, Chapter 16.43) to the Charter Amendment Committee of the City Council for consideration of placement of its core provisions into the Long Beach City Charter.

DISCUSSION

As you are aware, in 1995, the Long Beach City Council enacted an Airport Noise Compatibility Ordinance (LBMC 16.43). The Ordinance signaled the settlement of long-standing and contentious litigation with a number of airlines. Since that date, the City Council has repeatedly indicated its support for the terms of the Ordinance, and has correctly affirmed that it represents an effective deterrent to unacceptable airport expansion. Further, because of Federal law and Federal administrative regulations, it is the tightest permissible constraint upon aircraft noise.

Notwithstanding current City Council support, any future City Council could alter or eliminate this chapter of the Municipal Code. Since this fact inserts a level of uncertainty as to the City's long-term commitment to maintaining present law, you may wish to consider inserting its core provisions into the City Charter. If they were to be added to the Charter by a vote of the electorate, they could thereafter only be altered or removed by a vote of the electorate.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON
City Attorney

RES:kdh