



CITY CLERK DEPARTMENT
Long Beach, California

LARRY HERRERA
City Clerk

ADMINISTRATIVE DIVISION

Monique De La Garza
Administrative Officer

ELECTIONS BUREAU

Poonam Davis
City Clerk Bureau Manager

LEGISLATIVE BUREAU

Merianne Nakagawa
City Clerk Bureau Manager

August 6, 2008

Sachi A. Hamai, Executive Officer
Los Angeles County
Board of Supervisors
500 W. Temple St., Room 383
Los Angeles, CA 90012

HAND DELIVERED

Dear Ms. Hamai:

On July 22, 2008, the Long Beach City Council adopted resolutions calling for a Special Election on November 4, 2008, for voters to consider approval of two measures titled the Long Beach Utility Users Tax Modernization Measure (requires a simple majority vote for approval) and the Long Beach Infrastructure Reinvestment Act (requires a 2/3 majority vote for approval). On August 5, 2008, the City Council then took action to adopt resolutions requesting the Board of Supervisors to order consolidation of this citywide election with the Statewide General Election on November 4, 2008.

When the consolidation is approved, we request, that the Long Beach Utility Users Tax be designated as Measure H, and that the Long Beach Infrastructure Reinvestment Act be designated a Measure I.

Enclosed for your Boards approval are certified copies of the following resolutions adopted by the City of Long Beach City Council on July 22, 2008 and August 5, 2008:

RESOLUTION NO. RES-08-0076 - Levy of Utility Users Tax Modernization Measure
RESOLUTION NO. RES-08-0077 - Long Beach Infrastructure Reinvestment Act

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ORDERING, CALLING AND PROVIDING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF LONG BEACH ON TUESDAY, THE 4TH DAY OF NOVEMBER, 2008, FOR THE PURPOSE OF SUBMITTING TWO BALLOT PROPOSITIONS TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY

Board of Supervisors
Certified Resolution Copies
August 5, 2008
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RESOLUTION NO. RES-08-0089

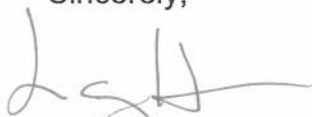
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO AUTHORIZE AND ORDER THE CONSOLIDATION OF A CITYWIDE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD NOVEMBER 4, 2008, AND DETERMINING AND DECLARING THAT THE CITY WILL PAY TO THE COUNTY REASONABLE AND ACTUAL EXPENSES INCURRED BY THE COUNTY ON ACCOUNT OF THE CONSOLIDATION OF THIS ELECTION

RESOLUTION NO. RES-08-0090

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008

Please contact Poonam Davis, Elections Bureau Manager; at (562) 570-7479 should you have any questions.

Sincerely,



Larry Herrera
City Clerk

Enclosures

cc: Dean Logan
Registrar-Recorder/County Clerk
County of Los Angeles
12400 Imperial Hwy.
Norwalk, Ca 90651-1024

Alice Rivers
Election Planning Section
Registrar-Recorder/County Clerk
County of Los Angeles
12400 Imperial Hwy.
Norwalk, Ca 90651-1024

1 RESOLUTION NO. RES-08-0076

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH CALLING AN ELECTION TO BE
5 HELD NOVEMBER 4, 2008 FOR THE PURPOSE OF
6 SUBMITTING TO THE VOTERS OF THE CITY OF LONG
7 BEACH AN ORDINANCE AMENDING CHAPTER 3.68 OF
8 THE LONG BEACH MUNICIPAL CODE, REGARDING THE
9 UTILITY USERS TAX

10
11 WHEREAS, prior to a recent amendment, the City's utility users tax (UUT)
12 on telecommunication services referenced the federal excise tax, and that tax may be
13 repealed by Congress (S. 170 and S. 140), creating ambiguity and legal controversy
14 regarding the continued implementation of the City's UUT on telecommunication
15 services; and

16 WHEREAS, major telecommunication providers have taken the position
17 that ordinances such as the City's UUT ordinance are affected by a May 2006 IRS Notice
18 dramatically reducing the base of the federal excise tax; and

19 WHEREAS, lawsuits have been filed against the City and other California
20 public agencies regarding the effect of the May 2006 IRS ruling on the defendants' UUT
21 ordinances; and

22 WHEREAS, final judicial rulings in the above lawsuits, or future lawsuits,
23 could cause the City to suffer a significant reduction of its UUT revenues; and

24 WHEREAS, there are bills before Congress (S. 166 and H.R. 436),
25 proposing a three-year moratorium on new wireless taxes, which could prevent the City
26 from adopting a modern UUT ordinance with voter approval to address the legal issues
27 referenced above; and

28 WHEREAS, the residents of Long Beach have paid a UUT on telephone

1 service for many years; and

2 WHEREAS, revenues from the UUT are presently used to fund 911
3 emergency response, police and fire services, maintain parks and youth recreation
4 programs, and to fund other important City services affecting quality of life in the
5 community; and

6 WHEREAS, eligible low-income seniors and disabled residents are exempt
7 from paying the UUT; and

8 WHEREAS, the City currently receives approximately \$15 million a year in
9 UUT on telecommunication services, and such tax revenues are critical to the public
10 welfare and the City's financial ability to provide essential municipal services such as, but
11 not limited to, police, fire, street repair, and parks and libraries; and

12 WHEREAS, the City desires reasonable certainty in the collection and
13 receipt of its utility users tax on telephony, and wishes to eliminate the current
14 uncertainties by obtaining voter approval of a modern ordinance pursuant to Proposition
15 218; and

16 WHEREAS, pursuant to Section 2(b) of California Constitution Article XIII C,
17 the City Council hereby unanimously declares the existence of an emergency in that
18 there are imminent financial risks and dangers, as described above, to the public welfare
19 and the City's financial ability to provide essential municipal services without disruption,
20 such that a special election is necessary to address such risks and dangers before the
21 next regularly scheduled municipal election for members of the City Council on April 13,
22 2010;

23 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
24 follows:

25 Section 1. Under the provisions of the Constitution and laws of the State
26 of California and the Charter of the City of Long Beach, an election is ordered,
27 proclaimed and called to be held in the City of Long Beach, between the hours of 7:00
28 a.m., and 8:00 p.m., on Tuesday, the 4th day of November, 2008, for the purpose of

1 submitting to a vote of the qualified electors of the City of Long Beach the following
2 proposition which, for identification purposes, is marked as Proposition A.

3 Proposition A. Long Beach Utility Users Tax Modernization Measure.

4 Without raising current tax rates, shall an ordinance be adopted to
5 help preserve funding for critical City services, including police and fire
6 protection, paramedic and emergency response, street maintenance, parks,
7 youth services, and libraries, by updating the telephone users tax to include
8 new and evolving technologies so that all taxpayers are treated equally
9 regardless of technology used?

10 Section 2. Notice is hereby given of the time and place of the election.

11 The City Clerk is directed and authorized to print and publish the proposition as required
12 by law. All particulars not provided in this resolution shall be held under the provisions of
13 law governing the conduct of such elections in the City of Long Beach.

14 Section 3. The proposition shall be stated as provided in Section 13119
15 of the Elections Code of the State of California. The ballot used in voting upon the
16 propositions shall contain the words "yes" and "no". The text of Proposition A is set forth
17 in full in Exhibit "A".

18 Section 4. That only qualified voters of the City of Long Beach shall be
19 permitted to vote in the election called by this resolution.

20 Section 5. This resolution shall take effect immediately upon its adoption
21 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

22 I hereby certify that the foregoing resolution was adopted by the City
23 Council of the City of Long Beach at its meeting of July 22, 2008, by the

24 ////
25 ////
26 ////
27 ////
28 ////

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

1 following vote:

2 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal,
3 DeLong, O'Donnell, Schipske,
4 Andrews, Reyes Uranga, Gabelich,
5 Lerch.

6 Noes: Councilmembers: None.

8 Absent: Councilmembers: None.

11 *Jerry G. Hansen*
City Clerk

20 CERTIFIED AS A TRUE AND CORRECT COPY

21 *Jerry G. Hansen*
CITY CLERK OF THE CITY OF LONG BEACH

22 BY *Carolynn Harris*

23 DATE: *8/6/08*

27 HAM:fi
07/14/08
28 A08-01925

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EXHIBIT A

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LONG BEACH,
CALIFORNIA AMENDING CHAPTER 3.68 OF THE LONG
BEACH MUNICIPAL CODE TO MODERNIZE THE UTILITY
USERS TAX

THE PEOPLE OF THE CITY OF LONG BEACH DO ORDAIN AS

FOLLOWS:

Section 1. Section 3.68.020 of the Long Beach Municipal Code is hereby amended to read as follows:

“3.68.020 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

A. ‘Ancillary telecommunications services’ means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services including, but not limited to, the following:

1. Services that link two or more participants of an audio or video conference call, including the provision of a telephone number.
2. Services that separately state information pertaining to individual calls on a customer’s billing statement.
3. Services that provide telephone number information, and/or address information.
4. Services offered in connection with one or more telecommunications services, which offer advanced calling features that allow customers to identify callers or to manage multiple calls and call

1 connections.

2 5. Services that enable customers to store, send or
3 receive recorded messages.

4 B. 'Billing address' means the mailing address of a service user
5 where a service supplier submits invoices or bills for payment by the service
6 user.

7 C. 'City' means the City of Long Beach.

8 D. 'Electrical corporation' has the same meaning as defined in
9 Section 218 of the Public Utilities Code.

10 E. 'Month' means a calendar month.

11 F. 'Person' means, without limitation, any natural person;
12 domestic, nonprofit or foreign corporation; firm; trust; estate; association;
13 syndicate; joint stock company; limited liability company; partnership of any
14 kind; joint venture; club; business or common-law trust of any kind; society;
15 cooperative; receiver, trustee, guardian or other representative appointed
16 by order of any court; municipal district; or municipal corporation (other than
17 the city); or the manager, lessee, agent, servant, officer or employee of any
18 of them.

19 G. 'Service address' means the residential street address or the
20 business street address of the service user's primary place of use.

21 H. 'Service supplier' means any entity or person that provides
22 telephone communication, electric, gas, or water service to a user of such
23 services within the city.

24 I. 'Service user' means a person required to pay a tax imposed
25 by this chapter.

26 J. 'Tax administrator' means the revenue administrator of the
27 City of Long Beach.

28 K. 'Telephone communication services' includes the

1 transmission, conveyance, or routing of voice, data, audio, video, or any
2 other information or signals to a point, or between or among points, whether
3 or not such information is transmitted through interconnected service with
4 the public switched network, whatever the technology used, whether such
5 transmission, conveyance or routing occurs by wire, cable, fiber-optic, light
6 wave, laser, microwave, radio wave (including, but not limited to, cellular
7 service, commercial mobile service, personal communications service
8 (PCS), specialized mobile radio (SMR), and other types of personal
9 wireless service – see 47 USCA Section 332(c) (7) (C) (i) – regardless of
10 radio spectrum used), switching facilities, satellite or any other technology
11 now existing or developed after the adoption of this section, and includes,
12 without limitation, fiber optic, coaxial cable, and wireless. The term
13 ‘telephone communication services’ includes such transmission,
14 conveyance, or routing in which computer processing applications are used
15 to act on the form, code or protocol of the content for purposes of
16 transmission, conveyance or routing without regard to whether such
17 services are referred to as voice over internet protocol (VoIP) services or
18 are classified by the Federal Communications Commission as enhanced or
19 value added, and includes video and/or data services that are functionally
20 integrated with telecommunications services. ‘Telephone communication
21 services’ include, but are not limited to, the following services, regardless of
22 the manner or basis on which such services are calculated or billed: central
23 office and custom calling features (including but not limited to call waiting,
24 call forwarding, caller identification and three-way calling), local number
25 portability, text messaging, ancillary telecommunication services, prepaid
26 and post-paid telecommunications services (including but not limited to
27 prepaid calling cards); mobile telecommunications service; private
28 telecommunication service; paging service; 800 service (or any other toll-

1 free numbers designated by the Federal Communications Commission);
2 and value-added non-voice data service. For purposes of this section,
3 'private telecommunication service' means any dedicated telephone
4 communications service that entitle a user to exclusive or priority use of
5 communications channels. 'Telephone communication service' does not
6 include: internet access services; video programming services; and digital
7 downloads, such as downloads of books, music, ringtones, games and
8 similar digital products.

9 L. 'Telephone corporation' has the same meaning as defined in
10 section 234 of the Public Utilities Code."

11
12 Section 2. Section 3.68.050 of the Long Beach Municipal Code is hereby
13 amended to read as follows:

14 "3.68.050 Telephone tax.

15 A. There is imposed a tax upon every person, other than a
16 telephone corporation, who uses telephone communication services in the
17 city, including intrastate, interstate, and international telephone
18 communication services, to the extent permitted by federal and state law.
19 Interstate calls shall be deemed to include calls to the District of Columbia.
20 The telephone users tax is intended to, and does, apply to all charges
21 within the city's tax jurisdiction, such as charges billed to a telephone
22 account having a situs in the city as permitted by the Mobile
23 Telecommunications Sourcing Act of 2000, 4 U.S.C. § 116 et seq. The tax
24 imposed by this section shall be at the rate of five percent (5%). The tax
25 shall apply to all charges made for such telephone communication services
26 and shall be collected from the service user by the services supplier or its
27 billing agent. There is a rebuttable presumption that telephone
28 communication services billed to a billing or service address in the city are

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

1 used, in whole or in part, within the city, and that such services are subject
2 to taxation under this chapter. There is also a rebuttable presumption that
3 telephone communication services sold within the city that are not billed to
4 a billing address or provided to a primary physical location (such as prepaid
5 calling card services) are used, in whole or in part, within the city and are
6 therefore subject to taxation under this chapter.

7 B. As used in this section, the term 'charges' shall include the
8 value of any other services, credits, property of every kind or nature, or
9 other consideration provided by the service user in exchange for the
10 telephone communication services.

11 C. The tax administrator may, from time to time, issue and
12 disseminate to telecommunication service suppliers administrative rulings
13 identifying those telecommunication services that are subject to the tax of
14 subsection A of this section. Such administrative rulings shall be consistent
15 with legal nexus and laws pertaining to telephone communications services
16 and shall not impose a new tax, revise an existing tax methodology, or
17 increase an existing tax, except as allowed by California Government Code
18 Section 53750(h) (2) and (3) or other law. The tax administrator may
19 consider state-wide interpretive rules and guidelines promulgated by any
20 government agency or association of government agencies as a factor in
21 determining the intent of voters adopting this section. To the extent that the
22 tax administrator determines that the tax imposed under this section shall
23 not be collected in full for any period of time, such an administrative ruling
24 falls within the tax administrator's discretion to settle disputes. The tax
25 administrator's exercise of prosecutorial forbearance under this chapter
26 does not constitute a change in taxing methodology for purposes of
27 Government Code section 53750(h), and the city does not waive or
28 abrogate its ability to impose the telephone users' tax in full as a result of

1 issuing such administrative rulings and may suspend such rulings and
2 recommence collection of the tax without additional voter approval.

3 D. The following shall be exempt from the tax imposed by this
4 section:

5 1. Charges paid for by inserting coins in coin-operated
6 telephones available to the public with respect to local telephone service, or
7 with respect to long distance telephone service if the charge for such long
8 distance telephone service is less than 25 cents; except that where such
9 coin-operated telephone service is furnished for a guaranteed amount, the
10 amounts paid under such guarantee plus any fixed monthly or other
11 periodic charge shall be subject to the tax.

12 2. Except with respect to local telephone service, on any
13 charges for services used in the collection of news for the public press, or a
14 news ticker service furnishing a general news service similar to that of the
15 public press, or radio broadcasting, or in the dissemination of news through
16 the public press, or a news ticker service furnishing a general news service
17 similar to that of the public press, or by means of radio broadcasting, if the
18 charge for such service is billed in writing to such person.

19 3. Charges for services furnished to an international
20 organization designated under the International Organizations Immunities
21 Act and defined in 22 USCA 288 or to the American National Red Cross.

22 4. Charges for any long distance telephone service which
23 originates within a combat zone, as defined in section 112 of the Internal
24 Revenue Code, from a member of the Armed Forces of the United States
25 performing service in such combat zone, as determined under such section,
26 provided a certificate, setting forth such facts as the Secretary of the U.S.
27 Treasury may by regulations prescribe, is furnished to the person receiving
28 such payment.

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5. Charges for any long distance telephone service to the extent that the amount so paid is for use by a common carrier, telephone or telegraph company, or radio broadcasting station or network in the conduct of its business as such.

6. Amounts paid by a nonprofit hospital for services furnished to such organization. For purposes of this subsection, the term "nonprofit hospital" means a hospital referred to in Internal Revenue Code section 170(b)(1)(A)(iii) which is exempt from income tax under Internal Revenue Code section 501(a).

7. Charges for services or facilities furnished to the government of any State, or any political subdivision thereof, or the District of Columbia.

8. Charges paid by a nonprofit educational organization for services or facilities furnished to such organization. For purposes of this subsection, the term "nonprofit educational organization" means an educational organization described in Internal Revenue Code section 170(b)(1)(A)(ii) which is exempt from income tax under Internal Revenue Code section 501(a). The term also includes a school operated as an activity of an organization described in Internal Revenue Code section 501(c)(3) which is exempt from income tax under Internal Revenue Code section 501(a), if such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

9. Charges for maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations as such section existed on January 1, 1970.

E. To prevent actual multi-jurisdictional taxation of telephone

1 communication services subject to tax under this section, any service user,
2 upon proof to the tax administrator that the service user has previously paid
3 the same tax in another American jurisdiction on such telephone
4 communication services, shall be allowed a credit against the tax imposed
5 to the extent of the amount of such tax legally imposed in such other
6 jurisdiction; provided, however, the amount of credit shall not exceed the
7 tax owed to the city under this section. This ordinance shall be construed
8 broadly in favor of the imposition and collection of the utility users tax to the
9 fullest extent permitted by California and federal law, and as it may change
10 from time to time.

11 F. The tax on telephone communication services imposed by this
12 section shall be collected from the service user by the service supplier. The
13 amount of tax collected from the twenty-sixth day of each month through
14 the twenty-fifth day of the following month shall be remitted to the city clerk
15 on or before the twenty-sixth day of such following month, or at the option of
16 the person required to collect and remit the tax, an estimated amount of tax
17 collected, measured by billings of the previous month, shall be remitted to
18 the clerk on or before the twenty-sixth day of each month.

19 G. For purposes of imposing a tax or establishing a duty to
20 collect and remit a tax under this subchapter, "substantial nexus" and
21 "minimum contacts" shall be construed broadly in favor of the imposition,
22 collection and/or remittance of the utility users tax to the fullest extent
23 permitted by state and federal law, and as that law may change from time to
24 time. Any telephone communication service (including VoIP) used by a
25 person with a service address in the city, which service is capable of
26 making a call to another person on the general telephone network, shall be
27 subject to a rebuttable presumption that "substantial nexus/minimum
28 contacts" exists for purposes of imposing a tax, or establishing a duty to

1 collect and remit a tax, under this chapter. A service supplier shall be
2 deemed to have sufficient activity in the city to be obligated to collect and
3 remit the tax imposed by this chapter if it does any of the following:
4 maintains or has within the city, directly or through an agent or subsidiary, a
5 place of business of any nature; solicits business in the city by employees,
6 independent contractors, resellers, agents or other representatives; solicits
7 business in the city by means of advertising that is broadcast or relayed
8 from a transmitter within the city or distributed from a location within the city;
9 or advertises in newspapers or other periodicals printed and published
10 within the city or through materials distributed in the city by means other
11 than the United States mail.”

12 Section 3. Section 3.68.065 of the Long Beach Municipal Code, added in
13 2006 by ORD-06-0035, is hereby ratified and readopted.

14 Section 4. Section 3.68.075 of the Long Beach Municipal Code is hereby
15 added to read as follows:

16 “3.68.075 Effect of state and federal authorization

17 To the extent that the city’s authorization to impose or collect any tax
18 imposed under this chapter is expanded or limited as a result of changes in
19 state or federal law, no amendment or modification of this chapter shall be
20 required to conform the tax to those changes, and the tax shall be imposed
21 and collected to the full extent of the city’s authorization up to the full
22 amount of the tax imposed under this chapter.”

23 Section 5. Section 3.68.170 of the Long Beach Municipal Code is hereby
24 added to read as follows:

25 “3.68.170 Independent Audit

26 The city shall annually verify that the taxes owed under this chapter
27 have been properly applied, exempted, collected, and remitted in
28 accordance with this chapter, and properly expended according to

1 applicable law. The annual verification shall be performed by a qualified
2 independent third party and the review shall employ reasonable, cost-
3 effective steps to assure compliance, including the use of sampling audits.
4 The verification shall not be required of as to a service supplier where the
5 cost of the verification is expected to exceed the tax revenues to be
6 reviewed.”

7 Section 6. This Ordinance does not change the existing rate of any tax
8 imposed under Chapter 3.68 of the Long Beach Municipal Code.

9 Section 7. This Ordinance does not change the existing exemptions for
10 low-income seniors and disabled persons from the any tax imposed under Chapter 3.68
11 of the Long Beach Municipal Code as specified in Section 3.68.080 of that Chapter. Any
12 change to those exemptions which constitutes a tax increase within the meaning of
13 Government Code Section 53750(h) shall require a vote of the people of the City of Long
14 Beach.

15 Section 8. Chapter 3.68 of the Long Beach Municipal Code as amended
16 by this Ordinance may be repealed or amended by the City Council without a vote of the
17 people except as follows: as required by Proposition 218, any amendment to that
18 chapter that increases the amount or rate of tax beyond the levels authorized by this
19 Ordinance may not take effect unless approved by a vote of the people. The City Council
20 may impose the taxes authorized by that chapter in any amount or rate which does not
21 exceed the rate approved by the voters of the City.

22 Section 9. If any section, sentence, clause, phrase, or portion of this
23 Ordinance is for any reason held to be invalid or unenforceable by a court of competent
24 jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this
25 ordinance shall nonetheless remain in full force and effect. The people of the City of
26 Long Beach hereby declare that they would have adopted each section, sentence,
27 clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more
28 sections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid

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or unenforceable and, to that end, the provisions of this Ordinance are severable.

Section 10. As provided in Section 2001 of the Long Beach City Charter, if a majority of those electors voting on this ordinance vote in favor of same, it shall be adopted upon a declaration of the result of such ballot by the City Council, and it shall take effect ten (10) days after that date.

RESOLUTION NO. RES-08-0077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CALLING AN ELECTION TO BE HELD IN THE CITY OF LONG BEACH ON THE 4TH DAY OF NOVEMBER, 2008, FOR THE PURPOSE OF AUTHORIZING THE LEVY OF A NEW SPECIAL PARCEL TAX TO FUND CITY INFRASTRUCTURE (LONG BEACH INFRASTRUCTURE REINVESTMENT ACT)

WHEREAS, the City's streets, sidewalks, alleys, storm water collection systems, public buildings, health and safety facilities, parks and libraries (collectively, "Infrastructure") are in need of repair, improvement, or total replacement; and

WHEREAS, funding for the repair, improvement or replacement of the City's Infrastructure has not kept pace with the cost of doing so, and there is a need for additional revenue for this purpose; and

WHEREAS, the City has identified a \$571 million funding shortfall to meet its critical Infrastructure needs after taking into account all current and projected Federal, State, County and local revenue sources; and

WHEREAS, many public buildings have exceeded their useful life and may be shut down, with associated services suspended, if not rehabilitated, improved or replaced; and

WHEREAS, the City's population has increased by 36 percent over the past 30 years, which has increased the demand on, and accelerated the deterioration of, the City's Infrastructure; and

WHEREAS, many of the City's fire stations were constructed in the mid-1900's and are inadequate to meet current building standards, gender equality standards, and ever-increasing public safety demands, and may not survive a significant seismic

1 event or be able to contain all of the equipment necessary to respond most effectively in
2 the event of a major emergency or disaster; and

3 WHEREAS, all citizens of the City benefit from decent, safe, sanitary, well
4 maintained, and optimally functioning Infrastructure and the resulting elimination of
5 blighting influences, reduction of crime, enhancement of property values, and an
6 improvement of their quality of life; and

7 WHEREAS, the City desires to increase passive and active open space
8 through the acquisition and preservation of wetlands and open space, serving both the
9 densely populated neighborhoods and the City as a whole; and

10 WHEREAS, the City's economic health, as evidenced by: the retention of
11 existing and attraction of new business, increased convention activities, regionally
12 significant special events, and increased cultural and recreational tourist levels, is directly
13 affected by the condition of its Infrastructure;

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

16 Section 1. Under the provisions of the Constitution and laws of the State
17 of California and the Charter of the City of Long Beach, an election is ordered,
18 proclaimed and called to be held in the City of Long Beach, between the hours of 7:00
19 a.m., and 8:00 p.m., on Tuesday, the 4th day of November, 2008, for the purpose of
20 submitting to a vote of the qualified electors of the City of Long Beach the following
21 proposition which, for identification purposes, is marked as Proposition B:

22 Proposition B

23 To repay bonds which the City intends to issue to repair/replace city streets,
24 sidewalks, alleys, storm drains, fire stations, police stations, libraries and
25 recreational facilities and to acquire, restore and preserve wetlands, shall an
26 Ordinance be adopted which establishes an annual parcel tax of \$120 per
27 residential unit (0.4 to 8.8 cents per square foot for other uses) adjusted
28 annually for inflation?

1 Section 2. Notice is hereby given of the time and place of the election.
2 The City Clerk is directed and authorized to print and publish the proposition as required
3 by law. All particulars not provided in this resolution shall be administered in accordance
4 with the provisions of law governing the conduct of such elections in the City of Long
5 Beach.

6 Section 3. The proposition shall be stated as provided in Section 13119
7 of the Elections Code of the State of California. The ballot used in voting upon the
8 propositions shall contain the words "yes" and "no". The text of Proposition B is set forth
9 in full in Exhibit "A".

10 Section 4. That only qualified voters of the City of Long Beach shall be
11 permitted to vote in the election called by this resolution.

12 Section 5. Upon approval by the voters of the measure set forth in
13 Exhibit "A", attached hereto and incorporated herein by this reference, the City Council is
14 hereby authorized to establish and adopt, by ordinance, a new annual special parcel tax
15 in the amounts set forth in Exhibit "A" within the boundaries of the City of Long Beach.

16 Section 6. In connection with the proposed new parcel tax, the City
17 Council proposes to increase the City's appropriations limit per fiscal year, in an amount
18 equal to the levy of taxes for said year, as permitted by Article XIII B of the California
19 Constitution.

20 Section 7. This resolution shall take effect immediately upon its adoption
21 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

22 I hereby certify that the foregoing resolution was adopted by the City
23 Council of the City of Long Beach at its meeting of July 22, 2008 by the

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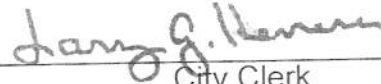
OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 following vote:

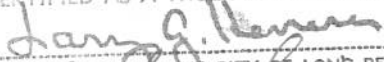

2 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal,
3 DeLong, O'Donnell, Andrews,
4 Reyes Uranga, Gabelich, Lerch.

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6 Noes: Councilmembers: Schipske.

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8 Absent: Councilmembers: None.

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12 City Clerk

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20 CERTIFIED AS A TRUE AND CORRECT COPY

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22 CITY CLERK OF THE CITY OF LONG BEACH
23 BY 
24 DATE: 8/6/08

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

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EXHIBIT "A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LONG BEACH
ADDING CHAPTER 3.85 TO THE LONG BEACH
MUNICIPAL CODE AUTHORIZING THE LEVY OF A
SPECIAL PARCEL TAX (LONG BEACH INFRASTRUCTURE
REINVESTMENT ACT)

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

Section 1. Chapter 3.85 is hereby added to the Long Beach Municipal
Code to read in its entirety as follows:

Chapter 3.85

Long Beach Infrastructure Reinvestment Act

3.85.010 Short title.

This Chapter shall be known as the "Long Beach Infrastructure
Reinvestment Act."

3.85.020 Legislative findings and declarations.

A. The City's streets, sidewalks, alleys, storm water collection
systems, public buildings, health and safety facilities, parks and libraries
(collectively, "Infrastructure") are in need of repair, improvement, or total
replacement.

B. Funding for the repair, improvement or replacement of the
City's Infrastructure has not kept pace with the cost of doing so, and there is
a need for additional revenue for this purpose.

C. The City has identified an estimated \$571 million funding

1 shortfall to meet its critical Infrastructure needs after taking into account all
2 current and projected Federal, State, County and local revenue sources.

3 D. Many public buildings have exceeded their useful life and may
4 be shut down, with associated services suspended, if not rehabilitated,
5 improved or replaced.

6 E. The City's population has increased by 36 percent over the
7 past 30 years, which has increased the demand on, and accelerated the
8 deterioration of, the City's Infrastructure.

9 F. Many of the City's fire stations were constructed in the mid-
10 1900's and are inadequate to meet current building standards, gender
11 equality standards, and ever-increasing public safety demands, and may
12 not survive a significant seismic event or be able to contain all of the
13 equipment necessary to respond most effectively in the event of a major
14 emergency or disaster.

15 G. All citizens of the City benefit from decent, safe, sanitary, well
16 maintained, and optimally functioning Infrastructure and the resulting
17 elimination of blighting influences, reduction of crime, enhancement of
18 property values, and an improvement of their quality of life.

19 H. The City desires to increase passive and active open space
20 through the acquisition and preservation of wetlands and open space,
21 serving both the densely populated neighborhoods and the City as a whole.

22 I. The City's economic health, as evidenced by: the retention of
23 existing and attraction of new business, increased convention activities, and
24 increased cultural and recreational tourist levels, is directly affected by the
25 condition of its Infrastructure.

26 3.85.030 Special parcel tax imposed.

27 A. The City shall be authorized to impose and levy a special
28 parcel tax each year on each parcel of real property within the City

1 described below, based on the use or right of use of the parcel, for the
 2 purposes stated in this Chapter. The special tax hereby imposed shall be
 3 at the rates set forth below:

LAND USE CLASSIFICATION	SPECIAL TAX
Single Family Residence	\$ 120 per Parcel
Multi-Family Residence	\$ 120 per Unit
Commercial	\$ 0.0878 per Sq. Ft. of Improvements
Office Buildings	\$ 0.0878 per Sq. Ft. of Improvements
Hotels/Motels	\$ 0.0878 per Sq. Ft. of Improvements
Shopping Centers	\$ 0.0878 per Sq. Ft. of Improvements
Light Industrial	\$ 0.0878 per Sq. Ft. of Improvements
Heavy Industrial	\$ 0.0878 per Sq. Ft. of Land
Vacant Land and Parking Lots	\$ 0.0746 per Sq. Ft. of Land
Recreational-Golf Courses	\$ 0.0040 per Sq. Ft. of Land

19
 20 B. The amounts set forth above shall be automatically adjusted
 21 on July 1, 2010, and on July 1 of each year thereafter, upward or
 22 downward, equivalent to the most recent change in the annual average of
 23 the consumer price index as published by the United States Department of
 24 Labor for the Los Angeles-Riverside-Orange County area. For purposes of
 25 calculating the annual inflation/deflation factor under this Section, the base
 26 year shall be that year ending with December 31, 2009. Nothing in this
 27 Chapter shall be construed as imposing a special tax upon any person
 28 when imposition of such special tax upon that person would be in violation

1 of either the Constitution of the United States or the Constitution of the
2 State of California.

3 C. The special tax imposed by this Chapter shall not be levied
4 upon the Federal government, the State government, any state agency or
5 any local governmental agency.

6 D. The special tax imposed by this Chapter shall be assessed
7 upon the owner of the parcel unless the owner is by law exempt from
8 taxation, in which case, the special tax imposed shall be assessed to the
9 holder of any possessory interest in such parcel, unless such holder is also
10 by law exempt from taxation. "Possessory interest" as it applies to property
11 owned by any agency of federal, state or local government, shall mean
12 possession of, claim to, or right to the possession of, land or improvements
13 and shall include any exclusive right to the use of such land or
14 improvements.

15 E. The special tax imposed by this Chapter shall not be levied
16 upon a parcel of property or improvement to property which is owned by a
17 house of worship or non-profit organization which qualifies for an exemption
18 from ad valorem taxation under California law.

19 F. It is the intent of the City to tax all parcels located within the
20 City limits. In the event a use category is not listed in the table above, that
21 use category shall be taxed at the same rate as Commercial.

22 3.85.040 Use of proceeds.

23 The proceeds of this special tax may be used only for the following
24 purposes:

25 All costs incident to the acquisition, improvement, repair,
26 replacement, rehabilitation, relocation, restoration, and preservation of
27 streets, signals, sidewalks, alleys, storm water collection, transportation,
28 detention and discharge systems, fire and police stations and other public

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safety facilities, parks and recreation and community facilities, open space, and wetlands, libraries and health facilities or for the payment of debt service on and the administration of any bonds issued for any such improvements.

3.85.050 Term of special parcel tax.

The special parcel tax shall take effect on July 1, 2009, and shall continue in effect until June 30, 2044.

3.85.060 Definitions.

The following terms as used in this Chapter shall have the meanings indicated in this Section as follows:

A. "Parcel" means any unit of real property in the City which receives a separate tax bill for ad valorem property taxes from the Los Angeles County Treasurer-Tax Collector's Office.

B. The terms "Single Family Residential," "Multifamily Residential," "Commercial," "Office Buildings," "Hotels/Motels," "Shopping Centers," "Light Industrial," "Heavy Industrial," "Vacant Land," "Parking Lots" and "Recreational-Golf Courses," shall have the same meaning as utilized by the Office of the Los Angeles County Assessor in imposing and calculating ad valorem property taxes. In the event that the Office of the Los Angeles County Assessor modifies such categories, the designations contained in this Chapter shall be deemed to be amended to match the newly created category mostly closely matching the categories listed above.

C. "Unit" means a structure constructed primarily for human habitation, which may be an individual detached residential unit, an individual attached residential unit within a duplex, triplex, fourplex, townhome, or condominium structure, an individual apartment unit, or a mobile home or other dwelling unit.

3.85.070 Collection of special tax.

1 A. The special tax shall be collected on behalf of the City by the
2 County of Los Angeles. The City Clerk shall file with the County a certified
3 copy of a tax roll with a request that the taxes be posted to the County roll
4 for general property taxes. This filing shall occur on or before August 1st of
5 the fiscal year in which the taxes are to be collected. The special tax shall
6 be collected at the same time and in the same manner and shall be subject
7 to the same late charges and penalties for delinquency as general property
8 taxes and all laws providing for the collection and enforcement of such
9 property taxes shall apply to the collection and enforcement of the special
10 tax. After deduction of the collection charges of the County, the net amount
11 of the special taxes collected shall be remitted to the City.

12 B. If the County of Los Angeles does not collect any special tax
13 due under this Chapter, then the Director of Financial Management shall
14 have the power and duty to enforce all of the provisions of this Chapter. In
15 such cases an assessment may be made against the owner of a parcel and
16 improvements in the manner provided by law. Any unpaid special tax due
17 under this Chapter shall be subject to all remedies provided by law.

18 C. The special tax shall be due in two equal installments in
19 accordance with the collection procedures of the Los Angeles County tax
20 collector with the first installment due November 1st, and the second
21 installment due the next succeeding February 1st, in each fiscal year. The
22 owner of the land, land and improvements, at the time set forth in California
23 Revenue and Taxation Code Sections 405 and 2192 for each fiscal year
24 shall have a personal obligation to the City until the tax is paid for each
25 fiscal year.

26 3.85.080 Exemptions.

27 A. An exemption from the special tax will be made available to
28 owners of single family residential units in which they reside who will attain

1 the age of 65 years during the assessment year, who owns a beneficial
2 interest in the parcel and who uses that parcel as his or her principal place
3 of residence. Owners must apply to the City for this exemption in the
4 manner and at the time set forth in procedures established by the City.
5 Such application shall be on forms available from the Director of the
6 Department of Financial Management. Any one application from a qualified
7 applicant will provide an exemption for the parcel for that assessment year,
8 and with an annual renewal with the City, for the remaining term of the
9 assessment so long as such applicant continues to use the parcel as his or
10 her principal residence.

11 B. An exemption from the special tax will be made for owners of
12 single family residential units receiving Supplemental Security Income for a
13 disability, regardless of age. Owners must apply to the City for this
14 exemption annually in the manner and at the time set forth in procedures
15 established by the City. Such application shall be on forms available from
16 the Director of the Department of Financial Management and must provide
17 information sufficient to verify that such owner is in fact receiving
18 Supplemental Security Income for a disability.

19 3.85.090 Adjustments and refunds.

20 A. Requests for adjustments involving imposition of this special
21 tax may be filed with the Director of Financial Management. Upon sufficient
22 evidence of error in the computation of the special tax, the Director of
23 Financial Management or his/her designee shall cause the special tax to be
24 recalculated, and shall so advise the Los Angeles County Tax Collector or
25 other appropriate official.

26 B. Whenever it is alleged that the amount of any special tax has
27 been overpaid or paid more than once or has been erroneously or illegally
28 collected or received by the City under this Chapter the refund procedure

1 shall be as follows:

2 No claim for refund of special tax payment shall be allowed in whole
3 or in part unless filed with the City Clerk within a period of three (3) years
4 from the date of the claimed overpayment. All such claims for refund of the
5 amount of the overpayment must be filed on forms furnished, and in the
6 manner prescribed by the Department of Financial Management. Refunds
7 may be made solely from the Long Beach Infrastructure Reinvestment
8 Special Tax Fund.

9 C. The Director of Financial Management may prepare a
10 questionnaire to be served on the owner of a parcel or improvements
11 subject to the tax imposed by this Chapter. The questionnaire may request
12 information which would be useful to the Director of Financial Management
13 in the enforcement or administration of this Chapter. The failure by an
14 owner to provide the information requested within thirty (30) days of receipt
15 of the request, or the act of an owner in knowingly providing false
16 information, shall be a misdemeanor.

17 3.85.100 Independent audit.

18 The City Auditor shall annually cause an independent financial
19 auditor to prepare a report, which shall be filed with the City Council no later
20 than January 1st of each year, containing information regarding the amount
21 of tax revenue collected and expended in the previous fiscal year, and the
22 status of any projects and programs funded by such tax revenue.

23 3.85.110 Special fund.

24 A. There is established a special fund entitled "Long Beach
25 Infrastructure Reinvestment Special Tax Fund" (hereinafter the "special
26 fund"). Money collected pursuant to this Chapter shall be deposited into
27 said special fund and shall be used exclusively as provided in this Chapter
28 for the purposes for which the special tax is imposed, and for no other

1 purposes. Nothing in this Section shall prevent disbursements from this
2 special fund to reimburse the general fund if, and only if, money has been
3 advanced from the general fund to pay for the uses provided in this
4 Chapter.

5 B. Any money raised by the special tax, including any interest
6 accrued thereon, that remains unencumbered at the end of any fiscal year
7 may only be used in a succeeding fiscal year for the purposes stated in this
8 Chapter.

9 3.85.120 Nature of tax.

10 The special parcel tax imposed by this Chapter is not an ad valorem
11 tax on real property, nor a transaction tax or sales tax on the sale of real
12 property. It is an excise tax on the privilege of using City infrastructure, with
13 rates intended to be proportional to the benefits accorded to occupants of
14 certain categories of parcels. It is not feasible for the City to collect the tax
15 from the non-owner occupants on whom it is imposed because the records
16 available to the City do not include the names of non-owner occupants.
17 Therefore, the only practical way to collect a tax imposed on occupants is to
18 collect it from owners of the occupied parcels.

19 3.85.130 Citizens' oversight committee.

20 A. There is hereby created a Citizens' Oversight Committee,
21 which shall be composed of eleven (11) members. Nine (9) of the
22 appointments to the commission shall be residents of each of the nine
23 councilmanic districts and two (2) members shall be appointed to serve as
24 at-large members. Each member shall be appointed by the Mayor, subject
25 to confirmation by the City Council. The responsibilities of the Committee
26 are solely advisory to the City Council and shall consist of:

- 27 1. Review of the amount of tax revenue collected from the
28 special parcel tax.

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2. Review the expenditure of funds from the Long Beach Infrastructure Reinvestment Special Tax Fund.

3. Make recommendations on the priority of projects funded by the Long Beach Infrastructure Reinvestment Special Tax Fund.

B. Each year the Citizen's Oversight Committee shall cause a report to be prepared showing the amount of funds collected from the special parcel tax, expenditures from the special fund, and projected expenditures for the upcoming fiscal year. This report shall be submitted to the City Council.

C. The Director of Public Works shall designate a staff liaison to provide support to the Committee and facilitate it in its duties.

Section 2. As provided in Section 2001 of the Long Beach City Charter, if more than two-thirds of those electors voting on this ordinance vote in favor of same, it shall be adopted upon a declaration of the result of such ballot by the City Council, and it shall take effect ten (10) days after that date.

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

1 RESOLUTION NO. RES-08-0089

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH REQUESTING THE BOARD OF
5 SUPERVISORS OF THE COUNTY OF LOS ANGELES TO
6 AUTHORIZE AND ORDER THE CONSOLIDATION OF A
7 CITYWIDE SPECIAL MUNICIPAL ELECTION WITH THE
8 STATEWIDE GENERAL ELECTION TO BE HELD
9 NOVEMBER 4, 2008, AND DETERMINING AND
10 DECLARING THAT THE CITY WILL PAY TO THE COUNTY
11 REASONABLE AND ACTUAL EXPENSES INCURRED BY
12 THE COUNTY ON ACCOUNT OF THE CONSOLIDATION
13 OF THIS ELECTION
14

15 WHEREAS, the City Council of the City of Long Beach has called a Special
16 Municipal Election to be held on November 4, 2008; and

17 WHEREAS, it is desirable that this Special Municipal Election be
18 consolidated with the statewide General Election to be held on the same date and that
19 the precincts, polling places and election officers for all the elections be the same within
20 the City and that the Board of Supervisors canvass the returns of this Special Municipal
21 Election and that the statewide General Election and the Special Municipal Election be
22 held in all respects as if there were only one election;
23

24 NOW, THEREFORE, the City Council of the City of Long Beach does
25 resolve, determine and order as follows:

26 Section 1. On July 22, 2008, the City Council of the City of Long Beach
27 ordered to be held a Special Election on November 4, 2008, for the purpose of submitting
28 to a vote of qualified electors the following propositions: Proposition A - Long Beach

1 Utility Users Tax Modernization Measure; and Proposition B - Long Beach Infrastructure
2 Reinvestment Act.

3 Section 2. That the Board of Supervisors of the County of Los Angeles is
4 requested to authorize and order the consolidation of the Special Municipal Election with
5 the statewide General Election to be held in the State of California on November 4, 2008,
6 according to the provisions of the Elections Code of the State of California; and the Board
7 of Supervisors is authorized and further requested by the City Council to canvass the
8 returns of the Special Municipal Election or to cause the returns to be canvassed by the
9 Registrar-Recorder/County Clerk, all as prescribed in the Elections Code.

10 Section 3. The City Council determines and declares that the City will
11 pay to the County the reasonable and actual expenses incurred by the County by the
12 consolidation of the Special Municipal Election with the statewide General Election. The
13 City Manager of the City of Long Beach is authorized and directed to pay for the
14 expenses incurred after receiving a statement from the County of Los Angeles.

15 Section 4. That the City Clerk is authorized and directed to transmit a
16 certified copy of this resolution to the Board of Supervisors of the County of Los Angeles
17 and the Registrar-Recorder/County Clerk , along with a copy of the resolution calling the
18 Special Municipal Election.

19 Section 5. This resolution shall take effect immediately upon its adoption
20 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

21
22 I hereby certify that the foregoing resolution was adopted by the City
23 Council of the City of Long Beach at its meeting of August 5, 2008, by the

24 ////

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

1 following vote:

2 Ayes: Councilmembers: S. Lowenthal, DeLong, Andrews,
3 Reyes Uranga, Gabelich, Lerch.

6 Noes: Councilmembers: None.

8 Absent: Councilmembers: B. Lowenthal, O'Donnell, Schipske.

11  _____
City Clerk

20 CERTIFIED AS A TRUE AND CORRECT COPY

21 
CITY CLERK OF THE CITY OF LONG BEACH

22 BY: 

23 DATE: 8/6/08

27 HAM:fl
07/28/08
28 #A08-02233

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RESOLUTION NO. RES-08-0090

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008

WHEREAS, a Special Municipal Election is to be held in the City of Long Beach, California on November 4, 2008; and

WHEREAS, in the course of conduct of these elections, it will be necessary to mail sample ballots and polling place information to the registered voters of the City, and it will facilitate such mailing if the Registrar-Recorder/County Clerk of the County of Los Angeles will make available to the City the computer record of the names and addresses of all eligible registered voters in order that labels may be printed for attaching to self-mailer sample ballot pamphlets; and

WHEREAS, all necessary expenses in performing this service shall be paid by the City of Long Beach;

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

Section 1. That pursuant to the provisions of Section 10002 of the Elections Code of the State of California, the City Council requests the Board of Supervisors of the County to permit the Registrar-Recorder/County Clerk to prepare and furnish to the City for use in conducting the above-mentioned elections the computer record of the names and addresses of all eligible registered voters in the City in order that the City may print labels to be attached to self-mailer sample ballot pamphlets; and also

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

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1 furnish to the City printed indices of the voters to be used by the precinct board at the
2 polling place; and make available to the City additional election equipment and
3 assistance according to state law.

4 Section 2. That the City shall reimburse the County for services
5 performed when the work is completed and upon presentation to the City of a properly
6 approved bill.

7 Section 3. That the City Clerk is hereby directed to forward without delay
8 to the Board of Supervisors and to the Registrar-Recorder/County Clerk, each a certified
9 copy of this resolution.

10 Section 4. This resolution shall take effect immediately upon its adoption
11 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

12 I hereby certify that the foregoing resolution was adopted by the City
13 Council of the City of Long Beach at its meeting of August 5, 2008, by the
14 following vote:

15 Ayes: Councilmembers: S. Lowenthal, DeLong, Andrews,
16 Reyes Uranga, Gabelich, Lerch.

17
18
19 Noes: Councilmembers: None.

20
21 Absent: Councilmembers: B. Lowenthal, O'Donnell, Schipske.

22 CERTIFIED AS A TRUE AND CORRECT COPY

23 Joan G. Hansen
CITY CLERK OF THE CITY OF LONG BEACH

24 BY: William Harper

25 DATE: 8/6/08

26
27 Joan G. Hansen
City Clerk

28 HAM:fl
07/28/08
#A08-02233