



Port of
LONG BEACH
The Green Port

May 7, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach, California

RECOMMENDATION:

Approve the first reading of an Ordinance conferring upon and delegating to the Board of Harbor Commissioners the authority to enforce statutes and ordinances at designated locations within the Civic Center Complex in Long Beach.

DISCUSSION

Section 1203(b) of the Long Beach City Charter provides the Long Beach Board of Harbor Commissioners the power and duty for and on behalf of the City to operate publicly owned facilities incident to the operation of the Harbor District both inside and outside of the Harbor District.

The Board of Harbor Commissioners has adopted Ordinance No HD-1903 authorizing designated security officers of the Harbor Department Security Division ("Harbor Patrol") to enforce statutes and ordinances within the Harbor District of the City of Long Beach.

On January 27, 2014, the Board of Harbor Commissioners approved the second reading of Ordinance Number HD-2180 that gave the Harbor Patrol authority to enforce key sections of the Penal Code and Long Beach Municipal Code within the Port of Long Beach's ("Port's") Interim Administrative Offices building.

The City of Long Beach, acting by and through its Board of Harbor Commissioners, recently purchased property and constructed an office building at 415 W. Ocean Blvd in Long Beach, which is part of the new Civic Center Complex, to serve as the headquarters of the Harbor Department ("Port Headquarters"). It is the desire of the Board of Harbor Commissioners that the Harbor Patrol continue to provide security services at the new Port Headquarters and associated areas. Therefore the Board of Harbor Commissioners adopted a resolution at their regular meeting on April 22, 2019, which requests an ordinance from the City Council that will confer upon and delegate to the Board of Harbor Commissioners the ability to confer authority upon the Harbor Patrol to enforce specific sections of the California Penal Code and Long Beach Municipal Code necessary to protect the Port employees, customers, and other visitors within the Port Headquarters

building, underground parking garage, and Central Utility Plan and Utility Yard, and at the shared use spaces of City Hall and the Council Chambers during Port events. This request has been discussed and coordinated with the Long Beach Police Department, City Attorney's Office and the Human Resources Department.

It is requested that the City Council, pursuant to Section 1204 of the Long Beach City Charter, approve the first reading of the Ordinance to confer upon and delegate to the Board of Harbor Commissioners the ability to amend Ordinance No. HD-1903 to allow the Director of Security, the Chief Port Security Officer and Security Officers of the Harbor Patrol to have clearly defined authority to enforce specific statutes and ordinances at designated locations within the Civic Center Complex in Long Beach.

This item was reviewed by Deputy City Attorney, Dawn McIntosh, on April 19, 2019.

TIMING CONSIDERATIONS

This matter is time critical because the required Council and Board actions and appropriate public notices related thereto need to be completed prior to the scheduled move-in date at the Port Headquarters which is July 2019.

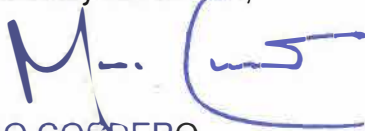
FISCAL IMPACT

This action will have no fiscal impact.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MARIO CORDERO
EXECUTIVE DIRECTOR

MC:CH

Attachments:

1. Resolution of the Board of Harbor Commissioners
2. Ordinance of the City Council Delegating Authority to the Board of Harbor Commissioners

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

RESOLUTION NO. HD- 2954

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A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH REQUESTING AN ORDINANCE OF THE CITY COUNCIL OF LONG BEACH CONFERRING UPON AND DELEGATING TO THE BOARD OF HARBOR COMMISSIONERS THE AUTHORITY TO ENFORCE STATUTES AND ORDINANCES, TO ARREST AND TO PREPARE, ISSUE AND DELIVER WRITTEN NOTICES TO APPEAR AT SPECIFIC PREMISES AND UNDER LIMITED CIRCUMSTANCES OUTSIDE THE HARBOR DISTRICT.

WHEREAS, Section 1203(b) of the Long Beach City Charter provides the Long Beach Board of Harbor Commissioners the power and duty for and on behalf of the City to operate publicly owned facilities incident to the operation of the Harbor District, both inside and outside of the Harbor District; and

WHEREAS, the City of Long Beach, a municipal corporation acting by and through its Board of Harbor Commissioners, has recently constructed an office building at 415 W. Ocean Boulevard in Long Beach ("Building") which is part of the new Civic Center Plaza. The Civic Center Plaza is comprised of two buildings, the Building and a new City Hall with Council Chambers, as well as an outdoor plaza and an underground parking structure ("parking structure"). The Building is the new permanent headquarters for the Long Beach Harbor Department, Harbor Commission Meetings will be held in the Council Chambers, the Harbor Department will share the Central Utility Plant and Utility Yard for the Civic Center and various shared rooms in City Hall with other City departments, and the parking structure will primarily serve the Harbor Commissioners, Harbor Department staff and executive management, and Harbor Department visitors; and

1 WHEREAS, pursuant to Section 1203(d) of the Long Beach City Charter,
2 the Long Beach Board of Harbor Commissioners has the power and duty on behalf of the
3 City to control and have jurisdiction of the Harbor District and "to make and enforce in the
4 Harbor District general rules and regulations, to the extent that may be necessary or
5 requisite for port purposes and harbor development, and in carrying out the powers
6 elsewhere vested in the Commission"; and

7 WHEREAS, Section 1203(t) of the Long Beach City Charter provides that
8 the Long Beach Board of Harbor Commissioners has the power and duty "to adopt and
9 enforce such ordinances, orders, regulations, and practices as are necessary for the
10 proper administration and discharge of its duties and powers, or for the management and
11 government of the Harbor District and its facilities"; and

12 WHEREAS, the Board of Harbor Commissioners has adopted Ordinance
13 No. HD-1903 amending and restating the authority of designated security officers of the
14 Harbor Department Security Division to enforce statutes and ordinances, to arrest and to
15 prepare, issue and deliver written Notices to Appear within the Harbor District of the City
16 of Long Beach; and

17 WHEREAS, the Building, City Hall shared spaces, Council Chambers,
18 Central Utility Plant and Utility Yard, and parking structure are located outside of the
19 Harbor District of the City of Long Beach; and

20 WHEREAS, in order to properly secure the Building, Council Chambers, the
21 Central Utility Plant and Utility Yard, shared spaces in City Hall, and parking structure, the
22 Board of Harbor Commissioners desires the assistance of the Harbor Department
23 Security Division onsite.

24 NOW, THEREFORE, the Long Beach Board of Harbor Commissioners
25 requests as follows:

26 Section 1. That the City Council pursuant to Section 1204 of the Long
27 Beach City Charter confer upon and delegate to the Board of Harbor Commissioners, the
28 ability to amend Ordinance No. HD-1903, as it may be amended or replaced from time to

1 time, to allow the Director of Security, the Chief Port Security Officer and Security
2 Officers of the Harbor Department Security Division ("Harbor Patrol Officers") to have
3 clearly defined authority to enforce statutes and ordinances, to arrest, and to prepare,
4 issue and deliver written notices to appear within the Building, Council Chambers (when
5 used for Harbor Department business), the Central Utility Plant and Utility Yard, shared
6 spaces in City Hall (when used for Harbor Department business), and within the
7 underground parking structure.

8 Sec. 2. That the City Council pursuant to Section 1204 of the Long Beach
9 City Charter confer upon and delegate to the Board of Harbor Commissioners, the ability
10 to amend Ordinance No. HD-1903, as it may be amended or replaced from time to time,
11 to allow the Harbor Patrol Officers to have clearly defined authority to enforce statutes
12 and ordinances pertaining to direction of traffic on Magnolia Boulevard at the Magnolia
13 Boulevard entrances to the parking structure.

14 Sec. 3. The delegation of such powers and duties requested herein would
15 become operative upon adoption: (i) of a City Council ordinance conferring upon and
16 delegating to the Harbor Department such powers and duties; (ii) of a Board of Harbor
17 Commissioners' resolution accepting such delegation; and (iii) of a Board of Harbor
18 Commissioners' ordinance amending Ordinance No. HD-1903 granting the following
19 authorities to Harbor Patrol Officers:

20 a) Within the Building and parking structure (including the loading docks
21 or ramps), the Central Utility Plant and Utility Yard for the Civic Center, and the Council
22 Chambers and shared rooms in City Hall when such facilities are being used for Port
23 business, the authority to enforce the following provisions and the authority, pursuant to
24 California Penal Code Section 836.5, to arrest persons and to prepare, issue and deliver
25 to any arrested person a written Notice to Appear in court and to release such person
26 from custody upon receiving from him his written promise to appear in court for any
27 violation of any provision enumerated herein:

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1 California Penal Code Sections 148 (resisting public officer); 148.2
2 (interfering with firefighter or emergency rescue personnel); 403
3 (disrupting a public meeting); 415 (disturbing the peace); 484 (theft); 554
4 (property that may be posted); 555 (entry upon posted property); 556
5 (placing advertising signs on posted property); 588(b) (removing
6 authorized barrier); 594 (vandalism); 602 (trespass); 647(f) (disorderly
7 conduct); and

8 Long Beach Municipal Code Sections 2.03.104 (disturbing public
9 meeting); 9.22.010 (public consumption of alcohol); and 18.48.730
10 (discharge of fireworks).

11 Arrests which require booking of the offender are to be handled and
12 processed by the Long Beach Police Department.

13 b) At the Magnolia Boulevard entrances to the parking structure,
14 including the portions of Magnolia Boulevard immediately outside the parking structure
15 entrances, the authority to ensure entry to the parking structure is limited to authorized
16 persons and vehicles and to direct traffic on Magnolia Boulevard when necessary to allow
17 the safe egress of vehicles, pursuant to California Penal Code Section 836.5 and
18 California Vehicle Code Section 21100. The authority granted pursuant to this subsection
19 shall not include the authority to arrest persons or to issue Notices to Appear in court.

20 Sec 4. Harbor Patrol Officers working at the Building, City Hall, Council
21 Chambers or parking structure will travel to and from work in their personal vehicles,
22 unarmed and out of uniform.

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Sec. 5. This resolution shall take effect immediately upon its adoption by the Board of Harbor Commissioners, and the Secretary of the Board shall certify to the vote adopting this resolution and shall cause a certified copy of this resolution to be filed forth with the City Clerk. The City Clerk shall post the resolution in three (3) conspicuous places in the City of Long Beach.

I hereby certify that the foregoing resolution was adopted by the Board of Harbor Commissioners of the City of Long Beach at its meeting of APRIL 22, 2019 by the following vote:

Ayes: Commissioners: EGOSCUE, LOWENTHAL, COLONNA

Noes: Commissioners: _____

Absent: Commissioners: GUZMAN, BYNUM

Not Voting: Commissioners: _____



Secretary

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CONFERRING UPON AND DELEGATING TO THE BOARD OF HARBOR COMMISSIONERS THE AUTHORITY TO ENFORCE STATUTES AND ORDINANCES, TO ARREST AND TO PREPARE, ISSUE AND DELIVER WRITTEN NOTICES TO APPEAR AT THE OFFICE BUILDING AT 415 W. OCEAN BOULEVARD IN LONG BEACH, THE NEW CITY HALL WITH COUNCIL CHAMBERS AND THE UNDERGROUND PARKING STRUCTURE, WHICH ARE ALL PART OF THE NEW CIVIC CENTER PLAZA

WHEREAS, Section 1204 of the Charter of the City of Long Beach empowers the City Council, by ordinance, to confer upon and delegate to the Board of Harbor Commissioners such additional powers and duties which the City Council deems necessary or convenient to carry out the general purposes of such Board, subject to the approval of such delegation by the Board; and

WHEREAS, Section 1203(b) of the Long Beach City Charter provides the Long Beach Board of Harbor Commissioners the power and duty for and on behalf of the City to operate publicly owned facilities incident to the operation of the Harbor District, both inside and outside of the Harbor District; and

WHEREAS, the City of Long Beach, a municipal corporation acting by and through its Board of Harbor Commissioners, has recently constructed an office building at 415 W. Ocean Boulevard in Long Beach ("Building") which is part of the new Civic Center Plaza. The Civic Center Plaza is comprised of two buildings, the Building and a new City Hall with Council Chambers, as well as an outdoor plaza and an underground parking

1 structure ("parking structure"). The Building is the new permanent headquarters for the
2 Long Beach Harbor Department, Harbor Commission meetings will be held in the Council
3 Chambers, the Harbor Department will share the Central Utility Plant and Utility Yard for
4 the Civic Center and various shared rooms in City Hall with other City departments, and
5 the parking structure will primarily serve the Harbor Commissioners, Harbor Department
6 staff and executive management, and Harbor Department visitors; and

7 WHEREAS, pursuant to Section 1203(d) of the Long Beach City Charter,
8 the Long Beach Board of Harbor Commissioners has the power and duty on behalf of the
9 City to control and have jurisdiction of the Harbor District and "to make and enforce in the
10 Harbor District general rules and regulations; to the extent that may be necessary or
11 requisite for port purposes and harbor development, and in carrying out the powers
12 elsewhere vested in the Commission"; and

13 WHEREAS, Section 1203(t) of the Long Beach City Charter provides that
14 the Long Beach Board of Harbor Commissioners has the power and duty "[t]o adopt and
15 enforce such ordinances, orders, regulations, and practices as are necessary for the
16 proper administration and discharge of its duties and powers, or for the management and
17 government of the Harbor District and it facilities"; and

18 WHEREAS, the Board of Harbor Commissioners has adopted Ordinance
19 No. HD-1903 amending and restating the authority of designated security officers of the
20 Harbor Department Security Division to enforce statutes and ordinances, to arrest and to
21 prepare, issue and deliver written Notices to Appear within the Harbor District of the City
22 of Long Beach; and

23 WHEREAS, the Building, City Hall shared spaces, Council Chambers,
24 Central Utility Plant and Utility Yard, and parking structure are located outside of the
25 Harbor District of the City of Long Beach; and

26 WHEREAS, in order to properly secure the Building, Council Chambers, the
27 Central Utility Plant and Utility Yard, shared spaces in City Hall, and parking structure, the
28 Board of Harbor Commissioners desires the assistance of the Harbor Department

1 Security Division onsite.

2 NOW THEREFORE, The City Council of the City of Long Beach ordains as
3 follows:

4 Section 1. The City Council of the City of Long Beach ("City Council"),
5 pursuant to Section 1204 of the Charter of the City of Long Beach, confers upon and
6 delegates to the Board of Harbor Commissioners the ability to amend Ordinance No. HD-
7 1903, as it may be amended or replaced from time to time, to allow the Director of
8 Security, the Chief Port Security Officer and Security Officers of the Harbor Department
9 Security Division ("Harbor Patrol Officers") to have clearly defined authority to enforce
10 statutes and ordinances, to arrest, and to prepare, issue and deliver written notices to
11 appear within the Building, Council Chambers (when used for Harbor Department
12 business), the Central Utility Plant and Utility Yard, shared spaces in City Hall (when
13 used for Harbor Department business), and within the underground parking structure.

14 Section 2. The City Council, pursuant to Section 1204 of the Long Beach
15 City Charter, confers upon and delegates to Board of Harbor Commissioners, the ability
16 to amend Ordinance No. HD-1903, as it may be amended or replaced from time to time,
17 to allow the Harbor Patrol Officers to have clearly defined authority to enforce statutes
18 and ordinances pertaining to directions of traffic on Magnolia Boulevard at the Magnolia
19 Boulevard entrances to the parking structure.

20 Section 3. The delegation of powers and duties provided for herein shall
21 become operative upon adoption: (i) of a resolution of the Board of Harbor
22 Commissioners approving and accepting the powers and duties so conferred and
23 delegated; and (ii) of a Board of Harbor Commissioners ordinance amending Ordinance
24 No. HD-1903 granting the following authorities to Harbor Patrol Officers:

25 a) Within the Building and parking structure (including the loading docks
26 or ramps), the Central Utility Plant and Utility Yard for the Civic Center, and the Council
27 Chambers and shared rooms in City Hall when such facilities are being used for Harbor
28 Department business, the authority to enforce the following provisions and the authority,

1 pursuant to California Penal Code Section 836.5, to arrest persons and to prepare, issue
2 and deliver to any arrested person a written Notice to Appear in court and to release such
3 person from custody upon receiving from him his written promise to appear in court for
4 any violation of any provision enumerated herein:

5 California Penal Code Sections 148 (resisting public officer); 148.2
6 (interfering with firefighter or emergency rescue personnel); 372 (maintain
7 a nuisance); 403 (disrupting a public meeting); 415 (disturbing the peace);
8 484 (theft); 554 (property that may be posted); 555 (entry upon posted
9 property); 556 (placing advertising signs on public property); 588(b)
10 (removing authorized barrier); 594 (vandalism); 602 (trespass); 647(f)
11 (disorderly conduct); and

12 Long Beach Municipal Code Sections 2.03.104 (disturbing public
13 meeting); 9.22.010 (public consumption of alcohol); and 18.48.730
14 (discharge of fireworks).

15 Arrests which require booking of the offender are to be handled and
16 processed by the Long Beach Police Department.

17 b) At the Magnolia Boulevard entrances to the parking structure,
18 including the portions of Magnolia Boulevard immediately outside the parking structure
19 entrances, the authority to ensure entry to the parking structure is limited to authorized
20 persons and vehicles and to direct traffic on Magnolia Boulevard when necessary to allow
21 the safe egress of vehicles, pursuant to California Penal Code Section 836.5 and
22 California Vehicle Code Section 21100. The authority granted pursuant to this subsection
23 shall not include the authority to arrest persons or to issue Notices to Appear in court.

24 Section 4. Harbor Patrol Officers working at the Building, City Hall, Council
25 Chambers or parking structure will travel to and from work in their personal vehicles,
26 unarmed and out of uniform.

27 Section 5. The City Clerk shall certify to the passage of this ordinance by
28 City Council and cause it to be posted in three (3) conspicuous places in the City of Long

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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 Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor