



CITY OF LONG BEACH

R-11

DEPARTMENT OF THE CITY CLERK

333 W. Ocean Blvd. Long Beach, CA 90802 (562) 570-6101 FAX (562) 570-6789

LEGISLATIVE BUREAU

January 2, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

That the City Council: [1] receive the City Clerk Department's transmittal of a Mayoral veto of an Ordinance of the City Council of the City of Long Beach amending the Long Beach Municipal Code by adding Chapter 16.58 relating to labor peace agreements for hotels on City owned property; and [2] determine whether within 30 days of December 22, 2006 to override the veto.

DISCUSSION

The above referenced Ordinance pertaining to "labor peace agreements" was adopted by the City Council on December 12, 2006.

Pursuant to Charter Section 213, Mayor Bob Foster exercised a timely veto of the ordinance on December 22, 2006.

As required Charter Section 213, the City Clerk Department immediately transmitted notice of the veto to the City Council on the afternoon of the same date. The transmittal letter is attached to this report.

With docketing of this report for the agenda of January 2, 2007, Charter Section 213, provides the for the following:

...At that meeting, or at any time within thirty days of filing of the veto statement, the City council may, by a vote of five (5) or more of its members, override the veto, in which case the ordinance shall become effective thirty (30) days thereafter. If an override is not voted within the thirty (30) days provided, the ordinance shall be deemed vetoed and shall be of no further force and effect.

FISCAL IMPACT

There is no impact to the City Clerk Department FY 2007 budget that stems from the recommendation.

January 2, 2007


Re: Superstore Referendum

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LARRY HERRERA
CITY CLERK

Attachments – City Clerk Veto Transmittal Letter (December 22, 2006)



CITY CLERK DEPARTMENT
Long Beach, California

LARRY HERRERA
City Clerk

ADMINISTRATIVE DIVISION
Monique De La Garza
Administrative Officer

ELECTIONS BUREAU
Rebecca Burlison
City Clerk Bureau Manager

LEGISLATIVE BUREAU
Merianne Nakagawa
City Clerk Bureau Manager

December 22, 2006

HONORABLE CITY COUNCIL
City of Long Beach
California

Honorable Members of the City Council:

Pursuant to the requirements of City Charter Section 213, attached please find the Mayor's veto and veto statement relative to an Ordinance of the City Council of the City of Long Beach amending the Long Beach Municipal Code by adding Chapter 16.58 relating to labor peace agreements for hotels on City owned property.

As required by the Charter, I will cause this matter to be placed upon the agenda of the next regularly scheduled meeting of the City Council. The next regular meeting is set for January 2, 2007.

When this item is put on the agenda for January 2, Section 213 provides as follows:

...At that meeting, or at any time within thirty days of filing of the veto statement, the City Council may, by a vote of five (5) or more of its members, override the veto, in which case the ordinance shall become effective thirty (30) days thereafter. If an override is not voted within the thirty (30) days provided, the ordinance shall be deemed vetoed and shall be of no further force and effect.

Should you have any further questions, please call me at 562.570.6489 or on my cell phone at 562.607.3366.

Respectfully submitted,


LARRY HERRERA
CITY CLERK

Attachments: Mayoral Veto Statement dated December 22, 2006
Ordinance No. 06—0057 relative to Labor Peace Agreements For
Hotels on City Owned Property

Cc: Robert Shannon, City Attorney
Gerald R. Miller City Manager



MAYOR BOB FOSTER

CITY OF LONG BEACH

VETO MESSAGE

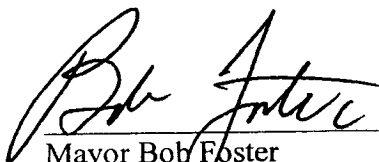
Persuant to the provisions of Section 213 of the Long Beach City Charter, I am returning to the Council without my signature, and hereby vetoing, the "labor peace agreement" ordinance.

This has been a difficult decision in no small measure because I believe that both employee and employer in the hotel industry would benefit from a contractual agreement between the parties. My obligation, however, is to the City of Long Beach.

While this issue has been with the City Council for many months, there has not been an adequate review. In fact, this version of the agreement put into consideration and voted on by the Council was substantially in draft form and never formally heard by a policy committee nor discussed with both parties. Further, there were insufficient efforts to bring the parties in this issue together to attempt resolve some of the differences.

As such, this ordinance would likely engender costly litigation and a protracted conflict between the City and parties with which the City previously entered into contractual agreements and would have the effect of modifying those agreements without consultation. I believe that it is possible to bring the two sides together and avoid costly and lengthy litigation and still provide a policy that promotes "labor peace."

I recognize that my veto merely requires a simple majority to override. I urge members of the Council to sustain this veto and allow time for the parties to engage in productive discussions aimed at a resolution. I pledge my efforts and the resources of my office to bring all parties together to seek a resolution that will protect the City's scarce resources and provide a more appropriate path to future contractual agreements.



Mayor Bob Foster
December 22, 2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 16.58 RELATING TO LABOR PEACE AGREEMENTS FOR HOTELS ON CITY-OWNED PROPERTY

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

Section 1. The Long Beach Municipal Code is amended by adding Chapter 16.58 to read as follows:

Chapter 16.58

Labor Peace Agreements for Hotels on City-Owned Property

16.58.010 Purpose.

The City of Long Beach has a financial and proprietary interest in hospitality operations that lease real property from the City. These operations base their lease, rental or license payments to the City in part on the revenue they generate. Therefore, it is essential that these operations conduct business efficiently and without interruption. The City has found that the efficient and uninterrupted operation of hospitality operations may be threatened by labor disputes. The City's investment in these operations must be shielded from any impact that labor disputes may have on the revenue of these hospitality operations. The City has further found that the City can only protect its investment by requiring its hotel operations lessees to sign contracts with the labor organizations that represent employees in the hospitality industry. These contracts will

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City Attorney of Long Beach
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1 prohibit the labor organizations and its members from engaging in
2 picketing, work stoppages, boycotts or other economic interference with
3 the business of the hospitality operators, for the duration of their lease
4 with the City.

5
6 16.58.020 Definitions.

7 A. "City" means the City of Long Beach.

8 B. "City Council" means the City Council of the City of Long Beach.

9 C. "Hospitality Operations" means the general business operations
10 of a hospitality operator.

11 D. "Hospitality Operations Lessee" means any company with a
12 lease from the City for a hotel or motel, providing lodging and other guest
13 accommodations.

14 E. "Hospitality Workers" means all full-time and part-time
15 employees in a Hospitality Operation, except supervisors, managers and
16 guards.

17 F. "Labor Organization" means an organization of any kind, or an
18 agency or employer representation committee or plan, in which
19 employees participate and which exists for the purpose, in whole or in
20 part, of dealing with employers concerning grievances, labor disputes,
21 wages, rates of pay, hours of employment, or conditions of work.

22 G. "Lease" means any lease or license from the City to use any
23 City property for Hospitality Operations.

24 H. "Lease Amendment" means any amendment approved by the
25 City Council that:

26 1. extends the term of an existing lease for a period of more
27 than one (1) year;

28 2. approves a reduction in rent for the then existing

1 tenant/operator; or

2 3. permits an expansion of the existing hotel or motel
3 operation in order to add additional rooms, or to make structural changes
4 to add additional square footage for amenities such as, but not limited to,
5 banquet or convention facilities.

6 I. "Lease Assignment" means any action approved by the City
7 Council which approves the transfer of a lease to a new hotel or motel
8 operator having no affiliation with the City's previous tenant. An
9 assignment shall not be deemed to have occurred if the tenant/operator
10 seeks an assignment of the leasehold interest to:

- 11 1. a wholly owned subsidiary of the tenant/operator,
- 12 2. a limited liability company in which the tenant/operator is
13 a managing member,
- 14 3. a partnership in which the tenant/operator is a general
15 partner,
- 16 4. an assignment to any entity which acquires all or
17 substantially all of the stock or assets of the tenant operator, or
18 5. a lender for financing purposes.

19 J. "No-Strike Pledge" means a provision in a labor peace
20 agreement prohibiting the Labor Organization and its members from
21 engaging in picketing, work stoppages, boycotts or any other economic
22 interference with Hospitality Operations of a Hospitality Operations
23 Lessee for the duration of the City lease term.

24 K. "Person" means a sole proprietorship, partnership, corporation,
25 joint venture or business organization of any kind.

26
27 16.58.030 No-Strike Pledge requirement for hospitality operations.

28 The City shall not execute any new Lease, Lease Amendment, or

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1 Lease Assignment with a Hospitality Operations Lessee unless and until
2 the Hospitality Operations Lessee has signed a labor peace agreement
3 with any Labor Organization seeking to represent Hospitality Workers at
4 the premises covered by the Lease. Each labor peace agreement must
5 contain a No-Strike Pledge. A Hospitality Operations Lessee shall be
6 relieved of the obligations of this section with respect to a Labor
7 Organization if the Labor Organization places conditions upon its No-
8 Strike Pledge that the City Council finds, after notice and hearing, to be
9 arbitrary or capricious.

10
11 16.58.040 Limitations.

12 A. Nothing in this ordinance requires Hospitality Operations
13 Lessee to recognize a particular Labor Organization.

14 B. This ordinance is not intended to, and shall not be interpreted
15 to, enact or express any generally applicable policy regarding labor-
16 management relations or to regulate those relations in any way.

17 C. This ordinance is not intended to favor any particular outcome
18 in the determination of employee preference regarding union
19 representation.

20 D. Nothing in this ordinance permits or requires the City or any
21 Hospitality Operations Lessee to enter into any agreement in violation of
22 the National Labor Relations Act of 1935, approved July 5, 1935 (49 Stat.
23 449; 29 U.S.C.S. §151, *et seq.*).

24
25 Sec. 2. The City Clerk shall certify to the passage of this ordinance by the
26 City Council and cause it to be posted in three conspicuous places in the City of Long
27 each, and it shall take effect on the thirty-first day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of
the City of Long Beach at its meeting of December 12, 2006, by the
following vote:

Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, O'Donnell,
Schipske, Reyes Uranga.

Noes: Councilmembers: DeLong, Gabelich, Lerch.

Absent: Councilmembers: None.



City Clerk

Approved: _____

Mayor

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