



Port of  
**LONG BEACH**  
*The Green Port*

December 3, 2013

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Recommendation to declare the attached City Council Ordinance conferring upon and delegating to the Board of Harbor Commissioners the authority to enforce statutes and ordinances within the office building at 4801 Airport Plaza Drive in Long Beach, read the first time and laid over to the next regular meeting of the City Council for final reading.

**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 City of Long Beach acting by and through its Board of Harbor Commissioners recently purchased an office building at 4801 Airport Plaza Drive in Long Beach to serve as the headquarters of the Harbor Department for a period of time.

The Board of Harbor Commissioners has adopted Ordinance No HD-1903 authorizing designated security officers of the Harbor Department Security Division to enforce statutes and ordinances, within the Harbor District of the City of Long Beach. It is the desire of the Board of Harbor Commissioners that the Harbor Department Security Division continues to provide security services to the headquarters of the Harbor Department. Therefore the Board of Harbor Commissioners is expected to adopt a resolution at their regular meeting of December 2, 2013 requesting the City Council to amend existing authorities to provide for the Harbor Department Security Division to secure the building at

4801 Airport Plaza Drive in Long Beach. This request has been discussed and coordinated with the Long Beach Police Department 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 Department Security Division to have clearly defined authority to enforce statutes and ordinances within the Harbor Department headquarters building at 4801 Airport Way in Long Beach.

This item was reviewed by Deputy City Attorney, Charles Gale, on November 21, 2013.

TIMING CONSIDERATIONS

This matter is time critical in order to accomplish the required Council and Board actions and appropriate public notices related thereto prior to the scheduled move-in date at the interim Harbor Department headquarters which is February 2014.

FISCAL IMPACT

This action will have no fiscal impact.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



A.J. MORO, P.E.  
ACTING EXECUTIVE DIRECTOR

AJM:RDP

Attachments:

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

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RESOLUTION NO. HD-

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-ALL WITHIN THE OFFICE BUILDING AT 4801 AIRPORT PLAZA DRIVE IN LONG BEACH.

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 purchased an office building at 4801 Airport Plaza Drive in Long Beach ("Building"). The Building is expected to serve as the headquarters for the Long Beach Harbor Department for a period of time; and

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

WHEREAS, Section 1203(t) of the Long Beach City Charter provides that

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1 the Long Beach Board of Harbor Commissioners has the power and duty to adopt and  
2 enforce such ordinances, orders, regulations, and practices as are necessary for the  
3 proper administration and discharge of its duties and powers, or for the management and  
4 government of the Harbor District and its facilities; and

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

10 WHEREAS, the Building is located outside of the Harbor District of the City  
11 of Long Beach; and

12 WHEREAS, in order to properly secure the Building, the Board of Harbor  
13 Commissioners desires the assistance of the Harbor Department Security Division within  
14 the Building.

15 NOW, THEREFORE, the Long Beach Board of Harbor Commissioners  
16 requests as follows:

17 Section 1. That the City Council pursuant to Section 1204 of the Long  
18 Beach City Charter confer upon and delegate to the Board of Harbor Commissioners, the  
19 ability to amend Ordinance No. HD-1903, as it may be amended or replaced from time to  
20 time, to allow the Director of Security, the Chief Port Security Officer and Security  
21 Officers of the Harbor Department Security Division to have clearly defined authority to  
22 enforce statutes and ordinances, to arrest, and to prepare, issue and deliver written  
23 notices to appear-all within the Building.

24 Sec. 2. The delegation of such powers and duties requested herein would  
25 become operative upon adoption: (i) of a City Council ordinance conferring upon and  
26 delegating to the Harbor Department such powers and duties; (ii) of a Board of Harbor  
27 Commissioners' resolution accepting such delegation; and (iii) of a Board of Harbor  
28 Commissioners' ordinance amending Ordinance No. HD-1903 granting within the

1 Building (but not outside the Building) to those employees of the Harbor Department  
2 holding the position of Director of Security, Chief Port Security Officer and Security  
3 Officers, employed in the Harbor Department Security Division (collectively, "Harbor  
4 Patrol Officers") the authority to enforce the following provisions within the Building and  
5 the authority, pursuant to California Penal Code Section 836.5, to arrest persons and to  
6 prepare, issue and deliver to any arrested person a written Notice to Appear in court and  
7 to release such person from custody upon receiving from him his written promise to  
8 appear in court for any violation of any provision enumerated herein:

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

15 Long Beach Municipal Code Sections 2.03.104 (disturbing public  
16 meeting); 9.22.010 (public consumption of alcohol); and 18.48.010 (discharge of  
17 fireworks).

18 Sec 3. No marked Harbor Patrol vehicles will be maintained at the  
19 Building. Transit of Harbor Patrol Officers between the Building and the Harbor  
20 District shall occur only in unmarked vehicles, except at the request of the Police  
21 Department or in an emergency. Harbor Patrol Officers do not have authority to  
22 engage in enforcement activity outside of the Harbor District except inside the  
23 Building.

24 Sec 4. Harbor Patrol Officers working at the Building will travel to  
25 and from work in their personal vehicles, unarmed and out of uniform.

26 Sec. 5. This resolution shall take effect immediately upon its adoption by  
27 the Board of Harbor Commissioners, and the Secretary of the Board shall certify to the  
28 vote adopting this resolution and shall cause a certified copy of this resolution to be filed

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1 forth with the City Clerk. The City Clerk shall post the resolution in three conspicuous  
2 places in the City of Long Beach.

3 I hereby certify that the foregoing resolution was adopted by the Board of  
4 Harbor Commissioners of the City of Long Beach at its meeting of \_\_\_\_\_, 2013  
5 by the following vote:

6 Ayes: Commissioners: \_\_\_\_\_

7 \_\_\_\_\_

8 Noes: Commissioners: \_\_\_\_\_

9 Absent: Commissioners: \_\_\_\_\_

10 Not Voting: Commissioners: \_\_\_\_\_

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Secretary



1 requisite for port purposes and harbor development, and in carrying out the powers  
2 elsewhere vested in the Commission"; and

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

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

13 WHEREAS, the Building is located outside of the Harbor District of the City  
14 of Long Beach; and

15 WHEREAS, in order to properly secure the Building, the Board of Harbor  
16 Commissioners desires the assistance of the Harbor Department Security Division within  
17 the Building.

18 NOW THEREFORE, The City Council of the City of Long Beach ordains as  
19 follows:

20 Section 1. The City Council of the City of Long Beach, pursuant to Section  
21 1204 of the Charter of the City of Long Beach confers upon and delegates to the Board of  
22 Harbor Commissioners the ability to amend Ordinance No. HD-1903, as it may be  
23 amended or replaced from time to time, to allow the Director of Security, the Chief Port  
24 Security Officer and Security Officers of the Harbor Department Security Division to have  
25 clearly defined authority to enforce statutes and ordinances, to arrest, and to prepare,  
26 issue and deliver written notices to appear-all within the Building.

27  
28 Section 2. The delegation of powers and duties provided for herein shall



1 become operative upon adoption: (i) of a resolution of the Board of Harbor  
2 Commissioners approving and accepting the powers and duties so conferred and  
3 delegated; and (ii) of a Board of Harbor Commissioners ordinance amending Ordinance  
4 No. 1903 granting within the Building (but not outside the Building) to those employees of  
5 the Harbor Department holding the position of Director of Security, Chief Port Security  
6 Officer and Security Officers, employed in the Harbor Department Security Division  
7 (collectively, "Harbor Patrol Officers") the authority to enforce the following provisions  
8 within the Building and the authority, pursuant to California Penal Code Section 836.5, to  
9 arrest persons and to prepare, issue and deliver to any arrested person a written Notice  
10 to Appear in court and to release such person from custody upon receiving from him his  
11 written promise to appear in court for any violation of any provision enumerated herein:

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

18 Long Beach Municipal Code Sections 2.03.104 (disturbing public  
19 meeting); 9.22.010 (public consumption of alcohol); and 18.48.010 (discharge of  
20 fireworks).

21  
22 Section 3. No marked Harbor Patrol vehicles will be maintained at  
23 the Building. Transit of Harbor Patrol Officers between the Building and the  
24 Harbor District shall occur only in unmarked vehicles, except at the request of the  
25 Police Department or in an emergency. Harbor Patrol Officers do not have  
26 authority to engage in enforcement activity outside of the Harbor District except  
27 inside the Building.  
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Section 4. Harbor Patrol Officers working at the Building will travel to and from work in their personal vehicles, unarmed and out of uniform.

Section 5. The City Clerk shall certify to the passage of this ordinance by the City Council and shall cause the same to be posted in three (3) conspicuous places in the City of Long Beach. This ordinance shall take effect on the 31<sup>st</sup> day after its approval by the Mayor of the City of Long Beach.

I certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2014, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

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