

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

ORDINANCE NO. ORD-13-0029

1  
2  
3 AN ORDINANCE OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH CONFERRING UPON AND  
5 DELEGATING TO THE BOARD OF HARBOR  
6 COMMISSIONERS THE AUTHORITY TO ENFORCE  
7 STATUTES AND ORDINANCES, TO ARREST AND TO  
8 PREPARE, ISSUE AND DELIVER WRITTEN NOTICES TO  
9 APPEAR-ALL WITHIN THE OFFICE BUILDING AT 4801  
10 AIRPORT PLAZA DRIVE IN LONG BEACH.

11  
12 WHEREAS, Section 1204 of the Charter of the City of Long Beach  
13 empowers the City Council, by ordinance, to confer upon and delegate to the Board of  
14 Harbor Commissioners such additional powers and duties which the City Council deems  
15 necessary or convenient to carry out the general purposes of such Board, subject to the  
16 approval of such delegation by the Board; and

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

21 WHEREAS, the City of Long Beach, a municipal corporation acting by and  
22 through its Board of Harbor Commissioners, has recently purchased an office building at  
23 4801 Airport Plaza Drive in Long Beach ("Building"). The Building is expected to serve as  
24 the headquarters for the Long Beach Harbor Department for a period of time; and

25 WHEREAS, pursuant to Section 1203(d) of the Long Beach City Charter,  
26 the Long Beach Board of Harbor Commissioners has the power and duty on behalf of the  
27 City to control and have jurisdiction of the "Harbor District and to make and enforce in the  
28 Harbor District general rules and regulations, to the extent that may be necessary or

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 Section 2. The delegation of powers and duties provided for herein shall  
28 become operative upon adoption: (i) of a resolution of the Board of Harbor

1 Commissioners approving and accepting the powers and duties so conferred and  
2 delegated; and (ii) of a Board of Harbor Commissioners ordinance amending Ordinance  
3 No. HD-1903 granting within the Building (but not outside the Building) to those  
4 employees of the Harbor Department holding the position of Director of Security, Chief  
5 Port Security Officer and Security Officers, employed in the Harbor Department Security  
6 Division (collectively, "Harbor Patrol Officers") the authority to enforce the following  
7 provisions within the Building and the authority, pursuant to California Penal Code  
8 Section 836.5, to arrest persons and to prepare, issue and deliver to any arrested person  
9 a written Notice to Appear in court and to release such person from custody upon  
10 receiving from him his written promise to appear in court for any violation of any provision  
11 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 2.03.140 (disturbing public  
19 meeting); 9.22.010 (public consumption of alcohol); and 18.48.700 (discharge of  
20 fireworks).

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

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


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

4 I hereby certify that the foregoing ordinance was adopted by the City  
5 Council of the City of Long Beach at its meeting of December 10, 2013, by the following  
6 vote:

7  
8 Ayes: Councilmembers: Lowenthal, Schipske, Johnson, Austin,  
9 Neal, O'Donnell.

10  
11 Noes: Councilmembers: None.

12  
13 Absent: Councilmembers: Garcia, DeLong, Andrews.

14  
15  
16  
17   
18 \_\_\_\_\_  
19 City Clerk

20 Approved: 12/12/13   
21 (Date) \_\_\_\_\_  
22 Mayor

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

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA        ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH         )

Megan Wiegelman being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 13th day of December, 2013, I posted three true and correct copies of Ordinance No. ORD-13-0029 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies in the entrance lobby of the 14th Floor of City Hall.



A handwritten signature in cursive script, appearing to read 'Megan Wiegelman', is written over a horizontal line.

Subscribed and sworn to before me  
this 13th day of December, 2013.



A handwritten signature in cursive script is written over a horizontal line, with the words 'CITY CLERK' printed in capital letters directly below the line.