

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

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

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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 its 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

1 Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
2 Mayor.

3 I hereby certify that the foregoing ordinance was adopted by the City  
4 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2019, by the following  
5 vote:

6 Ayes: Councilmembers: \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_

10 Noes: Councilmembers: \_\_\_\_\_  
11 \_\_\_\_\_

12 Absent: Councilmembers: \_\_\_\_\_  
13 \_\_\_\_\_

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

18  
19 Approved: \_\_\_\_\_  
20 (Date)

21 \_\_\_\_\_  
22 Mayor  
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