

ORD-34
REVISED

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

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 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

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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.

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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 31st 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 _____, 2013, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor