

Date: November 15, 2022

To: Honorable Mayor and City Council

From: Mario Cordero, Executive Director, Harbor Department

Subject: Update to Harbor Patrol Authorities



RECOMMENDED ACTION

Approve the first reading of the ordinance and authorize the Board of Harbor Commissioners to amend Ordinance No. HD-1903 to address security needs on the Long Beach International Gateway Bridge, Mark Bixby Bike Path, Pier J Bike Path, and within the parking structure associated with the Port Administration Building, and approve the first reading of the ordinance.

DISCUSSION

The Harbor Department Security Division provides security and patrol services to the Harbor Department throughout the Harbor District, the Port Administration Building (located at 415 W. Ocean Boulevard), and the parking structure associated with the Port Administration Building. On September 12, 2022, the Board of Harbor Commissioners adopted Resolution No. HD-3104 requesting an ordinance from the Long Beach City Council to delegate authority to the Board of Harbor Commissioners to amend Ordinance HD-1903 authorizing enforcement of statutes and ordinances within the Harbor District and specified locations outside of the Harbor District.

The Board of Harbor Commissioners had previously adopted Ordinance No. HD-1903, amending and restating the authority of the Harbor Department Director of Security, the Chief Port Security Officer, and Harbor Patrol Officers to enforce statutes and ordinances, to arrest and to prepare, issue and deliver written Notices to Appear within the Harbor District of the City of Long Beach, and Ordinance No. HD-2305, which conveys the same authorities outside of the Harbor District at the Port Administration Building and the parking structure, in addition to several other areas at the Civic Center Plaza. In order to address current security needs, Ordinance No. HD-1903 needs to be amended to include the Long Beach International Gateway Bridge, Mark Bixby Bike Path, and Pier J Bike Path and Fishing area. This amendment will enable the Security Division to provide effective security within these updated areas of the Harbor Department. The amendment will also allow the Security Division to exercise these updated authorities within the parking structure associated with the Port Administration Building.

The Security Division has worked with the City Attorney's Office and the Long Beach Police Department to design a comprehensive approach to security for the Port Administration Building, at the parking structure associated with the Port Administration Building, and throughout the Harbor District. The Port Administration Building and Harbor District are secured through a deliberate deployment of cameras, barriers, environmental designs, and active patrols by the Long Beach Harbor Patrol and Long Beach Police Department.

The Ordinance will allow the Director of Security, Chief Port Security Officer, and Harbor Patrol Officers to enforce key sections of the California Penal and Vehicle Codes and Long Beach Municipal Code necessary to protect the Port employees, customers, and other visitors at the Port Administration Building, the associated parking structure, and throughout the Harbor District. Harbor Patrol Officers will patrol and respond to incidents within these specified locations.

TIMING CONSIDERATIONS

City Council action is requested on November 15, 2022 to further ongoing discussions with the California Highway Patrol regarding roles and responsibilities on the Long Beach International Gateway Bridge.

FISCAL IMPACT

This action has no fiscal impact. The resources to meet the security responsibilities reflected in the updated ordinance are included in the existing Harbor Department operating budget.

SUGGESTED ACTION

Approve recommendation.

Attachments:

Resolution No. HD-3104 Board of Harbor Commissioners Resolution to the City Council
Ordinance No. CC-XXXX* City Council Ordinance to the Board of Harbor Commissioners

* *Ordinance to be numbered by city clerk staff*

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

RESOLUTION NO. HD- 3104

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3 A RESOLUTION OF THE BOARD OF HARBOR
4 COMMISSIONERS OF THE CITY OF LONG BEACH
5 REQUESTING AN ORDINANCE OF THE CITY COUNCIL
6 OF LONG BEACH CONFERRING UPON AND
7 DELEGATING TO THE BOARD OF HARBOR
8 COMMISSIONERS THE AUTHORITY TO ENFORCE
9 STATUTES AND ORDINANCES, TO ARREST AND TO
10 PREPARE, ISSUE, AND DELIVER WRITTEN NOTICES TO
11 APPEAR INSIDE THE HARBOR DISTRICT AND AT
12 SPECIFIC PREMISES OUTSIDE THE HARBOR DISTRICT
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14 WHEREAS, Section 1203(b) of the Long Beach City Charter provides the
15 Long Beach Board of Harbor Commissioners the power and duty for and on behalf of the
16 City to operate publicly owned facilities incident to the operation of the Harbor District, both
17 inside and outside of the Harbor District; and

18 WHEREAS, the Harbor Department is headquartered at 415 W. Ocean
19 Boulevard in Long Beach ("Port Administration Building"), which is part of the Civic Center
20 Plaza, and it has an associated underground parking structure ("parking structure"); and

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

27 WHEREAS, Section 1203(t) of the Long Beach City Charter provides that the
28 Long Beach Board of Harbor Commissioners has the power and duty "to adopt and enforce

1 such ordinances, orders, regulations, and practices as are necessary for the proper
2 administration and discharge of its duties and powers, or for the management and
3 government of the Harbor District and its facilities”; and

4 WHEREAS, Section 1204 of the Charter of the City of Long Beach empowers
5 the City Council, by ordinance, to confer upon and delegate to the Board of Harbor
6 Commissioners such additional powers and duties which the City Council deems
7 necessary or convenient to carry out the general purposes of the Board of Harbor
8 Commissioners; and

9 WHEREAS, the Board of Harbor Commissioners has adopted Ordinance No.
10 HD-1903 amending and restating the authority of the Harbor Department Director of
11 Security, the Chief Port Security Officer, and Harbor Patrol Officers to enforce statutes and
12 ordinances, to arrest and to prepare, issue and deliver written Notices to Appear within the
13 Harbor District of the City of Long Beach and Ordinance No. HD-2305 which conveys these
14 same authorities outside of the Harbor District at the Port Administration Building and
15 parking structure, in addition to several other locations at the Civic Center Plaza; and

16 WHEREAS, the Board of Harbor Commissioners desires the assistance of
17 the Harbor Department Security Division to enforce statutes and ordinances, to arrest and
18 to prepare, issue and deliver written notices to appear within the Harbor District and at the
19 underground parking structure; and

20 WHEREAS, Ordinance No. HD-2378 passed by the Board of Harbor
21 Commissioners on February 28, 2022, is null and void and is hereby repealed because the
22 conditions precedent needed for its existence did not exist at the time; and

23 WHEREAS, Resolution No. HD-3069 passed by the Board of Harbor
24 Commissioners on February 28, 2022, is null and void and is hereby repealed because it
25 did not specify all jurisdictions where the Harbor Department Security Division shall have
26 additional authority to enforce statutes and ordinances, to arrest, and to prepare, issue,
27 and deliver written notices to appear.

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1 NOW, THEREFORE, the Long Beach Board of Harbor Commissioners
2 requests as follows:

3 Sec. 1. That the City Council pursuant to Section 1204 of the Long Beach
4 City Charter confer upon and delegate to the Board of Harbor Commissioners, the ability
5 to amend Ordinance No. HD-1903, as it may be amended or replaced from time to time, to
6 allow the Director of Security, the Chief Port Security Officer, and Harbor Patrol Officers to
7 have additional authority to enforce statutes and ordinances, to arrest, and to prepare,
8 issue and deliver written notices to appear within the Harbor District, at the Port
9 Administration Building, and at the parking structure.

10 Sec. 2. The delegation of such powers and duties requested herein would
11 become operative upon adoption of: (i) a City Council ordinance conferring upon and
12 delegating to the Harbor Department such powers and duties; (ii) a Board of Harbor
13 Commissioners' resolution accepting such delegation; and (iii) a Board of Harbor
14 Commissioners' ordinance amending Ordinance No. HD-1903 granting the following
15 authorities to the Director of Security, the Chief Port Security Officer, and Harbor Patrol
16 Officers:

17 Within the Harbor District, at the Port Administration Building, and at the
18 parking structure (including the loading docks or ramps), the authority to enforce the
19 following provisions and the authority, pursuant to California Penal Code Section
20 836.5, to arrest persons and to prepare, issue and deliver to any arrested person a
21 written Notice to Appear in court and to release such person from custody upon
22 receiving from him his written promise to appear in court for any violation of any
23 provision enumerated herein:

24 California Vehicle Code Sections 21211(B) (no parking in bike lane),
25 21960 (restricting use of freeways by pedestrians and bicyclists), 21961
26 (restricting pedestrians' crossing of roadways to crosswalks), 22500(L)
27 (parking front of curb cut out access ramp), 22502(B) (parking the wrong
28 way), 22507.8 (improperly parking in spaces designated for persons with

1 disabilities), 22511 (electric vehicles), 22511.1 (electric vehicles not
2 charging), 22511.8 (parking for persons with disabilities), 22520 (parking on
3 a freeway), 22652 (removal of vehicles improperly parked in spaces
4 designated for persons with disabilities), and 38320(A) (littering and
5 environmental protection); and

6 California Penal Code Section 537 (defrauding an innkeeper); and

7 Long Beach Municipal Code Sections 5.60 (special event permit
8 required), 6.16.100 (dog leash required), 6.16.110 (dog noise prohibited),
9 6.16.200 (removal required), 8.60.120 (illegal dumping prohibited),
10 8.76.010(g) (illegal park/private property), 8.76.010(q) (parking near empty
11 building), 8.76.010(r) (parking on empty lot), 8.76.010(t) (commercial
12 vehicle on private property), 9.25.010 (misdemeanor to urinate or defecate
13 in public), 9.30.030 (public expectoration), 9.30.050 (obstructing public
14 passage), 9.42.010 (trespassing prohibited), 9.42.060 (entering on posted
15 property prohibited), 9.42.110 (camping prohibited in certain areas),
16 10.04.050 (parking control checker), 10.22.080 (vehicle for sale), 10.22.090
17 (no parking peddlers), 10.22.110 (parking in fire lane), 10.22.120 (no
18 parking temporary), 10.22.140 (street sweeping), 10.22.160 (private
19 property/posted no parking), 10.24.010 (parking within lines), 10.24.050
20 (prohibited parking), 10.24.078 (oversized vehicle), 10.24.090 (limited time
21 parking), 10.26.030 (parking in alley), 10.34.020 (disabled PKG streets and
22 public lots), 10.38.110 (truck parked over two hours), 10.40.010
23 (commercial vehicle parked off truck route), 10.48.060 (bicycle path use),
24 10.48.070 (riding on sidewalks), 10.58.040 (walking on roadway prohibited),
25 10.64.030 (traffic direction compliance), and 14.04.010 (obstructing free
26 passage).

27 Arrests which require booking of the offender are to be handled and
28 processed by the Long Beach Police Department.

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Sec. 3. This resolution shall take effect immediately upon its adoption by the Board of Harbor Commissioners, and the Secretary of the Board shall certify to the vote adopting this resolution and shall cause a certified copy of this resolution to be filed with the City Clerk. The City Clerk shall post the resolution in three (3) conspicuous places in the City of Long Beach.

I hereby certify that the foregoing resolution was adopted by the Board of Harbor Commissioners of the City of Long Beach at its meeting of September 12, 2022 by the following vote:

Ayes: Commissioners: Neal, Colonna, Lowenthal, Olvera, Weissman

Noes: Commissioners: _____
Absent: Commissioners: _____
Not Voting: Commissioners: _____



Secretary

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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 WITHIN THE CITY OF LONG BEACH HARBOR DISTRICT AND AT SPECIFIC PREMISES OUTSIDE THE HARBOR DISTRICT

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 Long Beach Harbor District ("Harbor District"), both inside and outside of the Harbor District; and

WHEREAS, the Harbor Department is headquartered at 415 W. Ocean Boulevard in Long Beach ("Port Administration Building"), and has an associated underground parking structure ("parking structure") that primarily serves the Harbor Commissioners, Harbor Department staff and executive management, and Harbor Department visitors; 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

1 to control and have jurisdiction of the Harbor District and “to make and enforce in the Harbor
2 District general rules and regulations, to the extent that may be necessary or requisite for
3 port purposes and harbor development, and in carrying out the powers elsewhere vested
4 in the Commission”; and

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

10 WHEREAS, the Board of Harbor Commissioners has adopted Ordinance No.
11 HD-1903 amending and restating the authority of the Harbor Department Director of
12 Security, the Chief Port Security Officer, and Harbor Patrol Officers to enforce statutes and
13 ordinances, to arrest and to prepare, issue and deliver written Notices to Appear within the
14 Harbor District of the City of Long Beach, and Ordinance No. HD-2305 which conveys the
15 same authorities outside of the Harbor District at the Building and the parking structure, in
16 addition to several other areas at the Civic Center Plaza; and

17 WHEREAS, the Board of Harbor Commissioners desires the assistance of
18 the Harbor Department Security Division to properly secure and patrol the parking
19 structure;

20 NOW THEREFORE, the City Council of the City of Long Beach ordains as
21 follows:

22 Section 1. The City Council of the City of Long Beach (“City Council”),
23 pursuant to Section 1204 of the Charter of the City of Long Beach, confers upon and
24 delegates to the Board of Harbor Commissioners the ability to amend Ordinance No. HD-
25 1903, as it may be amended or replaced from time to time, to allow the Harbor Department
26 Director of Security, the Chief Port Security Officer, and Harbor Patrol Officers to have
27 clearly defined authority to enforce certain statutes and
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1 ordinances, to arrest, and to prepare, issue and deliver written notices to appear within the
2 Harbor District, at the Port Administration Building, and at the parking structure.

3 Section 2. The delegation of powers and duties provided for herein shall
4 become operative upon adoption: (i) of a resolution of the Board of Harbor Commissioners
5 approving and accepting the powers and duties so conferred and delegated; and (ii) of a
6 Board of Harbor Commissioners ordinance amending Ordinance No. HD-1903 granting the
7 following authorities to the Harbor Department Director of Security, the Chief Port Security
8 Officer, and Harbor Patrol Officers:

9 A. Within the Harbor District, at the Port Administration Building,
10 and at the parking structure (including the loading docks or ramps), the
11 authority to enforce the following provisions and the authority, pursuant to
12 California Penal Code Section 836.5, to arrest persons and to prepare, issue
13 and deliver to any arrested person a written Notice to Appear in court and to
14 release such person from custody upon receiving from him his written
15 promise to appear in court for any violation of any provision enumerated
16 herein:

17 1. California Vehicle Code Sections 21211(B) (no parking
18 in bike lane), 21960 (restricting use of freeways by pedestrians and
19 bicyclists), 21961 (restricting pedestrians' crossing of roadways to
20 crosswalks), 22500(L) (parking front of curb cut out access ramp), 22502(B)
21 (parking the wrong way), 22507.8 (improperly parking in spaces designated
22 for persons with disabilities), 22511 (electric vehicles), 22511.1 (electric
23 vehicles not charging), 22511.8 (parking for persons with disabilities), 22520
24 (parking on a freeway), 22652 (removal of vehicles improperly parked in
25 spaces designated for persons with disabilities), and 38320(A) (littering and
26 environmental protection); and

27 2. California Penal Code Section 537 (defrauding an
28 innkeeper); and

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3. Long Beach Municipal Code Sections 5.60 (special event permit required), 6.16.100 (dog leash required), 6.16.110 (dog noise prohibited), 6.16.200 (removal required), 8.60.120 (illegal dumping prohibited), 8.76.010(g) (illegal park/private property), 8.76.010(q) (parking near empty building), 8.76.010(r) (parking on empty lot), 8.76.010(t) (commercial vehicle on private property), 9.25.010 (misdemeanor to urinate or defecate in public), 9.30.030 (public expectoration), 9.30.050 (obstructing public passage), 9.42.010 (trespassing prohibited), 9.42.060 (entering on posted property prohibited), 9.42.110 (camping prohibited in certain areas), 10.04.050 (parking control checker), 10.22.080 (vehicle for sale), 10.22.090 (no parking peddlers), 10.22.110 (parking in fire lane), 10.22.120 (no parking temporary), 10.22.140 (street sweeping), 10.22.160 (private property/posted no parking), 10.24.010 (parking within lines), 10.24.050 (prohibited parking), 10.24.078 (oversized vehicle), 10.24.090 (limited time parking), 10.26.030 (parking in alley), 10.34.020 (disabled PKG streets and public lots), 10.38.110 (truck parked over two hours), 10.40.010 (commercial vehicle parked off truck route), 10.48.060 (bicycle path use), 10.48.070 (riding on sidewalks), 10.58.040 (walking on roadway prohibited), 10.64.030 (traffic direction compliance), and 14.04.010 (obstructing free passage).

B. Arrests which require booking of the offender are to be handled and processed by the Long Beach Police Department.

Section 3. The City Clerk shall certify to the passage of this ordinance by City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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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 _____, 2022, by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor