



Date: September 7, 2004

To: Honorable Mayor and Members of the City Council

From: Councilmember Tonia Reyes Uranga, Seventh District *(Signature)*
Councilmember Rae Gabelich, Eighth District *(Signature)*

Subject: **AGENDA ITEM: LEGISLATIVE AUTHORITY FOR THE CITY AND SUPPORT AB 2042**

The Long Beach City Charter established the Harbor Department to “promote and develop the Port” within the boundaries of the Harbor District, as established in accordance with law. The exclusive control and management of the Harbor Department is vested in the Board of Harbor Commissioners. However, the City Charter also states that all powers of the city, except otherwise provided in the Charter, shall be vested in the City Council.

While the powers of the Harbor Department appears to be primarily focused on the operations and management of the Port and areas within the Harbor District, the Harbor Commission have actively engaged in legislative activities that have an impact beyond the boundaries of the Harbor District. Some of its past actions and current legislative advocacy have come into conflict with the policies of the City, as established by the City Council. These activities also include lobbying on behalf or in concert with associations that have also taken positions in conflict with the City’s Legislative Agenda. An example of conflicting priorities is Port’s opposition to and the City’s support of Assembly Bill 2042 (Lowenthal).

We believe that it is necessary to clarify the authority of the Harbor Department to advocate and/or engage in lobbying activities without the consent of, or in conflict with, the City Council. If in fact the Harbor Department has been vested the authority to pursue an independent legislative agenda, we would like to request the City Attorney to draft a Charter Amendment reserving the exclusive legislative authority to the City Council.

Suggested Actions: Request the City Attorney to draft a Charter amendment reserving exclusive legislative authority to the City Council.

Direct the City Manager to communicate the City’s support of AB2042 to Governor Schwarzenegger and to urge him to adopt the legislation.