

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PROPOSITION C  
PROPOSED CHARTER AMENDMENT

(New provisions or language added to existing Charter sections are underlined;  
language deleted from the existing Charter section are shown in strikeout type.)

Section 1. That Section 1203 of Article XXII of the City Charter of  
the City of Long Beach is amended to read as follows:

Sec. 1203. - POWERS AND DUTIES OF THE COMMISSION.

The Commission shall have the exclusive power and duty for and on behalf of the  
City:

(a) To sue and defend in the name of the City in all actions and proceedings  
pertaining to any matters within the jurisdiction of the Commission.

(b) To provide for the needs of commerce, navigation, recreation and fishery in the  
Harbor District; to plan, promote, develop, construct, re-construct, alter, repair,  
maintain, equip, and operate all properties including, but not limited to, the piers,  
wharves, seawalls, docks, basins, channels, slips, landings, warehouses, floating  
and other plants or works, and all other publicly owned facilities or appliances  
incident to the operation of the Harbor District, both inside and outside the Harbor  
District; to dredge and reclaim land, to construct, equip and operate terminal  
trackage with connections between docks, piers and other Harbor District properties  
and connect the same with mainline tracks; to provide services including, but not  
limited to, tugs, dredges, fireboats, barges, cold storage plants; to establish, equip

1 and operate all other facilities or aids incident to the development, protection and  
2 operation of the Harbor District, and to modify plans from time to time as the  
3 requirements of commerce, navigation, recreation or fishery may demand, and as  
4 the Commission may deem proper and desirable in its judgment.

5  
6 (c) To direct, control, and supervise the Harbor District, including all the waterfront  
7 properties, and lands adjacent thereto, or under water, structures thereon, and  
8 approaches thereto, storage facilities and other utilities, and all rights and interests  
9 belonging thereto, which are now or may hereafter be owned or possessed by the  
10 City, both inside and outside of the Harbor District, except the Commission shall not  
11 make any lease, contract or other agreements or exercise any voting rights relating  
12 to such lands or parts, thereof both inside and outside of the Harbor District, for so  
13 long as the same may be used for or in connection with the drilling for, developing,  
14 producing, extracting, processing, taking or removing, storing and disposing of oil,  
15 gas and other hydrocarbon substances by the City City. Any such leases, contracts  
16 or other agreements, voting rights or approvals shall be under the exclusive  
17 jurisdiction and control of the City Council consistent with Article XIII of the Charter.  
18 ~~provided that with respect to such portions of said lands used therefore as are tide~~  
19 ~~and submerged lands, whether filled or unfilled, or that are held subject to the~~  
20 ~~tideland trust, that the Commission has determined by resolution, that said lands or~~  
21 ~~parts thereof, are not required, and with reasonable certainty will not be required, for~~  
22 ~~a period not to exceed thirty five (35) years, for the promotion or development of~~  
23 ~~commerce, navigation, recreation, or fishery.~~

24  
25 (d) To control and have jurisdiction of that part of the City hereinafter defined as the  
26 "Harbor District", as said district was bounded and described on the first day of  
27 February, 1979, except the Commission shall not have control or jurisdiction as to  
28 those lands, or parts thereof, within said district as may be used for or in connection

1 with the drilling for, developing, producing, extracting, processing, taking or  
2 removing, storing and disposing of oil, gas and other hydrocarbon substances by the  
3 City, as provided herein; said lands or parts thereof both inside and outside of the  
4 Harbor District shall be under the exclusive jurisdiction and control of the City  
5 Council consistent with Article XIII of the Charter, and to make and enforce in the  
6 Harbor District general rules and regulations, to the extent that may be necessary or  
7 requisite for port purposes and harbor development, and in carrying out the powers  
8 elsewhere vested in the Commission; provided, however, that with the approval of  
9 the City Council, the Commission may with the prior approval of the electors,  
10 relinquish to the City Council control of portions of the Harbor District. Upon request  
11 of the Commission, the City Council may, by ordinance, also with the prior approval  
12 of the electors, change the boundaries of the Harbor District.

13  
14 (e) To require owners of water terminal properties and facilities within the Harbor  
15 District to keep said properties and facilities in proper condition and repair and to  
16 maintain them with special reference to the safety of persons and property and the  
17 reduction, of fire hazard or nuisances. The Commission shall have the right to  
18 inspect such terminal facilities at reasonable times.

19  
20 (f) To regulate and control all public service and public utilities operated in  
21 connection with, or for the promotion and accommodation of commerce, navigation,  
22 recreation or fishery in the Harbor District; to fix the proper license fees to be paid to  
23 the City by any person, firm or corporation operating any such public service or  
24 utility; and to fix and regulate the rates or tolls to be charged or collected for services  
25 furnished by any such public service or utility. The Commission shall have the right,  
26 at all reasonable times, to have access to, and, in person, or by its duty authorized  
27 representatives, to examine the books, papers, maps and records showing the  
28 affairs, transactions, property and financial condition of such persons, firms or

1 corporations, and to require reports respecting said matters from such persons, firms  
2 or corporations at such times and in such form as the Commission may prescribe.  
3 The amounts of the license fees to be paid to the City by any such person, firm or  
4 corporation, operating any such public service or utility and the rates or tolls to be  
5 charged and collected for service furnished or supplied by such public service or  
6 utility shall be fixed by the Commission by ordinance.

7  
8 (g) To regulate the speed, berthing, anchoring, towing, loading, unloading and  
9 mooring of vessels within the Harbor District.

10  
11 (h) To provide for handling, storage and reconditioning of all commodities; to sell or  
12 otherwise dispose of personal property within its possession or ownership.

13  
14 (i) To issue receipts, negotiable or otherwise, for property or merchandise, in its  
15 charge or possession, and to act as agent in sales and other contracts.

16  
17 (j) To fix all rates, dockage, rentals, tolls, pilotage, wharfage, and charges for the use  
18 and occupation of the public facilities or appliances of the port, and for services  
19 rendered by the Harbor Department, and to provide for the collection thereof.

20  
21 (k) To use, for loading and unloading cargo, with the right to collect tolls, dockage  
22 and other terminal charges thereon, such portions of the streets of the City ending or  
23 fronting upon the water areas of the harbor of said City, as may be used for said  
24 purposes.

25  
26 (l) To lend its aid to secure the improvements of navigable tidal waters, within or  
27 adjacent to the Harbor District where, in its opinion, such improvements are  
28 economically justifiable, and in the general carrying out of its powers to cooperate

1 with the City, with neighboring cities, other ports, the State of California, or the  
2 United States Government; and to appear before state, federal and other public  
3 legislative and administrative authorities.

4  
5 (m) To manage the business of the port and promote the maritime and commercial  
6 interests by proper advertisement of its advantages, and by the solicitation of  
7 business, within or without the Harbor District, within the State of California or other  
8 states or in foreign countries, through such employees and agencies as it may deem  
9 expedient.

10  
11 (n) To acquire in the name of the City by purchase, condemnation, gift, lease, or  
12 otherwise take over and hold all lands, property, property rights, leases, or  
13 easements, and personal property of every kind, necessary or convenient for the  
14 development and operation of the Harbor District, or for the carrying out of the  
15 powers herein granted to the Commission.

16  
17 Whenever the Commission determines that any lands owned by the City within its  
18 jurisdiction have become unnecessary for port purposes or harbor development, it  
19 may by ordinance, transfer such land to the control of the City Council, free from all  
20 restrictions, other than trust restrictions, if any.

21  
22 (o) To enter into contracts, agreements, leases, or stipulations, germane to the  
23 scope of its powers and duties.

24  
25 (p) To let all work by contract or order it done by day labor, as the Commission may  
26 determine.

27  
28 (q) To create bureaus and divisions of the Harbor Department. To employ and

1 appoint an Executive Director who shall be Chief Executive of the Harbor  
2 Department and who shall exercise the management of all affairs and activities  
3 placed under the jurisdiction of the Commission, and an Assistant Executive  
4 Director, each of whom shall hold such position during the pleasure of the  
5 Commission. To appoint and employ such other officers and employees as may be  
6 necessary in the efficient and economical carrying out of its functions. To prescribe  
7 and fix the duties, authority and compensation of all appointees hereunder and to  
8 require such officers and employees to give a bond in such an amount as the  
9 Commission may require for the faithful performance of their duties. All officers and  
10 positions of employment in the permanent service of the Commission shall be  
11 created by resolution.

12  
13 (r) To confer upon and delegate to the Executive Director such powers and duties as  
14 the Commission shall deem appropriate.

15  
16 (s) To expend all funds necessary to carry out the powers and duties herein  
17 expressed.

18  
19 (t) To adopt and enforce such ordinances, orders, regulations and practices as are  
20 necessary for the proper administration and discharge of its duties and powers, or  
21 for the management and government of the Harbor District and its facilities.

22  
23 (u) To prescribe fines, forfeitures and penalties for the violation of any provision of  
24 this Article, or of any ordinance of the Harbor Commission, but no penalty shall  
25 exceed Five Hundred Dollars (\$500.00) fine, or six (6) months imprisonment, or  
26 both.

27  
28 (v) To do and perform any and all other acts and things which may be necessary

1 and proper to carry out the general powers of the City, or any of the provisions of  
2 this Article, and to exercise all powers not in conflict with the Constitution of the  
3 State, or with this Charter, germane to the scope of its powers, purposes and duties.  
4

5 Section 2. That Section 1209 of Article XXII of the City Charter of  
6 the City of Long Beach is amended to read as follows:

7 //

8 //

9 Sec. 1209. - FINANCE.

10  
11 (a) All money received or collected from or arising out of the use or operation  
12 of any harbor or port improvement, work, appliance, facility or utility, or water  
13 craft, owned, controlled, or operated by the City in or upon or pertaining to the  
14 lands and waters under control and management of the Harbor Department;  
15 all tolls, charges and rentals collected by the Harbor Department, and all  
16 compensations or fees required to be paid for services, franchises or  
17 licenses, or otherwise by law or ordinance or order, to the City for the  
18 operation of any public service utility upon lands and waters under the control  
19 and management of the Harbor Department, shall be deposited in the City  
20 Treasury to the credit of the Harbor Revenue Fund, which fund has been  
21 heretofore created and established and is hereby continued, and shall be kept  
22 separate and apart from other monies of the City. Said fund shall be a  
23 continuing fund not subject to transfer at the close of the fiscal year.

24  
25 (b) The money deposited in the Harbor Revenue Fund may, from time to time,  
26 be invested in accordance with the provisions of applicable legislation of the  
27 State of California providing for the investment and reinvestment of any  
28 monies in any sinking fund, or any surplus monies in the treasury of cities in

1 the State, all interest, earnings, income or profits from the investment of said  
2 money shall likewise be deposited to the credit of said fund.

3  
4 (c) Monies credited to the Harbor Revenue Fund may be appropriated and  
5 used only for the following purposes:

6 (1) For the necessary expenses of promoting, conducting, managing and  
7 operating the Harbor Department, including, but not limited to, the operation,  
8 repair and maintenance of all harbor or port improvements, works, utilities,  
9 appliances, facilities and water craft, owned, controlled or operated by the  
10 City, for the promotion and accommodation of commerce, navigation,  
11 recreation or fishery, or used in connection therewith;

12 (2) For the acquisition, construction, completion and maintenance, to the  
13 extent and in the manner permitted by all applicable law, of harbor and port  
14 improvements, buildings, work, utilities, appliances, facilities, and water craft,  
15 for the promotion and accommodation of commerce, navigation, recreation or  
16 fishery, or used in connection therewith, and for all other improvements and  
17 betterments authorized by law to lands and property under the control,  
18 supervision and management of the department, including the purchase or  
19 condemnation of necessary lands and other property and property rights,  
20 except that condemnation of property outside of the Harbor District shall  
21 require the consent of the City Council;

22 (3) For the payment of the principal or interest, or both, of harbor  
23 improvement bonds, either general obligation bonds or revenue bonds,  
24 issued for harbor improvements;

25 (4) For the transfer to the Tideland Operating Fund at the beginning of a fiscal  
26 year from revenues in the Harbor Revenue Fund of such sums as shall have  
27 been determined by the City Council, by a vote of two-thirds (2/3) of all its  
28 members, expressed by resolution, to be required to meet the lawful



1 obligations of the Tideland Operating Fund; provided, however, that such  
2 ~~sums designated the final payment~~ shall not exceed ~~ten~~ \_\_\_\_\_ percent  
3 (10%\_\_) of the ~~net income~~ gross operating revenues of the Harbor  
4 Department as shown on the most recent available independently audited  
5 financial statements; and further provided that such transfer of funds shall be  
6 subject to the prior approval of a majority of all members of the Board of  
7 Harbor Commissioners, expressed by resolution, finding and determining that  
8 the funds proposed to be transferred will not be needed for Harbor  
9 Department operations, including, without limitation, operating expenses and  
10 capital projects, and that such transfer will not result in insufficient funds to  
11 pay the principal and interest as they fall due, or otherwise impair the ability to  
12 meet covenants, of general obligation or revenue bonds issued for harbor  
13 purposes. All such transfers shall be made by journal entry on the books of  
14 the City in the manner determined by the City Manager.

15 (d) All reimbursements, repayments and approved reimbursement transfers  
16 from other established funds may be used for the same purposes as specified  
17 above. All such reimbursement transfers shall be made by journal entry on  
18 the books of the City in the manner determined by the City Manager.

19  
20 Section 3. That Section 1215 of Article XXII of the City Charter of the City of Long  
21 Beach is amended to read as follows:

22  
23 Sec. 1215. - BUILDING PERMITS.

24  
25 No person or persons shall construct, extend, alter, improve, erect, remodel  
26 or repair any pier, slip, basin, wharf, dock or other harbor structure, or any  
27 building or structure within the Harbor District without first applying for and  
28 securing from the Commission a permit so to do, in accordance with the rules

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

and regulations adopted by it. In approving or denying the right to said permit, the Commission shall consider the application therefore, the character, nature, size and location of the proposed improvement and exercise a reasonable and sound discretion during said consideration.

Such permit shall be in addition to any permit which may be required by law from the Superintendent of Building and Safety of the City. Notwithstanding the above language, all permits and approvals necessary for oil operations in the Harbor District including but not limited to drilling, developing, producing, extracting, processing, taking, removing, transporting, storing and disposing of oil, gas or other hydrocarbon substances shall be determined and approved by City.