

ORDINANCE NO. ORD-07-0006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 16.58 RELATING TO LABOR PEACE AGREEMENTS FOR HOTELS ON CITY-OWNED PROPERTY

The City Council of the City of Long Beach ordains as follows:

Section 1. The Long Beach Municipal Code is amended by adding Chapter 16.58 to read as follows:

Chapter 16.58

Labor Peace Agreements for Hotels on City-Owned Property

16.58.010 Purpose.

The City of Long Beach has a financial and proprietary interest in hospitality operations that lease real property from the City. These operations base their lease, rental or license payments to the City in part on the revenue they generate. Therefore, it is essential that these operations conduct business efficiently and without interruption. The City has found that the efficient and uninterrupted operation of hospitality operations may be threatened by labor disputes. The City's investment in these operations must be shielded from any impact that labor disputes may have on the revenue of these hospitality operations. The City has further found that the City can only protect its investment by requiring its hotel operations lessees to sign contracts with the labor organizations that represent employees in the hospitality industry. These contracts will

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1 prohibit the labor organizations and its members from engaging in
2 picketing, work stoppages, boycotts or other economic interference with
3 the business of the hospitality operators, for the duration of their lease
4 with the City.
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6 16.58.020 Definitions.

7 A. "City" means the City of Long Beach.

8 B. "City Council" means the City Council of the City of Long Beach.

9 C. "Hospitality Operations" means the general business operations
10 of a hospitality operator.

11 D. "Hospitality Operations Lessee" means any company with a
12 lease from the City for a hotel or motel, providing lodging and other guest
13 accommodations.

14 E. "Hospitality Workers" means all full-time and part-time
15 employees in a Hospitality Operation, except supervisors, managers and
16 guards.

17 F. "Labor Organization" means an organization of any kind, or an
18 agency or employer representation committee or plan, in which
19 employees participate and which exists for the purpose, in whole or in
20 part, of dealing with employers concerning grievances, labor disputes,
21 wages, rates of pay, hours of employment, or conditions of work.

22 G. "Lease" means any lease or license from the City to use any
23 City property for Hospitality Operations.

24 H. "Lease Amendment" means only an amendment that is required
25 to be separately approved by the City Council and that:

26 1. extends the term of an existing lease for a period of more
27 than one (1) year;

28 2. approves a reduction in rent for the then existing

1 tenant/operator; or

2 3. permits an expansion of the existing hotel or motel
3 operation in order to add additional rooms, or to make structural changes
4 to add additional square footage for amenities such as, but not limited to,
5 banquet or convention facilities. However, if the terms of an existing lease
6 permit an expansion as defined above without further approval of the City
7 Council, then such expansion shall not fall within the definition of "lease
8 amendment" for the purpose of this section.

9 I. "No-Strike Pledge" means a provision in a labor peace
10 agreement prohibiting the Labor Organization and its
11 members from engaging in picketing, work stoppages,
12 boycotts or any other economic interference with Hospitality
13 Operations of a Hospitality Operations Lessee for the
14 duration of the City lease term.

15 J. "Person" means a sole proprietorship, partnership, corporation,
16 joint venture or business organization of any kind.

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18 16.58.030 No-Strike Pledge requirement for hospitality operations.

19 The City shall not execute any new Lease or Lease Amendment
20 with a Hospitality Operations Lessee unless and until the Hospitality
21 Operations Lessee has signed a labor peace agreement with any Labor
22 Organization seeking to represent Hospitality Workers at the premises
23 covered by the Lease. Each labor peace agreement must contain a No-
24 Strike Pledge. A Hospitality Operations Lessee shall be relieved of the
25 obligations of this section with respect to a Labor Organization if the Labor
26 Organization places conditions upon its No-Strike Pledge that the City
27 Council finds, after notice and hearing, to be arbitrary or capricious.

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2 16.58.040 Limitations.

3 A. Nothing in this ordinance requires Hospitality Operations
4 Lessee to recognize a particular Labor Organization.

5 B. This ordinance is not intended to, and shall not be interpreted
6 to, enact or express any generally applicable policy regarding labor-
7 management relations or to regulate those relations in any way.

8 C. This ordinance is not intended to favor any particular outcome
9 in the determination of employee preference regarding union
10 representation.

11 D. Nothing in this ordinance permits or requires the City or any
12 Hospitality Operations Lessee to enter into any agreement in violation of
13 the National Labor Relations Act of 1935, approved July 5, 1935 (49 Stat.
14 449; 29 U.S.C.S. §151, *et seq.*)

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16 Sec. 2. The City Clerk shall certify to the passage of this ordinance by the
17 City Council and cause it to be posted in three conspicuous places in the City of Long
18 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

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1 I hereby certify that the foregoing ordinance was adopted by the City Council of
2 the City of Long Beach at its meeting of January 23, 2007, by the
3 following vote:

4 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal,
5 O'Donnell, Schipske, Reyes Uranga.

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7
8 Noes: Councilmembers: DeLong, Gabelich, Lerch.

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10 Absent: Councilmembers: None.

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13  _____
14 City Clerk

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16 Approved: 1/24/07 _____  _____
17 Mayor

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28 MJM:kjm 1/18/07 #05-04782
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