

ORDINANCE NO.

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.

5  
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. "No-Strike Pledge" means a provision in a labor peace  
25 agreement prohibiting the Labor Organization and its members from  
26 engaging in picketing, work stoppages, boycotts or any other economic  
27 interference with Hospitality Operations of a Hospitality Operations  
28 Lessee for the duration of the City lease term.

1 I. "Person" means a sole proprietorship, partnership, corporation,  
2 joint venture or business organization of any kind.

3  
4 16.58.030 No-Strike Pledge requirement for hospitality operations.

5 The City shall not execute any Lease with a Hospitality Operations  
6 Lessee unless and until the Hospitality Operations Lessee has signed a  
7 labor peace agreement with any Labor Organization seeking to represent  
8 Hospitality Workers at the premises covered by the Lease. Each labor  
9 peace agreement must contain a No-Strike Pledge. A Hospitality  
10 Operations Lessee shall be relieved of the obligations of this section with  
11 respect to a Labor Organization if the Labor Organization places  
12 conditions upon its No-Strike Pledge that the City Council finds, after  
13 notice and hearing, to be arbitrary or capricious.

14  
15 16.58.040 Limitations.

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

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

21 C. This ordinance is not intended to favor any particular outcome  
22 in the determination of employee preference regarding union  
23 representation.

24 D. Nothing in this ordinance permits or requires the City or any  
25 Hospitality Operations Lessee to enter into any agreement in violation of  
26 the National Labor Relations Act of 1935, approved July 5, 1935 (49 Stat.  
27 449; 29 U.S.C.S. §151, *et seq.*)  
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1 I. "Person" means a sole proprietorship, partnership, corporation,  
2 joint venture or business organization of any kind.

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4 16.58.030 No-Strike Pledge requirement for hospitality operations.

5 The City shall not execute any Lease, Lease Amendment, or Lease  
6 Assignment with a Hospitality Operations Lessee unless and until the  
7 Hospitality Operations Lessee has signed a labor peace agreement with  
8 any Labor Organization seeking to represent Hospitality Workers at the  
9 premises covered by the Lease. Each labor peace agreement must  
10 contain a No-Strike Pledge. A Hospitality Operations Lessee shall be  
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Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2006, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor