ORDINANCE NO. ORD-19-0012

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 AT THE OFFICE BUILDING AT 415 W. OCEAN
BOULEVARD IN LONG BEACH, THE NEW CITY HALL
WITH COUNCIL CHAMBERS AND THE UNDERGROUND
PARKING STRUCTURE, WHICH ARE ALL PART OF THE
NEW CIVIC CENTER PLAZA

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 Harbor District,
both inside and outside of the Harbor District; and

WHEREAS, the City of Long Beach, a municipal corporation acting by and
through its Board of Harbor Commissioners, has recently constructed an office building at
415 W. Ocean Boulevard in Long Beach ("Building") which is part of the new Civic Center
Plaza. The Civic Center Plaza is comprised of two buildings, the Building and a new City
Hall with Council Chambers, as well as an outdoor plaza and an underground parking
structure ("parking structure"). The Building is the new permanent headquarters for the
Long Beach Harbor Department, Harbor Commission meetings will be held in the Council
Chambers, the Harbor Department will share the Central Utility Plant and Utility Yard for
the Civic Center and various shared rooms in City Hall with other City departments, and
the parking structure will primarily serve 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 to control and have jurisdiction of the Harbor District and "to make and enforce in the
Harbor District general rules and regulations, to the extent that may be necessary or
requisite for port purposes and harbor development, and in carrying out the powers
elsewhere vested in the Commission"; and

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

WHEREAS, the Board of Harbor Commissioners has adopted Ordinance
No. HD-1903 amending and restating the authority of designated security officers of the
Harbor Department Security Division 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

WHEREAS, the Building, City Hall shared spaces, Council Chambers,
Central Utility Plant and Utility Yard, and parking structure are located outside of the
Harbor District of the City of Long Beach; and

WHEREAS, in order to properly secure the Building, Council Chambers, the
Central Utility Plant and Utility Yard, shared spaces in City Hall, and parking structure, the
Board of Harbor Commissioners desires the assistance of the Harbor Department
NOW THEREFORE, The City Council of the City of Long Beach ordains as follows:

Section 1. The City Council of the City of Long Beach ("City Council"), pursuant to Section 1204 of the Charter of the City of Long Beach, confers upon and delegates to the Board of Harbor Commissioners the ability to amend Ordinance No. HD-1903, as it may be amended or replaced from time to time, to allow the Director of Security, the Chief Port Security Officer and Security Officers of the Harbor Department Security Division ("Harbor Patrol Officers") to have clearly defined authority to enforce statutes and ordinances, to arrest, and to prepare, issue and deliver written notices to appear within the Building, Council Chambers (when used for Harbor Department business), the Central Utility Plant and Utility Yard, shared spaces in City Hall (when used for Harbor Department business), and within the underground parking structure.

Section 2. The City Council, pursuant to Section 1204 of the Long Beach City Charter, confers upon and delegates to Board of Harbor Commissioners, the ability to amend Ordinance No. HD-1903, as it may be amended or replaced from time to time, to allow the Harbor Patrol Officers to have clearly defined authority to enforce statutes and ordinances pertaining to directions of traffic on Magnolia Boulevard at the Magnolia Boulevard entrances to the parking structure.

Section 3. The delegation of powers and duties provided for herein shall become operative upon adoption: (i) of a resolution of the Board of Harbor Commissioners approving and accepting the powers and duties so conferred and delegated; and (ii) of a Board of Harbor Commissioners ordinance amending Ordinance No. HD-1903 granting the following authorities to Harbor Patrol Officers:

a) Within the Building and parking structure (including the loading docks or ramps), the Central Utility Plant and Utility Yard for the Civic Center, and the Council Chambers and shared rooms in City Hall when such facilities are being used for Harbor Department business, the authority to enforce the following provisions and the authority,
pursuant to California Penal Code Section 836.5, to arrest persons and to prepare, issue
and deliver to any arrested person a written Notice to Appear in court and to release such
person from custody upon receiving from him his written promise to appear in court for
any violation of any provision enumerated herein:

California Penal Code Sections 148 (resisting public officer); 148.2
   (interfering with firefighter or emergency rescue personnel); 372 (maintain
a nuisance); 403 (disrupting a public meeting); 415 (disturbing the peace);
484 (theft); 554 (property that may be posted); 555 (entry upon posted
property); 556 (placing advertising signs on public property); 588(b)
   (removing authorized barrier); 594 (vandalism); 602 (trespass); 647(f)
   (disorderly conduct); and

Long Beach Municipal Code Sections 2.03.140 (disturbing public
meeting); 9.22.010 (public consumption of alcohol); and 18.48.730
   (discharge of fireworks).

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

b) At the Magnolia Boulevard entrances to the parking structure,
including the portions of Magnolia Boulevard immediately outside the parking structure
entrances, the authority to ensure entry to the parking structure is limited to authorized
persons and vehicles and to direct traffic on Magnolia Boulevard when necessary to allow
the safe egress of vehicles, pursuant to California Penal Code Section 836.5 and
California Vehicle Code Section 21100. The authority granted pursuant to this subsection
shall not include the authority to arrest persons or to issue Notices to Appear in court.

Section 4. Harbor Patrol Officers working at the Building, City Hall, Council
Chambers or parking structure will travel to and from work in their personal vehicles,
unarmed and out of uniform.

Section 5. 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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of May 14, 2019, by the following vote:

Ayes: Councilmembers: Gonzalez, Price, Supernaw, Mungo, Uranga, Austin, Richardson, Andrews.

Noes: Councilmembers: None.

Absent: Councilmembers: Pearce.

Approved: 5/17/19

(Date)

Mayor

City Clerk
AFFIDAVIT OF POSTING

STATE OF CALIFORNIA  ) ss
COUNTY OF LOS ANGELES  )
CITY OF LONG BEACH  )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 15th day of May 2019, I posted three true and correct copies of Ordinance No. ORD-19-0012 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Subscribed and sworn to before me
this 15th day of May 2019.

[Signature]
CITY CLERK