

HARBOR DIVISION

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DATE: MARCH 25, 2020

FROM: CITY ATTORNEY'S OFFICE

**SUBJECT: RESOLUTION NO. _____ - ADOPTION OF RESOLUTION
IMPLEMENTING CITY COUNCIL ACTION IN RESPONSE TO MAYOR
GARCETTI'S DECLARATION OF LOCAL EMERGENCY RELATED TO
COVID-19 PANDEMIC**

SUMMARY:

The Office of the City Attorney ("Office") requests adoption of two Resolutions previously adopted by the Los Angeles City Council in response to the COVID-19 pandemic and the Declaration of Local Emergency for the City of Los Angeles, as declared by Mayor Garcetti on March 4, 2020, such that they apply with full force and effect to and at the City of Los Angeles Harbor Department ("Harbor Department"). The first Resolution would suspend the competitive bidding requirements of Section 371 of the Charter and Section 10.15 of the Administrative Code for contracts entered into by City Departments for the duration of the local emergency declared by Mayor Garcetti. The second Resolution would allow the Harbor Department to follow guidelines issued by the Personnel Department regarding use of telecommuting and other personnel matters to address the COVID-19 pandemic. Independent adoption of these two Resolutions by the Board of Harbor Commissioners ("Board") is required because the Harbor Department is an independent proprietary department of the City, which controls its own funds. The proposed resolution is not anticipated to have a financial impact on the Harbor Department.

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**SUBJECT: RESOLUTION IN RESPONSE TO MAYOR'S DECLARATION OF
LOCAL EMERGENCY RELATED TO COVID-19 PANDEMIC**

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act ("CEQA") under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Approve this proposed Resolution whereby the Harbor Department would adopt City of Los Angeles Ordinance Nos. _____ and _____ as a policy of the Harbor Department, and to delegate authority to the Executive Director to adopt those future resolutions of City Council, if any, related to the COVID-19 pandemic deemed in the exercise of reasonable discretion of the Executive Director to be applicable and beneficial to the Harbor Department, its tenants, users and stakeholders;
3. Authorize the Board Secretary to certify the adoption of the Resolution;
4. Adopt Resolution No. _____.

DISCUSSION:

From time to time, the Board is requested to adopt ordinances or resolutions previously adopted by the Los Angeles City Council ("City Council") for application to and at the Harbor Department. One example of such a request, and Board action, was this Board's January 2019 adoption of the Service Contractor Worker Retention Ordinance previously adopted by City Council.

Such requests are necessary, and not duplicative of City Council action. Under Section 600 of the Charter, the Harbor Department is an independent proprietary department of the City of Los Angeles that has possession, management and control over the "Harbor District" and "Harbor Assets" (Sections 602 and 651 of the Charter), and which maintains its own funds which are segregated from those of the City at large (Sections 603(a) and 656 of the Charter). As such, independent action by the Board is required to extend the application of ordinances adopted by City Council to and at the Harbor Department.

Both Resolutions that are the subject of this request concern the COVID-19 pandemic and are an outgrowth of Mayor Garcetti's March 4, 2020 Declaration of Local Emergency.

The adoption by the Board of the first Resolution would suspend the competitive bidding requirements of Section 371 of the Los Angeles Charter ("Charter") and Section 10.15 of

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the Los Angeles Administrative Code ("LAAC") for contracts entered into by City Departments, for the duration of the local emergency declared by Mayor Garcetti.

The adoption by the Board of the second Resolution would allow the Harbor Department, through its Executive Director, to follow the guidelines issued by the General Manager of the City's Personnel Department as to the use of telecommuting, reassignment of personnel to other City locations, and leave time, including the approval of paid leave as necessary, to address the COVID-19 pandemic, and other issues COVID-19 raises for the City's workforce.

The Board also is requested to delegate authority to the Executive Director for the duration of the Local Emergency (as defined by Sec. 8.27 of the LAAC), to adopt those future resolutions of City Council, if any, related to the COVID-19 pandemic deemed in the exercise of reasonable discretion of the Executive Director to be applicable and beneficial to the Harbor Department, its tenants, users and stakeholders.

ENVIRONMENTAL ASSESSMENT:

The proposed action seeks to provide flexibility to allow the Harbor Department to continue to operate as effectively as possible while addressing the requirements and exigencies arising from the COVID-19 pandemic. The proposed action is the adoption of two Resolutions previously adopted by the Los Angeles City Council in response to the COVID-19 pandemic and the Declaration Of Local Emergency for the City of Los Angeles, as declared by Mayor Eric Garcetti on March 4, 2020, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles CEQA Guidelines.

FINANCIAL IMPACT:

The proposed resolution is administrative in nature and is required at this time in order to comply with emergency measures already adopted by the Los Angeles City Council in response to the COVID-19 pandemic. The proposed resolution is not anticipated to have a financial impact on the Harbor Department.

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CITY ATTORNEY:


The proposed Resolution has been prepared and approved as to form and legality by the Office of the City Attorney.

TRANSMITTALS:

1. Resolution No. _____
2. Resolution No. _____

FIS Approval MB

CA Approval so



JANNA B. SIDLEY
General Counsel

APPROVED:



FOR

EUGENE D. SEROKA
Executive Director

JBS:SYO:cp
Board Meeting: April 2, 2020