



**THE PORT
OF LOS ANGELES**
Executive Director's
Report to the

Board of Harbor Commissioners

DATE: MAY 13, 2020

FROM: LABOR RELATIONS & WORKFORCE DEVELOPMENT

SUBJECT: RESOLUTION NO. _____ - AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND THE PACIFIC MARITIME ASSOCIATION ON USE OF PORT CLEANING SOLUTION

SUMMARY:

Staff requests approval to enter into an agreement (Agreement) with the Pacific Maritime Association (PMA) that will enable the City of Los Angeles Harbor Department (Harbor Department) to provide to PMA a bottled cleaning solution prepared by the Harbor Department for use at marine terminals.

The proposed Agreement will cover indemnification of the Harbor Department as it relates to PMA's use of the cleaning solution. Staff also requests that the Board ratify the agreement as of March 23, 2020, as the Executive Director signed the agreement on that date to expedite the release of the cleaning solution to PMA for use at San Pedro Bay terminals.

The Harbor Department will charge PMA for each bottle an amount equal to a cost per bottle determination based on the production of the cleaning solution and the Harbor Department costs to purchase the spray bottles used to bottle the cleaning solution.

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 and ratify the agreement with the Pacific Maritime Association regarding use of Harbor Department produced cleaning solution;
3. Authorize the Executive Director/designee to execute and the Board Secretary to attest to the Agreement with an effective date of March 23, 2020; and
4. Adopt Resolution No. _____

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DISCUSSION:

Background

Over the course of the ongoing COVID-19 pandemic, demand for cleaning solutions and personal protective equipment (PPE) has soared, and the supply of these products has become increasingly scarce. During the week of March 16th, both the International Longshore & Warehouse Union (ILWU) and PMA contacted the Harbor Department seeking assistance to obtain cleaning supplies due to the lack of readily available supply for use at the marine terminals in the San Pedro Bay port complex.

Harbor Department Bleach Solution

After the request for assistance by the ILWU and PMA, Harbor Department reached out to Department of Water and Power (DWP) to seek advice on obtaining cleaning solution. DWP made available approximately 680 gallons of industrial grade bleach that it could provide the Harbor Department. DWP staff coordinated with Harbor Department's Construction & Maintenance (C&M) staff and delivered the industrial bleach to a Harbor Department facility where C&M staff received it.

Based upon Centers for Disease Control guidance, C&M staff diluted the industrial bleach from DWP into a safe, usable formulation that can be used for every day cleaning of equipment. Harbor Department staff purchased empty plastic spray bottles and began to bottle the solution into the spray bottles. To date, the Harbor Department has distributed 270 spray bottles to PMA.

Agreement

Given the urgent need to maintain a safe environment for workers at the port complex's terminals, the Agreement was signed by the Executive Director on March 23, 2020, prior to the receipt of Board approval, to expedite release of the product to the PMA to address ongoing and critical exigencies. Board approval is now required in order to effectuate the open-ended terms of the hold-harmless and indemnity provisions. The principle of ratification applies to a municipal corporation in the same manner as an individual, and allows contracts lacking a particular authority to be approved on a post hoc basis, as long as the contracting authority possessed the initial power and authority to enter into that contract. Here, because the Board would have had the power and authority to approve the agreement on March 23, 2020, it is free to ratify the agreement.

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ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of an agreement between the City of Los Angeles and the Pacific Maritime Association (PMA) enabling the City of Los Angeles Harbor Department to provide bottled cleaning solution to PMA for use at marine terminals, which is an administrative activity involving continuing administrative and personnel-related activities. 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:

Harbor Department incurred costs to purchase the spray bottles, other supplies, and containers to store the cleaning solution. The Harbor Department will invoice PMA for the bottles to recover costs associated with the production of the number of bottles provided to PMA.

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved this Agreement as to form and legality.

TRANSMITTAL(S):

1. Agreement between the Harbor Department and the Pacific Maritime Association.

FIS Approval: MB (initials)
CA Approval: 2 (initials)



AVIN SHARMA
Director of Labor Relations &
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DAVID J. LIBATIQUE
Deputy Executive Director
Stakeholder Engagement

APPROVED:



EUGENE D. SEROKA
Executive Director