

ORDINANCE NO. 182182

An Ordinance approving Order No. 12-7105 of the Board of Harbor Commissioners of the City of Los Angeles, setting a Los Angeles Harbor Department photograph licensing fee schedule.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. That Order No. 12-7105, passed and adopted by the Board of Harbor Commissioners of the City of Los Angeles on the 17<sup>th</sup> day of May, 2012, be and the same is hereby ratified, confirmed, and approved, which Order is in words and figures as follows, to wit:

**"ORDER NO. 12-7105**

An Order of the Board of Harbor Commissioners of the City of Los Angeles, approving the form of Licensing Agreement for use by the Harbor Department in licensing the commercial use of Harbor Department photographs, and setting a photograph licensing fee schedule.

**WHEREAS**, the Harbor Department has an extensive historical photograph collection and provides access to the public to copies for personal, non-commercial use in accordance with the California Public Records Act;

**WHEREAS**, the Harbor Department occasionally receives requests for commercial use of Harbor Department photographs and proposes to license commercial use of Harbor Department photographs under guidelines that include licensing and fees for a one-time commercial publication or use (e.g. books, magazines, film, exhibits, seminars, advertising, etc.);

**WHEREAS**, the Harbor Department has developed Los Angeles Harbor Department Photograph Order Form/Licensing Agreement for use by the Harbor Department in licensing of the commercial use of its photograph collection, based upon the similar forms used by other agencies within the City of Los Angeles; and

**WHEREAS**, on March 1, 2012 the Board of Harbor Commissioners approved Resolution No. 12-7268 and Agreement No. 12-3050, the template form of Los Angeles Harbor Department Photograph Order Form/Licensing Agreement to be used for licensing commercial use of Harbor Department photographs, which agreement may have a term in excess of five (5) years depending on the copyright license; and

**WHEREAS**, the Harbor Department has developed a Los Angeles Harbor Department photograph licensing fee schedule to be used with the Licensing Agreement for licensing commercial use of Harbor Department photographs, which was developed based upon benchmarked data on fees being charged by other public and

private research institutions, universities, libraries and government agencies, including other City of Los Angeles agencies.

**NOW, THEREFORE,**

**THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LOS ANGELES  
DOES HEREBY ORDER AS FOLLOWS:**

Section 1. The Los Angeles Harbor Department hereby approves the form of Los Angeles Harbor Department Photograph Order Form/Licensing Agreement as set forth in Exhibit "A", attached hereto and incorporated herein by reference (Licensing Agreement), for use by the Harbor Department in licensing of the commercial use of Harbor Department photographs, and authorizes the Executive Director or his or her designee to execute the Licensing Agreement with individual licensees in accordance with the Licensing Fee Schedule as defined in Section 2 below.

Section 2. The Los Angeles Harbor Department hereby establishes the Los Angeles Harbor Department photograph licensing fee schedule as set forth in Exhibit "B", attached hereto and incorporated herein by reference (Licensing Fee Schedule) setting forth the fees to be charged under the Licensing Agreement.

Section 3. The Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2(f) of the Los Angeles City CEQA guidelines.

Section 4. The Board Secretary shall cause the Order to be presented to the City Council for consideration of its adoption by Ordinance pursuant to City Charter Sections 606 and 653(a).

Section 5. Pursuant to Charter Sections 606 and 653(a), this Order, the Licensing Fee Schedule and the Licensing Agreement shall become effective when the Order is approved by the City Council by Ordinance.

Section 6. Following City Council approval of this Order by Ordinance, the Board Secretary shall execute and transmit the Order and Ordinance to Harbor Department staff to post the Licensing Fee Schedule on the Port's website.

I HEREBY CERTIFY THAT the foregoing  
Order was adopted by the Board of Harbor  
Commissioners of the City of Los Angeles at its  
meeting held on May 17, 2012.

  
KORLA TONDREAULT  
Board Secretary"


Sec. 2. The City Clerk shall certify to the passage of this Ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to City Hall; one copy on the bulletin board located at the Main Street entrance to City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles JUN 20 2012, and was passed at its meeting of JUN 27 2012.

JUNE LAGMAY, City Clerk


By  \_\_\_\_\_ Deputy

Approved JUL 05 2012 \_\_\_\_\_

 \_\_\_\_\_ Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney  
Thomas A. Russell, General Counsel

By  \_\_\_\_\_  
JOY M. CROSE  
Assistant General Counsel

Date: May 24, 2012

File No. 12-0633

**ORDER NO. 12-7105**

An Order of the Board of Harbor Commissioners of the City of Los Angeles, approving the form of Licensing Agreement for use by the Harbor Department in licensing the commercial use of Harbor Department photographs, and setting a photograph licensing fee schedule.

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**WHEREAS**, the Harbor Department occasionally receives requests for commercial use of Harbor Department photographs and proposes to license commercial use of Harbor Department photographs under guidelines that include licensing and fees for a one-time commercial publication or use (e.g. books, magazines, film, exhibits, seminars, advertising, etc.);

**WHEREAS**, the Harbor Department has developed Los Angeles Harbor Department Photograph Order Form/Licensing Agreement for use by the Harbor Department in licensing of the commercial use of its photograph collection, based upon the similar forms used by other agencies within the City of Los Angeles; and

**WHEREAS**, on March 1, 2012 the Board of Harbor Commissioners approved Resolution No. 12-7268 and Agreement No. 12-3050, the template form of Los Angeles Harbor Department Photograph Order Form/Licensing Agreement to be used for licensing commercial use of Harbor Department photographs, which agreement may have a term in excess of five (5) years depending on the copyright license; and

**WHEREAS**, the Harbor Department has developed a Los Angeles Harbor Department photograph licensing fee schedule to be used with the Licensing Agreement for licensing commercial use of Harbor Department photographs, which was developed based upon benchmarked data on fees being charged by other public and private research institutions, universities, libraries and government agencies, including other City of Los Angeles agencies.

**NOW, THEREFORE,**

**THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LOS ANGELES  
DOES HEREBY ORDER AS FOLLOWS:**

Section 1. The Los Angeles Harbor Department hereby approves the form of Los Angeles Harbor Department Photograph Order Form/Licensing Agreement as set forth in Exhibit "A", attached hereto and incorporated herein by reference (Licensing Agreement), for use by the Harbor Department in licensing of the commercial use of Harbor Department photographs, and authorizes the Executive Director or his or her

designee to execute the Licensing Agreement with individual licensees in accordance with the Licensing Fee Schedule as defined in Section 2 below.

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Section 4. The Board Secretary shall cause the Order to be presented to the City Council for consideration of its adoption by Ordinance pursuant to City Charter Sections 606 and 653(a).

Section 5. Pursuant to Charter Sections 606 and 653(a), this Order, the Licensing Fee Schedule and the Licensing Agreement shall become effective when the Order is approved by the City Council by Ordinance.

Section 6. Following City Council approval of this Order by Ordinance, the Board Secretary shall execute and transmit the Order and Ordinance to Harbor Department staff to post the Licensing Fee Schedule on the Port's website.

I HEREBY CERTIFY THAT the foregoing Order was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting held on \_\_\_\_\_.

KORLA TONDREAU  
Board Secretary

Approved as to Form and Legality  
May 24, 2012  
CARMEN A. TRUTANICH, City Attorney  
Thomas A. Russell, General Counsel

By Joy M. Crose  
JOY M. CROSE  
Assistant General Counsel