

RESOLUTION NO. 2017-4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DISSOLVING THE TIDELANDS MANAGEMENT COMMITTEE AND SHIFTING ITS DUTIES TO THE HARBOR COMMISSION

WHEREAS, on March 8, 2011, the City Council of the City of Newport Beach adopted Resolution No. 2011-26 establishing the City Council Committee on Tidelands Management (TMC);

WHEREAS, the City Council charged the TMC with establishing a long term vision for the tidelands, including the upper bay, lower bay, bay beaches and other major components;

WHEREAS, on June 12, 2012, the City Council adopted Resolution No. 2012-44 expanding the membership of the TMC's Citizens Advisory Panel from five members to eight;

WHEREAS, on November 27, 2012, the City Council adopted Resolution No. 2012-114 extending the term of the TMC to March 31, 2013;

WHEREAS, in April of 2013, the City Council adopted Resolution No. 2013-35 that continued the term of the TMC indefinitely; and

WHEREAS, the City Council believes that the purpose and duties of the TMC, especially as it relates to capital improvement efforts in the Harbor and on tidelands in general, are closely aligned with the functions of the Harbor Commission.

NOW, THEREFORE, the City Council of the City of Newport Beach hereby resolves as follows:

Section 1: To the extent not already repealed, the City Council hereby repeals Resolution Nos. 2011-26, 2012-44, 2012-114, and 2013-35 only as it relates to TMC, and dissolves the TMC. All prior duties of the TMC shall be directed to the Harbor Commission.

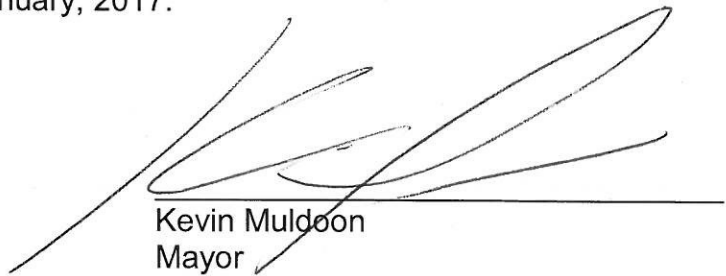
Section 2: The City Council finds this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 3: The Recitals provided above are true and correct and are incorporated into the substantive portion of this resolution.


Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

ADOPTED this 10th day of January, 2017.


Kevin Muldoon
Mayor


ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

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STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2017-4 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 10th day of January, 2017, and that the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Herdman, Council Member Avery, Council Member Dixon, Council
 Member Peotter, Council Member O'Neill, Mayor Pro Tem Duffield, Mayor Muldoon
NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 11th day of January, 2017.



Leilani I. Brown, MMC
City Clerk
Newport Beach, California

(Seal)

