

**RESOLUTION NO. 2019-4**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWPORT BEACH, CALIFORNIA, ADOPTING THE  
SIDEWALK VENDING PERMIT APPLICATION FEE WITHIN  
THE SCHEDULE OF RENTS, FINES, AND FEES**

**WHEREAS**, on September 17, 2018, California Governor Jerry Brown signed Senate Bill ("SB") 946 into law, which goes into effect January 1, 2019, and regulates sidewalk vendors throughout the state, including within the City of Newport Beach ("City");

**WHEREAS**, on November 27, 2018, the City Council adopted Ordinance No. 2018-19, creating a local program to regulate and permit sidewalk vending in compliance with the parameters established by SB 946;

**WHEREAS**, Ordinance No. 2018-19 created Newport Beach Municipal Code ("NBMC") Section 5.97.030(C), allowing the City Council to establish a fee for processing sidewalk vendor permit applications;

**WHEREAS**, Newport Beach Municipal Code ("NBMC") Section 3.36.010 provides that services and programs that primarily benefit a person requesting the service are traditionally funded in whole or in part from fees charged to the person who initiates the service;

**WHEREAS**, NBMC Section 3.36.030(A) provides that, subject to some express exceptions, the cost recovery percentage for user services shall be one hundred percent (100%);

**WHEREAS**, in 2010, the City retained MGT of America, Inc. ("MGT") to prepare cost allocation plan and cost-of-services studies for City services ("Agreement");

**WHEREAS**, pursuant to the Agreement, MGT has conducted cost-of-services studies on a rotating basis by department; and

**WHEREAS**, MGT determined the cost incurred by the City for processing permit applications related to sidewalk vending ("Services").

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

**Section 1:** The City Council hereby revises the Schedule of Rents, Fines, and Fees ("SRFF"), in part, as depicted in Exhibit 1, attached hereto and incorporated herein by reference. Except where prohibited by law, all fees provided shall be rounded down to the nearest dollar. Except as expressly revised by Exhibit 1, all other provisions of the SRFF shall continue in full force and effect.

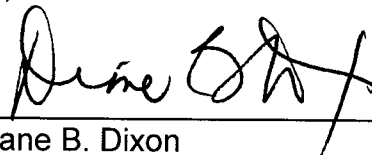
**Section 2:** The recitals provided in this resolution are true and correct and are incorporated into the operative portion of this resolution.

**Section 3:** 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, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 4:** The City Council finds the adoption of this resolution and revisions to the SRFF are 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.

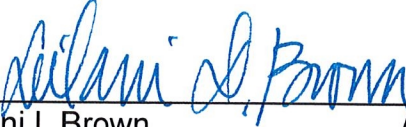
**Section 5:** This resolution and all proposed fees and rents shall take effect thirty (30) days following adoption of this resolution, and the City Clerk shall certify the vote adopting the resolution.

**ADOPTED** this 22nd day of January, 2019.

A handwritten signature in black ink, appearing to read "Diane B. Dixon", written over a horizontal line.

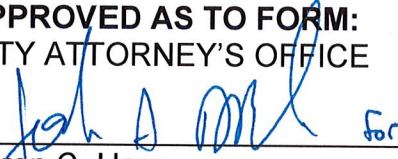
Diane B. Dixon  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Leilani I. Brown  
City Clerk



**APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE**

  
\_\_\_\_\_  
Aaron C. Harp  
City Attorney

Attachment:           Exhibit 1— Revision to the Schedule of Rents, Fines, and Fees –  
Sidewalk Vending Permit Application Fee

SERVICE NAME	DESCRIPTION	Previous Charges		Current Charges				Full Cost/Market Value			Notes	Implementation Date			
		Rounded down to nearest dollar		Fee @ Policy Level		Adjustment From Previous Year		Total or Base Fee	Incremental - (If applicable)	CPI					
		Total or Base Fee	Incremental - (If applicable)	Total or Base Fee	Incremental - (If applicable)	Total or Base Fee	Incremental						REFERENCE	TYPE	
<b>FINANCE</b>															
Revenue															
Sidewalk Vending Permit Application		N/A		\$	155.00					M.C. 3.36.030	CDS-Fee	\$	155.18	Yes	2/21/2019

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; the foregoing resolution, being Resolution No. 2019-4 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 22<sup>nd</sup> day of January, 2019; and the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Brad Avery, Council Member Joy Brenner, Council Member Duffy Duffield, Council Member Jeff Herdman, Mayor Pro Tem Will O'Neill, Mayor Diane Dixon

NAYS: None

ABSENT: Council Member Kevin Muldoon

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 23<sup>rd</sup> day of January, 2019.



Leilani I. Brown  
City Clerk  
Newport Beach, California

