

RESOLUTION NO. 2020-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE SUBMISSION OF A PROPOSED AMENDMENT TO THE CITY CHARTER

WHEREAS, pursuant to the authority provided by Section 3 of Article XI of the Constitution of the State of California, Section 1000 of the Newport Beach City Charter, and Section 1415(a)(2) of the California Elections Code, the City Council of the City of Newport Beach desires to submit a proposed Charter amendment to the voters; and

WHEREAS, under the provisions of Section 1000 of the Newport Beach City Charter, a General Municipal Election shall be held November 3, 2020, for the election of municipal officers and for other such purposes as the City Council may prescribe.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: Pursuant to Section 3 of Article XI of the California Constitution, Section 1000 of the Newport Beach City Charter and Section 1415(a)(2) of the California Elections Code, there is called and ordered to be held in the City of Newport Beach on Tuesday, November 3, 2020, a General Municipal Election for the purpose of submitting the following proposed Charter Amendment:

MEASURE ____	Yes
ADDITION OF HARBOR COMMISSION TO THE NEWPORT BEACH CITY CHARTER Shall the Newport Beach City Charter be amended to add Section 713 to the City Charter, establishing the powers and duties of the Harbor Commission and making the Harbor Commission a City Charter designated Appointive Board and Commission?	No

Section 2: The text of the Charter Amendment submitted to the voters is attached as Exhibit 1.

Section 3: The vote requirement for the measure to pass is a majority (50% +1) of the votes cast.

Section 4: The ballots to be used at the election shall be in form and content as required by law.

Section 5: The City Clerk is authorized, instructed, and directed to coordinate with the County of Orange Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary to properly and lawfully conduct the election.

Section 6: Pursuant to Senate Bill 450, Vote Centers and Ballot Drop Boxes will be open throughout Orange County as follows:

11-Day Vote Centers:

- October 24 to October 30, 2020, from 8:00 a.m. to 5:00 p.m.
- October 31 to November 2, 2020, from 8:00 a.m. to 8:00 p.m.
- November 3, 2020, from 7:00 a.m. to 8:00 p.m.

4-Day Vote Centers:

- October 31 to November 2, 2020, from 8:00 a.m. to 8:00 p.m.
- November 3, 2020, from 7:00 a.m. to 8:00 p.m.

1-Day Pop-Up Centers:

- At various locations throughout the County of Orange; dates, times, and locations to be determined.

Ballot Drop Boxes

- Available 24 hours a day, seven days a week, starting October 5, 2020, until November 3, 2020 at 8:00 p.m.

Section 7: In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 8: Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

Section 9: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 10: The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City of Newport Beach upon presentation of a properly submitted bill.

Section 11: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 12: 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 13: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 14: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 12th day of May, 2020.



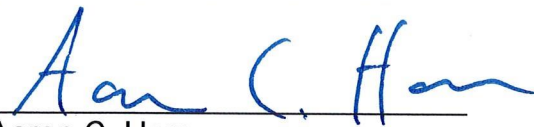
Will O'Neill
Mayor

ATTEST:



Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment: Exhibit 1 to the City Council Resolution Regarding Charter Amendment to Add Section 713

**Exhibit 1 to the City Council Resolution Regarding
Charter Amendment to Add Section 713**

SECTION 1: TEXT OF AMENDMENT TO NEWPORT BEACH CITY CHARTER

The City Charter of the City of Newport Beach is hereby amended as follows (underlining showing additions):

Section 713. Harbor Commission.

There shall be a City Harbor Commission of seven members which shall have the power and duty to:

- (a) Advise the City Council on all matters relating to proposed harbor improvements and the use of Newport Harbor.
- (b) Advise the City Council on all matters pertaining to the use, control, operation, promotion and regulation of all vessels within Newport Harbor.
- (c) Approve, conditionally approve, or disapprove applications on all permits where the City of Newport Beach Municipal Code assigns the authority for the decision to the Harbor Commission.
- (d) Make recommendations to the City Council for the adoption of regulations and programs necessary for the ongoing implementation of the goals, objectives, and policies of the Harbor and Bay Element of the General Plan.
- (e) Advise the City Council, Planning Commission and City Manager on land use and property development applications referred to the Harbor Commission by the City Council, Planning Commission, or the City Manager.
- (f) Serve as an appellate and reviewing body for decisions on permits and other harbor-related administrative matters where the City of Newport Beach Municipal Code assigns such authority to the Harbor Commission.
- (g) Perform such other duties relating to Newport Harbor as the City Council may require.

SECTION 2: BALLOT DESCRIPTION

As provided in Government Code section 34458.5, the following ballot description is included in this proposed Charter Amendment measure:

CHARTER AMENDMENT (Section 713): This Charter Amendment measure would amend the City Charter to add Section 713. As amended, Section 713 would establish the powers and duties of the Harbor Commission and make the Harbor Commission a City Charter designated Appointive Board and Commission. The Harbor Commission was created by the Newport Beach City Council via an ordinance adopted in January 2002, to provide the City of Newport Beach with an advisory body representing the diverse uses of Newport Harbor and its waterfront. The Harbor Commission currently advises the City Council on all matters pertaining to Newport Harbor, when requested, and has the power to approve, conditionally approve, or disapprove applications on all permits assigned to the Harbor Commission pursuant to the Newport Beach Municipal Code. The Harbor Commission currently serves as an appellate and reviewing body for decisions on permits and other harbor-related administrative matters where the City of Newport Beach Municipal Code assigns such authority to the Harbor Commission. The Harbor Commission's current powers and duties are prescribed in Title 17 of the Newport Beach Municipal Code, but this Charter amendment would formalize such powers and duties in the City's Charter. This Charter Amendment does not give the City Council power to raise its own compensation or the compensation of other City officials without voter approval.

SECTION 3: SEVERABILITY

It is the intent of the people that the provisions of this Charter Amendment measure are severable and that if any provision of this Charter Amendment measure, or the application thereof to any person or circumstance, is held invalid such invalidity shall not affect any other provision or application of this Charter Amendment measure which can be given effect without the invalid provision or application.

SECTION 4: CONFLICTING MEASURES

In the event this Charter Amendment measure and another measure or measures relating to City Council vote approval requirements for the matters described herein shall appear on the same general municipal election ballot, the other measure or measure shall be deemed to be in conflict with this Charter Amendment measure. In the event that this Charter Amendment measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

If this Charter Amendment measure is approved by the voters but superseded in whole or in part by any other conflicting measure approved by the voters at the same election, and such other conflicting measure is later found held invalid, this measure shall be self-executing and given full force and effect.

SECTION 5: EFFECTIVE DATE

This Charter Amendment measure shall become effective in the manner allowed by law.

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. 2020-47, was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 12th day of May, 2020; and the same was so passed and adopted by the following vote, to wit:

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

NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 13th of May, 2020.

Leilani I. Brown

Leilani I. Brown
City Clerk
Newport Beach, California

