

## RESOLUTION NO. 2019- 26

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING THE STRUCTURE, MEMBERSHIP, ROLES AND RESPONSIBILITIES OF THE AVIATION COMMITTEE

**WHEREAS**, on July 10, 1979, the City Council adopted Resolution 9597 establishing the Orange County Airport Aviation Committee (“Aviation Committee”) because the City Council was concerned about the welfare of the community and the potential expansion of John Wayne Airport (“JWA”);

**WHEREAS**, as set forth in Council Policy A-17, one of the primary objectives of the City Council is to protect the residents of the City of Newport Beach (“City”) from the impacts of aircraft operations at and from JWA;

**WHEREAS**, the impacts related to JWA are now, and will continue to be, a significant threat to the quality of life of City residents;

**WHEREAS**, on February 12, 2019, the City Council adopted Resolution No. 2019-12, forming an Aviation Ad Hoc Committee, comprised of the Mayor and two Council Members, to review the structure, membership, roles and responsibilities of the Aviation Committee and return to the full City Council with a recommendation related to possible changes thereto;

**WHEREAS**, on March 26, 2019, the Aviation Ad Hoc Committee recommended to the City Council that the structure, membership, roles and responsibilities of the Aviation Committee be amended as set forth in Attachment A; and

**WHEREAS**, the City desires to amend the structure, membership, roles and responsibilities of the Aviation Committee to ensure the City is taking all steps necessary to protect the citizens of the City from aircraft operations at JWA.

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

**Section 1:** The City Council hereby amends the Aviation Committee as described in Attachment A, which is attached hereto and incorporated herein by this reference.

**Section 2:** The City Council hereby repeals all prior resolutions, or parts thereof, related to the Aviation Committee that are in conflict with 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, 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 4:** The recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

**Section 5:** The City Council finds the adoption of this resolution 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 6:** 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 26<sup>th</sup> day of March, 2019.

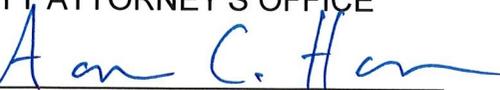
  
\_\_\_\_\_  
Diane B. Dixon  
Mayor

**ATTEST:**

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



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

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

Attachment A: Aviation Committee

**ATTACHMENT A**  
**AVIATION COMMITTEE**

**AUTHORIZATION:** Established by Resolution No. 9597, adopted on July 10, 1979. Renamed by Resolution No. 82-133, adopted on September 27, 1997. Term extended by Resolution No. 88-106, adopted on October 24, 1988. Membership expansion by Resolution No. 94-67, adopted on July 25, 1994. Membership composition and duties changed by Resolution No. 98-15, adopted on February 9, 1998. Appointment of officers added by Resolution No. 2000-8, adopted on January 25, 2000. Membership composition changed by Resolution No. 2002-7, adopted on January 8, 2002. Membership composition changed by Resolution No. 2003-11, adopted on February 11, 2003. Membership and responsibilities changed by Resolution No. 2011-31, adopted on April 12, 2011. Structure membership, roles and responsibilities changed by Resolution No. 2019-\_\_, adopted on March 26, 2019.

**TYPE:** This Committee is a Council/Citizens Committee and a standing committee subject to the Ralph M. Brown Act.

**MEMBERSHIP:** Fifteen (15) total comprised of the following:

- A. Two (2) members of the Newport Beach City Council appointed by the Mayor.
- B. Seven (7) members, one from each City Council district, nominated by the District Council Member and confirmed by the City Council.
- C. One (1) at-large member nominated by the Mayor and confirmed by the City Council.
- D. One (1) member of the general aviation community nominated by the Mayor and confirmed by the City Council.
- E. One (1) resident of Newport Coast, if the District #7 or District #6 Committee member is not a resident of Newport Coast (including Newport Ridge and Crystal Cove), nominated by the Mayor and confirmed by the Council.

- F. The President of the Airport Working Group (“AWG”) or his/her designee.
- G. The President of Stop Polluting Our Newport (“SPON”) or his/her designee.
- H. The President of Citizens Against Airport Noise and Pollution (“CAANP”) or her/his designee.

The committee shall have a Chairperson and a Vice Chairperson appointed by the Mayor. The Mayor has the discretion to appoint either a Council Member or a citizen to either of these two positions.

Staff support shall be provided primarily by the City Manager, City Attorney and other staff as necessary.

Meetings shall be held quarterly, on a calendar year basis, or as required by the business needs of the Aviation Committee.

AWG, SPON and CAANP shall have a continuing duty to inform the Chairperson of the Aviation Committee, in writing, of the name of the President of their respective organizations and the name of any authorized designee.

The City of Newport Beach (“City”) shall invite a representative of John Wayne Airport (“JWA”) and a representative of the City of Costa Mesa to participate in the Committee meetings.

**MEMBER TERM:**

The term of members shall be as follows:

- A. Council Members: Council Members currently appointed to the Committee shall continue to serve, pending City Council action. Council Members terms shall comply with Council Policy A-2.
- B. Citizen Appointees:
  - (1) Current Members: All previously appointed citizen members of the Committee for Council Districts Nos. 1-7, the Newport Coast representative, and the general aviation representative, shall continue to serve until June 30, 2019.

- (2) Effective June 30, 2019, the term of all current citizen appointed members of the Committee shall end and new citizen appointed members shall be selected to begin their term effective July 1, 2019, in accordance with Council Policy A-2, except as modified herein.
  - (3) For new citizen appointed members who are nominated and confirmed by the City Council including the district representatives from Council Districts Nos. 2, 4, and 6, the Newport Coast representative, and the at-large representative, shall have an initial term of three (3) years and shall be eligible for reappointment for two (2) additional six (6) year terms. The citizen appointee members who are nominated and confirmed by the City Council including the district representatives from Council Districts Nos. 1, 3, 5, and 7, and the representative of the general aviation community shall have an initial term of six (6) years and shall be eligible for appointment to one additional six (6) year term. Any vacancies shall be filled in accordance with this policy and the person shall serve the balance of the unexpired term for the person they are replacing plus no more than two additional six (6) year terms.
- C. Community Group Members: The term for the Presidents of qualified community group members (see below for criteria), or their designees, shall be indefinite, pending action by the qualified community group member(s).

**QUALIFICATION  
OF CITIZEN  
MEMBERS:**

Citizen appointee members who are nominated and confirmed by the City Council including the district representatives, at-large member, representative of the general aviation community, and the Newport Coast representative, shall be:

- A. A resident of the City; and

- B. A registered voter in the City; or
- C. Bring specific expertise to the Committee that may be unavailable within the City (such as general aviation expertise).

**QUALIFICATION  
OF COMMUNITY  
GROUP MEMBERS:**

- A. Current Group Members: The President of AWG and SPON, or their designees, shall continue to serve until June 30, 2019.
- B. New Group Members: As of July 1, 2019, prior to the President of AWG, SPON or CAANP, or their designees, serving on the Committee, the organization shall:
  - (1) Provide proof to the Chairperson that they are a legally organized entity; and
  - (2) The name of the President of their organization and the name of any authorized designee.

**PURPOSE AND  
RESPONSIBILITIES:**

Advise the City Council on the implementation of the City Council's Airport Policy (Council Policy A-17), including, but not limited, to:

- A. Monitoring development, operations, and other commercial and general aviation activities at John Wayne Airport, including but not limited to, the JWA Settlement Agreement and reporting to the City Council.
- B. Monitor current and future policies regarding regional air carrier service and alternative transportation service.
- C. Monitor State and Federal Legislation as it affects JWA.
- D. Report on other entities' support of the City's JWA strategy, including corridor cities.

- E. Assist in the dissemination of information to City residents regarding the future status of JWA and the Settlement Agreement.
- F. Provide advice on aviation matters as requested by the City Council.

**TERMINATION:**

The Aviation Committee shall continue until sunsetted by the City Council.

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. 2019-26 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 26<sup>th</sup> day of March, 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, Council Member Kevin Muldoon, Mayor Pro Tem Will O'Neill, Mayor Diane Dixon

NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 27<sup>th</sup> day of March, 2019.



\_\_\_\_\_  
Leilani I. Brown  
City Clerk  
Newport Beach, California

