

**RESOLUTION NO. 2020-48**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO CALIFORNIA ELECTIONS CODE 10403 FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT**

**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 ("City") is authorized to submit a proposed Charter amendment to the voters;

**WHEREAS**, the City Council of the City of Newport Beach, California, called a General Municipal Election to be held on Tuesday, November 3, 2020, for the purpose of submitting a proposed Charter amendment to the voters;

**WHEREAS**, California Elections Code Section 10400 *et seq.* authorizes a municipality to consolidate its election with a statewide election to be held on the same day; and

**WHEREAS**, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, vote center locations, ballot drop box locations, and election officers of the two elections be the same; the County Elections Department of the County of Orange canvass the returns of the General Municipal Election; and the election be held in all respects as if there were only one election.

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

**Section 1:** Pursuant to the requirements of California Elections Code Section 10403, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 3, 2020, for the purpose of submitting a Charter amendment.

**Section 2:** That a measure is to appear on the ballot as follows:

<p><b>MEASURE ____</b></p> <p><b>ADDITION OF HARBOR COMMISSION TO THE NEWPORT BEACH CITY CHARTER</b></p> <p>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?</p>	<p>Yes</p>
	<p>No</p>

**Section 3:** The County Election Department of the County of Orange is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regarding the Statewide General Election.

**Section 4:** The Board of Supervisors of the County of Orange is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

**Section 5:** The City of Newport Beach recognizes that additional costs will be incurred by the County of Orange by reason of this consolidation and agrees to reimburse the County of Orange for any costs.

**Section 6:** The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Orange.

**Section 7:** The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Section 8:** 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 9:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 10:** 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 11:** 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

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. 2020-48, was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 12<sup>th</sup> 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 13<sup>th</sup> of May, 2020.



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

