

**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.