

## **Rebuttal to Argument in Favor of Ballot Measure Approved at May 12, 2020, City Council Meeting**

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The council member proponents say voter endorsement of this poorly-written measure is necessary to place the powers and duties of the Harbor Commission beyond the political whims of future councils.

Yet they ask voters to approve language that fails to do that. It continues to limit the Commission's oversight authority to what future councils assign it through the Municipal Code. And it does not clarify if the Commission's advice will now be required, not merely available, before future councils can take action on the matters listed.

In its life so far, the most egregious example of a council completely bypassing the Commission was the creation of a Tidelands Management Committee in 2013, which relied on a completely different panel of citizens to prioritize harbor expenditures. The present language does nothing to prevent future councils from doing the same. Indeed, it omits entirely the Commission's existing responsibility to advise on harbor spending, added to its duties when the council finally disbanded the TMC in 2017.

And given we have a recreational harbor with beaches, this does nothing to resolve the existing uncertainty about the division of labor between the council-created Harbor Commission and the pre-existing Parks, Beaches and Recreation Commission which voters long ago empowered through the Charter. The two need to be revisited together.

Most importantly, it is our Charter. And the people, not the council, decide what goes in it.

The people should reject all poorly-written, inadequately-reviewed additions, however well intentioned.

Vote NO.

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**Submitted by: James M. ("Jim") Mosher, a Newport Beach voter**

*James M. Mosher 6/5/2020*

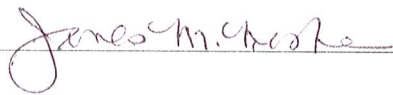
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**FORM OF STATEMENT TO BE FILED BY  
AUTHOR(S) OF ARGUMENT**

The undersigned author of the rebuttal argument against the ballot measure amending the Newport Beach City Charter 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, at the General Municipal Election for the City of Newport Beach to be held on Tuesday, November 3, 2020, hereby states that the argument is true and correct to the best of his knowledge and belief.

SIGN NAME	PRINT NAME	DATE
	James M. Mosher	June 5, 2020

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