

RESOLUTION NO. 2021-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, WAIVING THE TERM LIMITS ESTABLISHED BY RESOLUTION NO. 2012-115 AND AMENDING THE WATER QUALITY/COASTAL TIDELANDS COMMITTEE MEMBERSHIP TO STAGGER THE TERMS

WHEREAS, pursuant to the 1978 Beacon Bay Bill, as amended, the City of Newport Beach ("City") acts on behalf of the State of California as the trustee of tidelands located within the City's limits, including Newport Harbor;

WHEREAS, the City has a long history of protecting the water quality of Newport Harbor and the ocean through the work of the Water Quality/Coastal Tidelands Committee ("Committee"), which was established by City Council Resolution No. 2012-115, adopted on November 27, 2012;

WHEREAS, six of the seven citizen members of the Committee are precluded from serving a third consecutive term after their current terms expire on January 31, 2021, and there are an insufficient number of applicants to fill the vacated seats; and

WHEREAS, the City desires to stagger the terms of the Committee's citizen members in order to ensure continuity of service.

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

Section 1: The City Council hereby waives the Committee term limits established by Resolution No. 2012-115, with respect to those persons applying to serve for terms commencing February 1, 2021. This waiver is solely to allow the appointment of persons who otherwise would be precluded from serving a third consecutive term and does not permit those persons to serve another consecutive term thereafter.

Section 2: The City Council hereby establishes staggered service terms for the seven citizen members of the Committee and amends Resolution No. 2012-115 by replacing the existing Exhibit 1 with the amended version, which is attached hereto and incorporated by reference.

Section 3: The City Council hereby repeals all previous resolutions, or portions thereof, related to the Committee that are in conflict with this resolution.

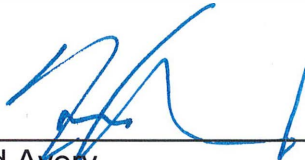
Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: 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 6: 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 7: 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 23rd day of February, 2021.



Brad Avery
Mayor

ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Exhibit 1

WATER QUALITY/COASTAL TIDELANDS COMMITTEE

- AUTHORIZATION:** Established by Resolution No. 2012-115 adopted on November 27, 2012; amended by Resolution No. 2021-11, adopted on February 23, 2021.
- MEMBERSHIP:** Seven members appointed by the City Council and two non-voting council members appointed by the mayor, confirmed by the City Council. The mayor will also appoint one of the two non-voting council members for an annual term as Chair of the committee.
- TERM:** Except as provided in Resolution 2021-11, the seven members appointed by the City Council shall serve a four-year term, with a limit of two consecutive terms. To stagger the terms, for terms commencing February 1, 2021, three members will be appointed to a two-year six-month term and four members will be appointed to a four-year six-month term. Council member appointees shall serve a one-year term. Except for appointments commencing February 1, 2021, appointments shall occur in January.
- MEETINGS:** Meetings shall occur at a regular time and place as called by the Chair.
- BROWN ACT:** This committee shall be subject to the Ralph M. Brown Act, or any successor regulation.
- PURPOSE & RESPONSIBILITIES:** It shall be the duty of the Water Quality/Coastal Tidelands Committee to:
- A. Advise and make recommendations to the City Council on policies, projects and programs that support and/or strengthen existing regulations to protect water quality and habitat in the bay and ocean;
 - B. Advise and make recommendations to the City Council on policies, programs and projects that improve the water quality and habitat of Newport Bay and the ocean;

C. Advise the City Council on implementation of the Tidelands Infrastructure Capital Plan in the following areas:

1. Sea level rise as it affects ocean beaches.
2. Ocean beach sand replenishment.
3. Other capital projects affecting the ocean beaches and tidelands not covered by other committees;

D. Advise and make recommendations to the City Council on policies, programs and projects that educate the watershed's population about the value of Newport Bay and the ocean; and

E. Advise on any matter referred to the Water Quality/Coastal Tidelands Committee by the City Council or City Manager.

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

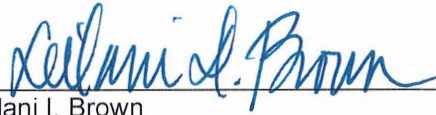
I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2021-11 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 23rd day of February, 2021; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Brad Avery, Council Member Noah Blom, Council Member Joy Brenner,
Council Member Diane Dixon, Council Member Duffy Duffield, Council Member Will
O'Neill

NAYS: None

ABSENT: Mayor Pro Tem Kevin Muldoon

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 24th day of February, 2021.



Leilani I. Brown
City Clerk
Newport Beach, California