

CITY OF NEWPORT BEACH

TIDE & SUBMERGED LANDS ANNUAL FINANCIAL REPORT

For the Fiscal Year Ended June 30, 2022



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CITY OF NEWPORT BEACH
Tide & Submerged Lands Annual Financial Report
Year Ended June 30, 2022

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CITY OF NEWPORT BEACH

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March 21, 2023

Honorable Mayor, Members of the City Council, Residents of the City of Newport Beach, and Citizens of the State of California,

I am pleased to present the City of Newport Beach – Tide and Submerged Lands (Tidelands) Fiscal Year 2021-22 Annual Financial Report. The Tidelands Report is a report for the residents of California and provides a concise, easy to read document that enables us to highlight information on the City's administration of the Tidelands pursuant to grants from the State of California.

This report reflects Tidelands fund balances, that when aggregated, agree to amounts presented in the audited, Fiscal Year 2021-22 Annual Comprehensive Financial Report (ACFR) for the City of Newport Beach, CA, which includes the Tidelands – Operating Fund and Tidelands – Harbor Capital Fund as major fund types, subject to audit.

This report only presents information on the financial condition of the Tidelands funds, and does not address the financial condition of the City of Newport Beach, CA as a whole. For more information on the financial condition of the City of Newport Beach, CA, please see the City's ACFR, which can be viewed on our website, at: www.newportbeachca.gov/ACFR.

Jason Al-Imam
Finance Director/Treasurer

CITY OF NEWPORT BEACH

Tide and Submerged Lands Annual Financial Report for the Year Ending June 30, 2022

Overview

The City of Newport Beach manages and administers the Tidelands on behalf of all the people of California and is subject to specific legislative grants. The Tidelands within the city's boundaries are owned by the State of California and overseen by the California State Lands Commission (SLC). Some of the lands are administered by the County of Orange, but still are owned by the State.

The City, as a trustee, is required to submit an annual financial report to the SLC. This report enables us to highlight information on the City's financial administration of the Tidelands in more detail than the City's Annual Comprehensive Financial Report (ACFR). This report only presents information on the financial position of the Tide and Submerged Land funds, and does not address the financial position of the City of Newport Beach, CA as a whole. The City's audited ACFR, can be obtained at: www.newportbeachca.gov/acfr.

The City's granted Tidelands consist primarily of the land bayward of the bulkhead and portions of the bay beaches in the Lower Bay (Coastward of the Upper Bay Bridge). Newport Beach Tidelands also include large portions of the City's ocean beaches and land covered by the Pacific Ocean from the shoreline to three (3) miles out to sea. Additionally, some areas within the Tidelands were filled in and developed long ago, and these are known as filled Tidelands. The portion of State Tidelands administered by the City is illustrated on the map below:



Guiding Legislation

The granted Tidelands must be used for purposes consistent with the public trust. Legislation known as the Beacon Bay Bill, adopted in 1978 and subsequently amended multiple times, is the guiding document that outlines how the City is to use and manage Tidelands, as well as how the City accounts for revenues and expenditures generated within Tidelands. According to the Bill, Tidelands can only be used for purposes in which there is a general statewide interest. These purposes are generally as follows:

- Establishing, improving, and operating a public harbor.
- Establishing, maintaining, and operating wharves, docks, piers, slips, quays, ways and streets, or utilities to promote commerce, fishing, or navigation.
- Establishing, improving, and operating beaches, marinas, aquatic playgrounds, and similar recreational facilities open to the public.
- Preserving, maintaining, and enhancing Tidelands in their natural state for use in scientific study, open space, and wildlife habitat.

The City has the power to regulate the use of Tidelands through leases, permits, policies, and ordinances that are consistent with the trust and relevant legislation.

Additionally, the Public Trust Doctrine and the California Constitution advise the City. The Public Trust Doctrine says that:

...The Legislature has the power to delegate the management responsibility of tidelands and submerged lands to local governments. When it does so, these lands are known as granted lands, and the grantees that manage them must ensure that they are used in ways that are consistent with the public trust and with any other conditions the Legislature imposes...

The State Constitution (Article XVI, Section 6) says that:

...The Legislature shall have no power ...to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever...

Accounting for Tidelands Revenues and Expenditures

Funds are used by the City as a means to track and control resources intended for specific purposes. The Tidelands funds are utilized to control and manage resources intended for purposes described in the Beacon Bay Bill.

At this time, the City uses a two-fund approach to track and control resources intended for Tidelands accounting purposes.

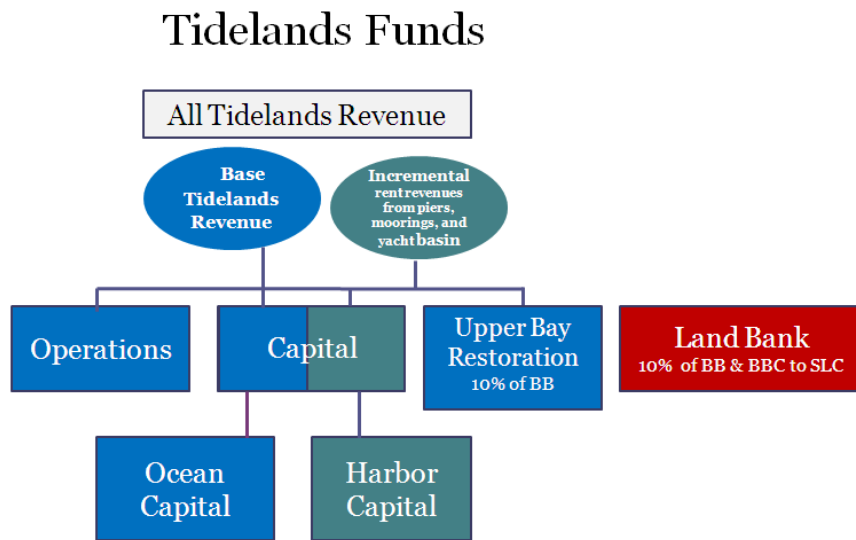
Operating Fund

The Tidelands Operating fund is used to account for revenues related to the operation of the Tidelands under City jurisdiction, including beaches and marinas, and the related expenditures. Revenue from tideland operations includes, but is not limited to, rents from moorings, piers, and leases, as well as income from parking lots, meters, and the sale of oil. Funds intended for the Upper Bay Restoration are also accounted for in this fund in a separate reserve account.

Harbor Capital Fund

With the adoption of new permit and the adjustment of lease templates and adjusted commercial and noncommercial tidelands rent to fair market value in the years immediately subsequent to 2010, the City Council asked the State Lands Commission for permission to create a Harbor Capital Fund. This allows for the sequestration of incremental increases from tidelands rent adjustments solely to finance critical in-Harbor capital improvements, like sea walls repair, dredging, piers, and important amenities.

The following illustration identifies the structure of the City's Tidelands funds and the allocation of revenue between those funds. Additionally, the City has some discretion on the use of Tidelands revenues within the operating and capital funds.



BB and BBC represents Beacon Bay and Balboa Bay Club respectively.

In 2011, the City Council formed the Tidelands Management Committee, a committee of three (3) Council members plus seven (7) citizen advisors, that would meet in public to make recommendations to the City Council on the prioritization and implementation of large infrastructure needs of the harbor through the publicly-available Tidelands Capital Plan. In 2017, the Council dissolved the Tidelands Management Committee and shifted its duties to the Harbor Commission. The City now manages the operations of the Tidelands. Similar to several other “master plans”, the City annually plans for the replacement, timing and means of financing critical infrastructure through the Tidelands, Harbors, and Beaches Capital Plan.

Advances and the General Fund Subsidy

Beginning in FY 2008-09, the City had an opportunity to complete a long-awaited maintenance dredging project within Lower Newport Bay, and a similar opportunity arose to remove sediments not suitable for ocean disposal that sat at the bottom of the Rhine Channel. The timing was critical, as much of the sediment within the Harbor and the Rhine needed a special repository – and that repository was in fill areas at the Port of Long Beach as the Port embarked on a major terminal expansion. To take advantage of the Port's space for sediment not suitable for ocean disposal (where the sediment would be buried and encased in a support structure and secured), the City Council advanced a loan from the General Fund to the Tidelands Harbor Capital Fund of \$9.7 million.

In addition, City Council approved another \$6.1 million in loan advances to the Harbor Capital Fund to cover the cost of developing the 23-space visitor-serving marina at the Marina Park project on the Peninsula. These advances are non-interest bearing, and are to be paid back to the General Fund from incremental revenue increases generated from certain leases, mooring rents, and commercial and residential pier rents. The balance of advance due to the General Fund as of June 30, 2022 is \$8.2 million. Please see the notes to the financial statement for the repayment schedule.

Historically, the Tidelands Operating Fund does not generate sufficient revenue to cover the full cost of operations – in large part because of the public safety costs (lifeguarding, EMS response, and police services) associated with the ocean beaches. This is still the case in FY 2021-22. Due to the ongoing

gap between revenues and expenditures, the City's General Fund transfers money to subsidize the operations of the Tidelands Operating Fund, on an annual basis. As Tidelands revenues and expenditures fluctuate year to year, the General Fund subsidy also fluctuates. For FY 2021-22, the General Fund transferred \$8.7 million to subsidize the Tidelands Operating Fund.

Revenues

The Beacon Bay Bill requires the City to set up a separate Tidelands trust fund or funds, and mandates that the City deposit into these funds "all moneys received directly from, or indirectly attributable to..." the granted Tidelands in the City.

Why aren't property taxes and other taxes allocated to the Tidelands trust?

Very simply, the property owner or trustee of the property is not the intended recipient of the tax. For example, all revenue from property taxes are intended for local governments, not the property owner or trustee of the property. Regardless of who owns or operates the Tidelands property, the 1% property tax is distributed to local jurisdictions in accordance with Senate Bill 154 passed in 1978 and amended thereafter. This distribution formula includes counties, cities, special districts but does not include the property owner or trustee of the property.

Revenue from all sources total \$18.2 million for FY 2021-22. The allocation of revenue may be based on specific locations, or on a percentage located within the Tidelands. For instance, several leases are split between the General Fund and the Tidelands Operating Fund based on the location of specific rental units, or based on the percentage of units located within the Tidelands. Revenues attributable to the Tidelands are deposited and accounted for in the Tidelands Fund, consistent with grant and trust requirements.

As noted, the City has committed to using revenues generated by certain incremental increases in rental rates for leases, moorings, and piers over designated base years to support Harbor related capital improvements in the Harbor Capital Fund. This incremental increase consisted of \$2.2 million from Balboa Bay Club; \$1.1 million from on-shore, off-shore, guest, and transfer moorings; \$832,339 from commercial piers; \$639,517 in increased revenues from Balboa Yacht Basin rentals of slips, apartments, and garages; and \$155,911 from residential piers.

The table to the right shows the top Tidelands Fund revenue producers for FY 2021-22.

Property income is the primary source in revenue attributable to both Tidelands Funds. Combined Tidelands property income is \$19.4 million, and is made up of \$9.7 million from leases, \$4.2 million from parking lots, \$3.2 million from rents for moorings, residential and commercial piers, \$1.7 million from the sale of oil, and \$519,922 from other property income. For more details on revenue, please refer to the Statement of Revenues, Expenditures, and Changes in Fund Balance on page 10.

| Top Tidelands Revenue Producers | | | |
|---------------------------------|-------------------------------------|--|-------------------------------|
| Top Tidelands Revenue Producers | Tide and Submerged Land - Operating | Tide and Submerged Land - Harbor Capital | Tide and Submerged Land Total |
| Balboa Bay Club | \$ 3,011,162 | \$ 2,246,724 | \$ 5,257,886 |
| Balboa Pier Parking Lot | 2,296,881 | - | 2,296,881 |
| Oceanfront/Other Parking Meters | 1,937,368 | - | 1,937,368 |
| Petroleum Royalties | 1,679,870 | - | 1,679,870 |
| Beacon Bay Residences | 1,543,443 | - | 1,543,443 |
| Other Leases | 1,312,058 | 217,036 | 1,529,094 |
| Balboa Yacht Basin | 745,506 | 639,517 | 1,385,023 |
| Commercial Piers | 398,500 | 832,339 | 1,230,839 |
| Offshore Moorings | 617,608 | 548,624 | 1,166,232 |
| Other Property Income | 519,922 | - | 519,922 |
| Other Moorings | - | 408,234 | 408,234 |
| Residential Piers | 118,000 | 155,911 | 273,911 |
| Other Revenue | 188,841 | - | 188,841 |
| Onshore Moorings | 69,546 | 94,642 | 164,188 |
| Investments-Related | (387,765) | (1,018,682) | (1,406,447) |
| Total | \$ 14,050,940 | \$ 4,124,345 | \$ 18,175,285 |

Parking revenue of \$4.2 million is made up of \$2.3 million from the Balboa Parking Lot, \$1.3 million from the Ocean Front Lot, and \$668,412 from a combination of smaller lots.

Lease revenue of \$9.7 million consists of the following:

- 1) \$5.3 million from the Balboa Bay Club lease
Per the amendment to the ground lease in FY 2014 with the Balboa Bay Club and the State Lands statute, revenues from the Balboa Bay Club are split – 95% to Tidelands operating fund and 5% to the State Lands Commission’s Land Bank fund. Starting in FY 2019, they were modified – 90% to Tidelands operating fund and 10% to the State Lands Commission’s Land Bank fund.
- 2) \$1.5 million from Beacon Bay residential leases
Tidelands-related Beacon Bay lease revenues are split – 80% to the Tideland Operating fund, 10% restricted within the Tidelands Operating fund for Upper Newport Bay Restoration, and 10% deposited in the Land Bank fund held and administered by the State Lands Commission. Some of the Beacon Bay residences are actually on uplands, and lease revenue from these properties goes to the General Fund.
- 3) \$1.4 million from Balboa Yacht Basin leases for slips, apartments, garages, offices, and electricity
Balboa Yacht Basin revenues are split – 53% to the General fund and 47% to Tidelands based on the percentage of area in the Tidelands.
- 4) The remaining \$1.5 million is derived from a variety of smaller leases.

Newport Beach is home to approximately 4,300 boats, 1,200 moorings, 1,200 residential piers, and 1,900 commercial slips and ties, resulting in \$3.2 million in revenue from rentals, including \$1.7 million in revenue from off-shore, on-shore, guest, and transfer moorings, \$1.2 million from commercial piers, and \$273,911 from residential piers.

The City received \$1.7 million in revenues from the sale of oil. During FY 2021-22, 19,718 barrels of oil were produced from 12 working wells located in West Newport. The City has set aside \$800,000 in the Tideland’s Operating Fund for future improvements to these oil wells, but as of the date of this report, no determination has been made to proceed with these improvements.

Additional revenue sources include:

- 1) \$121,046 from licenses and permits, derived from pier transfer fees, live aboard permits, dredging permit application fees, and marine activities permits.
- 2) \$30,430 in charges for services from harbor appeals, impound release fees, and waitlist fees.
- 3) \$37,365 from fines and forfeitures for administrative fines, abandoned vessels, and delinquencies.
- 4) \$543,587 from investment income offset by a \$2.0 million net decrease in fair value of investments, resulting in a net decrease of \$1.4 million in investment-related revenues. The fair value decreases are usually unrealized as the City normally holds investments to maturity and receives the full par value at the time of maturity.

Expenditures

Generally, the Beacon Bay Bill permits the City to expend the revenues accruing from use of the Tidelands for the management, operation, and control of the lands and/or any improvements, betterments, or structures, as well as for any use that furthers the purposes of the trust. Total Tidelands expenditures for FY 2021-22 totaled \$23.2 million. The City’s expenditure approach is reviewed regularly between City staff and SLC staff.

Direct Costs are those activities, programs, or functions whose primary purpose wholly or substantially benefit the Tidelands. These expenditures are charged directly to the activity, program, or function that benefits from them. There are currently five (5) types of expenditures charged directly to the Tidelands funds: 1) Harbor Operations division operating costs of \$1.8 million; 2) Public Works - Utilities operating costs of \$1.5 million; 3) Tidelands Management division operating costs of \$356,413; 4) Community Development operating costs of \$3,543; and 5) capital projects directly benefitting, or located within the Tidelands of \$2.0 million.

Indirect Costs are those City-wide costs for services that support a variety of City activities, programs, and functions and are centrally budgeted. Examples include but are not limited to; 1) Public safety services to Tidelands users, including Police, Fire, and Marine safety services of \$12.7 million; 2) Public Works services that protect or otherwise support the Tidelands, such as water quality, stormwater protection, dredging, infrastructure maintenance, and municipal operations of \$3.4 million; and 3) General government administrative services of \$1.5 million including City Council, City Clerk, City Attorney, City Manager, Finance, Human Resources, building use, which generally consists of the Tidelands' share of this overhead, and parking operations.

The City uses outside cost allocation experts, currently MGT of America Inc. (MGT), to develop the indirect cost allocation plan that identifies and distributes these indirect costs to all operating activities, programs, and functions within the City's organizational structure. This allocation plan includes allocation of costs to the Tidelands Operating fund.

The cost allocation plan takes a detailed approach to analyzing the costs attributable to Tidelands Operations. MGT interviewed staff in each department and analyzed data within each central activity to determine: 1) what services are provided; 2) which functions or departments receive benefits from these services; and 3) how to determine the amount of benefit received, or what is the best driver for allocating centrally budgeted services to programs or functions receiving the benefits.

For example, Public Works salaries and operating expenses may be allocated based on a time study of which programs or functions were worked on; Accounts Payable salaries and operating expenses may be allocated on the number of checks processed for a program or function; City Clerk salaries and operating expenses may be allocated based on the number of agenda items per program or function. There are many alternative drivers to choose from, and the City relies on MGT's expertise in selecting these drivers.

The drivers are used to allocate General government activities among the City's departments and divisions, then administrative costs within the departments and divisions are allocated to the various activities, programs, and functions of the City using similar methodologies. Indirect costs are added to direct costs to determine the full cost of each activity, program, and function.

Finally, a share of the full cost of activities, programs, and functions that provide services to the Tidelands are allocated using the best drivers and methodologies identified by MGT. For FY 2021-22, total expenditures of \$23.2 million for both funds included indirect cost allocations to the Tidelands Operating Fund totaling \$17.6 million.

The City regularly reports its expenditure information, including the indirect cost allocation, to the State Lands Commission for review and approval to ensure the City is meeting all the obligations of the Beacon Bay Bill; using Tidelands funds only for Tidelands purposes.

Conclusion

The City endeavors to manage and administer Tidelands in accordance with the appropriate legislation while working with the California State Lands Commission to ensure Newport Harbor continues to be a prosperous and effective harbor. It is always fair to re-evaluate both Tidelands revenue sources and expenditure purposes on a regular basis, and the City does so with the City Council, the community, and the State Lands Commission. Changes to the allocations, if consistent with the Trust and related legislation, should be viewed both on their merits and how they might impact City operations, services, and other funds.

Comprehensive financial detail on City of Newport Beach Tidelands can be found in the financial statements that follow.

CITY OF NEWPORT BEACH
Tide and Submerged Lands
Balance Sheet
June 30, 2022

| | Tide and Submerged Land - Operating | Tide and Submerged Land - Harbor Capital | Tide and Submerged Land Total Funds |
|--|---|--|---|
| Assets | | | |
| Cash and investments | \$ 4,745,087 | \$ 39,666,573 | \$ 44,411,660 |
| Receivables: | | | |
| Accounts (net of allowance) | 1,972,271 | - | 1,972,271 |
| Interest | 50,387 | 107,649 | 158,036 |
| Lease Receivables (note 2) | 176,798,702 | - | 176,798,702 |
| Total assets | \$ 183,566,447 | \$ 39,774,222 | \$ 223,340,669 |
| Liabilities, Deferred Inflows of Resources, and Fund Balances | | | |
| Liabilities: | | | |
| Accounts payable | \$ 1,710,218 | \$ 63,091 | \$ 1,773,309 |
| Accrued payroll | 38,725 | - | 38,725 |
| Deposits payable | 192,589 | - | 192,589 |
| Unearned Revenue | 757,105 | - | 757,105 |
| Advance from other funds (note 3) | - | 8,176,659 | 8,176,659 |
| Total liabilities | 2,698,637 | 8,239,750 | 10,938,387 |
| Deferred Inflows of Resources: | | | |
| Deferred amount from leases (note 2) | 176,320,010 | - | 176,320,010 |
| Total deferred inflows of resources | 176,320,010 | - | 176,320,010 |
| Fund balances: | | | |
| Restricted: | | | |
| Upper Newport Bay Restoration | 1,318,126 | - | 1,318,126 |
| Other | 2,429,674 | 31,534,472 | 33,964,146 |
| Committed: | | | |
| Oil and Gas Liabilities | 800,000 | - | 800,000 |
| Total fund balances | 4,547,800 | 31,534,472 | 36,082,272 |
| Total liabilities, deferred inflows of resources, and fund balances | \$ 183,566,447 | \$ 39,774,222 | \$ 223,340,669 |

See accompanying notes to basic financial statements

CITY OF NEWPORT BEACH
Tide and Submerged Lands
Statement of Revenues, Expenditures, and Changes in Fund Balance
For the Fiscal Year Ended June 30, 2022

| | Tide and Submerged Land - Operating | Tide and Submerged Land - Harbor Capital | Tide and Submerged Land Total Funds |
|--|---|--|---|
| Revenues: | | | |
| Licenses, permits, and fees | \$ 121,046 | \$ - | \$ 121,046 |
| Charges for services | 30,430 | - | 30,430 |
| Fines and forfeitures | 37,365 | - | 37,365 |
| Investment income | 127,362 | 416,225 | 543,587 |
| Net decrease in fair value of investments | (515,127) | (1,434,907) | (1,950,034) |
| Income from the use of property and money | | | |
| Parking | | | |
| Balboa Lot | 2,296,881 | - | 2,296,881 |
| Other parking | 1,937,368 | - | 1,937,368 |
| Total Parking | 4,234,249 | - | 4,234,249 |
| Leases | | | |
| Balboa Yacht Basin Slips (net of increment) | 653,171 | 600,292 | 1,253,463 |
| Balboa Yacht Basin Garages (net of increment) | 35,344 | 36,042 | 71,386 |
| Balboa Yacht Basin Apartments (net of increment) | 30,456 | 3,183 | 33,639 |
| Balboa Yacht Basin Offices | 17,930 | - | 17,930 |
| Balboa Yacht Basin Electricity | 8,605 | - | 8,605 |
| Balboa Bay Club | 3,011,162 | 2,246,724 | 5,257,886 |
| Beacon Bay | 1,543,443 | - | 1,543,443 |
| Other Leases | 1,312,058 | 217,036 | 1,529,094 |
| Total Leases | 6,612,169 | 3,103,277 | 9,715,446 |
| Rent | | | |
| Moorings Off-Shore (net of increment) | 617,608 | 548,624 | 1,166,232 |
| Moorings On-Shore (net of increment) | 69,546 | 94,642 | 164,188 |
| Moorings Guest (net of increment) | - | 331,810 | 331,810 |
| Moorings Transfers (net of increment) | - | 76,424 | 76,424 |
| Residential Piers Rent (net of increment) | 118,000 | 155,911 | 273,911 |
| Commercial Piers Rent (net of increment) | | | |
| Large Com Marina Rent | 248,441 | 541,278 | 789,719 |
| Medium Com Marina Rent | - | 85,465 | 85,465 |
| Small Com Marina Rent | 47,662 | 96,365 | 144,027 |
| Vessel Charter Bus Rent | 26,833 | 31,475 | 58,308 |
| Vessel Rental Facility Rent | 20,560 | 25,547 | 46,107 |
| HOA NONMEM <13,000 sqf | 5,693 | 14,672 | 20,365 |
| HOA NONMEM 13K-30K sqf | 6,927 | 7,746 | 14,673 |
| Yacht Club Guest Slip Rent | 13,471 | 1,296 | 14,767 |
| Restaurant Rent | 7,873 | 1,774 | 9,647 |
| Shipyard Rent | 6,559 | 10,084 | 16,643 |
| Other Rent - Bldg over Tld | 5,325 | 5,903 | 11,228 |
| Fuel Dock - Base/Plus Rent | 4,710 | 5,522 | 10,232 |
| Sport Fishing Charter Rent | 4,446 | 5,212 | 9,658 |
| Total Commercial Piers Rent | 398,500 | 832,339 | 1,230,839 |
| Total Rent | 1,203,654 | 2,039,750 | 3,243,404 |
| Sale of Oil | 1,679,870 | - | 1,679,870 |
| Other | 519,922 | - | 519,922 |
| Total property income | 14,249,864 | 5,143,027 | 19,392,891 |
| Total Revenues | \$ 14,050,940 | \$ 4,124,345 | \$ 18,175,285 |

See accompanying notes to basic financial statements

CITY OF NEWPORT BEACH
Tide and Submerged Lands
Statement of Revenues, Expenditures, and Changes in Fund Balance
For the Fiscal Year Ended June 30, 2022

Continued

| | Tide and Submerged Land - Operating | Tide and Submerged Land - Harbor Capital | Tide and Submerged Land Total Funds |
|--|---|--|---|
| Expenditures: | | | |
| General government: | | | |
| City council - Indirect | \$ 34,265 | \$ - | \$ 34,265 |
| City clerk - Indirect | 10,684 | - | 10,684 |
| City attorney - Indirect | 216,454 | - | 216,454 |
| City manager - Indirect | 143,810 | - | 143,810 |
| Finance - Indirect | 144,242 | - | 144,242 |
| Human resources - Indirect | 44,752 | - | 44,752 |
| Building use - Indirect | 171,331 | - | 171,331 |
| Parking operations - Indirect | 816,627 | - | 816,627 |
| Total General government | 1,582,165 | - | 1,582,165 |
| Public safety: | | | |
| Police - Indirect | 3,346,380 | - | 3,346,380 |
| Fire - Indirect | 2,350,445 | - | 2,350,445 |
| Marine safety - Indirect | 6,957,463 | - | 6,957,463 |
| Total Public safety | 12,654,288 | - | 12,654,288 |
| Public works: | | | |
| Public works - Indirect | 10,006 | - | 10,006 |
| Public works - Utilities - Direct | 1,479,786 | - | 1,479,786 |
| Public works - Utilities - Indirect | 3,344,447 | - | 3,344,447 |
| Public works - Tidelands management - Direct | 356,413 | - | 356,413 |
| Total Public works | 5,190,652 | - | 5,190,652 |
| Community development: | | | |
| Community development - Direct | 3,543 | - | 3,543 |
| Total Community development | 3,543 | - | 3,543 |
| Community services: | | | |
| Harbor operations - Direct | 1,774,413 | - | 1,774,413 |
| Total Community services | 1,774,413 | - | 1,774,413 |
| Capital improvement projects: - All are Direct | | | |
| Abandoned Watercraft Abatement | - | 12,715 | 12,715 |
| Abandoned Watercraft Grant | 239 | - | 239 |
| American Legion Bulkhead | - | 54,256 | 54,256 |
| Arches Storm Drain Diversion | - | 26,111 | 26,111 |
| Beach and Bay Sand Management | 466,399 | - | 466,399 |
| Big Canyon Restoration - Phase 2A | 7,975 | - | 7,975 |
| Bilge Pumpout/Oil Collection | - | 5,833 | 5,833 |
| Harbor Bulkheads and Seawall Repair | 65,281 | - | 65,281 |
| Harbor Dredging/Planning | - | 73,046 | 73,046 |
| Harbor Maintenance/Minor Improv | - | 8,079 | 8,079 |
| Harbor Piers Rehabilitation | 2,066 | 76,079 | 78,145 |
| Newport Bay Water Wheel | 266,466 | - | 266,466 |
| Newport Pier Building Platform/Piles | - | 44,996 | 44,996 |
| Newport Pier Platform and Piles | 191,503 | - | 191,503 |
| Ocean Piers Inspect/Maintenance | - | 365,192 | 365,192 |
| Ocean Piers Inspection & Maint | 279,848 | - | 279,848 |
| Tide Valve Replacement Program | - | 315 | 315 |
| TMDL Compliance/Water Quality Imp | - | 21,567 | 21,567 |
| Vessel Pumpouts Replacement | - | 9,680 | 9,680 |
| Total Capital improvement projects | 1,279,777 | 697,869 | 1,977,646 |
| Total Expenditures | \$ 22,484,838 | \$ 697,869 | \$ 23,182,707 |
| Other financing sources (uses): | | | |
| Transfers in | 8,668,941 | 4,500,000 | 13,168,941 |
| Total other financing sources (uses) | 8,668,941 | 4,500,000 | 13,168,941 |
| Net change in fund balance | 235,043 | 7,926,476 | 8,161,519 |
| Fund balance, beginning | 4,312,757 | 23,607,996 | 27,920,753 |
| Fund balance, ending | \$ 4,547,800 | \$ 31,534,472 | \$ 36,082,272 |

See accompanying notes to basic financial statements

NOTES

1) Basis of Accounting and Measurement Focus

The basic financial statements of the Newport Beach, CA Tide and Submerged Lands are comprised of fund financial statements and notes to the financial statements.

The fund financial statements utilize the current financial resources measurement focus and thus have a short-term focus measuring inflows of current spendable assets. The resulting net difference between current financial assets, deferred outflows of resources, current financial liabilities, and deferred inflows of resources is otherwise known as fund balance. Fund balance is similar to net working capital in the private sector, a measure of the entity's ability to finance activities in the near term.

Tidelands are accounted for in two Special Revenue funds. These Special Revenue funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for the Tide and Submerged Lands. Fund descriptions are:

Tide and Submerged Land – Operating Fund is a Special Revenue fund used to account for revenues related to the operation of the City's tidelands, including beaches and marinas, and the related expenditures. Revenue from tideland operations includes, but is not limited to, rents from moorings, piers, and leases, as well as income from parking lots, meters, and the sale of oil.

Tide and Submerged Land – Harbor Capital Fund is used to account for incremental increases in revenue from certain property leases, piers, and mooring rentals that exceed Council designated base year revenue amounts, as well as other designated revenues and the related expenditures for capital projects, maintenance, and servicing of loan advances from the General fund.

These funds are presented using the *modified accrual basis of accounting*. Their revenues are recognized when they become measurable and available as net current assets. *Measurable* means that the amounts can be estimated or otherwise determined. *Available* means that the amounts were collected during the reporting period or soon enough thereafter to be available to finance the expenditures accrued for the reporting period. The City uses an availability period of 60 days for all revenues in the Tidelands fund.

2) Leases

In FY 2021-22, the City implemented GASB Statement No. 87 – “Leases”, effective for periods beginning after June 15, 2021. This statement changed the calculation and presentation of lease related amounts in the City's financial statements.

Lease liabilities and receivables are estimated present values of future lease payments. Estimating present values involves various related estimates, including lease terms and interest rates. The estimated lease term is the time period that the lease is noncancelable, plus extension and termination time periods if based on the lease agreement it is reasonable that the extensions will be exercised and the terminations will not be exercised. When a lease's implicit interest rate is not known, estimates are made of either the City's incremental borrowing rate or the rate the City may charge a lessee. Non-lease components of lease agreements have been treated as separate non-lease agreements when practicable, and are excluded from the City's estimated lease liabilities and receivables. Leases that do not meet the Governmental Accounting Standards Board's definition of a lease liability or receivable (e.g. short-term leases, etc.) also are excluded from the City's estimated lease liabilities and receivables.

Lease agreements that meet the requirements of GASB 87 for which the City is lessor are disclosed as lease receivables on the City's financial statements. GASB 87 excludes certain inflows (e.g. certain variable payments, etc.) from the measurement of lease receivables. For the fiscal year ending

June 30, 2022, both Tidelands Funds accounted for the succeeding amounts associated with GASB 87. Variable payments related to the lease receivables that were excluded from the measurement of the lease receivables amounted to \$3,178,278. Lease inflows, including inflows excluded from GASB 87, are included on the City's financial statements as property income. Lease inflows for interest revenue from amortization of the GASB 87 lease receivables totaled \$1,196,247. Lease inflows for lease revenue from amortization of the related GASB 87 deferred inflows of resources from leases was \$4,755,058.

3) Advances

Advances from the General Fund to the Tide and Submerged Land – Harbor Capital Fund are primarily for the purpose of funding expenditures for dredging, seawall repairs and maintenance, and other high impact projects within the City's tidelands, specifically within, or benefitting the Newport Harbor. Over the years, the General Fund has advanced \$15.8 million to the Tide and Submerged Land – Harbor Capital Fund. The balance of advance due to the General Fund as of June 30, 2022 is \$8.2 million.

| | <u>Advance from</u> | <u>Advance to</u> |
|---|---------------------|---------------------|
| General Fund | \$ 8,176,659 | \$ - |
| Tide and Submerged Land - Harbor Capital Fund | - | 8,176,659 |
| Total | <u>\$ 8,176,659</u> | <u>\$ 8,176,659</u> |

The advances will be paid back to the General Fund from incremental revenue increases generated from certain leases, mooring rents, and commercial and residential pier rents. Below is the repayment schedule:

| Harbor Capital Fund Advance - Repayment Terms (Zero Interest Advance) | | | |
|---|---|---|---------------------|
| Fiscal Year | Advance #1 Dredging Projects Repayment | Advance #2 Marina Park Project Repayment | Total Repayment |
| 2023 | 750,000 | 500,000 | 1,250,000 |
| 2024 | 750,000 | 500,000 | 1,250,000 |
| 2025 | 750,000 | 500,000 | 1,250,000 |
| 2026 | 750,000 | 500,000 | 1,250,000 |
| 2027 | 750,000 | 500,000 | 1,250,000 |
| 2028 | 426,659 | 500,000 | 926,659 |
| 2029 | - | 500,000 | 500,000 |
| 2030 | - | 500,000 | 500,000 |
| Total | \$ 4,176,659 | \$ 4,000,000 | \$ 8,176,659 |

4) Revenue

In some instances, governmental accounting standards permit revenues in governmental funds to be reported net of certain costs. Accordingly, parking meter revenues and other property income are reported net of credit card service costs, refunds, rebates, and bad debt.



City of Newport Beach

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