

ORDINANCE NO. 2013-14

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF NEWPORT BEACH,
CALIFORNIA REPEALING ORDINANCE
NO. 2001-25 AND AMENDING THE HARBOR
COMMISSION'S PURPOSE AND
RESPONSIBILITIES**

WHEREAS, Section 700 of the Charter of the City of Newport Beach authorizes the City Council to create by ordinance or resolution such advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of the Charter of the City of Newport Beach;

WHEREAS, Newport Harbor is one of the largest yacht harbors in the United States;

WHEREAS, the waters and shoreline of Newport Harbor support a wide variety of commercial, recreational and residential uses, and scenic and biological resources;

WHEREAS, the Harbor Commission was created by the City Council in January 2002 through Ordinance No. 2001-25 to provide the City of Newport Beach with an advisory body representing these diverse uses of Newport Harbor and its waterfront;

WHEREAS, the City Council originally created the Ad Hoc City Council Committee on Tidelands Management through Resolution No. 2011-26 then later created the standing City Council committee referred to as the Tidelands Management Committee through Resolution No. 2013-35;

WHEREAS, the City Council approved the Tidelands Capital Plan on November 27, 2012 as recommended by the Ad Hoc City Council Committee on Tidelands Management;

WHEREAS, the City desires to amend the Harbor Commission's Purpose and Responsibilities to include references to the Tidelands Capital Plan, including the specific items in that plan which the Harbor Commission may review and offer advice to the City Council.

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

Section 1: The Harbor Commission's Purpose and Responsibilities are amended as described in Attachment "A", which is attached hereto and incorporated by reference.

Section 2: Ordinance No. 2001-25 is hereby repealed and of no further effect.

Section 3: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 4: If any section, subsection, sentence, clause or phrase of this ordinance 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 ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5: The City Council finds the approval of this ordinance 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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause this ordinance, or a summary thereof, to be published pursuant to Charter Section 414.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach, held on the 13th day of August, 2013, and adopted on the 10th day of September, 2013, by the following vote, to wit:

AYES, COUNCILMEMBERS Gardner, Petros, Hill, Selich
Henn, Daigle, Mayor Curry


NOES, COUNCILMEMBERS None

ABSENT COUNCILMEMBERS _____



KEITH D. CURRY, MAYOR

APPROVED AS TO FORM:

THE CITY ATTORNEY'S OFFICE
 (C.C.)

AARON C. HARP, CITY ATTORNEY

ATTEST:


LEILANI I. BROWN, CITY CLERK



HARBOR COMMISSION

AUTHORIZATION:

Established by Ordinance No. 2001-25, adopted on January 8, 2002. Amended by Ordinance No. 2013-14 adopted on September 10, 2013.

OFFICIAL TITLE:

Harbor Commission of the City of Newport Beach, California.

MEMBERSHIP:

Seven (7) members appointed by the City Council pursuant to Section 702 of the City Charter. In no event will individual appointments to the Harbor Commission exceed two (2) consecutive full terms, exclusive of appointments to fill unexpired terms.

TERM:

Each member shall serve a term of four (4) years and such terms shall be on a staggered basis, pursuant to Section 702 of the City Charter.

PURPOSE & RESPONSIBILITIES:

Newport Harbor supports numerous recreational and commercial activities, waterfront residential communities and scenic and biological resources. The purpose of the Harbor Commission is to provide the City of Newport Beach with an advisory body representing these diverse uses of Newport Harbor and its waterfront.

1. Advise the City Council in all matters pertaining to the use, control, operation, promotion and regulation of all vessels and watercraft within Newport Harbor.
2. Approve, conditionally approve, or disapprove applications on all harbor permits where the City of Newport Beach Municipal Code assigns the authority for the decision to the Harbor Commission.
3. Serve as an appellate and reviewing body for decisions of the City Manager on harbor permits, leases, and other harbor-related administrative matters where the City of Newport Beach Municipal Code assigns such authority to the Harbor Commission.

4. Advise the City Council on proposed harbor-related improvements.
5. Advise the Planning Commission and City Council on land use and property development applications referred to the Harbor Commission by the City Council, Planning Commission, or the City Manager.
- 6.. Make recommendations to the City Council for the adoption of regulations and programs necessary for the ongoing implementation of the goals, objectives, policies of the Harbor and Bay Element of the General Plan, the Harbor Area Management Plan, and the Tidelands Capital Plan.
7. Advise the City Council on the implementation of assigned parts of the Tidelands Capital Plan such as:
 - A. Dredging priorities.
 - B. In-bay beach sand replenishment priorities.
 - C. Harbor amenities such as mooring support service areas and public docks.

STAFF:

City Manager or designee.

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

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; that the foregoing ordinance, being Ordinance No. 2013-14 was duly and regularly introduced on the 13th day of August, 2013, and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 10th day of September, 2013, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Gardner, Petros, Hill, Selich, Henn, Daigle, Mayor Curry
Nays: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 11th day of September, 2013.



City Clerk
City of Newport Beach, California

(Seal)

CERTIFICATE OF PUBLICATION

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

I, LEILANI I. BROWN, City Clerk of the City of Newport Beach, California, do hereby certify that Ordinance No. 2013-14 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in *The Daily Pilot*, a daily newspaper of general circulation on the following dates:

Introduced Ordinance: August 17, 2013
Adopted Ordinance: September 14, 2013

In witness whereof, I have hereunto subscribed my name this _____ day of _____ 2013.

City Clerk
City of Newport Beach, California

(Seal)