



NEWPORT BEACH

Harbor Commission Staff Report

November 13, 2024
Agenda Item No. 6.2

TO: HARBOR COMMISSION

FROM: Paul Blank, Harbormaster
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TITLE: Consider Amending the Rules of Procedures of the Harbor Commission Related to a Motion for Reconsideration

ABSTRACT:

Harbor Commission meetings are conducted subject to the “Rules of Procedures of the Harbor Commission” adopted on March 10, 2021. Those rules currently provide for a “motion for reconsideration” at the meeting at which an action is taken. The Commission will consider amending the rules to provide for a “motion for reconsideration” at the current meeting or the subsequent meeting at which the action was taken.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Amend the Rules of Procedures of the Harbor Commission Section VIII. VOTING PROCEDURE Item E to allow a Motion for Reconsideration to be made at the current meeting or the subsequent meeting at which the action was taken; and
- c) Update future Harbor Commission agendas to reflect the revised language related to a Motion for Reconsideration.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The City of Newport Beach has established a set of comprehensive rules and procedures to govern the operations and functions of its Harbor Commission as well as other boards, committees, and commissions and the City Council. Adopted on March 10, 2021, the “Rules of Procedures of the Harbor Commission” aim to provide a structured framework for the commission's activities, ensuring efficient and transparent management of the city's harbor and waterfront resources consistent with its charge in Section 713 of the City Charter.

The Harbor Commission is tasked with advising the City Council on matters related to the harbor, harbor beaches, and other waterfront areas within the city's jurisdiction. The commission's responsibilities include but are not limited to, making recommendations on harbor and waterfront policies, overseeing harbor operations and maintenance, and addressing issues concerning public access, safety, and environmental protection.

The rules document outlines the commission's composition, its meeting procedures, decision-making processes, and the responsibilities of its members. It also establishes guidelines for public participation and the management of conflicts of interest.

By formalizing these rules of procedure, the City of Newport Beach demonstrated its commitment to upholding the highest standards of governance and accountability in the stewardship of its valuable harbor and waterfront assets. These guidelines are designed to foster collaboration, transparency, and effective decision-making, ultimately benefiting the residents, businesses, and visitors who rely on and enjoy the city's renowned coastal resources.

Section VIII, Item E of the rules defines when and how a motion for reconsideration can be made at a Harbor Commission meeting. Mistakenly, but without ill intent, the Harbor Commission has included language on its agendas indicating a motion for reconsideration could be made on an action taken at the current meeting or the immediately previous meeting. That language is consistent with the language and rules used by the City Council. That language is however inconsistent with the Harbor Commission's rules. The Harbor Commission will consider making the language and procedures consistent with those used by the City Council.

The Harbor Commission may amend its Rules of Procedure to be consistent with City Council Policy A-1 which allows motions for reconsideration on actions taken at the same meeting or at a previous meeting.

The current version of Section VIII, Item E reads:

Except for a tie vote, a motion to reconsider any action taken by the Harbor Commission must be made at the same meeting at which the action was taken and may only be made by one of the Harbor Commission members who voted with the prevailing side.

The proposed version of Section VIII, Item E reads (emphasis added for ease of readability):

Except for a tie vote, a motion to reconsider any action taken by the Harbor Commission must be made at the same meeting **or the subsequent meeting** at which the action was taken and may only be made by one of the Harbor Commission members who voted with the prevailing side.

The process to amend the Commission's Rules of Procedures is outlined in Section XV., Amendment of Rules and includes the following requirements:

- A. These rules may be proposed to be amended or added to by four (4) affirmative votes of the Harbor Commission at a regular meeting pursuant to the procedures in Section XV.B.
- B. No amendment of or addition or deletion of these rules shall be made unless notice in writing of the proposed amendment or addition shall be filed with the Ex-Officio Secretary at the regular meeting next preceding the meeting at which the motion to change is made.
- C. The Ex-Officio Secretary shall forward a copy of any amended, added or deleted rules to the City Clerk.

Requirement B above was met at the October 9, 2024, Harbor Commission meeting and included written notification to the Harbormaster who serves as the Ex-Officio Secretary. If approved, the proposed, amended version of the rules will be provided to the City Clerk as specified in requirement C above.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action 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 a physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

ATTACHMENTS:

Attachment A – Redline Harbor Commission Rules of Procedures
Attachment B – Clean Version Harbor Commission Rules of Procedures