

## ATTACHMENT A

### **RESOLUTION NO. 2026-12**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ESTABLISHING THE PUBLIC LANDS TRUST MANAGEMENT AD HOC COMMITTEE TO REVIEW AND DEVELOP RECOMMENDATIONS REGARDING THE CALIFORNIA STATE LANDS COMMISSION REPORT REGARDING THE CITY'S MANAGEMENT OF THE TIDELANDS**

**WHEREAS**, the City of Newport Beach's ("City") tidelands trust, also known as the Beacon Bay Bill (Chapter 74 of the Statutes of 1978), dedicates certain tide and submerged lands ("Tidelands") to be held in trust by the City on behalf of the people of California;

**WHEREAS**, the Beacon Bay Bill directs that the City manage these lands as follows:

(1) For the establishment, improvement, and conduct of a public harbor and for the construction, maintenance, and operation of wharves, docks, piers, slips, quays, ways, and streets, and other utilities, structures, and appliances necessary or convenient for the promotion or accommodation of commerce and navigation;

(2) For the establishment, improvement, and conduct of public bathing beaches, public marinas, public aquatic playgrounds, and similar recreational facilities open to the public; and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any such uses; and

(3) For the preservation, maintenance, and enhancement of the lands in their natural state and the re-establishment of the natural state of the lands so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area;

**WHEREAS**, in January 2024, City staff and members of the City's Harbor Commission requested that the State Lands Commission ("Commission") staff review an appraisal of fair market rent for the City's offshore mooring permits;

**WHEREAS**, in April 2024, Commission staff sent a letter that concluded that while there were some areas that could be clarified or revised, the appraisal was generally reasonable, and the City could rely on it for setting mooring rates;

**WHEREAS**, on July 9, 2024, City staff presented the new rates, based on the City's appraisal, to the City Council as well as an alternative proposal in which current mooring permit holders would be able to maintain their current rates but could only transfer the permit one more time, at which time the permit would be converted to the City's license program, which prohibits private transfers and which has rates based on an earlier City appraisal that Commission staff had not reviewed but that provided rates similar to the appraisal reviewed by Commission staff;

**WHEREAS**, at the conclusion of the hearing on July 9, 2024, the City Council introduced the ordinance approving the alternate proposal and passed the ordinance on to second reading for adoption on July 23, 2024;

**WHEREAS**, on July 22, 2024, Commission staff sent a letter asking the City to delay the second reading of the ordinance adopting the alternate proposal so that Commission staff could conduct a management review of the City's granted lands and present it to the Commission;

**WHEREAS**, on July 23, 2024, the City Council agreed to delay the second reading and adoption of the ordinance;

**WHEREAS**, on August 12, 2024, Commission staff sent a letter to the City providing an overview of its review of the pier and mooring rental rates and requesting information from the City;

**WHEREAS**, at the August 21, 2025, Commission meeting, Commission staff presented a draft of the City of Newport Beach's Public Trust Lands Management Report on the City of Newport Beach's Public Trust Lands Management ("Report");

**WHEREAS**, at the December 16, 2025, State Lands Commission meeting, the Commission directed Commission staff to transmit the Report to the City, which was sent to the City on January 6, 2026;

**WHEREAS**, the City Council desires to establish the Public Trust Lands Management Ad Hoc Committee ("Committee") to review and develop recommendations to the full City Council regarding a legally compliant, transparent, and strategic path forward to ensure that the City's actions are consistent with applicable state law and public trust principles; and

**WHEREAS**, the Committee's scope shall include, but not be limited to, making recommendations on the best path forward to evaluate: (1) the Report and the City's current management of public trust lands; (2) the rates and fees charged for the use of public trust lands to ensure compliance with legal and fiscal requirements; (3) the

transferability of moorings; (4) the overall fairness, equity, and public benefit associated with access to public trust resources; and (5) the most effective methods for meaningful public and stakeholder engagement to ensure community input is incorporated into the City's decision-making process.

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

**Section 1:** The Public Trust Lands Management Ad Hoc Committee is hereby established consisting of two Council Members, who shall be appointed by the Mayor and confirmed by the City Council. The Mayor hereby appoints Mayor Pro Tem Noah Blom and Council Member Joe Stapleton to the Committee, who are hereby confirmed by the adoption of this resolution.

**Section 2:** The sole purpose and responsibility of the Committee is to review and develop recommendations to the full City Council regarding a legally compliant, transparent, and strategic path forward to ensure that the City's actions are consistent with applicable state law and the public trust principals. The Committee's scope shall include, but not be limited to, making recommendations to the entire City Council on the best path forward to evaluate: (1) the Report and the City's current management of public trust lands; (2) the rates and fees charged for the use of public trust lands to ensure compliance with legal and fiscal requirements; (3) the transferability of moorings; (4) the overall fairness, equity, and public benefit associated with access to public trust resources; and (5) the most effective methods for meaningful public and stakeholder engagement to ensure community input is incorporated into the City's decision-making process.

**Section 3:** Unless terminated sooner by action of the City Council, the Committee shall be advisory and shall expire on December 31, 2026, or upon making a recommendation to the entire City Council, whichever is first.

**Section 4:** The Committee shall not be subject to the Brown Act; however, the recommendations of the Committee to the City Council shall be considered at a meeting of the entire City Council noticed in accordance with California Government Code Section 54950 et seq.

**Section 5:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 6:** 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 7:** 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 8:** 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 10th day of February, 2026.

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Lauren Kleiman  
Mayor

**ATTEST:**

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Lena Shumway  
City Clerk

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

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Aaron C. Harp  
City Attorney