

# **Attachment H**

Resolution No. 2024-55 Requesting Consolidation

**RESOLUTION NO. 2024-55**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO CALIFORNIA ELECTIONS CODE 10403 FOR THE PURPOSE OF SUBMITTING A BALLOT MEASURE FOR A PROPOSED AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN**

**WHEREAS**, pursuant to Section 423 of the City of Newport Beach Charter (“Charter”), voter approval is required for any major amendment to the Newport Beach General Plan;

**WHEREAS**, the City Council of the City of Newport Beach, California, called a General Municipal Election to be held on Tuesday, November 5, 2024, for the purpose of submitting a proposed amendment to the Land Use Element of the General Plan to the voters;

**WHEREAS**, California Elections Code Section 10400 *et seq.* authorizes a municipality to consolidate its election with a statewide election to be held on the same day; and

**WHEREAS**, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, vote center locations, ballot drop box locations, and election officers of the two elections be the same; the County Elections Department of the County of Orange canvass the returns of the General Municipal Election; and the election be held in all respects as if there were only one election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** Pursuant to the requirements of California Elections Code Section 10403, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of submitting proposed amendments to the Land Use Element of the General Plan.

**Section 2:** That a measure is to appear on the ballot as follows:

<p><b>MEASURE ____</b></p> <p><b>CITY OF NEWPORT BEACH GENERAL PLAN - AMENDMENT</b></p> <p>Shall the General Plan’s Land Use Element be amended so the City of Newport Beach can avoid fines of up to \$600,000 per month, losing local control over land use decisions, suspension of authority to issue building permits, and access to state funding, by adding the following State of California mandated residential housing opportunity units in Coyote Canyon (1,530), Dover-Westcliff (521), West Newport Mesa (1,107), the Airport Area (2,577), and Newport Center (2,439)?</p>	<p>Yes</p>
	<p>No</p>

**Section 3:** The County Election Department of the County of Orange is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regarding the Statewide General Election.

**Section 4:** The Board of Supervisors of the County of Orange is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

**Section 5:** The City of Newport Beach recognizes that additional costs will be incurred by the County of Orange by reason of this consolidation and agrees to reimburse the County of Orange for any costs.

**Section 6:** The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Orange.

**Section 7:** The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Section 8:** 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 9:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 10:** The City Council finds the adoption of this resolution to submit to voters a ballot measure that amends the Land Use Element of the General Plan is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 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. Additionally, the Housing Element Implementation Program Amendments Final Program Environmental Impact Report (“PEIR”) (SCH No. 2023060699) addresses all environmental impacts associated with this action in compliance with CEQA as set forth in the Public Resources Code Sections 21000 *et seq.*, the CEQA Guidelines, and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act). Specifically, Resolution No. 2024-\_\_, which is hereby incorporated by reference, was adopted by the City Council on July 23, 2024, to certify the PEIR as complete and adequate, inclusive of all required findings, a statement of overriding considerations, and a mitigation monitoring reporting program. The City received two public comment letters during the statutory public comment period and the City responded to each comment and fully addressed all environmental impacts. Council hereby finds that the action to adopt this resolution was considered within the PEIR and no additional environmental review is required.

**Section 11:** 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 23<sup>rd</sup> day of July, 2024.

\_\_\_\_\_  
Will O'Neill  
Mayor

**ATTEST:**

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Leilani I. Brown  
City Clerk

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

  
\_\_\_\_\_  
Aaron C. Harp  
City Attorney