

Attachment J

Resolution No. 2024-57 Providing for the Filing of Rebuttal Arguments

RESOLUTION NO. 2024-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR THE CITY MEASURE SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 9285

WHEREAS, pursuant to California Elections Code Section 9282(b), the City Council and other interested parties are authorized to submit arguments for and against the City's proposed ballot measures; and

WHEREAS, pursuant to California Elections Code Section 9285, the City Council, by majority vote, is authorized to adopt provisions to provide for the filing of rebuttal arguments for direct arguments submitted under California Elections Code Section 9282(b).

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

Section 1: Pursuant to California Elections Code Section 9285(a)(1), when the Elections Office has selected the arguments for and against the measure which will be printed and distributed to the voters, the Elections Official shall send a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of the argument against the measure to the authors of the argument in favor of the measure.

Pursuant to California Elections Code Section 9285, the author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding two hundred fifty (250) words or may authorize, in writing, any other person or persons to prepare, submit or sign the rebuttal argument. A rebuttal argument may not be signed by more than five (5) authors.

The rebuttal argument(s) shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than ten calendar days after the final date for filing direct arguments. The rebuttal argument(s) shall be accompanied by the "Form of Statement to be Filed by Author(s) or Argument."

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Section 2: All previous resolutions providing for the filing of rebuttal arguments for City measures are hereby repealed.

Section 3: The rebuttal provisions provided herein shall apply only to the General Municipal Election to be held on Tuesday, November 5, 2024.

Section 4: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 5: 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 6: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 7: 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 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.

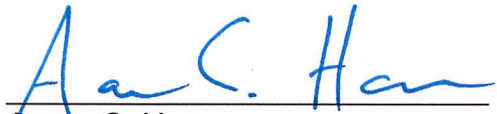
ADOPTED this 23rd day of July, 2024.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney