

ATTACHMENT A

Attachment A – Ordinance No. 2021-12

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING SECTION 12.44.029 (AREA BENEFIT DISTRICT RESERVE) OF CHAPTER 12.44 (STOPPING, STANDING AND PARKING RESTRICTIONS) OF TITLE 12 (VEHICLES AND TRAFFIC) OF THE NEWPORT BEACH MUNICIPAL CODE TO ELIMINATE THE BALBOA VILLAGE AREA BENEFIT DISTRICT

WHEREAS, Section 200 of the Charter of the City of Newport Beach ("City") vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, on November 25, 2014, the City Council introduced Ordinance No. 2014-21 to create the Area Benefit District Reserve and the Balboa Village Area Benefit District as set forth in Section 12.44.029 (Area Benefit District Reserve) of the Newport Beach Municipal Code ("NBMC");

WHEREAS, Section 12.44.029 of the NBMC authorizes the City Council to direct revenue into the Area Benefit District Reserve by resolution;

WHEREAS, by adoption of this ordinance on June 8, 2021, the City Council desires to eliminate the Balboa Village Area Benefit District and, contemporaneously with this action, the City Council is adopting Resolution No. 2021-___ to eliminate the Balboa Village Area Benefit District Fund and return all unprogrammed funds to the General Fund; and

WHEREAS, the elimination of the Balboa Village Area Benefit District from Section 12.44.029 will not prevent the City Council from establishing future area benefit districts by ordinance, or directing revenue into other area benefit districts.

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

Section 1: Chapter 12.44.029 (Area Benefit District Reserve) of the NBMC is hereby amended to read as follows:

12.44.029 Area Benefit District Reserve.

A. Creation.

1. The City Council hereby creates a special capital improvement fund, to be known as the Area Benefit District Reserve.
2. The City Council may, by ordinance, establish Area Benefit Districts and may, by resolution, direct revenue into the Area Benefit District Reserve.
3. The Area Benefit District Reserve shall be used for the purposes of enhancing or supplementing services to the Area Benefit District(s) identified or the general vicinity provided there is a benefit to the Area Benefit District(s). Enhancements or supplemental services may be in the form of streetscape improvements on public or private property; other beautification projects, including, but not limited to, commercial facade improvements; transit, pedestrian, and bicycle infrastructure or wayfinding signage; the acquisition, leasing or construction of additional parking; extraordinary maintenance programs for public areas; creation or implementation of transportation mobility or parking management strategies, including, but not limited to, shared parking. Expenditures from the Area Benefit District Reserve may include all expenditures necessary or convenient to accomplish the purposes for which the funds are to be used.

B. The following Area Benefit District is hereby established pursuant to the provisions of this chapter:

[INTENTIONALLY LEFT BLANK]

Section 2: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 3: 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, 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 4: The City Council finds the introduction and adoption 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall become effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 25th day of May, 2021, and adopted on the 8th day of June, 2021, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

BRAD AVERY, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY