

ATTACHMENT D

RESOLUTION NO. 2022 - 63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ACCEPTING GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, OFFICE OF SPILL PREVENTION AND RESPONSE FOR OIL SPILL RESPONSE EQUIPMENT STAGING

WHEREAS, the City of Newport Beach ("City") is desirous of preserving and promoting uses that contribute to the charm and character of Newport Harbor;

WHEREAS, the City is committed to maintaining the water quality and local natural resources of Newport Harbor and its surrounding waters;

WHEREAS, the State of California Department of Fish and Wildlife is authorized to distribute grants through the Office of Spill Prevention and Response to local agencies that may be at risk of an oil spill occurring in their jurisdiction or are in close proximity to ecologically sensitive sites;

WHEREAS, in 2018 the City applied and received an initial grant in the amount of \$35,000.00 from the California Department of Fish and Wildlife, Office of Spill Prevention and Response ("State") to purchase oil spill response equipment and secure the necessary training;

WHEREAS, the City recently applied to the State for additional grant funds for additional oil spill response equipment; and

WHEREAS, the State has approved the City to receive \$5,000.00 in grant funds ("Grant") for oil spill response equipment procurement and its staging and usage, and now requires a resolution accepting these grant funds.

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

Section 1: The City Council does hereby accept the Grant, made available through the Oil Spill Response Equipment Staging Grant and administered by the Office of Spill Prevention and Response.

Section 2: The City Manager or her designee is hereby authorized to execute any documents necessary for the City to secure payment of the Grant and effectuate the purposes for which the Grant was awarded.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: 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 5: 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 6: 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 27th day of September, 2022.

Kevin Muldoon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney