

## ATTACHMENT A

### RESOLUTION NO. 2022-58

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CREATING AN AD HOC COMMITTEE TO REVIEW THE MUNICIPAL CODE AND CITY COUNCIL POLICIES AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING POSSIBLE MODIFICATIONS THERETO AND THE ADVISABILITY OF USING SUNSET PROVISIONS**

**WHEREAS**, Section 200 of the Charter of the City of Newport Beach ("Charter") 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**, pursuant to the authority vested by the Charter, the City Council has enacted ordinances with respect to municipal affairs which are set forth in the Newport Beach Municipal Code ("NBMC");

**WHEREAS**, pursuant to the authority vested in the City Council by the Charter, the City Council has adopted official policies to provide guidelines and procedures governing the conduct of City business in conformity with the Charter and NBMC ("Council Policies");

**WHEREAS**, the City Council recognizes the importance of periodically reviewing and updating the NBMC and Council Policies to ensure that the NBMC maintains relevancy, brevity, and coherency for the benefit of the people of Newport Beach; and

**WHEREAS**, the City Council desires to create an Ad Hoc Committee for the purpose of reviewing the NBMC and Council Policies and submitting back to the City Council by June 30, 2023, recommendations concerning: (1) deleting or reducing language, and (2) the advisability of applying sunset provisions for new and existing code provisions.

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

**Section 1:** The City Council hereby creates the Ad Hoc Municipal Code and Council Policy Review Committee ("Committee") consisting of three (3) Council members appointed by the Mayor and confirmed by the entire City Council. The sole purpose and responsibility of the Committee shall be to review the NBMC and Council Policies and submitting back to the City Council by June 30, 2023, recommendations concerning: (1) deleting or reducing language, and (2) the advisability of applying sunset provisions for new and existing code provisions.

**Section 2:** The Committee shall be advisory and shall expire on June 30, 2023, unless terminated sooner by action of the City Council.

**Section 3:** The Committee shall not be subject to the Brown Act; however, the recommendation 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 4:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**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 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 7:** 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 13th 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

STATE OF CALIFORNIA                                 }  
COUNTY OF ORANGE                                }  
CITY OF NEWPORT BEACH                         }               ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2022-58 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 13<sup>th</sup> day of September, 2022; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Kevin Muldoon, Mayor Pro Tem Noah Blom, Council Member Brad Avery, Council Member Joy Brenner, Council Member Diane Dixon, Council Member Duffy Duffield, Council Member Will O'Neill

NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 14<sup>th</sup> day of September, 2022.

  
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Leilani I. Brown  
City Clerk  
Newport Beach, California

