

ATTACHMENT A

RESOLUTION NO. 2019- 7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, INITIATING AMENDMENTS TO THE GENERAL PLAN AND LOCAL COASTAL PROGRAM AND CREATING THE GENERAL PLAN UPDATE STEERING COMMITTEE

WHEREAS, the last comprehensive update to the City of Newport Beach's General Plan ("General Plan") occurred in 2006;

WHEREAS, the General Plan provides a framework for the City's future development and requires comprehensive updates from time-to-time to ensure the General Plan matches the desires of the community and complies with State mandates;

WHEREAS, since the last comprehensive update of the General Plan, there have been changes in State planning law which effect the General Plan;

WHEREAS, the City Council desires the community to review and update the General Plan and amend the Local Coastal Program ("LCP") as necessary to maintain consistency between the General Plan and the LCP;

WHEREAS, the City Council values and respects the opinions, knowledge, and experiences of its residents, and desires residents to play an important role in the process of updating the General Plan;

WHEREAS, the City Council desires to form a General Plan Update Steering Committee, comprised of the Mayor, who shall be an ex officio member without the power to vote, and five (5) residents, who shall be appointed by the Mayor and confirmed by the City Council; and

WHEREAS, the General Plan Update Steering Committee will be responsible for: (1) ensuring there is sufficient public outreach and stakeholder input regarding the update to the General Plan; (2) providing guidance to City staff regarding the preparation of a Request for Proposal for services to update the General Plan; (3) reviewing responses to the Request for Proposal; (4) making a recommendation to the City Council regarding the selection of a consultant to assist in updating the General Plan; (5) providing guidance to City staff and the consultant through the "Listen and Learn" process; and (6) making other recommendations to the City Council regarding the update of the General Plan, as necessary.

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

Section 1: The City Council hereby initiates a General Plan amendment and LCP amendment in accordance with City Council Policy K-1.

Section 2: The City Council hereby creates the General Plan Update Steering Committee. The General Plan Update Steering Committee shall be an ad hoc committee and the term, qualification of appointees, selection of appointees, appointment process, membership, and responsibilities of the General Plan Update Committee shall be done in conformance with this resolution and Attachment 1, which is incorporated herein by reference.

Section 3: 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 4: The recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

Section 5: The City Council finds the adoption of this resolution, the initiation of a General Plan amendment and LCP amendment, and the creation of the General Plan Update Steering Committee, are 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, 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 this resolution.

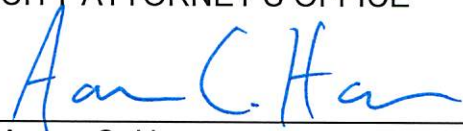
ADOPTED this 22nd day of January, 2019.

Diane B. Dixon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment 1: Description of the General Plan Update Steering Committee

Attachment 1

General Plan Update Steering Committee

AUTHORIZATION: Established by Resolution No. 2019-__ adopted on January 22, 2019.

MEMBERSHIP: Six (6) total. The Mayor shall be an ex officio member without the right to vote. Five (5) residents appointed by the Mayor and confirmed by the City Council.

TERM: The person elected as Mayor shall be a member of the General Plan Update Steering Committee ("Committee").

The term of the appointed members of the Committee shall be indefinite pending City Council action, or expiration of the Committee.

MEETINGS: Meetings shall be held as required by the business needs of the Committee in such locations, dates and times as allowed by the Ralph M. Brown Act.

**QUALIFICATIONS
OF APPOINTED
MEMBERS:**

Appointed Committee Members shall be:

- A. A resident of the City of Newport Beach ("City");
- B. A registered voter in the City of Newport Beach;
- C. Appointed by the Mayor; and
- D. Confirmed by the City Council.

**SELECTION AND
APPOINTMENT
OF MEMBERS:**

Selection of Committee Members shall be done as follows:

- A. The City Clerk shall prepare a notice letting members of the public know of the opportunity to serve on the Committee and the application process. The notice shall include, but not be limited to, details regarding what information is necessary to be considered for appointment, where to submit an application, and the application deadline.
- B. The application notice shall be published at least once in a newspaper of general circulation in the City and posted in the City's normal posting location for agendas, as well as the Newport Beach Public Library located at 1000 Avocado Avenue.
- C. The deadline to submit applications for the Committee shall be one (1) week after the application notice is published in a newspaper of general circulation in the City.
- D. The Mayor shall form an ad-hoc Appointments Committee, which shall be comprised of the Mayor and two (2) Council Members to review the applications, the applicants' answers to any questions, and to conduct any necessary interviews.
- E. In conducting their review of applications and interviews with the individual applicants, if any, the ad-hoc Appointments Committee shall attempt to determine if there exists a potential conflict of interest, which might interfere with the performance of the applicant's duties in an impartial manner free from bias.

- F. After the applications have been reviewed and any necessary interviews conducted, the two (2) Council Members on the ad-hoc Appointment Committee shall make a recommendation to the Mayor regarding who should be appointed to the Committee. In making a recommendation to the Mayor, the two (2) Council Members on the ad-hoc Appointment Committee shall endeavor to avoid recommending appointments of applicants with a substantial conflict of interest, which would require repeated disqualification from voting on issues that are likely to come before the Committee.
- G. The Mayor shall consider the recommendation of the two (2) Council Members on the ad-hoc Appointment Committee and, after consideration of the recommendation, decide, in the Mayor's discretion, whom should be appointed to the Committee.
- H. The Mayor shall inform the City Clerk of the names of the members to be appointed to the Committee and the City Clerk will submit the names of the appointees to the City Council, at an open and noticed meeting, to be considered for confirmation by the City Council.
- I. Except as otherwise required by law, the process for selecting, appointing and confirming members to the Committee shall follow the process set forth herein.

**PURPOSE &
RESPONSIBILITIES:**

- A. Ensure there is sufficient public outreach and stakeholder input regarding the update to the General Plan;
- B. Provide guidance to City staff regarding the preparation of a Request for Proposal for services to update the General Plan;
- C. Review responses to the Request for Proposal;

- D. Make a recommendation to the City Council regarding the selection of a consultant to assist in the update of the General Plan;
- E. Provide guidance to City staff and the consultant through the “Listen and Learn” process; and
- F. Make other recommendations to the City Council regarding the update of the General Plan, as necessary.

EXPIRATION:

The Committee shall expire and sunset without further action upon completion of the “Listen and Learn” process.