

ATTACHMENT A

RESOLUTION NO. 2019-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CREATING AN AD HOC COMMITTEE ON BUSINESS IMPROVEMENT DISTRICTS

WHEREAS, a Business Improvement District is a program of a city under which a city may levy an assessment against businesses or properties to fund services or improvements that benefit such assessed businesses or properties;

WHEREAS, the City of Newport Beach ("City") established the Newport Beach Restaurant Association Business Improvement District ("NBRA Bid") in 1995 by Ordinance No. 95-55, pursuant to the Parking and Business Improvement Area Law of 1989, California States and Highways Codes, Section 36500 *et seq.*, ("1989 Law");

WHEREAS, the City established the Corona del Mar Business Improvement District ("CdM Bid") in 1997 by Ordinance No. 97-24, also pursuant to the 1989 Law;

WHEREAS, at a City Council meeting on May 28, 2019, the City Council was presented with a recommendation from staff to renew the levy assessments for both the NBRA Bid and CdM Bid (collectively referred to herein as "BIDS") for the fiscal year of July 1, 2019 to June 30, 2020, and to approve a commitment of \$40,000.00 in City funding support for each of the BIDS; however, the City Council continued the items to the June 11, 2019 City Council Meeting to deliberate further; and

WHEREAS, the City Council desires to create an Ad Hoc Committee on Business Improvement Districts, comprised of two (2) Council Members, to review and determine whether the BIDS are aligned with the City Council's priorities, including the City's funding support of same, and to make a recommendation to the entire City Council in regards thereto.

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

Section 1: The City Council hereby creates an Ad Hoc Committee on Business Improvement Districts, comprised of two (2) Council Members appointed by the Mayor and confirmed by the entire City Council. The limited purpose and responsibility of the Ad Hoc Committee on Business Improvement Districts shall be to review and determine whether the NBRA Bid and CdM Bid, including City's funding support of same, are aligned with the City Council's priorities, and make a recommendation to the entire City Council in regards thereto.

Section 2: The Ad Hoc Committee on Business Improvement Districts shall be an advisory committee and shall expire upon making a recommendation to the entire City Council or December 31, 2019, whichever occurs first.

Section 3: The Ad Hoc Committee on Business Improvement Districts shall not be subject to the Brown Act; however, the recommendation of the Ad Hoc Committee on Business Improvement Districts shall be considered at a noticed and public hearing by the entire City Council.

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 recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

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 this resolution.

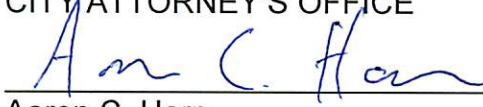
ADOPTED this 11th day of June, 2019.

Diane B. Dixon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney