

## ATTACHMENT A

### RESOLUTION NO. 2020- 28

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING AND APPROVING THE SUBMITTAL OF A GRANT PROPOSAL FOR FUNDING UNDER THE ORANGE COUNTY TRANSPORTATION AUTHORITY ENVIRONMENTAL CLEANUP TIER 1 GRANT PROGRAM**

**WHEREAS**, the Orange County Transportation Authority (“OCTA”) has announced funding available through the Environmental Cleanup Tier 1 Grant Program (“Program”) under the Renewed Measure M Transportation Ordinance and Investment Plan (Orange County Local Transportation Ordinance No. 3, dated July 24, 2006), to help protect Orange County beaches and waterways from transportation generated pollution and to improve overall water quality;

**WHEREAS**, the Program consists of funding to purchase and install “street-scale” Best Management Practices, such as catch basin screens and filters, trash collection devices and street median irrigation retrofits;

**WHEREAS**, the OCTA has established the procedures and criteria for reviewing Program proposals;

**WHEREAS**, the City of Newport Beach (“City”) desires to submit its proposal for funding under the Program to finance and construct the Newport Beach Trash Wheel Project (“Project”);

**WHEREAS**, the City Council for the City (“City Council”) possesses the authority to nominate water quality improvement projects that have a transportation pollution nexus for funding through the Program;

**WHEREAS**, by this resolution, the City Council intends to authorize the nomination of the Project, including all understandings and assurances contained therein, and authorizes the City Manager of the City, or his or her designee, to act in connection with the nomination and to provide such additional information as may be required;

**WHEREAS**, the City will maintain and operate the Project equipment acquired and installed, or as otherwise defined within an agreement that assigns and obligates that responsibility to another party(s);

**WHEREAS**, the City will give OCTA’s representatives access to and the right to examine all records, books, papers or documents if the Project is funded;

**WHEREAS**, the City will commence work on the Project within a reasonable time after receipt of notification from OCTA and the Project will be carried out to completion with reasonable diligence;

**WHEREAS**, the City will comply, where applicable, with provisions of the California Environmental Quality Act, the National Environmental Policy Act, the Americans with Disabilities Act, and any other federal, state and/or local laws, rules and/or regulations;

**WHEREAS**, by this resolution, the City Council intends to authorize a formal amendment to the seven-year Capital Improvement Program to add the Project for funding upon approval from OCTA's Board of Directors to fund the Project as part of the Program;

**WHEREAS**, the City must include all projects funded by net revenues in the seven-year Capital Improvement Program as part of the Renewed Measure M Ordinance eligibility requirement; and

**WHEREAS**, by this resolution, the City Council intends to provide a minimum of twenty percent (20%) in matching funds for the Project as required by the OCTA Funding Programs Guidelines.

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

**Section 1:** The City Council does hereby approve the submission of the City's Project for funding under the Program, will accept funds for the Project under the Program and agrees to fund the City's share of the Project costs and any additional costs over the identified programmed amount. Additionally, the City Council authorizes the City Manager, or his or her designee, to act in connection with Program requirements and to provide such additional information as may be required.

**Section 2:** The City Council does hereby authorize a formal amendment to its seven-year Capital Improvement Program to add the Project for funding upon approval from OCTA's Board of Directors to fund the Project as part of the Program.

**Section 3:** The City Council does hereby agree provide a minimum of twenty percent (20%) in matching funds for the Project as required by the OCTA Funding Programs Guidelines.

**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 24th day of March, 2020.

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Will O'Neill  
Mayor

**ATTEST:**

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Leilani I. Brown  
City Clerk

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

  
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Aaron C. Harp  
City Attorney