ATTACHMENT B

RESOLUTION NO. 2021-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DECLARING ITS INTENTION TO DISESTABLISH THE CORONA DEL MAR BUSINESS IMPROVEMENT DISTRICT AND FIX THE TIME AND PLACE OF A PUBLIC HEARING

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code Section 36500 *et seq.*) ("Act") authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain activities;

WHEREAS, on July 14, 1997, the City Council of the City of Newport Beach ("City") adopted Ordinance No. 97-24 establishing the Corona del Mar Business Improvement District ("CdM BID");

WHEREAS, the assessments collected on behalf of the CdM BID have enabled the CdM BID to provide promotion, marketing and advertising opportunities along with general public area improvements and maintenance programs within the CdM BID;

WHEREAS, the Act requires that each year, the activities, boundaries, and assessments of the CdM BID be reviewed by the CdM BID's advisory board ("Advisory Board") for purposes of making recommendations to the City Council, and an annual report be filed and approved by the City Council for each fiscal year;

WHEREAS, on March 25, 2021, the Advisory Board voted to recommend that the City Council disestablish the CdM BID due to its having completed the projects under its Vision Plan and having fulfilled its original mission; and

WHEREAS, the Advisory Board has prepared an annual report for the 2020-2021 fiscal year and has included a proposal for the disposal of the CdM BID's assets upon disestablishment, which report is on file in the City Clerk's Office ("Annual Report").

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

Section 1: The City Council hereby approves the Annual Report.

Section 2: The City Council hereby declares its intention to disestablish the CdM BID for the reason that the CdM BID has completed the projects in its Vision Plan and has fulfilled its original mission. Should the CdM BID be disestablished, in accordance with California Streets and Highways Code Section 36550(b) assets acquired with the revenues from the assessments levied within the CdM BID shall be donated to the Corona del Mar Chamber of Commerce and the portion designated in the Annual Report for the City of Newport Beach shall be donated to Visit Newport Beach, Inc. Pursuant to California Streets and Highways Code Section 36551(a), any remaining revenues derived from the levy of assessments and the sale of assets, if any, shall be refunded to the owners of businesses then located and operating within the CdM BID by applying the same method and basis that was used to calculate the assessment most recently levied.

Section 3: Pursuant to California Streets and Highways Code Section 36550(b), on Tuesday, June 8, 2021 at 4:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California, a public hearing shall be held by the City Council on the disestablishment of the CdM BID.

Section 4: The City Clerk is directed to give notice of the public hearing on the disestablishment of the CdM BID in accordance with California Streets and Highways Code Section 36523. Notice of the public hearing shall be given by publishing this resolution of intention in a newspaper of general circulation in the City once, for at least seven (7) days before the public hearing, and by mailing a complete copy of this resolution by first-class mail to each business owner within the CdM BID within seven (7) days following the City Council's adoption of this resolution of intention.

Section 5: The recitals provided above are true and correct and are incorporated into the operative part of this resolution.

Section 6: 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 7: 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 8: 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 May, 2021.

Brad Avery
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 } ss.
CITY OF NEWPORT BEACH }

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. 2021-40 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 11th day of May, 2021; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Brad Avery, Mayor Pro Tem Kevin Muldoon, Council Member Noah Blom, 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 12th day of May, 2021.

Leilani I. Brown
City Clerk
Newport Beach, California