

# **ATTACHMENT B**

Attachment B – Resolution No. 2021-47

## RESOLUTION NO. 2021-47

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, REPEALING CITY COUNCIL RESOLUTION NO. 2014-101 TO ELIMINATE THE BALBOA VILLAGE AREA BENEFIT DISTRICT FUND AND DIRECT ALL UNPROGRAMMED FUNDS TO BE RETURNED TO THE GENERAL FUND

**WHEREAS**, Section 12.44.029 (Area Benefit District Reserve) of the Newport Beach Municipal Code ("NBMC") provides that the City Council may direct revenue into the Area Benefit District Reserve by resolution;

**WHEREAS**, on November 25, 2014, the City Council approved Resolution No. 2014-101 directing one hundred percent (100%) of all on-street parking fees and revenue generated by the City within the Balboa Village Area Benefit District be deposited into the Area Benefit District Reserve to be used in a manner consistent with Section 12.44.029 of the NBMC; and

**WHEREAS**, on June 8, 2021, the City Council adopted Ordinance No. 2021-12 eliminating the Balboa Village Area Benefit District and, by adoption of this Resolution No. 2021-47, eliminates the Balboa Village Area Benefit District Fund and directs all unprogrammed funds to be returned to the General Fund.

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

**Section 1:** The City Council does hereby repeal Resolution No. 2014-101 and directs the City Manager or her designee to close the Balboa Village Area Benefit District Fund and return all unprogrammed funds to the General Fund.

**Section 2:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**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 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 5:** This resolution shall be effective thirty (30) calendar days after the adoption of Ordinance No. 2021-12, and the City Clerk shall certify the vote adopting this resolution.

**ADOPTED** this 8th day of June, 2021.

\_\_\_\_\_  
Brad Avery  
Mayor

**ATTEST:**

\_\_\_\_\_  
Leilani I. Brown  
City Clerk

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

  
\_\_\_\_\_  
Aaron C. Harp  
City Attorney