

CHARTER OF THE CITY OF NEWPORT BEACH

Article IV - City Council

Section 402 Compensation.

The members of the City Council shall receive as compensation for their services in the amount of \$ 1,227.35 per month, which amount shall reimburse the City Councilmember for expenditures imposed upon him or her in serving as a City Councilmember. The Mayor shall receive as compensation an additional amount of \$ 513.96 per month to reimburse the Mayor for the additional expenses incurred in serving in that capacity. In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling expenses when on official duty. The compensation set forth in this Section shall be adjusted each July 1 in accordance with the U.S. Department of Labor, Bureau of Labor Statistics, by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), Los Angeles-Riverside-Orange County region, or five percent (5%) whichever amount is lesser. Absence of a Councilmember from all regular and special meetings of the Council during any calendar month shall render such Councilmember ineligible to receive compensation for such calendar month.

~~The members of the City Council shall receive no compensation for their services as such. (As amended by amendments effective on April 23, 1958, April 28, 1966, June 6, 1974, and April 8, 1980)~~

~~**Section 402-B Reimbursement for Expenses.**~~

~~The members of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling expenses when on official duty. In addition, each member shall receive the sum of four hundred forty one dollars and Fifteen Cents (\$441.15) per month, adjusted annually in accordance with the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, or five percent (5%) whichever amount is lesser, as reimbursement for other expenditures imposed upon him in serving as a City Councilmember. Absence of a Councilmember from all regular and special meetings of the Council during any calendar month shall render such Councilmember ineligible to receive such sum for such calendar month. (As amended by amendments effective April 23, 1958, April 28, 1966, June 6, 1974, April 8, 1980, and December 20, 2010)~~

Section 404 The Mayor. Mayor Pro Tempore.

On the date of any meeting of the City Council at which time the Council receives the certification of the results of any general or special municipal election at which any member of Council is elected, the City Council shall, after swearing and qualifying any newly elected member, elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. The Mayor shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the city government to the people, and, as occasion requires, the Mayor may inform the people of any change in such other duties consistent with the office as may be prescribed by this Charter or as

may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

~~In addition to the payment for expenses as a Council Member under Section 402B, the City Council may provide by resolution for the payment to the Mayor of an allowance of not exceeding Two Hundred Twenty Dollars and Fifty Eight Cents per month, adjusted annually in accordance with the U.S. Department of Labor, Bureau of Labor Statistics, Los Angeles, Long Beach, Anaheim Consumer Price Index, or Five Percent (5%) whichever amount is lesser, to reimburse the Mayor for the additional expenses incurred in serving in that capacity.~~

The City Council shall at the same time the Mayor is elected also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability. (As amended by amendments effective on April 28, 1966, June 6, 1974, April 8, 1980, and November 6, 1984)

Section 407 Regular Meeting.

The City Council shall hold regular meetings ~~at least twice each month~~ at such times as it shall fix by ordinance or resolution. All regular meetings shall be publicly noticed according to the Ralph M. Brown Act, or any successor law. ~~and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meetings shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.~~

Section 408 Special Meetings.

Special meetings may be called at any time by the Mayor, or by four members of the City Council, by written notice delivered personally to each member and publicly noticed according to the Ralph M. Brown Act, or any successor law. ~~and to each local newspaper of general circulation and to each radio and television station which has made written request at least twenty four hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice, if required to be held by this Charter or if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent. (As amended effective June 6, 1974)~~

Section 409 Place of Meetings.

All meetings shall be held in locations allowed by the Ralph M. Brown Act, or any successor law, the Council Chambers of the City Hall, or in such place to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he or she should fail to act, by four members of the City Council.

Section 421 Contracts. Execution.

The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council or employee designated by the City Councilan authorized City officer, and signed on behalf of the City by the Mayor ~~and City Clerk~~ or by such other ~~officer or officersemployee~~ employee as shall be designated by the City Council, the City Clerk and the City Attorney. Any of said ~~employeesofficers~~ employees shall sign a contract on behalf of the City when authorized or directed to do so by the City Council.

By ordinance or resolution the City Council may authorize the City Manager or other-officers employees to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council, and may impose a monetary limit upon such authority.

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City Service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility or by the head of the department or City Manager upon forms approved by the City Manager and at rates fixed by the City Council.

The provisions of this Section shall not apply to the services rendered by any person in the employ of the City at a regular salary.

Section 425 City Hall.

City Hall, including most administrative officers of the City, and the administrative offices of the City of Newport Beach, and related parking, shall be located on ~~and within the 12.82 acres of real property owned by the City of Newport Beach described as Parcel 3 of Parcel Map No. 90-361 in the City of Newport Beach~~ the parcel, which is bounded by Avocado Ave. on the west, San Miguel Dr. on the north, and MacArthur Blvd. on the east, and the Newport Beach Central Library on the south. ~~(Added by amendment effective March 3, 2008)~~

Article VI - Officers and Employees

Section 608 Illegal Contracts. Financial Interest.

No member of the City Council, department head or other officer of the City (except a member of any board, ~~or~~ commission, or committee), shall be financially interested, ~~directly or indirectly~~, in any contract, sale or transaction made by them in their official City capacity to which the City is a party.

No member of any board, ~~or~~ commission, or committee shall participate in any decision when the member has a ~~be~~ financially interested ~~directly or indirectly~~, in any contract, sale or transaction to which the City is a party and which comes before the board, ~~or~~ commission, or committee of which such person is a member for approval or other official action, ~~or which pertains to the department, office or agency of the City with which such board or commission is connected.~~

Any contract, sale or transaction in which there shall be such a financial interest, as specified in this Section, shall become void at the election of the City when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any board, ~~or~~ commission, or committee shall be deemed to be financially interested, within the meaning of the foregoing provisions; (1) in any contract made with a corporation where his or her only interest in the corporation is that of a stockholder and the stock owned by him or her shall amount to less than three percent (3%) of all the stock of such corporation issued and outstanding; and (2) if an exception under California Government Code Sections 1090 et seq., or any successor statute, is applicable.

If any member of the City Council, department head or other officer of the City, or member of a board, ~~or~~ commission, or committee shall be financially interested as aforesaid, upon conviction thereof he or she shall forfeit his or her office in addition to any other penalty which may be imposed for such violation of this Charter. ~~(As amended by amendments effective on December 20, 2010)~~

Article VII - Appointive Boards and Commissions

Section 707 Planning Commission. Powers and Duties.

The Planning Commission shall have the power and may be required to:

- a) After a public hearing thereon, recommended to the City Council the adoption, amendment or repeal of a Master Plan, or any part thereof, for the physical development of the City.
- b) Exercise such control over land subdivisions as is granted to it by ordinance not inconsistent with the provisions of this Charter.
- c) Make recommendations to the City Council concerning ~~proposed public works and for~~ the clearance and rebuilding of blighted or substandard areas within the City.
- d) Exercise such functions with respect to zoning and land use as may be prescribed by ordinance not inconsistent with the provisions this Charter.

Section 708 Board of Library Trustees. Powers and Duties.

There shall be a Board of Library Trustees consisting of five members which shall have the power ~~and duty~~ to:

- a) Advise the City Council, Library Director, and City Manager as to the administration of City libraries. ~~Have charge of and make and enforce such by laws, rules and regulations as may be necessary therefor.~~
- ~~b) Designate its own secretary.~~
- e)b) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and City Manager.
- e)c) Make recommendations to the Library Director regarding the purchase and acquisition of acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, ~~subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.~~
- e)d) Make recommendations to the City Manager regarding the ~~Approve or disapprove the~~ appointment, suspension or removal of the Library ~~ian~~ Director, who shall be the department head.
- f)e) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.
- g)f) Make recommendations regarding proposed ~~€~~ contracts with schools, county, or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

Section 709 Parks, Beaches and Recreation Commission. Powers and Duties.

There shall be a Parks, Beaches and Recreation Commission consisting of seven members.

The Parks, Beaches and Recreation Commission shall have the power ~~and duty~~ to:

- a) Act in an advisory capacity to the City Council in all matters pertaining to parks, beaches, recreation, parkways and street trees.
- b) ~~Consider the annual budget for parks, beaches, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.~~
- c) Assist in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.
- d) Establish policies for the acquisition, development and improvement of parks, beaches and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council.
- e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter. ~~(As amended by amendments effective April 28, 1966, and June 6, 1974)~~

Article VIII - Civil Service System

Section 801 Positions Included in the System.

The civil service system shall include all full time, regular and permanent positions or employment on the Police and Fire Department of the City and may, by ordinance, include any other appointive officers or positions in the service of the City except the following:

- a) All elective officers.
- b) City Manager, Assistant City Manager, if any, one executive assistant to the City Manager, City Attorney, Assistant City Attorney, if any, City Clerk, Director of Finance, City Engineer, all Department Heads, and Assistant Chiefs in the Police and Fire Departments.
- c) All members of boards and commissions.
- d) Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not longer than six months in any one calendar year.
- e) Persons employed to render professional, scientific, technical or expert service. Persons who render part-time service without pay or who are paid on an hourly or per diem basis.
- f) New positions and/or employees not previously included within the civil service system that are excluded by a vote of the City Council. This exclusion shall not apply to any employees within the civil system at the time of the City Council vote.

~~(As amended effective January 20, 1959, and December 20, 2010)~~

Article XI - Fiscal Administration

Section 1106 Purchasing.

Under the control and direction of the City Manager there shall be established a purchasing system for all City departments and agencies, except as otherwise in this Charter provided.

Section 1116 Independent Audit. (*changed from Green to Yellow*)

The City Council shall employ at the beginning of each fiscal year, a qualified certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Director of Finance and City Attorney, respectively, and sufficient additional copies of the audit shall be placed on file in the office of the City Clerk where they shall be available for inspection by the general public, available on the City's website, and a summary ~~copy~~ of the financial statement as of the close of the fiscal year shall be published in the official newspaper as required by California Government Code Section 40804, or any successor statute. (Section 1117 as amended effective January 20, 1959, and renumbered by amendment effective April 28, 1966)