

RESOLUTION NO. 2016-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING AN UPDATED DESIGNATED EMPLOYEES LIST FOR 2016

WHEREAS, the California Political Reform Act, Government Code Section 81000 *et seq.* requires every local governmental agency to adopt and promulgate a Conflict of Interest Code;

WHEREAS, the Fair Political Practices Commission has adopted regulations for compliance with the Act under Title II, Division VI of the California Code of Regulations (“Regulations”);

WHEREAS, Section 18730 of the Regulations provides that incorporation by reference of the terms of Section 18730, along with the designation of employees (“Designated Employees”) and the formulation of disclosure categories, constitutes the adoption and promulgation of a Conflict of Interest Code as required by Government Code Section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code Section 87307;

WHEREAS, on February 26, 1990 the City Council adopted Resolution No. 90-21 which adopted Section 18730 as provided under the Regulations, along with a Designation of Employees; and

WHEREAS, subsequent to February 26, 1990, the City Council adopted Resolution Nos. 96-28, 97-8, 97-82, 98-12, 99-1, 2000-12, 2000-99, 2002-08, 2002-86, 2003-64, 2004-96, 2006-1, 2007-1, 2008-1, 2009-1, 2010-14, 2011-2, 2012-2, 2013-1, 2014-1, and 2015-2 amending the list of Designated Employees. Since the adoption of these resolutions, there have been further personnel changes and, therefore, the City Council has determined that the City’s Designated Employees List should be updated to reflect these changes. The 2016

Designated Employees List, which reflects staffing changes during 2015, is attached hereto as Exhibit 1 and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newport Beach, California, as follows:

Section 1: The Regulations as required by Section 18730 are incorporated by reference.

Section 2: Exhibit 1 sets forth designated employees and disclosure categories and is hereby adopted and incorporated as part of the City of Newport Beach's Conflict of Interest Code.

Section 3: Exhibit 1 shall be appended to the Newport Beach Conflict of Interest Code and all previously adopted Designated Employees Lists are hereby superseded.

Section 4: Exhibit 2, attached hereto and incorporated by reference, outlines the Appendix of Disclosure Categories for each of the Designated Employees.

Section 5: All Designated Employees and other persons listed in Exhibit 1 shall file Statements of Economic Interest with the City Clerk.

Section 6: The City Clerk is hereby instructed to take all necessary actions to implement compliance with the Regulations, including preparation and distribution of necessary reporting forms and the subsequent filing and recording of all required reports.

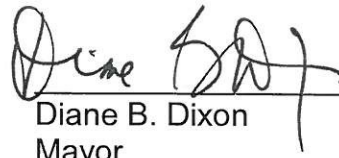
Section 7: The City Council finds this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 8: The Recitals provided above are true and correct and are incorporated into the substantive portion of this resolution.

Section 9: 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 10: 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 12th day of January, 2016.



Diane B. Dixon
Mayor

ATTEST:



Leilani I. Brown
City Clerk



EXHIBIT 1

2016 APPENDIX OF DESIGNATED POSITIONS

	<u>Disclosure Categories</u>
<u>City Council</u>	GC 87200
<u>Office of the City Attorney</u>	
City Attorney	GC 87200
Assistant City Attorney	1
Deputy City Attorney	1
<u>Office of the City Clerk</u>	
City Clerk	1
Deputy City Clerk	1
<u>Office of the City Manager</u>	
City Manager	GC 87200
Assistant City Manager	1
Assistant to the City Manager	1
IT Manager	1
Public Information Manager	1
Administrative Analyst	2
<u>Community Development Department</u>	
Community Development Director	1
Deputy Community Development Director	1
Systems Administrator Manager	2
Administrative Analyst	2
<i>Building Division:</i>	
Real Property Administrator	1
Senior Plan Check Engineer	3, 4
Principal Building Inspector	3, 4
Senior Building Inspector	3, 4
Building Inspector II	3, 4
RBR Inspector	3, 4
Principal Civil Engineer	3, 4
Plans Examiner	3, 4
<i>Planning Division:</i>	
Planning Manager	1
Principal Planner	1
Senior Planner	2, 3, 4
Associate Planner	3, 4
Assistant Planner	2, 3, 4

	<u>Disclosure Categories</u>
<u>Community Development Department - continued</u>	
Planning Technician	3, 4
Code Enforcement Supervisor	3, 4
Senior Code Enforcement Officer	3, 4
Code Enforcement Officer	3, 4
Code Enforcement Officer Trainee	3, 4
<u>Finance Department</u>	
Finance Director/City Treasurer	GC 87200
Deputy Finance Director	1
Revenue Manager	2, 3
Budget Manager	2
Purchasing Agent	2
Buyer	2
<u>Fire Department</u>	
Fire Chief	1
Assistant Fire Chief	1
Assistant Fire Chief of Lifeguard Operations	1
EMS Division Chief	1
Administrative Manager	2
Administrative Analyst	2
Life Safety Specialist III	3, 4
Life Safety Specialist II	3, 4
Fire Facilities Coordinator	2
<u>Human Resources Department</u>	
Human Resources Director	1
Human Resources Manager	2
<u>Library Services Department</u>	
Library Services Director	1
Library Services Manager	2
Support Services Coordinator (Librarian III)	2
Branch and Youth Services Coordinator (Librarian III)	2
Library Information Systems Coordinator	2
Adult Services Coordinator and Reference Supervisor (Librarian III)	2
<u>Municipal Operations Department</u>	
Municipal Operations Director	1
Facilities Equipment Manager	2
Equipment Maintenance Superintendent	2
Equipment Maintenance Supervisor	2
Field Maintenance Superintendent	2
Operations Support Superintendent	2

	<u>Disclosure Categories</u>
<u>Municipal Operations Department - continued</u>	
Parks and Trees Maintenance Superintendent	2
Senior Management Analyst	2
Automotive Parts Buyer	2
Field Superintendent	2
Administrative Manager	2
<u>Police Department</u>	
Chief of Police	1
Deputy Chief of Police	1
Executive Officer to the Chief of Police	2
Support Services Lieutenant	2
Police Fiscal Service/Facility Manager	2
Support Services Administrator	1
<u>Public Works Department</u>	
Director of Public Works	1
Deputy Director of Public Works/City Engineer	1
Public Works Finance/Administrative Manager	1
Assistant City Engineer	2, 3, 4
City Traffic Engineer	2, 3, 4
Principal Civil Engineer	2, 3, 4
Senior Civil Engineer	2, 3
Senior Civil Engineer-Plan Check	3, 4
Associate Civil Engineer	2
Associate Civil Engineer-Plan Check	3, 4
Senior Public Works Inspector	2, 3, 4
Construction Supervisor	2, 3, 4
City Surveyor	3, 4
Engineering Technician	3, 4
Harbor Resources Division Manager	1
Harbor Resources Division Supervisor	2, 3, 4
Senior Engineer	2, 3, 4
Water Conservation Coordinator	3, 4
<u>Recreation and Senior Services Department</u>	
Recreation and Senior Services Director	1
Deputy Recreation and Senior Services Director	2
Recreation Manager	2
Senior Services Manager	2

<u>Boards and Commissions</u>	<u>Disclosure Categories</u>
Board of Library Trustees	2
Building and Fire Board of Appeals	2
City Arts Commission	2
Civil Service Board	3
Harbor Commission	3, 4
Parks, Beaches and Recreation Commission	4
Planning Commission	GC 87200
<u>Consultants</u>	1

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Department Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Department Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

EXHIBIT 2

APPENDIX OF DISCLOSURE CATEGORIES

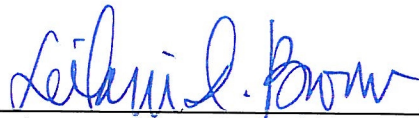
CATEGORY	DESCRIPTION OF CATEGORY
GC 87200	Must disclose all personal investments and business positions in business entities, sources of income and interests in real property within Newport Beach. The original Form 700 is filed with the City Clerk, but is then sent to the FPPC.
1	<p>DESIGNATED EMPLOYEES WHOSE DUTIES ARE BROAD AND INDEFINABLE.</p> <p>Must disclose all personal investments and business positions in business entities, sources of income and interests in real property within Newport Beach.</p> <p>CONSULTANTS shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:</p> <p>The Department Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Department Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.</p>
2	<p>DESIGNATED EMPLOYEES WHOSE DUTIES INVOLVE CONTRACTING OR PURCHASING.</p> <p>Must disclose investments and business positions in business entities within Newport Beach and income from sources within Newport Beach which manufacture, sell or provide supplies, materials, books, machinery, services, equipment or computer equipment of the type utilized by the City, or utilized by the employee's department.</p>
3	<p>DESIGNATED EMPLOYEES WHOSE DUTIES INVOLVE REGULATORY POWERS.</p> <p>Must disclose all investments and business positions in business entities within Newport Beach, and income from sources within Newport Beach which are subject to the regulatory, permit or licensing authority of the City of Newport Beach.</p>
4	<p>DESIGNATED EMPLOYEES WHOSE DECISIONS MAY AFFECT REAL PROPERTY INTERESTS.</p> <p>Must disclose investments and business positions in business entities within Newport Beach, and income from sources within Newport Beach which engage in land development, construction or the acquisition or sale of real property, and all interests in real property.</p>
5	<p>POSITIONS WHICH INVOLVE CITY SELF-INSURANCE BENEFITS.</p> <p>Must disclose all interests in real property, investments and business positions in business entities within Newport Beach and sources of income within Newport Beach from:</p> <ul style="list-style-type: none"> a) Persons or entities which provide services, supplies, materials, machinery or equipment of the type utilized by the agency. b) Entities which are engaged in the business of insurance including, but not limited to, insurance companies, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers and actuaries. c) Financial institutions including, but not limited to, banks, savings and loan associations and credit unions. d) Entities or persons who have filed a claim, or have a claim pending, against the agency.

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

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; that the foregoing resolution, being Resolution No. 2016-1 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 12th day of January, 2016, and that the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Peotter, Council Member Duffield, Council Member Selich,
 Council Member Curry, Council Member Petros, Mayor Dixon
NAYS: None
ABSENT: Mayor Pro Tem Muldoon

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 13th day of January, 2016.



City Clerk
Newport Beach, California

(Seal)

