

RESOLUTION NO. 2026-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING VARIOUS PROVISIONS OF THE NEWPORT BEACH CITY COUNCIL POLICIES AND RESCINDING COUNCIL POLICY D-4

WHEREAS, the City of Newport Beach (“City”) is governed, in part, by its City Charter, the Newport Beach Municipal Code, and the policies (“Policies”) adopted by the Newport Beach City Council (“City Council”);

WHEREAS, on January 14, 2025, the City Council adopted Resolution No. 2025-5, creating the Ad Hoc Council Policy Review Committee (“Council Committee”) comprised of Mayor Lauren Kleiman and Councilmembers Joe Stapleton and Sara J. Weber;

WHEREAS, the Council Committee was tasked with reviewing the Policies to ensure relevancy, brevity and coherency for the benefit of the people of Newport Beach;

WHEREAS, the Council Committee reviewed the Policies and recommends the City Council revise the Policies set forth in Exhibit 1, attached hereto, which include Policies A-1 (City Council), A-2 (Boards, Commissions, and Committees), A-12 (Discretionary Grants), A-17 (Newport Beach City Council Airport Policy), B-1 (Park Fee Policy), B-9 (Naming of City Parks/Public Facilities & Plaque Dedications), B-13 (Public Use of City Facilities), D-9 (Economic Development Policy), F-7 (Income and Other Property), F-8 (City Travel Policy Statement), F-14 (Contract Procurement and Authority to Contract), F-27 (Policy and Procedures for Distribution of Tickets and Passes), G-1 (Retention, Removal, and Maintenance of City Trees), G-6 (Maintenance and Planting of Parkway Trees), L-16 (Temporary Banners Extending Over or Within the Public Right-of-Way), and L-23 (The Siting of Wireless Telecommunications Equipment on City-Owned Property); and

WHEREAS, the Council Committee reviewed Policy D-4 (Innovation/Improvement Incentive Program) and recommends that the City Council rescind it as a Council Policy as it is more appropriately managed and implemented at an operational level.

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

Section 1. The City Council hereby amends and replaces the Policies as set forth in Exhibit 1, which are attached hereto and incorporated herein by this reference.

Section 2. All prior versions of the Policies set forth in Exhibit 1 that conflict with the revisions adopted by this resolution are hereby repealed.

Section 3. Council Policy D-4 is hereby rescinded in its entirety.

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. Except as expressly modified in this resolution, all other Policies, sections, subsections, terms, clauses and phrases set forth in the Council Policy Manual shall remain unchanged and shall be in full force and effect.

Section 7. The City Council finds the adoption of this resolution and the amendment of the specified Policies 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.

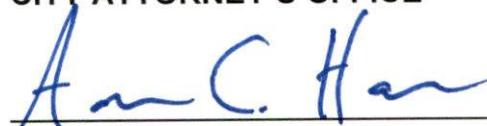
ADOPTED this 24th day of February, 2026.

Lauren Kleiman
Mayor

ATTEST:

Lena Shumway
City Clerk

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



Aaron C. Harp
City Attorney

Attachment: Exhibit 1 – Revised Council Policies

EXHIBIT 1
REVISED COUNCIL POLICIES

CITY COUNCIL

Open Meeting Policies

The Newport Beach City Council is required to comply with the Ralph M. Brown Act (Brown Act). Unless an exception applies, the Brown Act requires public entities to deliberate and act in open session. The City Council has adopted these rules to ensure compliance with the Brown Act and to promote full citizen participation in the discussions and decisions of their elected and appointed representatives.

- A. **Regular Meetings.** The City Council shall hold regular meetings as allowed by the City Charter and the Ralph M. Brown Act. The schedule for regular meetings is set annually by resolution of the City Council. Regular meetings shall begin at 4:00 p.m., or as otherwise scheduled due to the demand of business, and shall follow the order of business set forth in this policy.

The City Council may hold a regular meeting, special meeting, or an adjourned regular at any location authorized by the City Charter and the Brown Act. When the day for any regular meeting falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hour on the following business day.

- B. All regular, special, and adjourned meetings of the City Council shall be called, noticed, and conducted in compliance with the Brown Act.
- C. **Placing an Item(s) on a Future City Council Agenda.** A member of the City Council may place an item(s) on a future City Council agenda for consideration by submitting a title or topic sufficient to satisfy the requirements of the Brown Act on or before 5:00 p.m. on the Tuesday preceding the meeting at which the item is to be considered. Item(s) to be placed on a future City Council agenda shall be primarily focused on issues that directly impact the finances, property, authority, policies, or interest of the City and/or finances, property, or rights of the residents of the City. When requested, the City Attorney shall assist a Council Member with the drafting of an agenda title or topic to ensure consistency with the Brown Act. These items will appear under the section of the agenda titled, "Matters Which Council Members Have Asked to be Placed on a Future Agenda". Any Council Member may ask clarifying questions regarding the item to ensure understanding of the matter; however, the City Council will not discuss or debate the item. At the Council meeting, if three (3) members of the City Council wish to examine the issue, staff will prepare an appropriate report and return the item to the City Council for discussion and/or action. Additionally, the City Manager may place an item(s) on the agenda at the City Manager's discretion.
- D. It is the intent of the City Council that no item will be introduced on a City Council agenda after the hour of 11:00 p.m. Furthermore, it is the City Council's intent that if an item introduced and being discussed by 11:00 p.m. is not concluded by 12:00 a.m., the City Council should adjourn the meeting to another date. The intent and purpose of this policy is to encourage a reasonable hour in which the City Council business is discussed and to protect against fatigue in discussing and deciding important City issues.

Order of Business

Unless modified as provided herein, to the extent the business needs of the City require City Council consideration of the items set forth below, the agenda for regular meetings of the City Council shall contain the following items in the following order:

Study Session / Regular Meeting Agenda Items

Roll Call

Invocation

Pledge of Allegiance

Presentations

Study Session (if any)

Public Comments on Agenda and Non-Agenda Items

City Council Announcements and Oral Reports from City Council on Committee Activities (non-discussion item)

Matters Which Council Members Have Asked to be Placed on a Future Agenda (non-discussion item – Council Members may ask clarifying questions)

Public Comments on Consent Calendar

Consent Calendar:

- A. Reading of Minutes and Ordinances
- B. Ordinances for Introduction
- C. Ordinances for Adoption
- D. Resolutions for Adoption
- E. Contracts and Agreements
- F. Miscellaneous (for example: Planning Commission Agendas, budget amendments, and permit applications)

Items Removed from the Consent Calendar

Public Hearings

Continued Business

Current Business

Motions for Reconsideration

Public Comment on Closed Session Items (if any)

Closed Session (if any) - Council Chambers Conference Room

Closed Session Report (if any)

Adjournment

The City Manager or Mayor shall have the discretion to change the order of business. Council Members may change the order of business by majority vote of the City Council. The City Clerk shall comply with all Brown Act rules related to publishing instructions required to be provided including the process for accommodations under the Americans with Disability Act and Senate Bill No.707.

Rules of Order for City Council Proceedings

- A. Rules of Order. Except as provided in this policy, the City Charter, other rules, or practices followed by the City Council, or applicable provisions of state law, the procedures of the City Council shall be guided by the latest revised edition of Robert's Rules of Order ("Rules"). Rules adopted to expedite the transaction of the business of the City Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the City Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.
- B. Public Input. Members of the public have the right to address the City Council on any item on the agenda, as well as any item under the subject matter jurisdiction of the City Council. Generally, the time allotted for public comment is three (3) minutes; however, the Presiding Officer may limit speaking time on any item based on the number of agenda items to be considered at the meeting and/or the number of speakers for each agenda item.
 - 1. Agendized Matters and Consent Calendar. Speakers on agenda items, including, but not limited to, Consent Calendar items, shall limit their comments to the time allotted for public comment and shall step down from the lectern immediately after their time has elapsed unless the Presiding Officer has granted the speaker's request for additional time. As appropriate, the Presiding Officer may grant the speaker additional time. Speakers shall limit their comments to matters relevant to the item on the agenda.

2. Non-agendized Matters. The agenda shall contain a public comment section during which any member of the public may address the Council on any non-agenda item generally considered to be a municipal affair and within the subject matter jurisdiction of the Council. Public comments shall not be used for electioneering—including advocating for or against any candidate or ballot measure—or for advertising, promoting, or soliciting on behalf of any commercial business. To ensure that all members of the public have an opportunity to address the Council during public comments, each speaker shall be limited to the time allotted for public comment and shall immediately step down from the lectern upon expiration of the allotted time unless the Presiding Officer has granted the speaker's request for additional time. Staff and/or members of the City Council may briefly respond to each speaker who testifies during public comments. Responses shall be limited to the specific issue(s) raised by the speaker and shall generally be limited to information helpful to the public's understanding of the issue(s) raised by the speaker. The City Council shall not act relative to any public comment unless an action is authorized by Section 54954.2(b) of the Government Code, or any successor statute.
3. Consent Calendar. A Consent Calendar item may be pulled by any member of the City Council. If a Consent Calendar item is pulled, members of the public may speak on each pulled item for up to the amount of time allotted for public comment, unless the Presiding Officer has granted the speaker's request for additional time.

Officers

- A. **Presiding Officer.** The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, or at the Mayor's request, the Mayor Pro Tem shall preside. In the absence of the Mayor and Mayor Pro Tem, the most senior member of the City Council present shall be the Presiding Officer.
 1. Powers and Duties of Presiding Officer.
 - a. Participation. The Presiding Officer may make a motion, debate, and vote on all agenda items.
 - b. Question to be Stated. Prior to any vote, other than to move City staff's recommendation, the Presiding Officer, or at the Presiding Officer's request, the City Clerk shall state (or announce) the motion.
 - c. Signing of Documents. The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating his/her signature which were adopted in his/her presence, unless he/she is unavailable, in which case the signature of an alternate Presiding Officer may be used.
 - d. Sworn Testimony. The Presiding Officer may require any person addressing the City Council to be sworn as a witness and to testify under oath, and the Presiding Officer shall so require a witness to be sworn if directed to do so by a majority vote of the Council.

- B. Parliamentarian. The City Attorney shall be designated as Parliamentarian for the City Council proceedings to advise the Presiding Officer. Within the limitations imposed by the Rules, the Presiding Officer has the authority to determine proper parliamentary procedure.

Conduct of City Council Business

A. Rules for Discussion/Debate.

1. Getting the Floor. Every Council Member desiring to speak shall first address the Presiding Officer and gain recognition by the Presiding Officer.
2. Opening Discussion/Debate. The following three steps are necessary prior to opening discussion/debate on any subject, except as noted.
 - a. Motion. The Presiding Officer may open a matter for discussion or debate prior to the making of any motion.
 - b. Motions - Second Required. Except for the nomination of a Council Member to serve as Mayor or Mayor Pro Tem, a motion by any member of the Council, including the Presiding Officer, shall require a second. Such action does not mean that the seconder endorses the motion, but only that he/she wishes to have the motion considered.
 - c. Exceptions:
 - i. Oral Presentations. Oral presentations may be made by City staff, or someone designated by staff, prior to a motion being made, discussed, or debated upon.
 - ii. Questions to Staff. At any time during the proceedings, every Council Member desiring to question City staff shall, after recognition by the Presiding Officer, address the questions to the City Manager, the City Clerk, or the City Attorney, who shall be entitled either to answer the inquiry himself/herself or to designate a member of his/her staff for that purpose.
 - iii. Public Hearings. For matters that are the subject of a public hearing, the procedures for opening debate are suspended until after the public hearing is closed.
3. Addressing the Council
 - a. Manner of Addressing Council. Each person desiring to address the Council shall step up to the microphone, may state his/her name and address for the record, state the subject he/she wishes to discuss, may state whom he/she is representing if he/she represents an organization or other persons and, unless further time is granted by the Mayor, shall limit his/her remarks to the time allotted for public comment. All remarks shall be addressed to the Council as a whole and not to any member thereof or to the

audience. No question shall be asked of a Council Member or a member of the City staff without the permission of the Presiding Officer.

- b. Exception: The City Council may preside over administrative hearings or designate a hearing officer to take evidence and submit proposed findings and recommendations. In the event the City Council conducts any hearing that is quasi-judicial or administrative in nature, the following procedure shall be followed:
 - i. The Presiding Officer may ask the City Manager to summarize the nature of the hearing and the issues to be resolved by the City Council.
 - ii. The Presiding Officer shall invite the person or entity that filed the application for permit, license, or other entitlement (applicant) to make a presentation. The applicant shall have a reasonable amount of time, as determined by the Presiding Officer, to present evidence or testimony relevant to any issue before the City Council. The City Council, City Manager, or City Attorney may ask questions of the applicant, or any witness presented by the applicant.
 - iii. In the event the matter is pending before the City Council by virtue of an appeal, the Presiding Officer shall then invite the appellant to make a presentation. The appellant shall have a reasonable amount of time, as determined by the Presiding Officer, to present evidence or testimony relevant to any issue before the City Council. The City Council, City Manager, or City Attorney may ask questions of the appellant, or any witness presented by the appellant.
 - iv. Upon conclusion of the presentations by the applicant and the appellant, if any, the Presiding Officer shall invite testimony from members of the audience.
 - v. Prior to closing the hearing, the Presiding Officer shall give the applicant and the appellant, if any, the opportunity to comment on the evidence with the right to comment limited to no more than five (5) minutes. In the case of an appeal, the applicant's opportunity to comment on the evidence shall precede that of the appellant.
 - vi. The Presiding Officer shall have the right to exclude testimony or evidence which is not relevant to any issue before the City Council.
4. After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the City Council without first securing permission to do so by a majority vote of the City Council or Presiding Officer.
 5. Interruptions. A Council Member, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he/she shall

cease speaking until the question of order is determined and, if determined to be in order, he/she may proceed. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

6. Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal to the Council. If an appeal is taken, the question shall be "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.
7. Point of Personal Privilege. The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character or motives are questioned or where the welfare of the City Council is concerned. A Council Member raising a point of personal privilege may interrupt another Council Member who has the floor only if the Presiding Officer recognizes the privilege.
8. Protest Against Council Action. Any Council Member shall have the right to have the reasons for his or her dissent from, or his or her protest against, any action of the Council entered in the minutes. Such dissent or protest to be entered into the minutes may be made in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons...."
9. Remarks of Council Member and Synopsis of Debate. A Council Member may request through the Presiding Officer the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

B. Rules of Decorum.

1. Council Members. While the City Council is in session, the members must preserve order and decorum. Each Council Member shall conduct himself/herself with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the City Council, nor disturb any member while speaking or refuse to obey the orders of the Presiding Officer.
 - a. Each Council Member has the duty to:
 - i. Respect and adhere to the American ideals of government, rule of law, principles of public administration, and high ethical conduct in the performance of public duties.
 - ii. Represent and work for the common good of the City and not for any private interest.
 - iii. Refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgment or action.

- iv. Provide fair and equal treatment for all persons and matters coming before the City Council.
 - v. Learn and study the background and purpose of important items of business before voting.
 - vi. Faithfully perform all duties of office.
 - vii. Refrain from disclosing any information received during any closed session of the City Council held pursuant to state law.
 - viii. Decline any employment incompatible with public duty.
 - ix. Refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics, or morals of other members of the City Council, City commission, committee or board, City staff, or the public, or other personal comments not germane to the issues before the City Council. Members are to be tolerant of all views expressed at public meetings.
 - x. Listen courteously and attentively to all public discussions at City Council meetings and avoid interrupting other speakers, including other members except as permitted by established Rules of Order.
 - xi. Maintain the highest standards of public conduct by refusing to condone breaches of public trust or improper attempts to influence legislation.
2. Decorum of Speakers and Members of the Audience. The Presiding Officer is responsible for maintaining decorum during public meetings. Speakers shall direct all comments to the City Council and not the audience. No person, whether they are present at a City Council meeting or participating in a meeting via a two-way telephonic service or a two-way audiovisual platform, shall engage in any willful conduct that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting including, but not limited to, noncompliance with established rules of decorum, such as clapping or making sounds that disrupt the proceeding, exceeding the speaker's time limit, or speaking out of turn. Any person(s) engaging in such conduct shall be called to order by the Presiding Officer and, if the conduct continues, the person(s) may be removed from the meeting. Prior to removing the person(s), the Presiding Officer shall warn the person(s) that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The Presiding Officer may then direct the Sergeant-at-Arms to remove the person(s) if they do not promptly cease their disruptive behavior.

For meetings conducted via teleconference or video conference: the Presiding Officer may mute, disconnect, or remove a participant who is disruptive after issuing a warning.

No person shall be declared out of order, prevented from speaking or barred from attending any meeting because of any disagreement with the speaker's position or view on any matter, because of the speaker's identity, or because of any disagreement with the content of relevant testimony.

3. Persons Authorized to Approach the City Council Dais. No person except members of the City Council and City staff shall enter the area between the public speakers' podiums and the City Council dais without the consent of the Presiding Officer.
4. Enforcement of Decorum. The Chief of Police, or such member or members of the Police Department as he/she may designate, shall be Sergeant-at-Arms of the City Council and shall carry out all orders given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meetings. Any Council Member may move to require the Presiding Officer to enforce the rules upon affirmative vote of a majority of the City Council.

Teleconference Disruption Policy

A teleconference disruption occurs when a technological failure prevents real-time, two-way participation by the public or members of the legislative body, including but not limited to: the loss of internet connectivity; audio or video failure; platform outages (e.g., Zoom, Teams, telephonic service); and the inability of the public to provide live comment.

If a temporary disruption occurs: the Presiding Officer shall announce the disruption on the record; the meeting shall be recessed; City staff will make a good faith effort to restore service (for up to an hour); and no deliberation or voting shall occur during the disruption. If service is restored, the Presiding Office shall reconvene the meeting and summarize the interruption for the record. If service is not restored, the City Council shall vote, by roll call, as to whether good faith efforts were made and the public interest in continuing the meeting outweighs remote access.

Ex Parte Communications

Members of the City Council shall disclose ex parte communications, if any, prior to the consideration of quasi-judicial items and any other items where the law requires disclosure (collectively (“quasi-judicial matter”).

Members of the City Council shall not engage in any ex parte communication with any member of a board, commission, or committee regarding any quasi-judicial matter pending, or reasonably expected to come, before that member's board, commission, or committee.

For purposes of this policy, the term ex parte communication shall mean any oral or written communication directed to a member which is intended, or is reasonably calculated, to influence the member's decision on any quasi-judicial matter but does not include communications between members during deliberations prior to a decision or communications where all interested parties or their representatives are present. The term quasi-judicial matter shall mean the appeal of any discipline imposed on any City employee, the appeal of any grievance filed by a City employee or employee association, or a proceeding to revoke any license, permit, or approval granted by the City Council, any board, commission, or committee, or any City employee

and which is pending, or is reasonably expected to come, before the City Council or any City board, commission, or committee.

The provisions of this policy do not apply to ex parte communications between City employees and any member of the City Council or a board, commission, or committee regarding a quasi-judicial matter which has been submitted to, or can reasonably be expected to be heard by, the City Council, board, commission, or committee that is considered legal advice or when the ex parte communication is initiated by the member and requests only background information available to members of the general public.

City Council Voting Procedures

- A. Voting Procedure. Any vote of the City Council, including a roll call vote, may be registered by the members raising their hands or by answering "Yes" for an affirmative vote, "Abstain" for an abstention, or "No" for a negative vote upon the member's name being called by the City Clerk, or by the Presiding Officer. Following the vote, the City Clerk shall audibly announce the results of the vote by name indicating whether the question carried or was defeated. The same shall be recorded in the minutes as the vote. The Presiding Officer in his/her discretion may publicly explain the effect of a vote for the audience, or he/she may direct a member of the City staff to do so, before proceeding with the next item of business.
- B. Substitute Motions and Amendments to Motions. A Council Member may move to substitute a new motion for the original motion; however, an amendment to a motion is preferred for minor changes rather than a substitute motion. Only one substitute motion shall be made to replace the original motion, and the City Council shall vote on the substitute motion first. If the substitute motion passes, the original motion is replaced. If the substitute motion fails, the original motion is considered. If both the original and substitute motion fail, a Council Member may make a new motion for consideration by the City Council.
- C. Disqualification for Conflict of Interest. Any Council Member who is disqualified from voting on a particular matter because of a Political Reform Act, Levine Act, or other conflict of interest, shall publicly state the nature of such disqualification in an open meeting. Except for Consent Calendar items, a Council Member who is disqualified by reason of a conflict of interest on any matter shall not remain in his or her seat during the debate and vote on such matter but shall request and be given the permission of the Presiding Officer to step down from the City Council dais. If the conflict involves a matter on the Consent Calendar the Council Member must announce the nature of the conflict, refrain from participating on the item, but may remain present at the City Council dais. A Council Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.
- D. Failure to Vote. Every Council Member should vote unless they are disqualified from voting. The vote of Council Member who abstains, absent a disqualifying conflict of interest, shall be counted with the majority vote of the quorum on the question voted upon.
- E. Tie Vote. Tie votes shall be considered a lost motion and may be reconsidered by the City Council.

- F. Changing Vote. A Council Member may change his/her vote only if the Council Member makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item of business is taken up.
- G. Reconsideration. A motion to reconsider any action taken by the City Council at either the current meeting or the previous meeting may only be made by a Council Member who voted on the prevailing side. A motion for reconsideration requires a second, which may be made by any Council Member, regardless of how they originally voted.

Closed Session Agenda

The closed session agenda shall be prepared by the City Attorney, and the City Attorney may place an item on the agenda at the City Attorney's discretion. Any member of the City Council may place an item on the Closed Session Agenda for consideration by submitting a title or topic sufficient to satisfy the requirements of the Brown Act to the City Attorney on or before 5:00 p.m. on the Wednesday preceding the meeting at which the item is to be considered. The closed session agenda shall strictly conform to the format specified in the Brown Act. The City Attorney shall prepare a written report, or give an oral report, of any action taken in Closed Session that is required to be reported in open session by the Brown Act.

Selection of Mayor and Mayor Pro Tem

Section 404 of the City Charter provides for the selection of the Mayor and the Mayor Pro Tem by the City Council. This section provides that a Mayor and a Mayor Pro Tem shall be selected at least as often as Council elections are held and that the Mayor and Mayor Pro Tem shall serve at the pleasure of the City Council. It is the policy of the City Council that the Mayor and the Mayor Pro Tem election shall occur every year at the December meeting.

Seating Arrangement for City Council

Each year, following the selection of the Mayor, members of the City Council shall be seated at the City Council table with senior Council Members having first choice of seats. The Mayor, however, shall be seated in the center of the City Council table and the Mayor Pro Tem shall always be seated immediately next to and to the right of the Mayor. In the event of equal seniority among members of the City Council, selection of City Council seats shall be made by the Council Member who received the highest margin of victory percentage in the most recent election.

City Council Correspondence

The City Clerk is authorized to open and examine all mail or other written communications addressed to the City Council and to immediately give a copy to the City Manager. The City Manager shall give immediate attention to administrative business referred to in the communication that does not require City Council action and may be promptly concluded or shall prepare a staff report for the next available City Council meeting. Except as otherwise permitted by law, all mail or written communications from the public, residents, or applicants shall be submitted to the City Council by 5:00 p.m. on the Monday immediately prior to the meeting at which the City Council will consider the item that is the subject of the mail or written

communications to allow time for the City Council to adequately consider the mail or written communications.

Ordinances, Resolutions and Contracts

- A. Ordinances, Resolutions and Contracts. All ordinances, resolutions, and contracts shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested by the Mayor, or City Manager, or prepared by the City Attorney on his/her own initiative.
- B. Prior Review by Administration Staff. All ordinances, resolutions, and contract documents shall, before presentation to the City Council, be reviewed by the City Manager or his/her designee.
- C. Reading of Adopted Ordinances. If a motion to waive reading of all ordinances has been adopted at the beginning of the Council meeting, the City Clerk will read the adopted ordinances by title only.

Preparation and Reading of Minutes

The City Clerk shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by majority action of the City Council. Unless the reading of the minutes of a City Council meeting is ordered by a majority vote of the City Council, such minutes may be approved without reading if the minutes were previously made available to the City Council and the public.

Recording of Open Meetings

- A. All regular meetings of the City Council shall be recorded.
- B. Any person attending an open and public meeting of the City Council shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera unless the City Council determines, based upon evidence in findings made by the Mayor, that continued recording would create noise, illumination, or view obstruction problems that are disrupting or would disrupt the proceedings. The Mayor may impose conditions on any recordation, which in the absence of the conditions, would disrupt the proceedings.
- C. Any audio tape or video record of any open and public meeting made by or at the direction of the City Council shall be subject to inspection pursuant to the California Public Records Act (Sections 6250 et seq. of the Government Code). If a City Council meeting has simultaneously recorded audio and video, the audio recording may be destroyed after the City Council meeting minutes for that meeting have been approved by the City Council and the video recording has been uploaded to the document imaging system. Any person may inspect a video or audio recording without charge on a recorder made available by the City of Newport Beach.

Expressions of Official City Position or Policy

Council Members are authorized to convey information to the public as provided for by Council policy; by law; that is factual in nature, (e.g., about City programs, projects, and other City business); as well as official positions and policies of the City that have been approved by the City Council as a body. If a member of the City Council desires that a particular official City position or policy be established or expressed on a given issue, not previously approved by the City Council, the Council Member shall submit their recommendations on said position or policy to the entire City Council as provided in this policy, for evaluation and disposition as the City Council sees fit.

Except as provided in this policy, any Council Member who wishes to communicate a statement or opinion regarding any matter which the City Council has not taken an official position on shall ensure that said statement or opinion cannot be construed by the public as being an official position or policy of the City. When communicating such opinion or statement, a Council Member shall not use City equipment, City email addresses, or City stationery. Additionally, such communications shall make it clear that the Council Member is expressing their own personal opinion. The City Council finds this policy furthers an important public purpose by ensuring the public does not confuse personal opinions expressed by Council Members with official expressions of City policy.

Use of City Stationery and Email

Members of the City Council are authorized to use City stationery and email when corresponding on matters relating to official City business. Correspondence shall identify the author of the correspondence and email. Use of City stationery or email for private personal matters or statements of personal opinion is not permitted.

The style and content of City stationary utilized by individual City departments shall be approved by the City Manager to minimize the number of styles and promote use of a City-wide standard.

Private Digital Communications

Digital communication(s) by a Council Member on a Digital Communication Platform, as that term is defined in Council Policy D-5, that is owned or controlled by a Council Member or a third-party (*i.e.*, someone other than the City) and which discusses matters within the subject matter jurisdiction of the City Council, shall be deemed to be made in their personal capacity. Digital communications by a Council Member through a Digital Communication Platform owned or controlled by the Council Member or a third-party that discusses City matters shall make it clear that the Council Member is not speaking on behalf of the City (*i.e.*, “views expressed are my own”). All social media platforms owned or controlled by the Council Member that discusses City matters shall contain a notice that they are the personal page of the Council Member.

History

Adopted A-1 – 2-09-1959 ("Seconds to Motions")
 Adopted A-3 – 2-09-1959 ("Seating of Councilmen")
 Adopted A-6 – 11-13-1967 ("Recording of Meetings")
 Amended A-1 and A-3 – 11-12-1968
 Reaffirmed A-1, A-3, and A-6 – 3-9-1970
 Reaffirmed A-1, A-3, and A-6 – 2-14-1972
 Adopted G-3 – 5-8-1972 ("City Council Instructions to Staff")
 Adopted A-10 – 8-21-1972 ("Procedural Rules for Council Meetings", and incorporating A-1 and A-3)
 Amended A-10 – 11-24-1975
 Amended A-6 – 6-13-1977
 Amended A-6 – 10-25-1977
 Amended A-10 – 11-28-1977
 Amended A-10 – 7-24-1978
 Amended A-10 – 9-11-1978
 Amended A-10 – 11-27-1978
 Adopted A-13 – 2-12-1979 ("Use of City Stationery by Councilmen")
 Amended A-10 – 10-23-1979
 Amended A-10 – 11-12-1979
 Amended A-10 – 7-28-1980
 Amended A-6 & A-10 – 2-9-1981
 Deleted A-3 – 2-9-1981
 Amended A-1 – 10-25-1982
 Amended A-10 – 6-25-1984
 Amended A-10 – 10-22-1984
 Adopted A-1 – 11-20-1984 ("Election of Mayor and Mayor Pro Tem")
 Amended A-10 – 6-24-1985
 Amended A-10 – 3-24-1986
 Amended A-10 – 1-12-1987
 Amended A-10 – 5-26-1987
 Amended A-10 – 11-28-1988
 Amended A-10 – 11-27-1989
 Amended A-13 – 1-8-1990
 Amended A-10 – 8-13-1990
 Amended A-10 – 10-22-1990
 Amended A-10 – 6-28-1993
 Adopted A-11 – 1-24-1994 ("Recording of Council Meetings")
 Amended A-6 – 1-24-1994 (renamed to "Open Meetings")
 Amended A-1 – 1-24-1994
 Amended A-13 – 1-24-1994 (changed to A-8)
 Amended A-6 and A-10 – 3-28-1994
 Amended A-6 – 6-27-1994
 Amended A-6 – 12-12-1994
 Amended A-11 – 2-27-1995
 Amended A-10 – 10-09-1995

Corrected A-1 & A-8 – 2-26-1996
 Amended A-10 – 2-26-1996
 Amended A-6 – 2-26-1996
 Adopted A-13 – 5-28-1996 ("Decorum and Order for City Commissions, Committees and Boards")
 Amended A-6 – 12-9-1996
 Amended A-1 – 2-24-1997
 Adopted A-15 – 11-10-1997 ("Ex Parte Communication")
 Amended A-6 – 5-26-1998
 Adopted A-16 – 6-22-1998 ("Conflict of Interest Procedures")
 Amended A-6 – 3-14-2000
 Amended A-6 – 2-27-2001
 Amended A-6 – 3-27-2001
 Amended A-6 and A-10 – 8-28-2001
 Amended A-6 – 1-27-2004
 Amended A-6 – 3-09-2004
 Amended A-6 – 3-28-2006
 Amended A-6 – 2-26-2008
 Amended A-6 – 10-27-2009
 Amended A-6 – 12-6-2010
 Amended A-6 & A-10 – 2-22-2011
 Amended A-6 – 11-27-2012
 Amended A-6 and A-10 – 1-8-2013
 Amended A-6 – 5-14-2013
 Adopted A-3 – 5-14-2013 ("Request for Research or Information")
 Amended A-11 – 5-13-2014
 Amended A-6 – 6-9-2015
 Adopted A-20 – 7-14-2015 ("Expression of Official City Position")
 Amended A-11 – 4-12-2016
 Amended A-13 – 1-24-2017
 Amended A-1 – 8-8-2017 (incorporating A-3, A-6, A-8, A-10, A-11, A-13, A-15, A-16, and A-20, and renaming to "City Council")
 Amended A-1 – 1-22-2019
 Amended A-1 – 7-14-2020
 Amended A-1 – 4-27-2021
 Amended A-1 – 2-14-2023
 Amended A-1 – 5-14-2024
 Amended A-1 – 2-24-2026

BOARDS, COMMISSIONS & COMMITTEES

Service on City Boards, Commissions, and Committees is one of the principal means by which residents participate in the conduct of City government. The City is fortunate to have highly skilled, educated and experienced residents that are willing to selflessly donate their time and resources to positively contribute towards the betterment of our city. This Policy prescribes the rules, guidelines, and ideals that govern our City's Boards, Commissions, and Committees.

Board, Commission, & Committee Formation Process

- A. Boards and Commissions shall be established by City Charter or ordinance of the City Council. Committees shall be established by resolution of the City Council in accordance with this policy.
- B. Boards, Commissions, and Committees shall be designated either 1) Permanent; 2) Standing; or 3) Ad Hoc. Boards, Commissions, and Committees having a definite termination date may be extended by City Council action.
- C. With the assistance of the City Attorney, all Boards, Commissions, and Committees shall determine if the Ralph M. Brown Act applies and, if applicable, comply with its provisions.
- D. All Boards, Commission, and Committee meetings open to the public shall include an opportunity for public comments and questions.

Types of Boards, Commissions, & Committees

Boards and Commissions (Permanent)

These shall consist of citizens with a staff liaison pursuant to the enabling City Charter section or ordinance. Appointments are made pursuant to this policy.

City Council Committees (Standing or Ad Hoc)

These shall consist of City Council Members as prescribed by the enabling resolution. Annually, the Mayor shall appoint the City Council Members subject to confirmation by the full City Council.

City Council/Citizens' Committees (Standing or Ad Hoc)

These shall consist of City Council Members, citizens, and City staff as prescribed by enabling resolution. Annually, the Mayor annually shall appoint City Council Members to these Committees subject to confirmation by the full City Council. Appointment of citizens and staff members to these Committees shall be addressed in the respective enabling resolution.

Citizens' Advisory Committees (Standing or Ad Hoc)

These shall be comprised solely of citizens with perhaps a City Council or staff liaison. Appointments generally shall be made annually by the Mayor subject to confirmation by the full City Council. However, the enabling resolution may provide that appointees represent each of the Council Districts in which case appointments shall be made by individual City Council Members for their respective Council Districts, subject to confirmation by the full City Council.

Joint Governmental Committees (Permanent or Standing)

These are committees comprised of representatives from several governmental agencies. Representatives on these committees can be either City Council Members or City staff. Appointment to joint governmental committees shall be made annually by the Mayor subject to confirmation by the full City Council.

City Staff Committees (Permanent, Standing, or Ad Hoc)

These are comprised of staff members designated by their job title as prescribed by enabling resolution.

Member Appointment ProcessNew Boards, Commissions, or Committees – Citizen Appointment

Unless otherwise provided in the formation ordinance or resolution, the City Clerk shall advertise in a newspaper of general circulation the opportunity for citizens to be appointed to a new Board, Commission, or Committee and the application procedure. Final appointments shall not be made for at least ten (10) working days after the posting of the vacancy notice.

Annual Appointment List

On or before December 31 of each year, the City Clerk shall, consistent with the Maddy Act (Cal. Gov. § 54972), prepare a list of all appointive terms of Boards, Commissions,

and Committees which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position. Also, the City Clerk shall list all Boards, Commissions, and Committees whose members serve at the pleasure of the City Council, and the necessary qualifications of each position. The list shall be posted in the City's normal posting location for agendas, as well as the Newport Beach Public Library located at 1000 Avocado Avenue.

Qualifications

Appointees to Boards, Commissions, and Committees shall be electorates and residents of the City, unless an exception is set forth in the enabling ordinance or resolution.

The City Clerk shall maintain a file of candidates for Board, Commission, and Committee appointments, which shall be reviewed each year by the City Clerk to ensure that those applicants are still available and eligible for appointments. Applications shall be retained in the active file for two (2) full years; thereafter they will be destroyed.

Vacancies

Approximately two (2) months prior to a scheduled vacancy, the City Clerk shall prepare and submit to a newspaper of general circulation information relating to the vacancy including meeting dates and times; Board, Commission, or Committee functions; the method of obtaining and submitting applications; and establishing a date prior to June 1 as the last date to submit applications. The City Clerk shall notify each applicant of the receipt of their application.

Consistent with the Maddy Act (Cal. Gov. § 54974), within twenty (20) days after an unscheduled vacancy occurs on a Board, Commission or Committee, a special vacancy notice shall be posted in the City Clerk's office, and other locations as directed by City Council. Additionally, the City Clerk shall prepare and submit information relating to the vacancy including meeting dates and times, and the Board, Commission or Committee application procedure. Final appointments (other than emergency appointments) shall not be made for at least ten (10) working days after the posting of the vacancy notice.

Pursuant to Charter Section 705, if an unscheduled vacancy occurs within six (6) months from the expiration of the term, the City Council has the discretion to appoint a replacement to serve the balance of the unexpired term plus one (1) full term.

Board, Commission, and Committee appointees may be replaced after three (3) consecutive unexcused absences from meetings.

Periodically, situations may arise wherein due to the occurrence of a number of simultaneously scheduled Board, Commission, or Committee vacancies, it may be appropriate to make certain adjustments in the advertising and recruitment procedures, which are regularly utilized to fill these vacancies. In these cases, the City Council may make any necessary adjustments by majority vote at a regular public meeting.

When vacancies occur, the City Council shall make every effort to appoint the best-qualified person to serve the interest of Newport Beach. The City Council should only appoint a person who has filed an application for appointment with the City Clerk no later than five (5) days prior to the date on which the City Council will recommend candidates for open positions. Generally, the application serves as the basis for determining if the person is a qualified elector and resident of the City, has no conflict of interest that would prevent the applicant from serving, and otherwise satisfies the criteria for appointment specified in the City Charter and any relevant ordinance, resolution or City Council Policy. In determining whom to appoint to a Board or Commission, the City Council seeks diversity of opinions and discourages the appointment of persons to Boards and Commissions who: 1) in their professional capacity supervise or are supervised by another member of the same Board or Commission; or 2) are a member of the same family as another member of the same Board or Commission. Also, the City Council prefers that members of Boards, Commissions, and Committees represent different geographical areas of the City, but the location of a person's residence shall only be a consideration when applicants are otherwise equally qualified.

Limit on Service

To afford the maximum opportunity for citizen service, no person shall be eligible for appointment to any one (1) City Board, Commission, or Committee for more than two (2) consecutive four (4) year terms, exclusive of a prior appointment to fill an unexpired term. Appointees shall serve on only one (1) standing City Board, Commission, or Committee at any time.

Optional Ad Hoc Appointments Committee

Unless an alternative appointment procedure is provided in the formation ordinance or resolution, at such time when an appointment to a Board, Commission, or Committee is necessary, the Mayor, at his/her discretion, may establish an ad-hoc Appointments Committee composed of three (3) Council Members. If appointed by the Mayor, the ad-hoc Appointments Committee's duties are as follows:

- A. Review all applications for positions to City Boards, Commissions, and Committees. The ad-hoc Appointments Committee will review applicant answers to all questions contained in the application;

- B. Conduct any necessary interviews with individual applicants; and
- C. Make a recommendation to the full City Council on the appointment of a candidate(s) the ad-hoc Appointments Committee believes is most qualified for each Board, Commission, or Committee vacancy.

The ad-hoc Appointments Committee, in conducting their review of applications and interviews with the individual applicants, if any, should attempt to determine if there exists a potential conflict of interest, which might interfere with the performance of the applicant's duties in an impartial manner free from bias. It is generally recognized that from time to time it is possible for any individual to have a conflict on any one (1) given issue; however, the ad-hoc Appointments Committee should endeavor to avoid recommending appointments of applicants with a substantial conflict of interest, which would require repeated disqualification from voting on issues that are likely to come before the Board, Commission, or Committee.

If no alternative appointment procedure is provided in the formation ordinance/resolution, and if the Mayor does not form an ad-hoc Appointments Committee, the City Clerk shall review all applications and submit all qualified applicants to the City Council for consideration at an open and noticed meeting.

Voting Procedure

- A. If possible, the City Council should vote on all appointments and seats on each Board, Commission, and Committee simultaneously. The voting will be by paper ballot, and the City Clerk will tabulate and announce the results, including the vote tally.
- B. Each member of the City Council will cast the number of votes as indicated on the paper ballot for each seat from the list of the nominees. To be appointed, the nominees must receive at least four (4) votes.
- C. For Boards, Commissions, and Committees with two (2) vacancies, if two (2) of the nominees receive four (4) or more votes, they will be automatically appointed.
- D. If there is a tie vote, ballots will be distributed to the Council Members to vote for the tying candidates only.
- E. If no one receives four (4) votes, nominees receiving zero (0) or one (1) vote will be dropped and the City Council will cast two (2) votes from the list of the remaining nominees, and the determination will be made as previously stated.

City Clerk Responsibilities

The City Clerk shall also be responsible for the following functions associated with Board, Commission, and Committee appointments:

- A. Preparation of letters for the Mayor's signature notifying successful candidates of their appointment.
- B. Preparation of letters for the Mayor's signature notifying unsuccessful candidates for appointment.
- C. Preparation of letters for the Mayor's signature thanking outgoing members for their service.

If established, once the final appointments are made by the City Council, the ad-hoc Appointments Committee will be dissolved.

Business Improvement District Appointments

The appointment of Business Improvement District advisory boards or the designation of an owners' association is exempt from this policy but shall be consistent with the California Streets and Highways Code.

Decorum and Order

Board, Commission, and Committee deliberations and actions should be conducted in an atmosphere free from personal animosity and hostility. Each member of a Board, Commission, and Committee has the duty to:

- A. Respect and adhere to the American ideals of government, rule of law, principles of public administration, and high ethical conduct in the performance of public duties.
- B. Represent and work for the common good of the City and not for any private interest.
- C. Refuse to accept gifts, favors, or promises of future benefits which might compromise or tend to impair independent judgment or action.
- D. Provide fair and equal treatment for all people and matters coming before the Board, Commission, or Committee.

- E. Learn and study the background and purpose of important items of business before voting.
- F. Faithfully perform all duties of office.
- G. Refrain from disclosing any information received confidentially concerning the business of the City or received during any closed session of the Board, Commission, or Committee held pursuant to state law.
- H. Decline any employment incompatible with public duty.
- I. Refrain from abusive conduct, personal charges, or verbal attacks upon the character, motives, ethics, or morals of other members of the Board, Commission, or Committee, City staff, or the public, or other personal comments not germane to the issues before the body. Members are to be tolerant of all views expressed at public meetings.
- J. Listen courteously and attentively to all public discussions at Board, Commission, or Committee meetings and avoid interrupting other speakers, including other members except as permitted by established Rules of Order.
- K. Faithfully attend all sessions of the Board, Commission, or Committee unless unable to do so for some compelling reason or disability.
- L. Maintain the highest standards of public conduct by refusing to condone breaches of public trust or improper attempts to influence legislation.

If a Board, Commission, or Committee member cannot abide by these provisions, he/she should submit a letter of resignation or be removed from office by action of the Mayor and City Council.

Ex Parte Communications

Members of Boards, Commissions, and Committees shall disclose ex parte communications, if any, prior to the consideration of quasi-judicial items and any other items where the law requires disclosure (collectively “quasi-judicial matters”).

Members of Boards, Commissions, or Committees shall not engage in any ex parte communication with any members of the City Council or other Board, Commission, or Committee members regarding any quasi-judicial matter pending, or reasonably expected to come, before that member’s Board, Commission, or Committee.

For purposes of this policy, the term ex parte communication shall mean any oral or written communication directed to a member which is intended, or is reasonably

calculated, to influence the member's decision on any quasi-judicial matter but does not include communications between members during deliberations preliminary to a decision or communications where all interested parties or their representatives are present. The term quasi-judicial matter shall mean the appeal of any discipline imposed on any City employee, the appeal of any grievance filed by a City employee or employee association, or a proceeding to revoke any license, permit, or approval granted by the City Council, any Board, Commission, or Committee, or any City employee and which is pending, or is reasonably expected to come, before any City Board, Commission, or Committee.

The provisions of this policy do not apply to ex parte communications between City employees and any member of a Board, Commission, or Committee regarding a quasi-judicial matter which has been submitted to, or can reasonably be expected to be heard by, the Board, Commission, or Committee that is considered legal advice or when the ex parte communication is initiated by the member and requests only background information available to members of the general public.

Minutes

Written minutes, upon approval of the Board, Commission, or Committee, constitute the official record of its activities. Minutes will be prepared for all public meetings by City support staff and distributed to the entire member body for review prior to official approval. Additions or corrections to the minutes are made at public meetings upon official Board, Commission, or Committee approval. Member requests for inclusion on the record of a specific action or comment shall be recorded at the next publicly noticed meeting.

Recording of Open Meetings

- A. Open and public meetings of Boards, Commissions, and Committees may be audio recorded upon request of the chairperson or pursuant to any procedural rule or by-law adopted by the Board, Commission, or Committee.
- B. Any person attending an open and public meeting of any Board, Commission, or Committee shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera unless the Board, Commission, or Committee determines, based upon evidence in findings made by the chairperson, that continued recording would create noise, illumination, or view obstruction problems that are disrupting or would disrupt the proceedings. The chairperson may impose conditions on any recordation, which in the absence of the conditions, would disrupt the proceedings.
- C. Any audio tape or video record of any open and public meeting made by or at the direction of the City of Newport Beach shall be subject to inspection pursuant to

the California Public Records Act (Sections 6250 *et seq.* of the Government Code). Notwithstanding the provisions of Section 34090 of the Government Code, any audio or video recording of any open or public meeting of any Board, Commission, or Committee, may be erased or destroyed one year after the taping or recordation, excluding Planning Commission, which shall be permanently retained. Any person may inspect a video or audio recording without charge on a recorder made available by the City of Newport Beach.

Conflict of Interest

No member of any Board, Commission, or Committee shall, at the time of appointment or during the term of office, hold a position or office in another entity or organization which creates a conflict of interest with respect to the member's service on the Board, Commission, or Committee.

Expression of Official City Position or Policy

If members of City Boards, Commissions, or Committees desire that a particular official City position or policy be established or expressed on a given issue, they shall submit their recommendations on said position or policy to the City Council for evaluation and disposition as the City Council sees fit. In their interactions with the media, members of City Boards, Commissions, and Committees shall comply with the media policies in City Council Policy D-1.

This policy is not intended to restrict communication between Boards, Commissions, and Committees and others on matters exclusively within the purview or responsibility of such Boards, Commissions, or Committees, but rather is intended to avoid confusion about the official City position or policy, which is defined as that of the City Council.

Fundraising & Contracting

- A. No Board, Commission, or Committee shall have the authority to independently raise and collect funds on behalf of itself, any other Board, Commission, Committee, or the City. Any such funds shall be generated by and collected through legally established nonprofit groups and organizations which are independent of the City. An exception to this policy may be granted by the City Council on a per project basis when circumstances justify the exception.
- B. No Board, Commission, or Committee which has been established by the City Charter or by the City Council, shall have the authority to enter into any contract with any agency, group, entity, or individual without authorization from the City Council.

Use of City Stationary

Members of Boards, Commissions, and Committees are authorized to use City stationery when corresponding on matters relating to official City business. Said correspondence shall identify the author of the letter as such. Correspondence from individual Board, Commission, and Committee members must have the approval of their respective Board, Commission, or Committee. Use of City stationery for private personal matters is not permitted.

History

Adopted A-4 - 6-28-1965 ("Boards and Commission Appointments")

Amended A-4 - 8-15-1966

Amended A-4 - 9-26-1966

Adopted A-6 - 11-13-1967 ("Recording of Council Meetings")

Amended A-4 - 6-10-1968

Reaffirmed A-4 & A-6 - 3-9-1970

Reaffirmed A-4 - 2-14-1972

Adopted A-9 - 5-8-1972 ("City Council Committees")

Amended A-9 - 6-11-1973

Amended A-9 - 5-12-1975

Amended A-9 - 12-8-1975

Amended A-9 - 6-28-1976

Amended A-9 - 8-9-1976

Amended A-4 - 7-12-1976

Amended A-9 - 12-13-1976

Amended A-9 - 1-10-1977

Amended A-9 - 1-24-1977

Amended A-6 - 6-13-1977

Amended A-4 - 9-12-1977

Amended A-6 - 10-25-1977

Amended A-4 - 11-28-1977

Amended A-4 - 12-19-1977

Adopted F-18 - 3-27-1978 ("Fund Raising")

Adopted F-19 - 4-10-1978 ("Contracts")

Amended A-4 - 6-26-1978

Amended A-9 - 9-11-1978

Amended A-4 - 11-27-1978

Adopted A-12 - 1-8-1979 ("BCC Expression of City Position")

Adopted A-13 - 2-12-1979 ("Use of City Stationary")

Amended A-4 - 3-12-1979

Amended A-9 - 10-1-1979

Amended A-9 - 11-12-1979

Amended A-4 - 7-14-1980
 Amended A-6 & A-9 - 2-9-1981
 Amended A-4 - 7-27-1981
 Amended A-4 & A-9 - 11-23-1981
 Amended F-18 - 11-14-1983
 Amended A-9 - 1-12-1987
 Amended A-13 - 1-8-1990
 Amended A-9 - 10-22-1990
 Amended A-9 - 1-24-1994
 Amended A-4 - 1-24-1994 (changed to A-2)
 Created A-11 - 1-24-1994 ("Recording of City Meeting")
 Reaffirmed A-12 - 1-24-1994 (changed to A-7)
 Amended A-13 - 1-24-1994 (changed to A-8)
 Created A-5 - 1-24-1994 ("Fund Raising/Contracts", incorporating F-18 & F-19)
 Amended A-9 & A-11 - 2-27-1995
 Amended A-2 & A-9 - 2-26-1996
 Adopted A-13 - 5-28-1996 ("Decorum and Order for BCC's")
 Corrected A-5, A-7 & A-8 - 2-26-1996
 Amended A-2 - 8-12-1996
 Amended A-2 - 2-24-1997
 Adopted A-15 - 11-10-1997 ("Ex Parte Communication")
 Amended A-9 - 5-26-1998
 Adopted A-16 - 6-22-1998 ("Conflict of Interest Procedures")
 Amended A-2 - 3-22-1999
 Amended A-2 - 7-12-1999
 Amended A-2 - 9-27-1999
 Amended A-2 - 3-14-2000
 Amended A-2 - 5-8-2001
 Amended A-2 - 4-23-2002
 Amended A-2 - 5-14-2013
 Amended A-11 - 5-13-2014
 Amended A-2 & A-9 - 5-12-2015
 Amended A-11 - 4-12-2016
 Amended A-13 - 1-24-2017
 Amended A-2 - 8-8-2017 (incorporating A-5, A-7, A-8, A-9, A-11, A-13, and A-15)
 Amended A-2 - 7-26-2022
 Amended A-2 - 2-24-2026

DISCRETIONARY GRANTS

It shall be the policy of the City Council that the City of Newport Beach's ("City") budget specifically allows the City Council to, at any time during the year, direct revenue towards worthy projects or programs which the City Council deems beneficial to Newport Beach's resident's quality of life. The City Council notes that it has multiple tools at its discretion to assist non-profit agencies, community groups, community events, or enhancement projects within the city. These tools are:

- A. Community Programs Grants from the General Fund;
- B. Special Event Grants from the General Fund;
- C. "District Discretionary Grant Accounts" from the General Fund;
- D. Culture and Arts Grants pursuant to Council Policy I-10; and
- E. Federal Community Development Block Grant (CDBG) Social Service Funds.

These funds shall be provided in the following manner:

CDBG Social Services funds shall be allocated according to standards set by the federal government and appropriated at least once each year. The level of funding offered for social services in Newport Beach shall be based upon federal formulas and the specific amount of CDBG revenue allocated to the City in any one fiscal year. The Community Development Department shall administer these funds after City Council approval of the funds' expenditure.

Community Programs Grants shall be expended from the General Fund in an amount up to \$75,000 each fiscal year. The City Manager's Office shall review all requests for Community Programs Grants and shall forward recommendations for funding to the City Council for final approval. At the time of the City Manager's presentation of any Community Programs Grant award proposals to the City Council, the City Manager shall show which entities, if any, have received funds from the Community Programs Grant, Special Event Grant, District Discretionary Grant, Culture and Arts Grant, or CDBG Social Services Fund during the same fiscal year.

The City Manager or his/her designee shall follow these priorities when recommending Community Programs Grants:

- A. Local groups located within the city and offering programs to Newport Beach residents;
- B. Regional groups located in Orange County and offering programs to Newport Beach residents; and
- C. Groups located in California and offering programs to Newport Beach resident.

Groups not offering programs or services to local residents shall not be eligible for support from the City.

Special Events Grants are intended to allow meritorious community, social or athletic event organizers to offset some or all of their City fees for their event. Doing so should decrease costs to the event organizer so that beneficiaries can see even greater benefit from any fundraising associated with the events. The City Manager or his/her designee shall, in consultation with the City Council, establish a threshold amount for the proposed City budget that reflects adequate support for these events. The City Manager shall establish an administrative policy for these grants. The City Manager may divide the funding into more than one category to ensure that different types of events are fairly measured with peer events. The City Council shall consider and approve the Special Event Grant allocations by recipient.

District Discretionary Grant Accounts. At the start of the fiscal year, the City Manager shall provide an account for each Council District within the City Council's budget known as the District Discretionary Grant Accounts. The City Council shall set a funding level of these accounts during the budget process preceding the June adoption of the City's budget. Each City Council Member shall have, at his or her discretion, the ability to allocate their District's funding to uses, projects, or community entities that benefit the City as a whole or the City Council Member's district specifically. Any expenditure from these accounts must have an identifiable public benefit.

Requests to expend these funds should be directed by each City Council Member to the Finance Director. Expenditures will be reported to the City Council annually. The report will include a brief description and the public benefit associated with each expenditure.

At the conclusion of the fiscal year in which the District Discretionary Grant Accounts received appropriation, all unencumbered funds in the accounts shall be deposited in the City's General Fund Reserve Account.

History

Adopted F-22 – 7-8-1985
 Amended F-22 – 10-28-1991
 Amended F-22 – 1-24-1994 (changed to A-12)
 Amended A-12 – 5-22-2001
 Amended A-12 – 6-22-2010
 Amended A-12 – 9-27-2011
 Amended A-12 – 5-12-2015
 Amended A-12 – 4-9-2019
 Amended A-12 – 12-9-2025
 Amended A-12 – 2-24-2026

NEWPORT BEACH CITY COUNCIL AIRPORT AND AVIATION POLICY

A. EXECUTIVE SUMMARY

One of the City Council's primary objectives is to protect Newport Beach residents from the adverse impacts of aircraft operations at/from John Wayne Airport (JWA). Aircraft noise, emissions, and overflight activity represent one of the most significant long-term threats to residents' quality of life.

The City lacks direct legal authority to regulate airport operations, but the JWA Settlement Agreement (Settlement Agreement) remains the most restrictive in the nation and is the City's most effective tool for limiting adverse impacts from commercial operations. The City Council will continue to prioritize the maintenance of the curfew and the protections that the Settlement Agreement provides.

The City will also advocate for community engagement in the planning and implementation of Advanced Air Mobility (AAM) technologies, including Electric Vertical Take Off and Landing (eVTOL) aircraft and expanded drone usage, and work to minimize the impacts of AAM operations on residents' quality of life.

B. LEGAL FRAMEWORK

The City Council understands that aircraft operations and airport regulation are primarily governed by federal law.

1. Federal Aviation Administration.

The Federal Aviation Administration (FAA) has exclusive authority to regulate aviation safety, efficiency and designated United States airspace, thereby preempting local or City control over flight paths and altitudes.

2. John Wayne Airport and the 1985 Settlement Agreement.

The existing restrictions set forth in the Settlement Agreement, as amended, predate the Airport Noise and Capacity Act of 1990 (ANCA). Hence, the existing restrictions under the Settlement Agreement are grandfathered under federal law. While the parties to the Settlement Agreement can agree to amend it, any amendment thereto cannot place additional restrictions on JWA airport operations.

3. Airport Noise and Capacity Act.

ANCA severely limits new noise or access restrictions on modern aircraft. To impose any new restriction, an airport operator (the County) must provide substantial evidence that proposed measures (e.g., limits on operations, noise, etc.) are reasonable and do not unjustly discriminate. Specifically, under 14 Code of Federal Regulations Part 161 (Part 161), any proposed mandatory restriction on noise/capacity (such as flight caps or curfews) must meet the following six statutory criteria:

- a. The restriction is reasonable, non-arbitrary, and non-discriminatory;
- b. It does not create an unreasonable burden on interstate or foreign commerce;
- c. It maintains safe and efficient use of navigable airspace;
- d. It does not conflict with any existing federal statute or regulation;
- e. There has been an adequate opportunity for public comment; and
- f. It does not create an unreasonable burden on the national aviation system.

4. Grant Assurances.

Airports receiving federal grants must sign “grant assurances” that legally obligate them to keep the airport open to public use on fair and reasonable terms without unjust discrimination.

C. POLICY

1. **Objective.**

The City Council’s objective is to minimize the adverse impacts of JWA operations on Newport Beach residents and ensure that emerging Advanced Air Mobility (AAM) and other technologies are implemented safely and in a manner that protects privacy and quality of life.

2. **JWA Settlement Agreement.**

As a signatory, the City shall prioritize the protections afforded by the Settlement Agreement consistent with this policy.

3. **JWA Facilities and Operations.**

The City shall continue to oppose any changes to facilities or operations that negatively impact Newport Beach residents including:

- a. A second air carrier runway or runway extension.
- b. Any modification to the noise curfew.

- c. Through-the-fence operations.
- d. Port of Entry designation by U.S. Customs and Border Protection.
- e. Changes to the existing general aviation activity levels, facilities, the County's General Aviation Improvement Program, land-use map, and General Aviation Noise Ordinance.
- f. Limitations on the Remote Monitoring System and public access to noise data.

Also, the City may evaluate feasible operational or technological measures to reduce impacts, including higher departure altitudes, strict adherence to FAA-approved departure routes, use of quieter Noise Abatement Departure Procedures (e.g., NADP-1), and encourage the adoption of quieter and cleaner aircraft technology.

4. Advanced Air Mobility.

The City will proactively engage in AAM planning and the integration of eVTOLs and drones to advocate for robust community engagement and coordination among the FAA, DOT, operators and service providers, airports and Fixed Base Operators, developers, and regional and local government.

5. Alternative Transportation Service.

Recognizing the lack of a feasible second airport in Orange County, the City shall support efforts to accommodate regional air travel demand outside JWA, including:

- a. Improved transportation connections to out-of-county airports.
- b. Development or expansion of air service at other regional airports.
- c. Expanded air cargo facilities at other regional airports, where appropriate.

6. Public Agency Support and Participation.

The City may continue participation in the Corridor City Coalition and advocate for policies that:

- a. Align regional transportation plans with JWA constraints.
- b. Improve access to underutilized regional airports

The City will actively participate in regional planning efforts, including SCAG's Regional Transportation Plan, and regularly engage county, state and federal officials.

7. Community Involvement.

The City recognizes the importance of community organizations and will support informed, constructive advocacy aligned with this Policy. The City will engage and educate residents on matters relating to aviation and this Policy.

8. Monitoring and Reporting.

The City Manager shall coordinate implementation of this Policy and periodically report to the City Council and Aviation Committee on:

- a. Settlement Agreement compliance.
- b. Regional airport and transportation planning.
- c. State and federal legislative actions.

History

Adopted B-1 – 2-14-1972 (“Airport Land Use Commission for Orange County”)

Reaffirmed B-1 – 12-10-1973

Reaffirmed B-1 – 11-11-1974

Amended B-1 – 10-14-1975 (renaming “Orange County Airport”)

Amended B-1 – 11-27-1978

Created B-2 – 11-27-1978 (“Airport Land Use Commission for Orange County”/same as B-1)

Amended B-1 – 10-14-1980

Amended B-1 – 7-27-1981

Amended B-1 – 9-27-1982

Amended B-2 – 9-27-1982 (renaming “Limitations of John Wayne Airport and Promotion of a New Regional Airport”)

Amended B-1 – 3-14-1983

Amended B-1 – 5-23-1985

Amended B-1 and B-2 – 12-9-1985

Amended B-1 and B-2 – 10-22-1990

Amended B-2 – 7-13-1992

Amended B-1 – 12-13-1993 (incorporating B-2)

Amended B-1 – 2-27-1995

Amended B-1 – 3-22-1999 (changed to A-17)

Amended A-17 – 7-25-2006

Amended A-17 – 5-12-2015

Amended A-17 – 2-24-2026

PARK FEE POLICY

Purpose

The City of Newport Beach maintains an extensive park and open space system. The acquisition and development of our park and open space properties is funded, in part, through the payment of park fees paid by persons or entities who subdivide properties. The Subdivision Map Act requires park fees to be used only for the purpose of developing new or rehabilitating existing neighborhood or community parks or recreational facilities to serve the subdivision that paid the fees. The City is required to develop a schedule specifying how, when and where the park fees will be used. The purpose of this Policy is to establish the criteria to be used in deciding which facilities serve subdivision residents and schedule whereby park fees are properly and timely committed to appropriate projects. This policy also identifies which park serve as citywide resources.

Policy

A. Service Criteria.

The Recreation and Open Space Element of the General Plan states that community parks and view parks serve the entire city. Community parks are those with improvements such as community buildings, parking, swimming, facilities for picnicking, active sports and other facilities that serve a larger population. View parks serve as citywide resources because of their unusual beauty and view opportunities. Neighborhood parks serve all ages and include unique recreational facilities, such as basketball courts, tennis courts, turf areas, active sports fields, community buildings, unique play areas. Trails serve as healthy recreation and transportation opportunities by providing people with attractive, safe, accessible and low- or no-cost places to recreate such as cycling, walking, jogging and hiking. Accordingly, park fees generated by any subdivision within the city may be used to develop new or rehabilitate existing community parks, view parks, neighborhood parks, as those trails listed on Exhibit A.

The Recreation and Open Space Element divides the city into 12 service areas consisting of relatively discrete residential communities. These service areas were created for the purpose of determining whether particular geographical areas were deficient in terms of park and recreational facilities and to identify acquisitions or improvements which would provide residents with greater recreational opportunities. Accordingly, park fees generated by a subdivision within any service area may be used to create new, or rehabilitate, existing park or recreational facilities within that service area and as provided in the Recreation Element.

B. Implementation Schedule.

Park fees shall be placed in the Facilities Financial Planning Reserve Fund immediately upon receipt with a special designation as Park Fees. These funds, after special designation, shall be used solely for the acquisition or establishment of new, or the rehabilitation of existing, park, open space and recreational facilities. The park fees shall also be placed on a schedule that lists the location of the subdivision, the fees paid, the date on which the fees were paid or the date on which building permits had been issued for 1/2 of the lots created by the subdivision (whichever occurs later), the service area within which the subdivision is located, the neighborhood park, recreation and open space facilities eligible for park fees generated by that subdivision, and the date on which the park fees must be committed to specific project of improvements. The park fees shall be used only for the park and recreation facilities identified on Attachment A and shall be utilized in accordance with the policies and standards specified in the General Plan. Designations for expenditures will be made as part of the annual budget adoption.

[Attachment - Exhibit A]

History

Adopted I-3 - 9-20-1960 ("Park Standards")

Amended I-3 - 8-30-1966

Amended I-3 - 11-12-1968

Amended I-3 - 3-9-1970

Amended I-3 - 2-14-1972

Amended I-3 - 12-10-1973

Amended I-3 - 2-25-1974

Amended I-3 - 5-9-1977

Amended I-3 - 6-13-1977

Adopted I-1 - 6-27-1994 ("Park Fee Policy")

Amended I-1 - 4-23-2002

Amended I-1 - 4-8-2003 (changed to B-1)

Amended B-1 - 4-13-2004

Amended B-1 - 9-13-2005

Amended B-1 - 8-11-2009

Amended B-1 - 5-14-2013

Amended B-1 - 5-12-2015

Amended B-1 - 8-8-2017

Amended B-1 - 2-24-2026

EXHIBIT A

PARK DEDICATION POLICY

PARKS GUIDE

The following view parks serve as citywide resources by reason of their unusual beauty and the view provided:

Back Bay View Park
Bayview Park
Begonia Park
Channel Place Park
Civic Center Park
Cliff Drive Park
Corona del Mar State Beach Park
John Wayne Park
Galaxy View Park
Inspiration Point
Irvine Terrace Park
Los Trancos (lower, middle, upper)
Canyon Watch
Harbor Watch
Castaways Park
Jasmine View Park
Kings Road Park
Lido Park
Lookout Point
Newport Island Park
Peninsula Park
Rhine Wharf Park
Sunset View Park
West Jetty View Park
Westcliff Park

The following Community and Neighborhood Parks serve as citywide resources by reason of the unique recreational opportunities they offer:

Arroyo Park - Lighted multi-purpose field, basketball court, picnic areas and playground.

Bonita Canyon Sports Park - Four youth baseball fields, one multi-purpose field, one soccer field, tennis courts, pickleball courts, basketball court, 2 playgrounds and connecting trail to Arroyo Park.

Bonita Creek Park - Community center, playground, lighted multi-purpose fields, and basketball court.

Buck Gully- hiking trails

Buffalo Hills Park - Basketball court, baseball/softball diamond, volleyball court, multi-purpose fields.

Carroll Beek Community Center and Balboa Island Park - Basketball court, tot playground and community center.

Civic Center Park - Scenic view, dog park, art sculptures, cactus garden, Civic green, and walking trails and community room.

Coastal Peak Park - Two multi-purpose fields, playground, two picnic pavilions and basketball court.

Community Youth Center/Grant Howald Park - Basketball court, tennis courts, playground, community center, softball and multi-purpose field.

Eastbluff Park - Baseball diamond, multi-purpose field, playground, and view of the Back Bay.

Harbor View Nature Park - Natural vegetation area.

Lincoln Athletic Center - Gymnasium, lighted baseball/softball diamond and multi-purpose fields.

Marina Park - Community center, sailing center, picnic area, playground, basketball courts and fitness course.

Mariners Park - Multi-purpose room, baseball/softball facilities, racquetball courts, lighted tennis courts, multi-purpose fields, and an ADA equipped play area.

Newport Coast Community Center - Gymnasium, multi-purpose facility with classrooms

OASIS Senior Center - Multi-purpose senior facility with classrooms, large multi-purpose room, and fitness center.

Peninsula Park - Beach sited multi-purpose field, playground (ADA compliant), picnic and barbecue facilities, baseball/softball diamond and gazebo.

San Joaquin Hills Park - Tennis courts, pentanque courts, lawn bowling facility.

San Miguel Park - Ball diamond, athletic field, four racquetball courts, basketball court and an ADA equipped play area.

Sunset Ridge Park - Baseball field, soccer fields, butterfly garden, scenic view and playground.

Theater Arts Center - Ninety seat community theater.

West Newport Community Center- Gymnasium

West Newport Park - Tennis courts, racquetball courts, basketball court, and 3 playgrounds.

38th Street Park - Basketball courts and playground (ADA compliant).

Big Canyon Nature Park - hiking trails

Bob Henry Park - Multipurpose field, ball diamond, playground, picnic areas

Newport Aquatic Center - rowing, canoeing, kayaking, paddle boarding facility

North Start Beach - aquatic center

Spyglass Hill Park - playground, picnic area

16th Street Community Center - multipurpose facility with classroom

The following Trails serve as citywide resources by reason of providing unique recreational opportunities within the existing urban and natural environment:

Arroyo Trail
Back Bay Trail
Balboa Island Loop
Bonita Canyon Sports Park Trail
Bonita Creek Trail Buffalo Hills Trail
Buck Gully Trail
Castaways Trail
Corona del Mar Loop
Fashion Island Loop
Newport Ridge Trail
Upper Bay Trail

NAMING OF CITY PARKS/PUBLIC FACILITIES & PLAQUE DEDICATIONS

The City of Newport Beach has a comprehensive program to provide park and open space to serve the leisure and recreation needs of residents. It is desirable that appropriate names be selected for parks and public facilities. The following guidelines shall serve as policy on this matter.

- A. Suggestions for naming new or existing parks or public facilities shall be reviewed by the Parks, Beaches and Recreation Commission with a recommendation being transmitted to the City Council for approval.
- B. New or existing park or public facilities names can be chosen from, but not limited to, the following categories:
 - 1. Streets or schools bordering park
 - 2. Topography
 - 3. Theme
 - 4. Common names already in place for the area
 - 5. Persons that have been deceased for at least fifteen (15) years.
- C. Facility rooms or site amenities may be dedicated in honor of persons if done as part of a capital/fundraising campaign and with the approval of the City Council.
- D. Plaques for City facilities and parks shall include the City seal in a prominent position and the following information in the specific order given:
 - 1. Council-approved facility or park name.
 - 2. Date of dedication (opening) or rededication.
 - 3. City Council Members currently in office. The names and titles of the Mayor and Mayor Pro Tem shall be first, followed by the names of the remaining Council Members in alphabetical order. For large, multi-year projects, include the names of Council Members who were in office at the time of project award.
 - 4. If applicable, the names of the appropriate, current Board or Commission members.
 - 5. Current City Manager.

6. The name of the appropriate, current Department Director (the director whose department is most closely affiliated with the use of the facility) at the time of dedication or rededication.
7. If applicable, the names of key project partners, i.e., other government entities or funding entities.
8. Optional: the names of the firms of the City's construction partners, e.g., architect, general contractor, construction manager.

In cases of dedications of a major remodeling project or facility expansion, the existing plaques shall continue to be displayed.

History

Adopted I-22 – 9-12-1988

Amended I-22 – 1-24-1994 (changed to I-9)

Amended I-9 – 2-27-1995

Amended I-9 – 4-8- 2003 (changed to B-9)

Amended B-9 – 5-13-2003

Amended B-9 – 8-8-2017

Amended B-9 – 10-11-2022

Amended B-9 – 2-24-2026

PUBLIC USE OF CITY FACILITIES

Purpose

City of Newport Beach (City) facilities, which include parks, playing fields, gymnasiums, community rooms and swimming pools, are available to the public for civic, social, educational, athletic, cultural activities and limited commercial use. It is the intent of this Policy to provide use regulations and application and scheduling procedures to accommodate groups that wish to use City facilities.

Procedure

- A. Applications to use City facilities must be made on forms provided by the Recreation and Senior Services Department (Department). Applicants must provide all information as may be required by the Department to assure compliance with the requirements and regulations of this Policy.
- B. Applicants will be required to provide a security deposit in an amount that will promote use of the Recreation and Senior Services facilities in an orderly manner without damage to the facilities. Security deposits will be refunded upon inspection of facilities and confirmation that no property damage has occurred or additional cleanup is required.
- C. Applicants will be required to acknowledge that neither the City nor the Department assumes any liability for injury or loss of personal property. Prior to the use of the facility, the application must have approval of the Recreation and Senior Services Director or designated representative.
- D. Approval or denial of a reservation request will be provided within five working days of receipt of a completed application.
- E. Reservations for use of Department facilities may be made up to six months in advance, but no later than ten working days before the event with the exception of park reservations which may be made no later than five working days before the event.
- F. The City is not liable for any and all accidental injury to any and all persons or loss or damage to group or individual property. When it is deemed to be in the best interest of the general public, the City will require the permittee to furnish a Certificate of Insurance naming the City of Newport Beach as an additional insured. The amount of the insurance shall not be less than \$1,000,000 per occurrence of commercial general liability insurance.
- G. A Facility Use Permit shall not be transferred, assigned or sublet. All Facility Use Permits will be issued for specific facilities and for specific hours, and the premises must be vacated as scheduled.

- H. The reservation request and rental agreement must be completed and signed by an adult age 21 and over who will attend, supervise and be responsible for the entire event or activities. Proof of residency is required at the time of application in order to receive the resident rate. Proof of non-profit status is required at the time of application in order to receive the non-profit rate.
- I. A Facility Use Permit which authorizes the rental of facilities may be revoked for violation of any rental policies.

Regulations and Restrictions

All uses of Department facilities will be subject to the following regulations and restrictions:

- A. Use of Alcohol.
 1. Alcoholic beverages are prohibited and shall not be permitted in or on any municipal facilities operated by the Department, except beer and wine may be served for special occasions at the OASIS Senior Center, Newport Theatre Arts Center (NTAC), Newport Coast Community Center (NCCC), Civic Center Community Room (CCCR), Newport Beach Junior Guard Center, Witte Hall, and Marina Park when done in compliance with State of California Department of Alcoholic Beverage Control (ABC) regulations and approved in writing by the Recreation and Senior Services Director. Approval to serve beer and wine shall not be deemed to approve service of alcohol in violation of Section 25604 of the Business and Professions Code. The Recreation and Senior Services Director will require the permittee to pay City costs to provide additional security when alcohol is served.
 2. The use of alcoholic beverages is by written permission only and must be requested at the time the facility use request is submitted. The Department reserves the right to place restrictions on the use of alcoholic beverages in accordance with State law and these guidelines. "Alcohol use" means the presence of any beverage that contains any amount of alcohol.
 3. Alcohol is not allowed when an event is designated for minors such as school age award programs, birthday parties, and/or receptions.
 4. When alcohol is served, there shall be a minimum of two security guards present at the facility at all times. The guards must arrive 30 minutes before guest arrival time and remain until the contract end time. One guard must be positioned at the entrance of the event and one guard positioned in the event area. The parking lot must be monitored every 30 minutes. The security guards shall have the authority to enforce all rules and regulations governing facility rentals. In the event that the Police are called, the cost of their services shall be deducted from the applicant's security deposit. The applicant will be billed for any costs exceeding the security deposit.

5. No alcoholic beverage shall be served to any person less than 21 years of age. Injuries caused to any person as a result of alcoholic beverages being served to or consumed by someone under the age of 21 while on the City's premises, shall be the sole responsibility of the organization or individual renting the facility.
 6. The distribution or consumption of alcoholic beverages shall be in compliance with all applicable laws, including regulations of the ABC. Any organization using City facilities shall be solely responsible for obtaining all permits or licenses relating to the distribution and consumption of alcoholic beverages on the premises.
 7. Alcohol may only be served by an adult 21 years of age or older. If evidence is found that alcohol is being served that was not authorized by the Department or to a minor, the Police will be notified and the event will be terminated and all fees and deposits will be forfeited.
 8. The City shall require the applicant to carry general liability insurance when alcohol is available, but not sold. The City shall require a full liquor liability premium in addition to general liability insurance when alcohol is sold in exchange for money. The cost of the required liability insurance shall be borne by the applicant.
- B. Smoking is prohibited in and on all City property including restrooms and within 100 feet of a park, park facility or beach.
- C. For all indoor facility rentals involving youth, 17 years and under, there shall be at least one adult for every 20 minors, or increments thereof, in attendance, who shall remain in the facility for the duration of the activity.
- D. No group's activities shall interfere with the administration of the Department.
- E. Non-profit 501 (c) (3) groups may use the facility for fundraising activities and charge entrance fees and collect donations provided that a detailed plan of the event, including the expenses, marketing plan and procedure for collecting fees, is submitted with the rental application.
- F. Facilities and equipment are to be left in the same condition as they were prior to the rental. The permittee is responsible to pay for any damage to property or loss of property. A fee equal to total replacement cost will be charged. It shall be the responsibility of the permittee to see that unauthorized portions of the facility are not used. Continued or repeated use of City facilities will be contingent upon care of the facility, property and equipment, and observance of all approved rules and regulations.
- G. No gambling of any kind shall be conducted on, or in, City facilities, and the permittee shall insure that no disorderly or illegal conduct shall be allowed in any facility.
- H. The use of public address equipment will be limited to that provided by the facility, unless

written approval has been secured by the Department through a Special Event Permit.

- I. Private groups wishing to collect fees, donations or admission charges, or those using the facility to market a product, give a presentation, or advertise their business, will be considered commercial users.
- J. The posted occupancy of City facilities shall not be exceeded.
- K. Storage space will not be granted at any time.
- L. Facilities are not available for reservations on the following holidays: Christmas Eve, Christmas Day, Easter, Presidents' Day, Independence Day, Labor Day, Martin Luther King Day, Memorial Day, New Year's Eve, New Year's Day, Thanksgiving and Veterans Day.
- M. All persons using the facilities shall observe and obey regulations of this policy, the rules of the Department and all applicable City, State and Federal laws, rules and regulations.
- N. Vehicles are not permitted on park grass or fields. Parking is permitted in designated spaces. Overnight parking is not allowed.
- O. Minors must remain in the rented facility room and shall not be allowed to roam unsupervised throughout the facility.
- P. When no alcohol is served but the group size is 200 or more, one security guard may be required, at the discretion of the Department Director.
- Q. Policies and guidelines regarding caterers shall be adhered to.
- R. All professional services utilized for events require a City of Newport Beach business license and liability insurance listing the City as additionally insured.
- S. Animals are not permitted within City facilities with the exception of service animals. However, this provision shall not apply to activities or programs of the Recreation and Senior Services Department.

Fee Classifications - Priorities of Use

Permission for use of City facilities shall be granted on a first-come first-served basis, subject to the following priorities:

- A. All official Department initiated and/or conducted activities, including those of the Friends of OASIS at the OASIS Senior Center, and exemptions noted in City Council Policies B-5 and B-10.

- B. All official City of Newport Beach activities.
- C. All official City co-sponsored groups and/or activities such as community groups and activities which are non-profit, self-governing, privately organized and of an educational nature which may be brought under the sponsorship of the Department.
- D. Official public agency sponsored programs and activities not included in A, B, and C above.
- E. Youth Sports Commission Member Organizations.
- F. Resident non-profit youth serving organizations with 50% or more of membership consisting of Newport Beach residents.
- G. Recreational, social, or civic activities of groups which are resident promoted and sponsored by local non-profit* organizations which are open to the public and have 50% or more of memberships consisting of Newport Beach residents.
- H. Recreational or social activities of private Newport Beach residents which are not open to the public (private parties).
- I. Recreational, social, or civic activities and/or groups which are non-resident promoted and sponsored by non-profit organizations which are open to the public, but not qualifying under D above.
- J. Schools, colleges, hospitals, and other similar civic groups not qualifying under the definition of non-profit.
- K. Others.

* *Non-profit status is defined as an organization that is so defined by the Internal Revenue Service, § 501(c) (3) and has a State of California Tax Identification Number.*

Fees, Deposits, and Cancellation Procedures

Fees may be charged for the use of City facilities and shall be established and periodically adjusted and approved by the City Council. Fees are imposed to cover overhead, processing, deposits, maintenance, and replacement costs for application and scheduling and maintenance of the facilities.

- A. A security deposit will be required for all room rentals. All or a portion of the deposit may be retained by the Department after inspection of the facility by the Recreation and Senior Services Director or a designated representative and a determination that the facility has not been left clean and/or in good repair.
- B. A separate additional cleaning fee may be charged for rental of the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, Newport Beach Junior Guard Center, Witte Hall, and Marina Park Community Center.
- C. No fee or deposit shall be charged for use of City facilities by the City of Newport Beach, or events

co-sponsored by the City of Newport Beach or its departments, with the exception of direct costs.

- D. Cancellations for any facility other than the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, Newport Beach Junior Guard Center, Witte Hall, and Marina Park may occur seventy-two hours prior to the scheduled use of facilities without forfeiting fees collected by the City, with exception of a City service refund processing fee. Cancellations with less than seventy-two hour notice will be charged a cancellation fee established by resolution of the City Council. In the event of cancellation by the City, notice will be given as far in advance of the scheduled use as possible.
- E. Cancellation of rentals by users for the OASIS Event Center, Newport Coast Community Center, Community Youth Center, Civic Center Community Room, Newport Beach Junior Guard Center, Witte Hall, and Marina Park that occur less than thirty days prior to the scheduled use of the facility will be charged 25% of the rental fee. Cancellations with less than seventy-two hour notice will be charged the entire rental fee.

History

Adopted I-5- 11-22-1962 ("Use Priorities and Fees")
Amended I-5- 3-9-1970
Reaffirmed I-5- 2-14-1972
Adopted G-4- 5-13-1974 ("Use of City Facilities")
Amended I-5- 5-28-1974
Amended I-5- 2-13-1978
Amended G-4 and I-5- 10-10-1978
Amended I-5 - 2-12-1979
Amended I-5- 5-14-1979
Amended I-5- 8-28-1979
Amended I-5- 11-26-1979
Amended G-4 and I-5- 2-9-1981
Amended I-5- 11-23-1981
Amended I-5- 10-12-1982
Amended I-5- 10-25-1982
Amended G-4 and I-5- 4-23-1984
Amended I-5- 11-28-1988
Amended I-5- 11-27-1989
Amended I-5- 3-25-1991
Adopted I-25- 5-26-1998 ("Public Use of City Facilities", and incorporating G-4 and I-5)
Amended I-25- 5-8-2001
Amended I-25- 4-23-2002
Amended I-25- 4-8-2003
Amended I-25- 7-22-2003 (changed to B-13)
Amended B-13- 9-13-2005
Amended B-13- 10-10-2006
Amended B-13- 8-11-2009
Amended B-13- 5-14-2013

Amended B-13- 5-12-2015
Amended B-13- 8-8-2017
Amended B-13- 11-14-2023
Amended B-13- 2-24-2026

ECONOMIC DEVELOPMENT POLICY

Purpose

The City Council recognizes that the City’s ability to deliver quality municipal services is dependent on adequate tax revenues derived primarily from the properties and businesses located within the city. Healthy, thriving businesses not only increase property, sales and bed taxes, but they also provide employment opportunities that support local businesses and the strong residential property values that Newport Beach enjoys. The City Council seeks to promote economic prosperity and growth within the city to maintain and enhance a healthy economy, provide revenues for high quality municipal services, and infrastructure maintenance and improvements, and preserve the unique commercial villages in Newport Beach. All of these objectives serve the overriding purpose of protecting the quality of life of Newport Beach residents, and the City Council recognizes the need to balance economic development objectives with protection of the environment and the health and safety of the community.

Policy Implementation

The City Manager shall provide an effective and efficient structure for implementing economic programs, utilizing staffing or consulting services in support of key directives from the City Council.

History

Adopted G-1 – 10-28-1968 (“Improvement in Govt. Efficiency & Economy”)
 Amended G-1 – 11-12-1968
 Amended G-1 – 3-9-1970
 Reaffirmed G-1 – 2-14-1972
 Amended G-1 – 12-10-1973
 Reaffirmed G-1 – 11-11-1974
 Adopted F-28 – 3-22-1993 (incorporating G-1, “Economic Development Policy”)
 Amended F-28 – 1-24-1994 (changed to F-17)
 Amended F-17 – 5-8-2001 (changed to K-10)
 Amended K-10 – 6-10-2008
 Amended K-10 – 9-27-2011 (changed to D-9)
 Amended D-9 – 8-8-2017
 Amended D-9 – 2-24-2026

INCOME AND OTHER PROPERTY

The City owns and manages an extensive and valuable assortment of property including streets, parks, beaches, public buildings and service facilities. The City also owns, ground leases, and/or operates a yacht basin, resort hotel and apartment property, a luxury residential development, and various other income-producing properties. Much of the income property is tidelands, filled tidelands, or waterfront. The unencumbered fee value of income property is substantial.

As owner/manager of property, the City is the steward of a public trust, and State law requires the City to maximize its returns on State-managed property or be subject to a charge of not protecting the public interest. Nevertheless, the City Council recognizes the importance of this property not only as a revenue generator, but also as a means to provide otherwise financially less feasible uses and facilities that benefit the community.

In managing its property, the City will continually evaluate the potential of all City owned property to produce revenue. This may include leasing or licensing unused land, renting vacant space, and establishing concessions in recreation areas or other similar techniques. The City Council will evaluate the appropriateness of establishing new income-generating opportunities on City controlled areas using sound business principles and after receiving input from neighbors, users and the public.

Subject to limited exceptions, the City is required to comply with the California Surplus Land Act (“Surplus Land Act”) (Gov. Code, §§ 54220-54234) before taking any action to dispose (including the long-term lease and sale) of City property by declaring it either surplus land or exempt surplus land. Under the Surplus Land Act, not every action involving land owned by the City constitutes a “disposition of property,” meaning that not every use or transfer of land automatically triggers the requirements of the Surplus Land Act. Each real property transaction will require its own analysis to determine whether the Surplus Land Act applies and the steps the City is required to take for compliance, if any.

The policy of the City Council is that income and other property be held and managed in accordance with the following:

- A. Whenever a lease, license, management contract, concession, or similar action regarding income property is considered by the City, an analysis shall be conducted to determine if the Surplus Lands Act applies to the transaction, and the maximum or open market value of the property. This analysis shall be conducted using appraisals or other techniques to determine the highest and best use of the property and the highest income generating use of the property.
- B. All negotiations regarding the lease, license, management contract, concession, or similar action regarding income property shall include review of an appraisal or analysis of the use being considered for the property conducted by a reputable and independent professional appraiser, real estate consultant, or business consultant.
- C. The City shall seek, whenever practical and financially advantageous, both in the short and long term, to operate or manage all property and facilities directly with City staff or contractors, provided staff has the expertise needed to competently do so, or to oversee the work of contractors.

- D. In most negotiations regarding the lease, license, management contract, concession, or similar action regarding an income or other property, the City shall seek revenue equivalent to the open market value of the highest and best use; and, whenever practicable the City shall conduct an open bid or proposal process to ensure the highest financial return.
- E. However, in some circumstances the City may determine that use of a property by the public for recreational, charitable, or other nonprofit purpose is preferred and has considerable public support, in which case the City may determine that non-financial benefits justify not maximizing revenue from such property. In such circumstances, the City has a vested interest in ensuring that the lessee of such property operates the activities conducted on or from the property in the manner that has been represented to the City throughout the duration of any lease or contract with the City.
- F. Whenever less than the open market or appraised value is received or when an open bid process is not conducted, the City shall make specific findings setting forth the reasons thereof. Such findings may include but need not be limited to the following:
1. The City is prevented by tideland grants, Coastal Commission guidelines, or other restrictions from converting the property to another use.
 2. Redevelopment of the property would require excessive time, resources, expertise and costs, which would outweigh other financial benefits.
 3. Converting the property to another use or changing the operator, manager, concessionaire, licensee, or lessee of the property would result in excessive vacancy, relocation or severance costs, real estate commissions, tenant improvement allowances, expenses, or rent concessions which would outweigh other financial benefits.
 4. Converting residential property to another use or opening residential leases to competitive bid would create recompensable liabilities and other inequities for long-term residents.
 5. The property provides an essential or unique service to the community, is an essential community asset, or a clearly preferred use that enjoys substantial support in the community that might not otherwise be provided were full market value of the property be required.
 6. The property serves to promote other goals of the City such as affordable housing, preservation of open space, uses available to the public, or marine related services.
- G. Generally, lengths of licenses, leases, management contracts, concessions, or similar agreements will be limited to the minimum necessary to meet market standards or encourage high quality improvements and will contain appropriate reappraisal and inflation protection provisions. Also, all agreements shall contain provisions to assure complete audits periodically through their terms.
- H. All negotiations regarding the license, lease, management contract, concession, or similar action regarding income property shall be conducted by the City Manager or his/her designee under the direction of any appropriate City committees.
- I. To provide an accurate accounting of actual net revenues generated by the City's income property, all costs directly attributable or allocable to the management of a specific income property shall be charged against the gross revenues collected on that property in the fiscal year the costs are incurred.

Costs so chargeable include, but are not limited to, property repairs and maintenance, property appraisals, and consultant fees, as authorized by the City Council, City Manager, or by this Policy.

- J. The City Manager or his/her designee is authorized to sign a license, lease, management contract, concession, or similar agreement or any amendment thereto, on behalf of the City. Notwithstanding the foregoing, the City Manager or his/her designee, or a City Council member, may refer any license, lease, management contract, concession or similar agreement or any amendment thereto, to the City Council for its consideration and/or action. For those agreements where less than the open market or appraised value is received or an open bid process was not conducted, the City Manager shall inform the City Council at least forty-five (45) days prior to extending the term of the agreement.
- K. The City's portfolio of quality income-producing properties adds an element of diversification to a portfolio otherwise invested primarily in financial assets. Certain of those income properties are restricted from sale by their terms of grant, state agency regulations or rules, other federal and state guidelines, private covenant or agreement or otherwise. For those properties not so restricted from sale, an analysis shall be prepared to determine the following prior to such income producing property being offered for sale:
1. The process for complying with the Surplus Lands Act.
 2. The maximum open market value of the City's interest in the property in its as is condition.
 3. If the property is in an important location, a determination of the possible future consequences of the City no longer controlling that property.
 4. If the current rent is contractually low and significant rent increases are likely within a finite period.
 5. The likelihood of significant increases in the ability of the property to generate income after the expiration of any current lease of the property.
 6. The likelihood of a lease extension being requested by the tenant and the ability to substantially increase rents or require significant improvements to enhance the utility and the value of the property as consideration for granting such an extension.
 7. The value of the revenue stream from (i) lease income over the life of an existing lease and/or (ii) likely lease revenue if an existing lease were to be renewed or the property re-let to a different tenant; and/or (iii) lease income from the property if it were to be converted to its highest and best use, compared with the financial benefits of the use of the proceeds of a sale and if, considering the totality of the circumstances, such use of the proceeds of a sale is preferable to retaining the property in question.

History

Adopted F-24 – 7-27-1992
Amended F-24 – 1-24-1994
Amended F-7 – 2-27-1995
Amended F-7 – 2-24-1997
Amended F-7 – 5-26-1998
Amended F-7 – 8-11-2009
Amended F-7 – 5-14-2013
Amended F-7 – 2-12-2019
Amended F-7 – 11-14-2023
Amended F-7 – 2-24-2026

CITY TRAVEL POLICY STATEMENT

Purpose

To set forth the policy for official City travel for reimbursement of expenses incurred by City Council members, appointed officials, members of special boards, commissions, committees, and employees while traveling overnight on official City business. This policy will not apply for commuter (local) training seminars and local City business expenses, nor is it intended to supersede Police Officer Standard Training reimbursable travel policies established by the State of California or the Newport Beach Police Department. The governing rule for all City travel expenses will be availability, economy, convenience, and propriety.

Travel Policy

- A. The City will provide reimbursement for expenses directly related to attendance at approved conferences, seminars, meetings, and other official functions / purposes.
- B. Official travel is planned, approved, and budgeted at the department level.
- C. All official travel must be approved prior to the time of the travel by the Administrative Services Director.
- D. The City Manager will adopt and enforce administrative procedures that assure that all City authorized travel is:
 - 1. Paid directly by the City or reimbursed to the traveler based on actual, itemized expenses or covered by per diem payment.
 - 2. The City's per diem rate for Meals and Incidental Expenses (M&IE) will be equal to the U.S. General Services Administration's (GSA) M&IE rates. (www.GSA.gov).

Procedure

- A. Each Department Director will include all planned trips in the department's annual budget requests. The Travel Authorization Form will be used as a planning/cost estimation guide. For unbudgeted, unplanned travel, the same form will be prepared at the time travel is requested.
- B. All requests for travel advances will include the original Travel Authorization Form signed by the Department Director.
- C. The Travel Expense Claim Form will be used to file the final travel claim with the Administrative Services Director. A copy of the Travel Authorization Form must be attached.

Special Reimbursement Rules Related to Legislative Bodies Including City Council, Appointed Officials, Members of Special Boards, Commissions and Committees

The California Government Code Section 53232 et seq. provides restrictions on expense reimbursements paid to members of legislative bodies, which include members of the City Council, appointed officials, and members of special boards, commissions and committees created by charter, ordinance, resolution, or formal action of the City Council. Members of a legislative body may only be reimbursed for actual and necessary expenses incurred in the performance of official duties and their travel claims must be accompanied by the receipts documenting each expense.

Continuity of City Government Policy

With the advent of different modes of rapid transportation, there is the possibility of accidents injuring or killing several people simultaneously. Since Council Members are required to attend conferences, conventions, and meetings outside City Hall, it is desirable to require that whenever possible, no more than three members of the City Council use the same transportation at the same time.

When it comes to the Council's attention that a conference, convention, or meeting in which transportation is required, Council Members shall try to arrange their itinerary so that no more than three members of the City Council use the same transportation. The City Clerk will be utilized to provide alternate travel arrangements where necessary to comply with this policy.

This policy will help ensure that there will be a continuity of City government and that there is always a majority of Council members capable of fulfilling the responsibilities placed upon them by the City.

In addition, the City Manager, Department Directors and other key personnel should use the same guidelines in traveling separately on official business whenever practicable.

History

Adopted A-2 – 5-13-1963 (“Authorization of Staff Trips”)
 Amended A-2 – 8-30-1966
 Amended A-2 – 11-12-1968
 Amended A-2 – 3-9-1970
 Amended A-2 – 2-14-1972
 Adopted A-11 – 12-10-1973 (“Council Travel”)
 Amended A-2 – 11-11-1974
 Amended A-11 – 11-23-1981
 Amended A-11 – 11-28-1988
 Adopted F-25 – 6-8-1992 (“City Travel”) (incorporating A-2 and A-11)
 Amended F-25 – 1-24-1994 (changed to F-8)
 Amended F-8 – 2-26-1996
 Amended F-8 – 4-23-2002
 Amended F-8 – 10-10-2006
 Amended F-8 – 8-11-2009
 Amended F-8 – 9-27-2011

Amended F-8 – 2-12-2019
Amended F-8 – 5-25-2021
Amended F-8 – 12-9-2025
Amended F-8 – 2-24-2026

CONTRACT PROCUREMENT AND AUTHORITY TO CONTRACT

Purpose

This policy sets forth requirements for contract procurement and City Council's delegation of authority for entering into contracts. "Entering into a contract" or "executing a contract" is synonymous with the awarding and signing of a contract and means the formal approval of the contract terms and intent to be bound thereby. "Contracts" includes all agreements, purchase orders, and purchase requisitions, which is applicable regardless of whether the City is expending or receiving funds. The types of contracts covered by this policy include, but are not limited to, settlements, right of entry agreements, cost sharing agreements, joint defense agreements, cooperative agreements, reimbursement agreements, grant agreements, professional services agreements, former employee services agreements, independent instruction and recreation contracts, public works contracts, and "as-needed" or "on-call" services agreements.

Background

The City shall not be bound by any contract or amendment thereto, unless the same shall be made in writing, approved by the City Council or employee designated by the City Council; signed on behalf of the City by (i) the Mayor or by such other employees designated by the City Council, (ii) the City Clerk, and (iii) the City Attorney (Charter § 421). The City Attorney shall approve the form of all contracts made by the City and amendments thereto and all bonds given to the City, endorsing his or her approval thereon in writing (Charter § 602(e)).

Delegation of Authority to Enter Into and Amend Contracts

The City Council hereby delegates its authority to contract to the City Manager and through him or her to the Assistant City Manager, Department Directors, and to the City Attorney as set out below. The City Manager has final authority to approve any contract within the City Manager's approval limit.

All formalities required under the provisions of the Charter shall be applied to these contracts.

The City Manager may make exceptions to the City's standard contract terms, including but not limited to, insurance and indemnification requirements, based on operational considerations and weighing the particular risks involved. When deciding

whether to modify standard contract terms, the City Manager shall consult with the City Attorney and Department Directors, as necessary. This authority shall not be delegated below the Assistant City Manager level.

Contracts may not be written to circumvent any of the authority limits described herein.

The City Manager shall, in consultation with the City Attorney, adopt and enforce administrative procedures that ensure: (1) all contracts are entered into at a reasonable, fair and competitive price to the City; (2) all necessary formalities are followed and the requirements of federal, state, and local laws, including Council policies, are met; (3) best accounting practices are followed; and (4) the contracting process of the City is open and transparent, and provides accountability.

A. Authority to Enter into Contracts

The authority to enter into original contracts is delegated as set out below.

1. The City Manager

The City Manager is authorized to execute all contracts without prior Council approval, in an amount that shall not exceed \$120,000. For contracts involving expenditure of funds, the services and the funds must have been approved by the City Council as part of the annual approved budget. Execution of contracts for grants and donations shall be in accordance with City Council Policies F-3, F-25 and B-17. This authority shall not be delegated below the Assistant City Manager level.

2. Department Directors

Department Directors, including the City Attorney and City Clerk, are authorized to execute contracts without prior City Manager or Council approval in an amount not in excess of \$75,000. For contracts involving expenditure of funds, the services and funds must have been approved by the City Council or City Manager as part of the annual approved budget. This authority may not be delegated below the Assistant or Deputy Director level. The City Manager has authority to approve requests for budget increases without City Council approval at the level set forth in Policy F-3, Section E-1 ("Administration of the Annual Budget, New Appropriations").

3. City Attorney

The City Attorney is authorized to execute contracts for all services for outside counsel, investigators, and experts related directly to and necessary for prosecution and defense of pending litigation as defined in the Brown Act, and for services for outside counsel, investigators, and experts necessary to address other pending or potential legal claims or legal issues so long as funds for outside counsel, investigators, experts and related legal services were approved by the City Council as part of the approved annual budget. The City Attorney shall keep Council informed regarding any such expense that exceeds \$120,000 on not less than a quarterly basis and shall seek budget updates, if needed, within a timely fashion. Additionally, the City Attorney shall have authority to enter into contracts to resolve claims, litigation and other legal disputes where the City is receiving or expending an amount not in excess of \$75,000.

B. Authority to Amend Contracts

If circumstances arise that were not reasonably foreseeable by the parties at the time of contracting which make extra work or material necessary for the proper completion of the service originally contracted for, a contract amendment and corresponding increase in total contract amount may be necessary. Under those circumstances, the City Manager, Department Directors, City Clerk and City Attorney are authorized to amend contracts as set out below. For purposes of this policy, "total contract amount" is defined as the total consideration paid over the term of the agreement, including any previous amendments to the contract. "Original contract amount" is defined as either the amount of compensation agreed upon when the contract was first entered into or the amount of compensation most recently approved by the City Council by amendment, whichever is greater.

1. City Manager

Contracts within the City Manager's Contracting Authority

The City Manager may execute any contract amendment, including but not limited to amendments to extend the term of a contract, so long as the

total contract amount as amended does not exceed \$120,000 and the term extension does not exceed the maximum allowable contract term.

Contracts approved by City Council

The City Manager may execute any contract amendment, including but not limited to amendments to extend the term of a contract, so long as the total contract amount does not exceed 125 percent of the original contract amount or the original contract amount plus an additional \$120,000, whichever amount is less, and the term extension does not exceed the maximum allowable contract term.

2. Department Directors

The Department Director, including the City Clerk and City Attorney, who entered into the contract or whose department is designated as the contract administrator, may execute any contract amendment, including but not limited to amendments to extend the term of a contract, so long as the total contract amount as amended does not exceed \$75,000 and the term extension does not exceed the maximum allowable contract term.

3. Amendments in Cases of Possible Work Stoppage or Undesirable Delay

The City Manager is authorized to execute a contract amendment that increases the total contract amount up to 150 percent of the original contract amount in cases where a work stoppage or other undesirable consequence will result if approval of the amendment is delayed until the next City Council meeting. Within twenty-four (24) hours, the City Manager shall notify the City Council Members of any such amendment.

4. Amendments Necessary to Address Emergency Situations

In the event of emergency work requiring an amendment to an existing contract, the emergency contracting policy outlined below may be followed.

Special Requirements

Competitive proposals should be obtained for service contracts whenever possible before resorting to negotiated awards.

A. Professional Services Contracts

Services of a professional nature shall be obtained through a qualifications based selection process based on demonstrated competence and qualifications for the types of services to be performed and with the objective of selecting the most qualified consultant at a fair, reasonable and verifiably appropriate cost. The procedures for achieving this goal shall be adopted and applied by the City Manager in the Administrative Procedures Manual.

B. Services Contracts (Non-Professional)

The City shall select services contractors through a Request for Proposal (RFP) or a Request for Bid (RFB) process, whichever serves the City's best interest. Contracts through the RFB process shall be awarded based solely on pricing and minimum qualifications to determine the most responsive and responsible bidder. Contracts through the RFP process shall be awarded based on both qualifications and pricing to determine the best value to the City.

C. Maintenance and Repair Service Contracts

A service contract for maintenance or repair work that is fixed or of a definite nature (not on-call) and over the formal bid dollar amount in Charter Section 1110 must be requisitioned as a formal public works contract. For contracts not exceeding the formal bid dollar amount, the City may select services contractors through the RFP or RFB process, whichever serves the City's best interest based on the service to be provided.

D. Public Works Contracts

Contracts for public works where the total expenditures for the project exceed the formal bid dollar amount shall be awarded consistent with the provisions of Charter Section 1110 and relevant provisions of the California Public Contract Code.

E. Procurements and Contracts Involving Federal or Pass-Through Funding

Procurements expending funds from federal grants or awards received directly by the City or from a pass-through agency, such as the State of California, must comply with the provisions of Title 2 of the Code of Federal Regulations ("CFR")

Sections 200.318 through 200.326. To ensure the City's adherence to the Federal guidelines related to these procurements and contracts, the City Manager has adopted procurement procedures for such projects in the Administrative Procedures Manual.

F. Independent Instruction and Recreation Contractors

Department Directors are authorized to execute contracts with independent contractors for instructional, educational, cultural, or recreational purposes ("Instruction and Recreation contracts") where the fees paid by the City are based upon either a percentage of fees collected by City for a program or on a flat rate basis for tasks performed by the contractor.

Instruction and Recreation contracts shall not exceed five (5) years in duration and shall include a termination clause granting the City the right, at its sole discretion and with or without cause, to terminate the contract at any time by giving seven (7) calendar days' prior written notice.

Should fees paid under an Instruction and Recreation contract exceed \$75,000 during the term of the contract, the Department Director shall provide written notice to the City Manager identifying the program and independent contractor. The City Manager shall give written notice to the City Council should fees paid exceed \$120,000.

G. On-Call Contracts for Services (Professional or Non-Professional)

The City Manager and Department Directors are authorized to enter into on-call ("as-needed") agreements for obtaining services, including but not limited to professional services and maintenance and repair services, where the need for services is contingent, does not have a set timeframe, or where the size of the job does not warrant the expense of entering into individual agreements for each service.

On-call services contracts shall not exceed five (5) years and shall include a termination clause granting the City the right, at its sole discretion and with or without cause, to terminate the contract at any time by giving prior written notice of seven (7) calendar days. The City Manager is authorized to extend an on-call services contract for up to six (6) months if work has been authorized or encumbered during the initial term but not completed.

City Council approval is required for: (1) an on-call contract that exceeds \$120,000, and (2) on-call contracts to multiple contractors stemming from a single procurement where the combined amount of the contracts exceeds \$120,000.

On-call contracts may not be used to perform maintenance or repair work in contravention of Charter Section 1110. For example, a project, task, job, or work order in an amount in excess of the formal bid dollar amount in Charter Section 1110 cannot be performed under an on-call maintenance or repair services contract but must be requisitioned as a public works project.

H. Emergencies

Services contracts obtained for purposes of responding to an emergency (as defined in Newport Beach Municipal Code Section 2.20.020) that exceed the signing authority of the City Manager or Department Director as authorized in this policy shall be brought to the City Council at its next regularly scheduled meeting for review and authorization.

I. Contracts with Former Council Members and City Employees

City Council approval is required for the following when not more than five (5) years have passed since a person who is a former Council Member or City employee has left service with the City:

1. All professional services contracts with former Council Member or City employees;
2. All professional services contracts with a corporation or other business entity owned or operated by a former Council Member or City employee or that employs a former Council Member or City employee.

J. Exceptions to Competitive Procurement Requirements

Certain commodities and service types are unique or otherwise not amenable to traditional procurement and bidding procedures. The City Manager shall prescribe in the Administrative Procedures Manual alternative procedures and methods for the procurement of such items, e.g. cooperative agreements and piggyback agreements, and ensure that the pricing involved in the procurements is competitive to the greatest extent possible.

General Procedures

A. Contract Retention

The City Clerk shall retain all original executed contracts in accordance with the City's current adopted Records Retention Schedule. Contracts shall be posted into the City's electronic document database in order to maintain transparency in contracting.

B. Insurance

All contracts shall be accompanied by proof of the appropriate level of insurance at the time of execution. The insurance level required shall be in accordance with the City's published Contract Templates (or as otherwise approved by the City Manager or City Attorney).

C. Reporting

At least once annually, the City Manager shall report to the Council the summary of all contracts entered into by the City Manager and Department Directors. The summary shall include the vendor, the department responsible that will oversee the contract, the purpose of the contract, and the contract amount.

D. Consumer Price Index Adjustment

Beginning July 1, 2026, and on the anniversary date each year thereafter, the dollar amounts set forth in this policy, as previously adjusted, shall increase, but not decrease, based on the change in the Consumer Price Index. Each annual adjustment shall be applied cumulatively to the dollar amounts in effect immediately prior to the adjustment. The increase to the amounts set forth in this policy shall be determined by calculating the percentage change from March of the prior year to March of the current year. The adjusted amount shall be rounded up to the nearest \$1,000.00. As used herein, the term "Consumer Price Index" means the Los Angeles-Long Beach-Anaheim, California Area, All Urban Consumers, All Items, Base Period (1982-84 = 100), or successor index, as published by the United States Department of Labor, Bureau of Labor Statistics. This subsection shall not apply to Public Works Contracts, which are governed by Charter Section 1110.

Future Amendments to Policy

Any future changes in the provisions of this policy shall be made by resolution of the City Council.

History

Adopted F-14 – 09-22-1969 (Purchase Authority for Goods & Materials)

Reaffirmed F-14 – 03-09-1970

Reaffirmed F-14 – 02-14-1972

Amended F-14 – 11-11-1974

Amended F-14 – 11-24-1975

Amended F-14 – 12-08-1975

Amended F-14 – 11-24-1986

Amended F-14 – 05-26-1987

Adopted F-14 – 01-24-1994 (new F-14) (Authority for Contracts)

Amended F-14 – 01-24-1994 (old F-14) (changed to F-5)

Amended F-5 – 02-26-1996

Amended J-1 – 11-10-1997 (Contracts with Former Employees)

Amended J-1 – 03-09-1998

Amended J-1 – 03-22-1999 (changed to F-20)

Amended F-5 – 03-14-2000

Amended F-20 – 04-08-2003

Amended F-14 – 04-13-2004

Amended F-5 – 11-22-2005

Amended F-14 – 05-09-2006

Amended F-14 & F-5 – 01-25-2011

Amended F-14 – 05-12-2015

Amended F-14 – 02-23-2016 (incorporating F-5 & F-20 and renaming “Authority to Contract”)

Amended F-14 – 06-26-2018

Amended F-14 – 02-12-2019

Amended F-14 – 12-13-2022

Amended F-14 – 12-09-2025

Amended F-14 – 02-24-26

POLICY AND PROCEDURES FOR CITY DISTRIBUTION OF TICKETS OR PASSES

Background

The Newport Beach City Council, Boards, Commissions, and officials are subject to certain laws and regulations pertaining to gifts. The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act contained in Government Code Section 81000 et seq., as well as the regulations contained in Title 2, California Code of Regulations, Sections 18110 et seq.

Purpose

The City strives to provide impartial and high-quality services to its residents, businesses, and visitors. The receipt by City officials of gifts or other items of value can be perceived as attempts to influence City operations and the City wishes to avoid any appearance of impropriety or favoritism. However, City official attendance at public events is necessary to achieve the goals of governance, both to promote the policies of the City and to maintain close contact with the citizens and interest groups within the city. This policy outlines a fair and impartial procedure for the disposition of tickets or passes by the City in furtherance of a governmental purpose. It implements the directives of FPPC regulations and establishes procedures as required by Title 2, Division 6, Chapter 9.5, Section 18944.1 of the California Code of Regulations, for the acceptance and distribution of tickets or passes by the City. This Policy also ensures that tickets or passes distributed by the City are disclosed upon the required FPPC forms.

Application of Policy

This policy applies to tickets or passes which provide admission to a facility or event for an entertainment, amusement, recreational, or similar purpose, and are: gratuitously provided to the City by an outside source; acquired by the City by purchase; acquired by the City as consideration pursuant to the terms of a contract; or acquired and distributed by the City in any other manner.

Tickets or passes shall be distributed under this Policy at the sole discretion of the City pursuant to this Policy. Tickets or passes distributed under this Policy shall not be earmarked for distribution to a City Official or person by any outside source.

A ticket or pass may only be distributed by the City under this Policy if it serves a public purpose as set forth below. If the ticket or pass does not serve a public purpose, it shall be returned to its source or shall be given to an active 501(c)(3) non-profit, charitable organization that does business within the city. The Ticket Administrator shall make the necessary determinations under this Policy.

This policy does not apply to any other item of value provided to the City or any City Official, regardless of whether it is received gratuitously or for which consideration is provided.

Definitions

- A. Unless otherwise expressly provided herein, words and terms used in this policy shall have the same meaning as those ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code Sections 81000, *et seq.*, as the same may from time to time be amended) and the FPPC Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 *et seq.*, as the same may from time to time be amended).
- B. "City Manager" means the City Manager or his/her designee.
- C. "City Official" means City Council Members, the City Manager, Assistant City Manager, City Attorney, City Clerk, and Department Heads.
- E. "Immediate family" means and includes a spouse and dependent children.
- F. "Pass" means a ticket that provides repeated access, entry or admission to a facility or series of events and for which similar passes are sold to the public.
- G. "Ticket" means anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits the ticket provides. As used herein, a "ticket" includes any pass.

General Provisions

- A. No Right to Tickets: The use of complimentary tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.
- B. Limitation on Transfer of Tickets: Except as expressly set forth herein, tickets distributed pursuant to this policy shall not be transferred to any other person other than: an immediate family member for personal use; or a single guest of the attendee.
- C. Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket.
- D. No Disproportionate Use: The disproportionate use of tickets by a City Official is prohibited.

Ticket Administrator

- A. The City Manager shall be the Ticket Administrator for purposes of implementing the provisions of this Policy.
- B. The Ticket Administrator shall have the authority, in his/her sole discretion, to establish procedures for the distribution of tickets in accordance with this policy. All requests for tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.
- C. The Ticket Administrator shall determine the face value of tickets distributed by the City for purposes of this Policy.

- D. The Ticket Administrator, in his/her sole discretion, may revoke or suspend the ticket privileges of any person who violates any provision of this Policy or the procedures established by the Ticket Administrator for the distribution of tickets in accordance with this Policy.

Conditions Under Which Tickets May be Distributed

- A. Subject to the provisions of this Policy, complimentary tickets may be distributed to City Officials, or at the behest of a City Official, under the following conditions:
1. The City Official Reimburses the City for the face or fair value of the ticket(s), whichever is applicable. Reimbursement shall be made at the time the ticket(s) is distributed to the City Official.
 2. The City Official treats the ticket(s) as income consistent with applicable federal and state income tax laws.
 3. The City Official uses, or behests, such tickets to accomplish one or more of the following public purposes:
 - (a) Performance of a ceremonial role or function representing the City at the event.
 - (b) The job duties of the City Official require his or her attendance at the event.
 - (c) Promotion of local and regional businesses and economic development within the City, including, but not limited to, conventions, and conferences.
 - (d) Promotion of City-controlled or sponsored events, activities or programs.
 - (e) Marketing promotions that highlight the achievements of residents and businesses.
 - (f) Promotion of marketing of private facilities available for City resident use, including charitable and nonprofit facilities.
 - (g) Promotion of public facilities, landmarks, special events, and community events.
 - (h) Intergovernmental relations purposes, including but not limited to attendance at an event with or by elected or appointed public officials from other jurisdictions.
 - (i) Attracting or rewarding volunteer public service.
 - (j) Exchange programs with foreign officials and dignitaries.
 - (k) Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting Newport Beach residents.
 - (l) Encouraging or rewarding significant academic, athletic, or public service achievements by Newport Beach students, residents, or businesses.

- (m) Attracting and retaining highly qualified employees in City service.
- (n) As special recognition or reward for meritorious service by a City employee.
- (o) For use in connection with a City employee competition or drawing.
- (p) Recognition of contributions made to the City by former City Council Members or City Council appointees.
- (q) Special outreach or support programs for active military, veterans, teachers, emergency services, medical personnel, and other civil service occupations.

B. Tickets distributed to a City Official or City employee for a public purpose set forth above may only be distributed to: the City Official or City employee and their family members; or City Official or City employee and one guest.

Distribution of Tickets or Passes by the City.

- A. City Officials shall have authority to request tickets from the Ticket Administrator.
- B. Ticket requests do not guarantee ticket distributions. The Ticket Administrator is responsible for selecting recipients to receive tickets.
- C. Tickets distributed pursuant to a City Official's request are distributed at the behest of that City Official for FPPC reporting purposes. If tickets are distributed at the behest of a City Official, such City Official shall not use one of the tickets to attend the event.

Reporting Obligations

- A. The Ticket Administrator shall manage the receipt, distribution, and accounting for all tickets or passes subject to this Policy.
- B. The Ticket Administrator shall be responsible for completing or having the City Clerk complete the FPPC Form 802 for each distribution to a City Official, or made at the behest of a City Official, and complying with the posting requirements. The City Clerk shall maintain a completed Form 802 for not less than four (4) years, or other period as specified in any applicable FPPC Regulation. If the ticket or pass is distributed to a department or other unit of the City, and not a City Official, the City may report the name of the department or other unit of the agency receiving the ticket or pass and the number of tickets or passes provided to the department or unit in lieu of reporting the name of the individual employees.
- C. The Ticket Administrator shall be responsible for providing information regarding recipients as required by the Office of the Comptroller for tax reporting purposes.
- D. The City Clerk shall cause this policy to be posted on the City website and shall see to it that the most current version of this policy is available in a prominent fashion on the City website. The City Clerk shall send, via email, to the Fair Political Practices Commission the City's website link that displays this policy so that the Commission may post the website link.

Other Provisions

- A. A City Official may return any ticket or pass unused to the Ticket Administrator for redistribution pursuant to this Policy.
- B. If a ticket or pass is distributed pursuant to this Policy, it shall not be considered a gift to the recipient and shall not be reported as a gift on FPPC Form 700.

History

Adopted A-8 - 03-09-1970 (Comp Balboa Bay Club Cards)

Reaffirmed A-8 - 02-14-1972

Amended A-8 - 12-10-1973

Amended A-8 - 11-11-1974

Amended A-8 - 02-23-1981

Adopted F-27 - 06-23-2009 (unknown when A-8 no longer in use)

Amended F-27 - 05-12-2015

Amended F-27 - 09-10-2019

Amended F-27 02-24-2026

RETENTION, REMOVAL OF CITY TREES

Purpose

To establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest with an inventory that the City can reasonably maintain in a healthy and safe condition through the efficient use of City resources. To educate the public of the protections of the City's Urban Forest and guide, in a user-friendly way, the mechanisms in place for tree replacements. With the passage of time, adjustments in the City's tree inventory may be necessary. Therefore, this policy also establishes definitive standards for the retention, removal, and reforestation of City trees. City trees are an important part of the character and charm of the entire City and provide environmental benefits as well. Regular care and programmed replacements are necessary to preserve this charm while at the same time protecting public views consistent with City Council Policy G-3, providing personal safety, and preventing public and private property damage and providing a sustainable urban forest.

I. DEFINITIONS

- A. "Commission" is defined as the Newport Beach Parks, Beaches and Recreation Commission.
- B. "Diseased" or "Diseased tree" is defined as a tree that cannot be cured by current arboricultural methods, in an advanced state of decline, and has no prospect of recovery.
- C. "Dying" or "Dying tree" is defined as a tree that have no prospect of recovery.
- D. "Hazardous" or "Hazardous tree" is defined as a tree that is defective, has a potential to fail, and would cause damage to persons and property upon failure.
- E. "Problem Tree" is defined as a tree that by virtue of its species is known to cause excessive hardscape or utility damage due to its excessive root system.

The following trees are defined as Problem Trees:

1. *Ficus nitida* (Indian Laurel Fig)
2. *Ficus rubiginosa* (Rusty Leaf Fig)
3. *Ficus benjamina* (Weeping Fig)
4. *Fraxinus uhdei* (Shamel Ash)
5. *Cupaniopsis anacardioides* (Carrotwood)
6. *Liquidambar styraciflua* (American Sweet Gum)
7. *Schinus terebinthefolius* (Brazilian Pepper)
8. A tree that the City Arborist determines is infested with Tuliptree scale (*Toumeyella liriodendri*)
9. A City Tree that causes the private property owner to lose their fire insurance.

Problem Trees exclude City parkway trees on the Street Designation Tree List of City Council Policy G-6 unless they are Special Trees.

- F. "Reforestation" when initiated by the City is defined as the concept of systematically replacing Problem or Standard Trees which are creating hardscape and/or view problems and cannot be properly trimmed, pruned or modified to alleviate the problem(s) they create; or those which have reached their full life and are declining in health; or are simply the wrong species of trees for the planted location. When initiated by a homeowners' association or property owner, reforestation is otherwise defined as an appeal. "Special City Tree" is defined as a Landmark, Dedicated, or Neighborhood tree, that has historical significance, and/or contributes to, and gives character to, a location or to an entire neighborhood. A Landmark, Dedicated, and Neighborhood tree are identified by species in Exhibit A and shall hereinafter be collectively referred to as Special Trees. Trees within these three (3) categories shall be identified, mapped, recorded and administered by staff for the Commission. When staff propose modifications, the Commission shall review the Special Tree list and forward recommendations for additions or deletions to the City Council for approval.
1. *Landmark Trees* are identified as those individual Special Trees that possess historical significance by virtue of their size, age, location, or species.
 2. *Dedicated Trees* are Special Trees donated in the memory of specific individuals or organizations. Updates will be made annually to the City tree inventory system that corresponds to the amended B-17 Policy: Parks, Facilities, and Recreation Program Donations. Exhibit A of this Policy will be updated annually to reflect updates.
 3. *Neighborhood Trees* are Special Trees that by their unusual size, number, species, or location lend a special character to a residential, commercial, or business area.
- G. "Standard City Tree" is defined as a tree that is located on City real property (parkways, parks, other City-owned property) and not designated as a Special or Problem Tree.

II. BASIS TO REMOVE A CITY TREE

- A. Dead, diseased or dying trees. The tree is dead, diseased or dying as those terms are defined above or is subject to imminent tree failure.
- B. Impact on Infrastructure. The tree is impacting infrastructure based on the criteria set forth below.
- C. Beautification or Capital Improvement Projects. Standard, Special, and/or Problem Trees may be considered for removal in conjunction with a City Council-approved beautification project or capital improvement project.

- D. Development Projects. Approval of an encroachment or demolition permit that requests removal of a tree in conjunction with a commercial, residential or other development project.
- E. Departmental Determination. The City Manager, upon the advice of the Municipal Operations Director, City Attorney, or Traffic Engineer, shall have the authority to remove individual Problem or Standard Trees to resolve claims or safety issues.

Notwithstanding the foregoing, excessive leaves, fruit, flowers, petals, bees, birds, and other animals, or insects shall not constitute a finding for removal of a tree covered by this policy.

III. PROCESS FOR REQUESTS FOR REMOVAL OF A CITY TREE

The Municipal Operations Department, homeowners' association or private property owner may request removal of a City Tree. A homeowners' association or private property owner may initiate the process for removal by submitting an application to the City Clerk, utilizing the City Tree Removal form available on the Municipal Operations Department website: <https://www.newportbeachca.gov/government/departments/municipal-operations> and paying the applicable fee as set by resolution of the City Council.

- A. Tree Removal Reports. After receiving the application, the City Arborist shall prepare the following reports and analysis for the removal of a Standard, Special or Problem Tree:
1. Tree Inspection Report that explains why tree removal is necessary, which may include, but is not limited to: structural defects of the tree, parts of the tree most likely to fail, targets where imminent personal injury or property damage may result from tree failure. For Special Trees, a Tree Removal Review will also be prepared.
 2. A mitigation analysis to determine whether mitigation measures may be implemented to maintain the tree provided the costs are reasonable.
 3. Performance of a Level 2: A Basic Tree Risk Assessment ("Level 2 Risk Assessment") for requests to remove based on a hazard, the Level 2 Risk Assessment should identify structural defects of the tree, parts of the tree most likely to fail, targets where imminent personal injury or property damage may result with tree failure, and determine whether mitigation measures will eliminate the hazard.
 4. For Landmark Tree(s), a Tree Risk Assessment that includes a Level 3 Testing: Advanced Techniques shall be prepared to confirm the presence of any potential risks. Where Tree Risk Assessment and Level 3 Testing: Advanced Techniques are required, the full costs of such testing and associated report will be the sole

responsibility of the applicant, whether that be the City, a homeowners' association or property owner.

B. Standard City Trees.

1. Upon completion of the above reports for a Standard Tree, the City Arborist shall make a recommendation to the Landscape Manager, or his/her designee as to whether findings for removal set forth in Section IV (Findings Required for Removal of a City Tree) can be made. If the Manager approves removal of the tree, the City shall provide notice in accordance with Section VII (Notifications) prior to removal of the tree.
2. If the Manager determines the application does not meet the findings set forth in Section IV (Findings Required for Removal of a City Tree), the application is denied and the applicant may appeal to the Commission in accordance with Section VI (Reforestation/Appeals).

C. Special City Trees

1. The homeowners' association or private property owner shall provide the Homeowners Association Board approval or Petition, respectively, as provided in Section VI(A) (Appeal of Standard or Problem Trees or Requests for Removal of Special Trees).

Upon receipt of the board approval or requisite signatures and completion of the above required Tree Removal Reports, except in the case of an emergency, the City Arborist shall publish notice of the hearing in accordance with Section VII (Notifications) and agendaize the Special Tree removal request for a hearing before the Commission to determine whether findings can be made for removal of the tree. The reports shall also be provided to the Councilperson of the district in which the Special Tree is located. In the case of a dead tree or in an emergency, once a recommendation to remove a Special Tree is made by the City Arborist to the Landscape Manager, or designee, and the Manager agrees with the recommendation, the City may immediately remove the tree.

2. After holding the hearing and considering all evidence, the Commission shall approve or deny the application for removal. The Commission shall be the final decision-making authority.

D. Problem Trees

1. Upon completion of the above reports for a Problem Tree, the City Arborist shall make a recommendation to the Landscape Manager, or his/her designee as to whether findings for removal set forth in Section IV (Findings Required for Removal of a City Tree) can be made. If the Manager approves removal of the tree, the City shall provide notice in accordance with Section VII (Notifications) prior to removal of the tree.

2. If the Manager determines the application does not meet the findings set forth in Section IV (Findings Required for Removal of a City Tree), the application is denied and the applicant may appeal to the Commission in accordance with Section VI (Reforestation/Appeals).

IV. FINDINGS REQUIRED FOR REMOVAL OF A CITY TREE

City Trees may be removed in each of the following circumstances if the tree removal request will not adversely impact the overall inventory, diversity and age of the City's Urban Forest.

Notwithstanding the foregoing, excessive leaves, fruit, flowers, petals, bees, birds, and other animals, or insects shall not constitute a finding for removal of a tree covered by this policy.

City Trees may be removed if at least one of the following findings are made based on the Tree Removal Reports:

- A. Hazardous (Standard, Special and Problem Trees) - As to Standard, Special, and/or Problem Trees, the City Arborist has determined that the tree is dead, diseased, dying, or hazardous as those terms are defined above.
- B. Impact On Infrastructure (Standard, Special and Problem Trees) - The Standard, Problem or Special Tree has a repeated history of damaging public or private sewers, water mains, roadways, sidewalks, street or sidewalk drainage, curbs, walls, fences, underground utilities, or foundations based on City records or other competent and reliable authority. Water or sewer blockage that results from City tree roots and causes significant public or private property damage (greater than \$1,000.00) may be sufficient criterion for tree removal.
- C. Problem Trees that are not designated as Special Trees may be removed if any of the following findings are made:
 1. The tree creates, in the opinion of the City Arborist, a view impediment that cannot be resolved by normal nor alternative tree trimming procedures;
 2. The tree has a repeated history of significant documented private property damage (greater than \$1,000) due to Tuliptree scale (*Toumeyella liriodendri*) infestation; or
 3. Maintaining the City Tree jeopardizes the property owner's homeowner's insurance.
- D. Beautification or Capital Improvement Projects (Standard, Special and Problem Trees) - Removal of the tree is required in conjunction with a City Council-approved beautification project or capital improvement project.

- E. Development Projects Requiring an Encroachment and/or Demolition Permit (Standard and Problem Trees) – The project plans including construction plans demonstrate that the City tree must be removed in conjunction with the project.
- F. Departmental Determination – The City Manager, upon the advice of the Municipal Operations Director, City Attorney, or the Traffic Engineer, finds that removal of an individual Problem or Standard Trees is necessary to resolve claims or safety issues.

V. STANDARD CONDITIONS AND OTHER RELATED REQUIREMENTS

In the event of tree removal, the following serve as standard conditions for replacement.

- A. The City will replace all trees removed in accordance with Council Policy G-6. If 36-inch boxed trees are not available or if funding or space constraints prevent planting of a 36-inch boxed tree, then the largest tree available for the space available will be planted. The full costs of removal and replacement of all City Trees will be the sole responsibility of the City, unless it is a Reforestation set forth in Section VI, or Problem Trees related to views and/or that jeopardizes a property owner's homeowners' insurance, or an applicant voluntarily pays for a new tree. Additionally, if an applicant desires to upgrade to a box size larger than a 36-inch box as a replacement (if available), then he/she will be responsible for the difference in price.
- B. Special Trees will be replaced one-for-one with the same species or the closest equivalent whenever practical. An alternate species may be recommended by Staff if the same species is unavailable and will be subject to approval by the Commission detailing the necessity of removal and any specific previous treatment of the tree.

Private Property Development Projects. All encroachment permits (permits for private property development which are proposed to install improvements in the City right of way) or demolition permits that involve the removal or replacement of City tree(s) must be specifically noticed by the property owner to City staff prior to the building and/or demolition process. The proposed construction plans must indicate preservation of existing City trees wherever possible (except trees that are dead, dying, or in an advanced state of decline).

- C. If the Standard or Problem Tree removal is approved in conjunction with a private development project, the property owner shall pay for all related tree removal and one-for-one replacement costs and meet all provisions of City Council Policies L-2 and L-6 and City Municipal Code Sections 13.08 and 13.09, or any successor policies or sections.
- D. Other Requirements for Problem Trees.
 - 1. No more than fifty (50) Problem Trees may be removed per year by staff under the above criteria without special approval of the Commission. If there are no removal criteria other than it being a Problem Tree species, then no more than one of three

problem parkway trees in a continuous row may be removed in a one-year period unless part of a reforestation is approved by the Commission.

2. The City Arborist shall report the removal of Problem Trees under the above criteria monthly to the Commission.
 3. The cost to remove and replace Problem Trees will be the sole responsibility of the City based on funding, availability, and growth space, except for removals related to views and/or that jeopardizes a property owner's homeowners insurance.
- E. Additional Considerations to Retain or Remove a Special Tree. During normal sidewalk, curb, and street repair activity requiring root pruning, sufficient timing in advance must be planned to ensure that pruning will not destabilize or kill the tree. If both sides of a Special City Tree's roots are to be pruned, one side should be pruned at minimum two (2) years in advance of the other side depending upon the species and other related factors. If root pruning methods are not practical and/or critical to the health of the tree, then alternate or special hardscape improvements should be considered by the City to retain the tree providing that these measures are practical, costs are reasonable, and that they comply with Americans with Disabilities Act standards. All proposed root pruning or other tree treatment shall be evaluated and approved by the City Arborist.

Additionally, if steps taken for Special City Trees under the provision above are proven to be impractical, the Special City Tree removal request shall go through Reforestation.

VI. REFORESTATION/APPEALS

An appeal otherwise known as an application for Reforestation may be initiated by a Department, homeowners' association or a private property owner. In the case of a homeowners' association or private property owner, the appeal shall be initiated by submitting an application to the City Clerk, utilizing the City Tree Removal form available on the Municipal Operations Department website: <https://www.newportbeachca.gov/government/departments/municipal-operations> and paying any applicable fee as set by resolution of the City Council.

A. Appeals of Standard and Problem Trees or Requests for Removal of Special Trees by Homeowners' Associations and Private Property Owners.

Private property owners and/or homeowners' associations shall meet the following signature requirements with the application.

1. Petitions. Private property owners who apply for removal of a Special Tree or appeal the Manager's determination for the removal of a Standard or Problem Tree must submit a petition signed by a minimum of 60% of City of Newport Beach property owners within a radius of 500 feet from the location of the proposed tree removal to a maximum of 100 properties/parcels. The 60% threshold is based on the number of properties, not the number of property

owners. The petition content must be approved and dated by City staff prior to distribution by the applicant. The staff-approved petition must be distributed by the applicant to all private property owners within the 500-foot radius. Signatures by non-property owners shall be invalid and only one signature per property shall be counted towards the 60% threshold. All petition signatures shall be verified by City staff for property owner status of the person or persons signing the petition. Petitions that are submitted more than ninety (90) days past the date stamped by staff before distribution shall be invalid and the request shall not be forwarded to the Commission for consideration. The Landscape Manager may extend this timeframe at his or her discretion; or

2. Homeowner Association Boards. Private property owners who are mandatory members of a homeowners' association where a City Tree is located must submit applications for removal of a Special Tree or appeal the Manager's determination for the removal of a Standard or Problem Tree through their association. The request shall include a resolution of the Board of Directors formally requesting a reforestation with a statement that all members of the homeowners' association have been officially notified and given an appropriate opportunity to respond before the Board voted on the request. The homeowners' association is responsible for notification of the outcome of the Board's vote to all association members, pursuant to their established procedure.
- B. The requestor agrees, in writing, to pay 100% of the costs of the removal and replacement of the public tree(s) in advance of any removal activity. The actual removal and replacement work will be performed by a City contractor coordinated by the Municipal Operations Department. The total costs for removal and replacement work shall include only the contractor's costs and be paid in advance of any removal actions.
 - C. Once petitions or Board of Directors approval is/are submitted to the City, a hearing of the Commission will be scheduled. Notice of the hearing shall be published in accordance with the California Government Code Section 54950 et seq. and Section VII(B) (Public Hearing Notification Requirements).
 - D. The Municipal Operations Director, or a designee, shall prepare a full staff report for a regularly scheduled Commission meeting of all trees recommended for removal.
 - E. In addition to the findings set forth in Section IV (Findings Required for Removal of a City Tree), the Commission may consider any and all relevant circumstances, including but not limited to the following:
 1. Health or overall condition of the tree(s);
 2. Degree of verifiable public or private property damage from the tree(s);
 3. Degree of verifiable view impairment from the tree(s);
 4. Whether the tree species is a Problem City Tree (See Definitions);

5. The level of community support and/or opposition;
 6. The value of the existing tree(s) versus the value of the replacement tree(s);
 7. Whether the tree species is inappropriate for the location or does not conform to the current treescape; and/or
- F. Efforts made to ensure adequate notification. The decision of the Commission shall be final and not appealable and/or subject to call for review.
- G. Reforestation Work Upon Commission Approval.

If the Commission approves the reforestation request, the following criteria apply to the completion of the reforestation work.

1. Prior to removal of the tree, the notification requirements set forth in Section VII(A) (Tree Removal Notification Requirements) shall be met.
2. There shall be a minimum of a one-for-one replacement of all trees. Replacement trees must comply with City Council Policy G-6 unless the Commission approves a different tree designation and shall be a minimum size of 36-inch boxed trees and species, unless the space will not accommodate a 36-inch boxed tree or a tree cannot be planted due to planting restrictions contained in City Council Policy G-6. Per the Landscape Manager's discretion, a larger sized box tree may be planted if it is replacing a tree of significant size or value in the City's inventory and ample planting space is available. If there is no room for the replacement tree(s) at a specific site as designated by City Council Policy G-6, then the replacement tree(s) shall be planted in a public area in the same neighborhood at the option of the requestor.

The requestor shall be responsible for watering and fertilizing the replacement trees to ensure their proper growth and development as outlined in City Council Policy G-6. Section 13.09.030 of the Municipal Code also requires property owners to water and fertilize parkway trees adjacent to their property.

VII. NOTIFICATIONS

A. Tree Removal Notification Requirements

1. Emergency - Dead trees and trees considered so hazardous as to necessitate an emergency removal shall be exempt from this provision. In the case of emergency removals, the Landscape Manager or the City Arborist shall have the authority to direct the removal of a hazardous tree.
2. Non-Emergency - For non-emergencies, the City shall post a Standard or Problem Tree that is not a hazard with an 8" x 5" placard at least seven (7) calendar days prior to the scheduled removal trees. The placard shall also note a Staff contact number and a date on which it was posted.

Staff shall also provide advance written notification, as applicable, to the adjacent property owner, the legally established homeowners' association, and the Councilperson of the district where the removal is proposed, of the intent to remove a Standard Tree.

Any appeal regarding a tree removal decision must be received by the Municipal Operations Director no later than seven (7) calendar days following the date of posting or notice of intent. The Director will delay tree removals until the appeal period has expired or until the Commission has acted upon an appeal.

B. Public Hearing Notification Requirements

1. Prior to PB&R Commission hearing on a tree removal request, the City shall post the Standard Tree or Problem Tree proposed for removal with an 8" x 5" placard at least fourteen (14) calendar days prior to the scheduled hearing. An 8" x 5" placard will be posted on a Special Tree considered for removal at least thirty (30) days before the hearing. The placard will include the following information: the date of its posting, the date, time and location of the hearing, and a City contact number. The placard will include the date it was posted, the date, time and location of the hearing and a City contact number.
2. For requests from a homeowner's association: City staff shall notify private property owners within a 500-foot radius of the tree requested for reforestation via postcard at least fourteen (14) calendar days and thirty (30) calendar days for Special Trees prior to the Commission hearing. The postcard will include the date, time and location of the hearing and a City contact number.

[Attachment - Exhibit A Special City Trees]

History

Action	Policy #	Date Enacted
Adopted	I-9	05-09-1966
Reaffirmed	I-9	08-30-1966
Amended	I-9	08-14-1967
Reaffirmed	I-9	11-12-1968
Reaffirmed	I-9	03-09-1970
Reaffirmed	I-9	02-14-1972
Amended	I-9	11-09-1976
Amended	I-9	11-12-1985
Amended	I-9	11-28-1988
Amended	I-9	03-14-1994 (changed to G-1)
Amended	G-1	04-11-1994
Amended	G-1	02-26-1996
Amended	G-1	07-14-1997

Amended (Administratively)	G-1	11-24-1997
Amended	G-1	08-10-1998
Amended	G-1	01-25-1999
Amended	G-1	02-22-2000
Amended	G-1	04-23-2002
Amended	G-1	04-27-2004
Amended	G-1	10-11-2011
Amended	G-1	09-08-2015
Amended	G-1	08-08-2017
Amended	G-1	02-09-2021
Amended	G-1	05-09-2023
Amended	G-1	12-09-2025
Amended	G-1	02-24-2026

EXHIBIT A
SPECIAL CITY TREES

TYPE	LOCATION	SPECIES	#
LANDMARK	Balboa Boulevard Median	<i>Araucaria heterophylla</i>	1
	Bob Henry Park	<i>Ficus rubiginosa</i>	1
	Castaways Park	<i>Phoenix canariensis</i>	1
	Lido Hotel Site	<i>Ficus microcarpa 'Nitida'</i>	2
	Dover Drive east of Irvine Avenue	<i>Erythrina caffra</i>	1
	Dover Drive at Westcliff	<i>Liquidambar styraciflua</i>	3
	John Wayne Park	<i>Erythrina caffra</i>	1
	Lido Isle Medians	<i>Pinus pinea</i>	4
	Main Street	<i>Ficus microcarpa 'Nitida'</i>	1
	Marine Avenue (Balboa Island)	<i>Eucalyptus (Various Species)</i>	47
	Ocean Blvd. (Corona del Mar)	<i>Phoenix canariensis</i>	5
	Wedge Area	<i>Myoporum laetum</i>	2
	West Jetty View Park (near Historical Marker)	<i>Phoenix canariensis</i>	2
	Westcliff & Dover (Groves) Bike Trail	<i>Eucalyptus globulus</i>	23
	DEDICATED TREES	Bayside Park (Newport-Irvine Rotary Club)	<i>Pyrus calleryana</i>
Bayview Park (Gene Atherton)		<i>Cinnamomum camphora</i>	
Bayview Park (Thomas Edward Mansfield & Owen Thomas Vatter)		<i>Cassia leptophylla</i>	
Begonia Park (Dr. Leo V. Turgeon)		<i>Bauhinia blakeana</i>	
Begonia Park (Cheryl Bailey Ringwald)		<i>Prunus cerasifera</i>	
Bob Henry Park (Bob Henry)		<i>Ficus rubiginosa</i>	
Bonita Canyon Sports Park (Elaine Linhoff)		<i>Melaleuca linarifolia</i>	
Bonita Canyon Sports Park (Fern Pirkle)		<i>Melaleuca linarifolia</i>	
Buffalo Hills Park		<i>Erythrina caffra</i>	
(Bahia Community Earth Day Celebration)			
Buffalo Hills Park		<i>Stenocarpus sinutaus</i>	
(North Beach Sunrise Rotary Club)			
Castaways Park (Kevin Murphy)		<i>Pinus torreyana</i>	
Castaways Park (Mary Louise Romine)		<i>Pinus torreyana</i>	
Castaways Park (Joe Clarkson)		<i>Platanus racemosa</i>	
Castaways Park (Michael F. Gustin)		<i>Platanus racemosa</i>	
Castaways Park (Robert W. Hanley)		<i>Populus Fremontii</i>	
Castaways Park (Arthur Grant Kidmann Jr.)		<i>Platanus racemosa</i>	
Castaways Park (Grover Stephens, Ph.D.)		<i>Platanus racemosa</i>	
Castaways Park (John D. Woodruff)		<i>Platanus racemosa</i>	
Castaways Park (Nancy Bergeson)		<i>Quercus agrifolia</i>	
Castaways Park (Logan David Burley)		<i>Quercus agrifolia</i>	
Castaways Park (Sawyer Dean Burley)		<i>Quercus agrifolia</i>	
Castaways Park (Sawyer Dean Burley)	<i>Quercus agrifolia</i>		
Castaways Park (Gregory Caurteau)	<i>Quercus kelloggii</i>		

Castaways Park (Bob & Susan Caustin)	<i>Quercus agrifolia</i>
Castaways Park (Joe Clarkson)	<i>Quercus agrifolia</i>
Castaways Park (Yen Chu Kuo)	<i>Quercus agrifolia</i>
Castaways Park (Ryan Lemmon)	<i>Quercus agrifolia</i>
Castaways Park (Virginia Najera)	<i>Quercus agrifolia</i>
Castaways Park (Eva Victoria Najera)	<i>Quercus agrifolia</i>
Castaways Park (David Rapp)	<i>Quercus agrifolia</i>
Castaways Park (Sheldon Powell Riley)	<i>Populus Fremontii</i>
Castaways Park (Nancy & Jack Skinner)	<i>Quercus agrifolia</i>
Castaways Park (Staycee Stone)	<i>Quercus agrifolia</i>
Castaways Park (Jason Stradman)	<i>Quercus agrifolia</i>
Castaways Park (Robert T. Talbot)	<i>Quercus agrifolia</i>
Castaways Park (Jan Vandersloot)	<i>Quercus agrifolia</i>
Castaways Park (Jean Watt)	<i>Quercus agrifolia</i>
Cliff Dr. Park (Susan Benz)	<i>Bauhinia blakeana</i>
Cliff Dr. Park (Francis P. Hemenway)	<i>Cassia leptophylla</i>
Cliff Dr. Park (Gary Lovell)	<i>Quercus agrifolia</i>
Cliff Dr. Park (Dr. Vandersloot)	<i>Quercus agrifolia</i>
Coastal Peak Park (Jared Romine)	<i>Quercus agrifolia</i>
Eastbluff Park (Lucy Huntsman)	<i>Hymenosporum flavum</i>
Eastbluff Park (Billy Covert)	<i>Ficus macrophylla</i>
Galaxy View Park (Trey Hunter)	<i>Cupaniopsis anacardiodes</i>
Galaxy View Park (Dylan Ayres)	<i>Metrosideros excelsa</i>
Galaxy View Park (Virginia Roberts)	<i>Cassia leptophylla</i>
Grant Howald Park (Jean & Coalson Morris)	<i>Cassia leptophylla</i>
Grant Howald Park (Skipper Mark Howes)	<i>Hymenosporum flavum</i>
Grant Howald Park (Mark Munro)	<i>Metrosideros excelsa</i>
Grant Howald Park (Pete Munro)	<i>Metrosideros excelsa</i>
Grant Howald Park (Cara Lee)	<i>Spathodea campanulata</i>
Irvine Terrace Park (Beckett Glycer)	<i>Platanus racemosa</i>
Irvine Terrace Park (U.S. Bicentennial Freedom Tree)	<i>Platanus racemosa</i>
Irvine Terrace Park (California Bicentennial)	<i>Pinus Pinia</i>
Irvine Terrace Park (Dana Harmon)	<i>Liquidambar styraciflua</i>
Irvine Terrace Park (Sister City of Okazaki)	<i>Pinus nigra</i>
L Street Park (Tim Van Ostenbridge)	<i>Cassia leptophylla</i>
Las Arenas Park (Ed Healy)	<i>Melaleuca linarifolia</i>
M Street (median) (Walter Knott)	<i>Pinus pinea</i>
Mariners Park (Sierra Beth)	<i>Bauhinia variegata</i>
Mariners Park (Dr. Anthony & Madeline DeCarbo)	<i>Cedrus deodara</i>
Mariners Park (Isy Pease)	<i>Pinus halepensis</i>
Mariners Park (Christopher & Marisha Thompson)	<i>Pinus eldarica</i>
Mariners Park (Meghan & Camielle Thompson)	<i>Pinus eldarica</i>
Mariners Park (Frank Tallman)	<i>Pinus radiata</i>

Mariners Park (North Beach Sunrise Rotary Club)	Senecarpus sinuatus
Mariners Park (Graci Lee Henry)	Magnolia 'Little Gem'
Mariners Park (Susana Lee Niederhaus)	Bauhinia variegata
North Mariners Park (Marcie Schrauder)	Pinus radiata
Newport Pier / 24 th Street Bike Path (Marie "Maxine" Louchis)	Chamaerops humilis
Old School Park (Mary Jo Tyler)	Bauhinia variegata
Old School Park (Jean & Coalson Morris)	Cassia leptophylla
Peninsula Park (Gray Lunde Tree)	Chamaerops humilis
Peninsula Park (Don Perdue)	Ravenea rivularis
San Miguel Park (Jon Walters)	Schinus molle
Spyglass Hill Park (Dennis George Brice)	Acacia baileyana
Spyglass Hill Park (Edith Mary Brice)	Acacia baileyana
Veterans Park (Rosemary Rae Hill Hansen)	Lagenstoemia indica fauriei
WCH & Superior Ave City Parking Lot (Louise Greeley)	Cassia leptophylla
West Newport Park (Russell Marc Beaumont)	Erythrina caffra
West Newport Park (Jeff Steven Reinker)	Erythrina caffra
West Newport Park (Brownie Girl Scout Troop 2072)	Spathodea campanulata
Various locations:	Quercus agrifolia
Castaways Park and Cliff Drive Slopes (Dr. Jan David Vandersloot & Family)	

NEIGHBORHOOD

TREES

Along Avon Ave	Eucalyptus globulus	8
Buena Vista and Lindo Ave	Erythrina caffra	1
Candlestick Lane (Baycrest)	Eucalyptus citriodora	10
Clay St. (Irvine Ave to St. Andrews Rd.)	Ficus microcarpa 'Nitida'	21
Cliff Drive (north side, west of Dover Dr.)	Agathus robusta	4
Cliff Drive Park (Scout House)	Ficus benjamina	1
Commodore Rd.	Eucalyptus citriodora	2
Corona del Mar State Beach	Washingtonia robusta	74
601 Dover Drive	Eucalyptus ficifolia	1
Dover Drive (Mariners Drive to Irvine Ave)	Eucalyptus globulus	6
Eastbluff Park	Ficus macrophylla	6
Glenwood Lane	Eucalyptus citriodora	2
Goldenrod Ave (Ocean Blvd. to Fifth Ave.)	Washingtonia robusta	144
Heliotrope Ave (Corona del Mar)	Pinus radiata	2
Irvine Ave (17 th St. to Dover Dr.)	Phoenix dactylifera	30
Irvine Ave (17 th St. to Dover Dr.)	Spathodea campanulata	39
128 Kings Place	Roystonea regia	1
L Street Park	Quercus suber	36
Leeward Lane	Fraxinus uhdea 'Tomlinson'	38
M Street Park	Pinus pinea	1
Margaret Drive (median)	Erythrina caffra	1

Marguerite Ave. (Ocean Blvd. to Fifth Ave.)	Phoenix canariensis	64
Mariners Drive	Jacaranda mimosifolia	44
Newport Center Drive	Washingtonia robusta	363
Poppy Ave (Corona del Mar)	Eucalyptus rudis	24
Rhine Wharf Park	Archontophoenix cunninghamiana	12
Along Riverside Ave (adjacent to Cliff Dr Park)	Schinus terebinthefolius	10
725 St. James Rd.	Eucalyptus ficifolia	1
Sandalwood Lane	Eucalyptus citriodora	2
Santa Ana Ave.	Eucalyptus robusta	39
Seaview Ave (Corona del Mar)	Pinus radiata	1
Shorecliffs Entrance	Erythrina caffra	46
Starlight Circle	Eucalyptus citriodora	5
Via Lido Bridge	Eucalyptus globulus	16
Waterfront Drive (Avocado Ave to Acacia Ave)	Schinus molle	16
West Newport Park	Metrosideros excelsus	55

MAINTENANCE AND PLANTING OF CITY TREES

The City Council is vitally interested in beautification of City parkways. The City will endeavor to fund the care of the Urban Forest to the highest level possible through the efficient use of regular tree trimming, root pruning, root barrier and pesticide programs. Public cooperation in helping to develop and maintain healthy and attractive parkway trees is encouraged. Section 13.08.040 of the Municipal Code prohibits any person from tampering with City trees.

I. MAINTENANCE OF CITY TREES

The Municipal Operations Department will maintain City trees on a rotation schedule, including but not limited to trimming, staking, root pruning, nutrition, and pest control. An effort will be made to trim the parkway trees on less than a three-year cycle. More frequent trimming may be performed on approved trees and in approved view areas. Public safety issues such as low branches and heavy foliage will be given priority. An effort will be made to trim parkway trees located in heavy summer traffic areas during the fall and winter months. Annual trimming of certain species of trees prone to wind damage will be done prior to the winter season.

II. TREE TRIMMING STANDARDS

Tree trimming cycles and trimming standards shall represent the maximum feasible frequency given current fiscal conditions. Except as provided in the Supplemental Trimming Section below, trimming shall be in accordance with the standards of the International Society of Arboriculture (ISA). In those communities with a homeowner's association, periodic tree trimming with an emphasis on crown reduction or vista trimming will be considered by the City Arborist upon written request by the association.

III. SUPPLEMENTAL TREE TRIMMING

The City will consider requests to trim certain trees more frequently or to trim trees consistent with practices applied prior to the adoption of ISA standards (to enhance public and private views, preserve required sight/distance standards, or other public purposes) which are submitted by affected private property owners or the board of a homeowners association and the request is accompanied by a completed "Supplemental Tree Trimming Form" and full payment for the requested tree trimming. However, since these practices often require 'topping' or possible disfiguring of a tree(s) and are often aesthetically displeasing and injurious to a tree, reforestation shall be considered when supplemental tree trimming is impractical or infeasible as determined by the City Arborist.

The Landscape Manager shall establish procedures to implement the supplemental trimming provisions of this Policy. In areas with an active homeowner's association, approval must be obtained from a legally established association by the requestor of supplemental tree trimming if the requested trimming is to be undertaken within the association boundaries.

IV. TREE DESIGNATION LISTS

The City Council has adopted an official street tree list, the Street Tree Designation List (Exhibit A), which will be used by the Municipal Operations Department, to determine species for replacement of trees removed from established parkways and for planning purposes in all new subdivisions and commercial developments. A second list, the Parkway Tree Designation List (Exhibit B), has been added as a species palette for residents to choose approved, new and replacement, trees based on the size of parkway available for planting. The Eastbluff Community Association has its own City approved street tree list (Exhibit C).

The Municipal Operations Director, or designee, will have the authority to add species to the Street and Parkway Tree Designation Lists, which will be updated on an as-needed basis by the Municipal Operations Department staff and reviewed by the Parks, Beaches and Recreation Commission ("Commission") for approval before adoption by the City Council.

V. STANDARDS AND SPECIFICATIONS FOR PLANTING CITY TREES

This Section is intended for planting parkway trees related to new construction, in accordance with City Code 13.09.010.

General Requirements

1. 72-hour notification shall be given to the Municipal Operations Department staff by permittees prior to the initial installation of parkway trees for approval of species, material quality, and planting supervision. Inspection requests by permittees shall be scheduled 24-hours in advance using the Public Works inspection request line or via the City website as required.
2. Position of parkway trees is subject to approval by the Municipal Operations Department, and any tree not properly placed will be relocated by permittees at no cost to the City. In the interest of public safety, unless an exception is granted by the City Arborist, trees shall be planted not less than:
 - 15 feet back of beginning of curb returns at intersections.
 - 10 feet from lamp standards.
 - 10 feet from fire hydrants.
 - 5 feet from service walks or driveways.
 - 10 feet from meters and sewers.
 - 25 feet from stop signs.
3. Trees shall be a minimum container size of 36" size box, if growth space allows.

- Condition: Plants shall be symmetrical, typical for variety and species, healthy, vigorous, free from plant disease, insect pests and shall have healthy, normal root system free from being root bound. Trees shall not be pruned nor topped prior to delivery.
 - Inspection: All plant material shall be subject to inspection and approval by the Municipal Operations Department, Municipal Operations Department staff prior to planting. The City has the right to reject any item offered in its sole and absolute discretion.
 - Parkway Tree Planting: Per City Standards as found in the Tree Planting Detail available on the City's website.
4. Newly planted trees shall be irrigated with an automated system tied to the property under construction.

5. GUARANTEES

- 36" boxed trees shall be guaranteed as to growth and health for a period of one year after final acceptance by the Municipal Operations Department staff.
- Trees that fail to grow or are injured or damaged during planting operations shall be replaced within 15 days after notification. Replacement material shall be guaranteed to be specified as original guaranteed material.

VI. ESTABLISHED PARKWAYS

1. For all City tree planting in established parkways (not permit related), adjacent property owners and/or applicants must:
- Choose from the species listed on the Street Tree Designation List where it applies, or from the Parkway Tree Designation List for all other areas for planting new and replacement trees.
 - Accept responsibility for watering and fertilizing new trees.
 - Contact the City Arborist by sending a written request for one or more parkway trees or questions regarding this Policy to: Attn: City Arborist, P. O. Box 1768, Newport Beach, California 92659-1768. Email is also available at pwinfo@newportbeachca.gov
2. The City will:
- Approve species, location, and spacing of tree planting.
 - Furnish, install, stake, and initially fertilize new trees (exception would be trees planted in accordance with City Code 13.09.010).

- Prune and spray tree as required.
- Approve type of root barriers for installation.
- Assume trimming responsibilities.

VII. PARKWAYS IN ESTABLISHED RETAIL COMMERCIAL/OFFICE CENTERS

Parkway street trees that are removed because they are diseased or have damaged property may be replaced with the same species of trees (or a species other than the designated street tree) provided (a) the parkway street tree is located adjacent to or within an established retail commercial/office development; (b) replacement with the same species will maintain the appearance of the streetscape and/or ensure consistency with an established landscape master plan adopted by the adjoining landowner; (c) the parkway street trees have a history of little or no hardscape damage nor injury claims related to hardscape damage caused by the tree; and (d) the property owner has agreed in writing to repair or pay the cost of repair/and or replacement of hardscape or underground utilities damaged by the new trees.

[Attachment - Exhibit A]

[Attachment - Exhibit B]

[Attachment - Exhibit C]

History

Adopted I-19 - 11-22-1982

Amended I-19- 11-14-1983

Amended I-19- 10-22-1990

Amended I-19- 10-22-1992

Amended I-19 - 1-24-1994 (changed to G-6)

Amended G-6- 7-23-2002

Amended G-6 - 4-13-2004

Amended G-6 - 8-24- 2004

Amended G-6 - 9-8-2015

Amended G-6 - 8-8-2017

Amended G-6 - 2-9-2021

Amended G-6 - 11-14-2023

Amended G-6 - 11-14-2023

Amended G-6 12-9-2025

Amended G-6 2-24-2026

Exhibit A
Street Tree Designation List

STREET TREE DESIGNATION LIST					
ID	HOA	FROM	TO	BOTANICAL NAME	COMMON NAME
ANACAPA DR	Fashion Island	1300	1300	<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig
BALBOA BLVD E		600	2100	<i>Syagrus romanzoffiana</i>	1. Queen Palm
BALBOA BLVD W		1000	1500	<i>Arbutus unedo</i> <i>Cassia leptophylla</i> <i>Washingtonia robusta</i>	1. Strawberry Tree 2. Gold Medallion Tree 3. Mexican Fan Palm
BALBOA BLVD W Median		1000	3200	<i>Washingtonia robusta</i>	1. Mexican Fan Palm
BLUE KEY	Harbor View Hills South	3600	3734	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
BLUE WATER DR	Broadmoor	2501	2825	<i>Magnolia grandiflora</i> 'St Mary'	1. Magnolia, St. Marv's
BOMBERO ST	Fashion Island	800	800	<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig
BRIGHTON RD	Cameo Shores	4501	4651	<i>Bauhinia variegata</i>	1. Purple Orchid
BUCK GULLY DR	Harbor View Hills South	4000	4001	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
CAMDEN DR Parkway	Cameo Shores	4501	4699	<i>Bauhinia variegata</i>	1. Purple Orchid
CAMDEN DR Slope	Cameo Shores	4500	4599	<i>Bauhinia variegata</i>	1. Purple Orchid
CAMEO HIGHLANDS DR	Cameo Highlands	500	735	<i>Bauhinia variegata</i>	1. Purple Orchid
CAMEO SHORES RD Parkway	Cameo Shores	101	346	<i>Bauhinia variegata</i>	1. Purple Orchid
CAMEO SHORES RD Slope	Cameo Shores	100	350	<i>Bauhinia variegata</i>	1. Purple Orchid

Exhibit A
Street Tree Designation List

CATAMARAN DR	Harbor View Hills South	3400	3630	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
COAST HWY E		1600	1600	1. <i>Bauhinia blakeana</i> 2. <i>Archontophoenix cunninghamiana</i>	1. Hong Kong Orchid 2. King Palm
COAST HWY E		2200	3934	1. <i>Bauhinia blakeana</i> 2. <i>Archontophoenix cunninghamiana</i>	1. Hong Kong Orchid 2. King Palm
COAST HWY E		4001	4401	1. <i>Bauhinia blakeana</i> 2. <i>Archontophoenix cunninghamiana</i>	1. Hong Kong Orchid 2. King Palm
COAST HWY E		4104	4400	1. <i>Bauhinia blakeana</i> 2. <i>Archontophoenix cunninghamiana</i>	1. Hong Kong Orchid 2. King Palm
COAST HWY E Median		300	2100	1. <i>Spathodea campanulata</i> 2. <i>Archontophoenix cunninghamiana</i>	1. African Tulip Tree 2. King Palm
CORTLAND DR	Cameo Highlands	4500	4839	<i>Bauhinia variegata</i>	1. Purple Orchid
CROWN DR Even	Harbor View Hills	2720	2740	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
CROWN DR Parkway	Harbor View Hills	2501	2735	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
DE ANZA DR				<i>Magnolia grandiflora 'cultivar'</i>	

Exhibit A
Street Tree Designation List

DORCHESTER RD		Cameo Highlands	4500	4833	<i>Bauhinia variegata</i>	1. Purple Orchid
EBBTIDE RD	Even	Harbor View Hills	2700	2700	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
EBBTIDE RD	Parkway	Harbor View Hills	1100	2915	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
EVENING CANYON RD			301	365	<i>Erythrina caffra</i>	1. Coral Tree
FAIRFIELD DR	Parkway	Cameo Shores	4501	4645	<i>Bauhinia variegata</i>	1. Purple Orchid
FAIRFIELD DR	Slope	Cameo Shores	4500	4500	<i>Bauhinia variegata</i>	1. Purple Orchid
FARALLON DR		Fashion Island	1900	2101	<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig
GARRETT DR	Parkway	Cameo Highlands	501	725	<i>Bauhinia variegata</i>	1. Purple Orchid
GARRETT DR	Slope	Cameo Highlands	500	500	<i>Bauhinia variegata</i>	1. Purple Orchid
GOLDENROD AVE			200	721	<i>Washingtonia robusta</i>	1. Mexican Fan Palm
GOLDENROD AVE		Harbor View Hills	900	1133	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
HAMPDEN RD	Even	Cameo Shores	4500	4700	<i>Bauhinia variegata</i>	1. Purple Orchid
HAMPDEN RD	Parkway	Cameo Shores	4501	4717	<i>Bauhinia variegata</i>	1. Purple Orchid
HARBOR VIEW DR	Parkway	Harbor View Hills	2500	3007	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
HARBOR VIEW DR	Slope	Harbor View Hills	2800	3101	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem

Exhibit A
Street Tree Designation List

HELIOTROPE AVE *7		200	721	1. <i>Magnolia grandiflora</i> 'Little Gem' 2. <i>Howea forsteriana</i>	1. Magnolia, Little Gem 2. Kentia Palm
HERON WAY	Harbor View Hills South	1300	1325	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
INLET ISLE DR	Harbor View Hills South	3701	4012	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
IRVINE AVE Median				1. <i>Phoenix dactylifera</i> 2. <i>Spathodea campanulata</i>	1. Date palm 2. African tulip
ISLAND VIEW DR	Broadmoor	2501	2727	1. <i>Magnolia, grandiflora</i> 'Little Gem' 2. <i>Howea forsteriana</i>	1. Magnolia, 'Little Gem' 2. Kentia Palm
JAMBOREE RD		500	600	1. <i>Tabebuia impetiginosa</i> 2. <i>Liquidambar styraciflua</i> 'Rotundiloba'	1. Pink or Lavendar Trumpet 2. Roundleaf Sweet Gum
JAMBOREE RD Median		800	900	1. <i>Tabebuia impetiginosa</i> 2. <i>Liquidambar styraciflua</i> 'Rotundiloba'	1.. Pink or Lavendar Trumpet 2. Roundleaf Sweet Gum
JAMBOREE RD Median		1100	1500	1. <i>Tabebuia impetiginosa</i> 2. <i>Liquidambar styraciflua</i> 'Rotundiloba'	1. Pink or Lavendar Trumpet 2. Roundleaf Sweet Gum
KEEL DR	Harbor View Hills South	1200	1537	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem

Exhibit A
Street Tree Designation List

KEYBAY	Harbor View Hills South	3800	3930	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
KEY VIEW	Harbor View Hills South	1436	1456	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
KEY WEST	Harbor View Hills South	1200	1224	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
LIGHTHOUSE LN	Broadmoor	2500	2828	<i>Magnolia grandiflora 'St Mary'</i>	1. Magnolia, St. Mary's
MACARTHUR BLVD				1. <i>Magnolia grandiflora 'Little Gem'</i> 2. <i>Liquidambar stymcifiua 'Rotundiloba'</i>	1. Magnolia, Little Gem 2. Roundleaf Sweet Gum
MARGUERITE AVE		200	721	<i>Archontophoenix cunninghamiana</i>	1. King Palm
MARGUERITE AVE		1600	1740	<i>Archontophoenix cunninghamiana</i>	1. King Palm
MARGUERITE AVE Even		1520	1520	<i>Archontopoenix cunninghmiana</i>	1. King Palm
MILFORD DR	Cameo Shores	101	345	<i>Bauhinia variegata</i>	1. Purple Orchid
MORNING CANYON RD		318	342	<i>Erythrina caffra</i>	1. Coral Tree
NEWPORT BLVD		100	600	1. <i>Tipuana tipu</i> 2. <i>Tristania laurina</i> 3. <i>Washingtonia robusta</i>	1. Tipu 2. Water Gum 3. Mexican Fan Palm

Exhibit A
Street Tree Designation List

NEWPORT BLVD			2600	3300	1. <i>Tipuana tipu</i> 2. <i>Tristania laurina</i> 3. <i>Washingtonia robusta</i>	1. Tipu 2. Water Gum 3. Mexican Fan Palm
NEWPORT CENTER DR			100	900	<i>Washingtonia robusta</i>	1. Mexican Fan Palm
NEWPORT CENTER DR			1000	1200	<i>Washingtonia robusta</i>	1. Mexican Fan Palm
NEWPORT CENTER DR	Median		100	900	<i>Washingtonia robusta</i>	1. Mexican Fan Palm
NEWPORT CENTER DR	Median		1000	1200	<i>Washingtonia robusta</i>	1. Mexican Fan Palm
ORRINGTON RD	Parkway	Cameo Shores	4500	4645	<i>Bauhinia variegata</i>	1. Purple Orchid
ORRINGTON RD	Slope	Cameo Shores	4510	4510	<i>Bauhinia variegata</i>	1. Purple Orchid
OUTRIGGER DR		Harbor View Hills South	1200	1430	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
PARK GREEN DR		Harbor View Hills South	3601	3907	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
PEARL AVE		Balboa Island	100	132	<i>Magnolia grandiflora</i> 'Samuel Sommers'	1. Magnolia, Samuel Sommers
PEBBLE DR	Parkway	Harbor View Hills	2700	2921	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
PEBBLE DR	Slope	Harbor View Hills	2800	2800	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
PERHAM RD	Parkway	Cameo Shores	4501	4645	<i>Bauhinia variegata</i>	1. Purple Orchid
PERHAM RD	Slope	Cameo Shores	4500	4500	<i>Bauhinia variegata</i>	1. Purple Orchid
POPPY AVE			200	352	<i>Tristania laurina</i>	1. WaterGum

Exhibit A
Sheet Tree Designation List

				<i>Spathodea campmwlata</i>	2. African Tulip Tree	
QUIET COVE		3400	3449	<i>Geijera parviflora</i>	1. Australian Willow	
ROCKFORD PL	Cameo Highlands	500	521	<i>Bauhinia variegata</i>	1. Purple Orchid	
ROCKFORD RD	Cameo I-highlands	500	721	<i>Bauhinia variegata</i>	1. Purple Orchid	
ROXBURY RD	Cameo Shores	4500	4646	<i>Bauhinia variegata</i>	1. Purple Orchid	
SALT AIR CIR	Broadmoor	2501	2601	<i>Magnolia grandiflora 'St Mary'</i>	1. Magnolia, St. Mary's	
SALT AIR DR	Odd	Broadmoor	1301	1301	<i>Magnolia grandiflora 'St Mary'</i>	1. Magnolia, St. Mary's
SALT AIR DR	Slope	Broadmoor	1300	1320	<i>Magnolia grandiflora 'St Mary'</i>	1. Magnolia, St. Marv's
SAN CLEMENTE DR	Fashion Island	850	901	<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig	
SAN MIGUEL DR	Fashion Island	300	366	<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig	
SAN MIGUEL DR	Fashion Island	1600	2601	<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig	
SAN NICOLAS DR	Fashion Island	500	567	<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig	
SAND KEY	Harbor View Hills South	1200	1235	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem	
SANDCASTLE DR	Harbor View Hills South	850	1555	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem	
SANDPIPER DR	Parkway	Harbor View Hills	1010	1106	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem

Exhibit A
Street Tree Designation List

SANDPIPER DR	Slope	Harbor View Hills	1015	1101	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
SANDUNE LN		Harbor View Hills South	3800	3930	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
SANTA BARBARA DR		Fashion Island	870	1001	<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig
SANTA CRUZ DR		Fashion Island	800	901	<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig
SANTA MARIA RD		Fashion Island			<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig
SANTA ROSA DR		Fashion Island	1500	1501	<i>Ficus rubiginosa</i>	1. Rusty Leaf Fig
SAUSALITO DR		Harbor View Hills South	3400	3621	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
SEA LN		Harbor View Hills	900	950	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
SEABREEZE LN		Harbor View Hills South	3400	3631	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
SEACREST DR		Harbor View Hills South	1200	1533	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
SETTING SUN DR	Parkway	Harbor View Hills	2701	3007	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
SETTING SUN DR	Slope	Harbor View Hills	2700	3000	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
SURFVIEW LN		Harbor View Hills South	3500	3620	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
SURREY DR		Cameo Highlands	4500	4824	<i>Bauhinia variegata</i>	1. Purple Orchid

Exhibit A
Street Tree Designation List

TILLER WAY	Harbor View Hills South	900	1039	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
TOPSIDE LN	Harbor View Hills South	3798	4015	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
TREMONT LN Slope	Cameo Shores	4500	4600	<i>Bauhinia variegata</i>	1. Purple Orchid
WATERFRONT DR		2200	2220	<i>Schinus molle</i>	California Pepper
WAYNE RD	Cameo Highlands	4500	4621	<i>Bauhinia variegata</i>	1. Purple Orchid
WHITE SAILS WAY	Harbor View Hills	1000	1133	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
2'+	Acacia baileyana	Bailey Acacia	25	15	Evergreen	L	Yes	No	No	
2'+	Archontophoenix cunninghamiana	King Palm	40	20	Evergreen	M	Yes	Yes	Yes	
2'+	Chionanthus retusus	Chinese Fringe Tree	20	15	Deciduous	M	Yes	Yes	No	
2'+	Heteromeles arbutifolia	California Holly	20	15	Evergreen	L	No	No	No	Available-15 Gal
2'+	Ligustrum lucidum	Glossy Privet	25	15	Evergreen	L	Yes	Yes	No	
2'+	Melaleuca nesophila	Pink Melaleuca	25	15	Evergreen	L	Yes	No	No	
2'+	Photinia fraseri	Fraser Photinia	20	10	Evergreen	M	Yes	Yes	No	
2'+	Prunus cerasifera 'Newport'	Newport Plum	15	10	Deciduous		Yes	No	No	
2'+	Prunus cerasifera 'Purple Pony'	Dwarf Purple Leafed Plum	15	10	Deciduous		Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
2+	Rhaphiolepis x 'Montie'	Indian Hawthorne	15	10	Evergreen	M	Yes	Yes	No	
2+	Tecoma stans	Yellow Bells	20	15	Evergreen	M	Yes	No	No	
2+	Trachycarpus fortunei	Windmill Palm	30	10	Evergreen	M	Yes	Yes	Yes	
2+	Tristania laurina	Water Gum	20	10	Evergreen	M	Yes	Yes	No	
3+	Betula pendula	European White Birch	40	25	Deciduous	H	Yes	Yes	Yes	
3+	Brahea armata	Mexican Blue Palm	30	15	Evergreen	L	Yes	No	No	
3+	Brahea edulis	Guadalupe Palm	30	10	Evergreen	L	No	Yes	No	
3+	Cercis canadensis 'Forest Pansy'	Forest Pansy Redbud	15	10	Deciduous	M	Yes	Yes	No	
3+	Cercis occidentalis	Western Redbud	15	10	Deciduous	L	Yes	Yes	No	
3+	Chitalpa tashkentensis	Chitalpa	25	25	Deciduous	L	Yes	Yes	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
3+	<i>Duranta repens</i>	Golden Dewdrop	20	15	Evergreen	M	Yes	No	No	
3+	<i>Eriobotrya deflexa</i>	Bronze Loquat	25	25	Evergreen	M	Yes	Yes	No	
3+	<i>Handroanthus chrysotricha</i>	Yellow Trumpet Tree	25	20	Deciduous	M	Yes	No	No	
3+	<i>Heteromeles arbutifolia</i>	Toyon Tree	15	10	Evergreen	L	No	No	No	Available-15 Gal
3+	<i>Howea forsteriana</i>	Kentia Palm	35	20	Evergreen	M	Yes	Yes	No	
3+	<i>Hymenoporum flavum</i>	Sweetsha de	40	20	Evergreen	M	No	No	No	Available-15 Gal
3+	<i>Lagerstroemia indica</i> 'Indian Tribes'	Crape Myrtle	25	20	Deciduous	M	Yes	Yes	Yes	Natchez (white) Dynamite (vibrant red), Tuscarora (pink) Muskogee (purple)
3+	<i>Livistona chinensis</i>	Chinese Fountain Palm	20	10	Evergreen	M	Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
3'+	<i>Livistona decora</i>	Fountain Palm	20	10	Evergreen	M	Yes	No	No	
3'+	<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem Magnolia	20	15	Evergreen	M	Yes	Yes	Yes	
3'+	<i>Maytenus boaria</i>	Mayten Tree	20	15	Evergreen	M	Yes	Yes	Yes	
3'+	<i>Rhus integrifolia</i>	Lemonade Berry	10	10	Evergreen	VL	No	No	No	Available-IS Gal
3'+	<i>Syagrus romanzoffiana</i>	Queen Palm	50	20	Evergreen	M	Yes	Yes	Yes	
3'+	<i>Washingtonia robusta</i>	Mexican Fan Palm	90	20	Evergreen	L	Yes	Yes	No	
3'+	<i>Wodyetia bifurcata</i>	Foxtail Palm	40	20	Evergreen	M	Yes	No	No	
4'+	<i>Arbutus</i> 'Marina'	Strawberry Tree	20	20	Evergreen	L	Yes	Yes	Yes	
4'+	<i>Brachychiton populeneus</i>	Bottle tree	50	40	Evergreen	L	Yes	Yes	No	
4'+	<i>Cassia leptophylla</i>	Gold Medallion tree	25	20	Evergreen	M	Yes	Yes	No	
4'+	<i>Geijera parvifolia</i>	Australian Willow	40	25	Evergreen	L	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
4+	Laurus noblis	Grecian Laurel	40	30	Evergreen	L	Yes	Yes	Yes	
4+	Laurus 'Saratoga'	Saratoga Laurel	40	30	Evergreen	L	Yes	No	No	
4+	Melaleuca citrinus	Lemon Bottlebrush	25	20	Evergreen	L	Yes	Yes	No	
4+	Melaleuca viminalis	Weeping Bottlebrush	25	20	Evergreen	M	Yes	Yes	No	
4+	Rhus lancea	African Sumac	25	20	Evergreen	L	Yes	No	No	
4+	Spathodea campanulata	African Tulip Tree	30	20	Evergreen	M	Yes	Yes	No	
4+	Stenocarpus sinuatus	Firewheel Tree	25	15	Evergreen	M	Yes	No	No	
5+	Agonis flexuosa	Peppermint Tree	35	35	Evergreen	L	Yes	No	Yes	
5+	Agonis flexuosa 'Afterdark'	Afterdark Peppermint Willow	35	35	Evergreen	L	Yes	No	No	
5+	Albizia julibrissin	Silk Tree	40	40	Deciduous	M	Yes	Yes	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
5+	Bauhinia variegata	Purple Orchid Tree	30	20	Deciduous	M	Yes	Yes	No	
5+	Brachychiton acerfolius	Flame Tree	40	30	Evergreen	L	Yes	Yes	No	
5+	Calodendron capense	Cape Chestnut	40	40	Deciduous	M	Yes	No	No	
5+	Erythrina americana (E. coralloides)	Naked Coral Tree	30	30	Deciduous	L	Yes	Yes	No	
5+	Fraxinus oxycarpa 'Raywood'	Raywood Ash	35	30	Deciduous	M	Yes	Yes	Yes	
5+	Ginkgo biloba 'Fruitless'	Maidenhair Tree	60	40	Deciduous	M	Yes	Yes	Yes	
5+	Tabebuia heterophylla	Pink Trumpet Tree	30	30	Deciduous	M	Yes	Yes	Yes	
5+	Jacaranda mimosifolia	Jacaranda	40	50	Deciduous	M	Yes	Yes	Yes	
5+	Koelreuteria paniculata	Goldenrain Tree	25	25	Deciduous	L	Yes	Yes	Yes	
5+	Lophostemon confertus	Brisbane Box	60	40	Evergreen	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
5'+	Lyonothamnus floribundus	Catalina Ironwood	50	30	Evergreen	VL	Yes	No	No	
5'+	Magnolia grandiflora 'Majestic Beauty'	Majestic Beauty Magnolia	40	20	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Russett'	Russett Magnolia	20	15	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Saint Mary'	Saint Mary Magnolia	25	20	Evergreen	M	Yes	Yes	Yes	
5'+	Magnolia grandiflora 'Samuel Sommer'	Samuel Sommer Magnolia	40	30	Evergreen	M	Yes	Yes	Yes	
5'+	Melaleuca linnarifolia	Flaxleaf Paperbark	30	30	Evergreen	L	Yes	No	No	
5'+	Metrosideros excelsa	New Zealand Christmas Tree	40	40	Evergreen	M	Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
5+	Parkinsonia x 'Desert Museum'	Desert Museum Palo Verde	30	35	Semi	L	Yes	Yes	Yes	
5+	Pinus brutia	Afghan Pine	60	50	Evergreen	L	Yes	Yes	Yes	
5+	Pistacia chinensis	Chinese Pistache	40	40	Deciduous	M	Yes	Yes	Yes	
5+	Podocarpus macrophyllus	Yew Pine	50	50	Evergreen	M	Yes	No	No	
5+	Prunus ilicifolia subsp. lyonii	Catalina Cherry	30	30	Evergreen	VL	No	No	No	Available-15 Gal
5+	Pyrus betulaefolia 'Southworth'	Dancer Pear	25	20	Deciduous		Yes	Yes	No	
5+	Pyrus calleryana 'Aristocrat'	Aristocrat Pear	30	40	Deciduous	M	Yes	Yes	Yes	
5+	Pyrus calleryana 'Chanticleer'	Chanticleer Pear	35	20	Deciduous	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
5'+	Pyrus calleryana 'Redspire'	Redspire Pear	35	25	Deciduous	M	Yes	Yes	Yes	
5'+	Pyrus kawakamii	Evergreen Pear	35	25	Deciduous	M	Yes	Yes	No	
5'+	Quercus douglasii	Blue Oak	50	50	Deciduous	VL	Yes	Yes	No	
5'+	Quercus ilex	Holly Oak	50	50	Evergreen	L	Yes	Yes	Yes	
5'+	Sapium sebiferum	Chinese Tallow Tree	40	35	Deciduous	M	Yes	Yes	No	
5'+	Sophora japonica 'Regent'	Chinese Scholar Tree	40	40	Deciduous	M	Yes	Yes	No	
8'+	Araucaria heterophylla	Norfolk Island Pine	80	30	Evergreen	M	Yes	Yes	No	
8'+	Brachychiton discolor	Pink Flame Tree	70	50	Semi	L	No	No	No	Available-15 Gal
8'+	Cinnamomum camphora	Camphor Tree	50	60	Evergreen	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
8'+	<i>Erythrina caffra</i>	Kaffirboom Coral Tree	40	40	Evergreen	L	Yes	Yes	No	
8'+	<i>Fraxinus velutina</i> 'Modesto'	Modesto Ash	50	30	Deciduous	M	Yes	Yes	Yes	
8'+	<i>Koelreuteria bipinnata</i>	Chinese Flame Tree	50	50	Deciduous	M	Yes	Yes	Yes	
8'+	<i>Pinus canariensis</i>	Canary Island Pine	80	50	Evergreen	L	Yes	Yes	Yes	
8'+	<i>Pinus pinea</i>	Italian Stone Pine	60	40	Evergreen	L	Yes	Yes	Yes	
8'+	<i>Pinus torreyana</i>	Torrey Pine	70	40	Evergreen	L	Yes	Yes	No	
8'+	<i>Platanus x hispanica</i>	London Plane Tree	70	40	Deciduous	M	Yes	Yes	No	
8'+	<i>Platanus mexicana</i>	Mexican Sycamore	60	40	Evergreen	M	Yes	Yes	No	
8'+	<i>Platanus racemosa</i>	California Sycamore	60	40	Deciduous	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
8+	Podocarpus gracilior	Fern Pine	60	60	Evergreen	M	Yes	Yes	Yes	
8+	Quercus agrifolia	Coast Live Oak	70	80	Evergreen	L	Yes	Yes	Yes	
8+	Quercus engelmannii	Engleman Oak	60	80	Evergreen	L	Yes	Yes	No	
8+	Quercus lobata	Valley Oak	70	50	Deciduous	L	Yes	Yes	No	
8+	Quercus virginiana	Southern Live Oak	60	80	Evergreen	M	Yes	Yes	Yes	
8+	Roystonea regia	Cuban Royal Palm	80	40	Evergreen	M	Yes	Yes	No	
8+	Schinus molle	California Pepper	40	50	Evergreen	VL	Yes	Yes	Yes	
8+	Tipuana tipu	Tipu Tree	50	60	Semi	M	Yes	Yes	Yes	
8+	Ulmus parvifolia 'Drake'	"Drake" Chinese Elm	60	60	Semi	M	Yes	Yes	Yes	
8+	Zelkova serrata	Sawleaf Zelkova	40	40	Deciduous	L	Yes	Yes	No	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
2+	Tabebuia chrysotricha	Yellow Trumpet Tree	25	20	Deciduous	M	Yes	No	No	
3+	Cercis canadensis 'Forest Pansy'	Forest Pansy Redbud	15	10	Deciduous	M	Yes	Yes	No	
3+	Cercis occidentalis	Western Redbud	15	10	Deciduous	L	Yes	Yes	No	
3+	Chitalpa tashkentensis	Chitalpa	25	25	Deciduous	L	Yes	Yes	No	
3+	Eryobotrya deflexa no fruit	Bronze Loquat	25	25	Evergreen	M	Yes	Yes	No	
3+	Lagerstroemia indica 'Indian Tribes'	Crape Myrtle	25	20	Deciduous	M	Yes	Yes	Yes	
3+	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	20	15	Evergreen	M	Yes	Yes	Yes	
3+	Rhus lancea	African Sumac	25	20	Evergreen	L	Yes	No	No	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
4+	Arbutus unedo	Strawberry Tree	20	20	Evergreen	L	Yes	Yes	Yes	
4+	Cassia leptophylla	Gold Medallion tree	25	20	Evergreen	M	Yes	Yes	No	
4+	Geijera parvifolia	Australian Willow	40	25	Evergreen	L	Yes	Yes	Yes	
4+	Spathodea campanulata	African Tulip Tree	30	20	Evergreen	M	Yes	Yes	No	
5+	Agonis flexuosa	Peppermint Tree	35	35	Evergreen	L	Yes	No	Yes	
5+	Albizia julibrissin	Silk Tree	40	40	Deciduous	M	Yes	Yes	No	
5+	Bauhinia variegata (purpurea)	Purple Orchid Tree	30	20	Deciduous	M	Yes	Yes	No	
5+	Brachychiton acerfolius	Flame Tree	40	30	Evergreen	L	Yes	Yes	No	
5+	Calodendron capense	Cape Chestnut	40	40	Deciduous	M	Yes	No	No	
5+	Fraxinus oxycarpa 'Raywood'	Raywood Ash	35	30	Deciduous	M	Yes	Yes	Yes	
5+	Ginkgo biloba 'Fruitless'	Maidenhair Tree	60	40	Deciduous	M	Yes	Yes	Yes	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
5+	Jacaranda mimosifolia	Jacaranda	40	50	Deciduous	M	Yes	Yes	Yes	
5+	Koelreuteria paniculata	Goldenrain Tree	25	25	Deciduous	L	Yes	Yes	Yes	
5+	Lyonothamnus floribundus	Catalina Ironwood	50	30	Evergreen	VL	Yes	No	No	
5+	Magnolia grandiflora 'Russett'	Russett Magnolia	20	15	Evergreen	M	Yes	Yes	Yes	
5+	Magnolia grandiflora 'Saint Mary'	Saint Mary Magnolia	25	20	Evergreen	M	Yes	Yes	Yes	
5+	Magnolia grandiflora 'Samuel Sommer'	Samuel Sommer Magnolia	40	30	Evergreen	M	Yes	Yes	Yes	
5+	Magnolia grandiflora. 'Majestic Beauty'	Majestic Beauty Magnolia	40	20	Evergreen	M	Yes	Yes	Yes	
5+	Melaleuca linnarifolia	Flaxleaf Paperbark	30	30	Evergreen	L	Yes	No	No	
5+	Melaleuca quinquineria (viridifolia)	Cajeput Tree	40	20	Evergreen	M	Yes	Yes	Yes	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
5'+	Metrosideros excelsa	New Zealand Christmas Tree	40	40	Evergreen	M	Yes	No	No	
5'+	Pistacia chinensis	Chinese Pistache	40	40	Deciduous	M	Yes	Yes	Yes	
5'+	Prunus ilicifolia subsp. lyonii	Catalina Cherry	30	30	Evergreen	VL	No	No	No	Available -15 Gal
5'+	Quercus douglasii	Blue Oak	50	50	Deciduous	VL	Yes	Yes	No	
5'+	Quercus ilex	Holly Oak	50	50	Evergreen	L	Yes	Yes	Yes	
5'+	Tabebuia heterophyll	Pink Trumpet Tree	30	30	Deciduous	M	Yes	Yes	Yes	
8'+	Brachychiton discolor	Pink Flame Tree	70	50	Semi	L	No	No	No	Available-15 Gal
8'+	Cinnamomum camphora	Camphor Tree	50	60	Evergreen	M	Yes	Yes	Yes	
8'+	Fraxinus velutina 'Modesto'	Modesto Ash	50	30	Deciduous	M	Yes	Yes	Yes	
8'+	Lophostemon confertus	Brisbane Box	60	40	Evergreen	M	Yes	Yes	Yes	
8'+	Platanus acerifolia	London Plane Tree	70	40	Deciduous	M	Yes	Yes	No	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkwy Size	Botanical Name	Common Name	Height	Spread	Type	Water Needs	24" Avail.	36" Avail.	48" Avail.	Notes
8+	Podocarpus gracilior (Afrocarpus gracilior)	Fern Pine	60	60	Evergreen	M	Yes	Yes	Yes	
8+	Schinus molle	California Pepper	40	50	Evergreen	VL	Yes	Yes	Yes	
8+	Tipuana tipu	Tipu Tree	50	60	Semi	M	Yes	Yes	Yes	
8+	Ulmus parvifolia	"Drake" Chinese Elm	60	60	Semi	M	Yes	Yes	Yes	

TEMPORARY BANNERS EXTENDING OVER OR WITHIN
THE PUBLIC RIGHT-OF-WAY

Findings and Purpose

Temporary banners and signs pose risks to the public in the form of potential physical obstructions in or over the right-of-way and by distracting an individual who otherwise would, and should, focus on other users. The City Council also finds that, in the absence of the size and number limits specified in this policy, temporary banners or signs could reduce property values, adversely impact land uses, and interfere with the recreational objectives of visitors to the City of Newport Beach. A total prohibition on the installation of temporary banners and signs within the public right-of-way is appropriate, with the exception of the provisions of this Policy and Newport Beach Municipal Code Chapter 20.42, because there are adequate alternative means of communication for those wishing to engage in commercial or non-commercial speech except for non-profit groups organizations conducting community wide events that are co-sponsored by the City of Newport Beach and open to the general public. Finally, the City Council has determined that the restrictions contained in this policy and the provisions of Newport Beach Municipal Code Title 20 are the least restrictive means available to accomplish the public safety, economic, and aesthetic objectives of the City Council.

General Provisions

Temporary banners and signs shall not be permitted within or over any public street or pedestrian right-of-way with the exception of those signs specified in Newport Beach Municipal Code Chapter 20.42, or any successor statute, and banners notifying the general public of a community wide event, open to the general public, conducted by a non-profit corporation or organization, and co-sponsored by the City of Newport Beach. Temporary banners and signs shall be installed in strict compliance with the provisions of this Policy and any conditions imposed on the permit by the Public Works Director and, if required, by the Utilities Director.

Permit Process

- A. Except as provided in Newport Beach Municipal Code Title 20, or any successor statute, no person shall install any temporary banner or sign within any public right-of-way without first obtaining a permit issued by the Public Works Department.
- B. Applications for a temporary banner permit shall be submitted to the Public Works Department on a form supplied by the City, and prior to thirty (30) days of planned installation date.
- C. The Public Works Director shall determine if the application complies with the standards specified in this policy.
- D. The Public Works Director shall approve/deny/recommend City Council approval of the application within five (5) working days. If the City Council approves the request, subsequent requests for the same event maybe approved by the City Manager, provided that the size, number, location, and banner type (language and graphics) are unchanged.

- E. The Public Works Director shall approve the permit if the application conforms with the standards contained in this policy.
- F. The Public Works Director shall deny the permit if the application does not conform to the standards in this policy and shall give the applicant written notice of, and the reasons for, the denial.
- G. The Public Works Director may impose a refundable security deposit to be applied to any damages, repairs to standards, poles, or City property not corrected by permittee within fourteen (14) days of banner removal or any special services required by City.
- H. The Permittee shall agree to indemnify and hold harmless the City of Newport Beach.
- I. The Permittee shall maintain a minimum of \$1,000,000 in liability insurance from a company with a Best's Key Rating Guide parameter of "A" or better and a financial size category of "VIII" or higher.

Standards

A. Manner of Installation

1. Permittee shall install no more than 100 banners;
2.
 - a) Banners on streetlight poles shall be no more than two-and-one-half (2.5) feet wide and eight (8) feet high. Wind load calculations, determined by a registered engineer, shall be required for banners greater than twenty (20) square feet;
 - b) Banners other than streetlight pole banners shall be no more than four (4) feet by eight (8) feet wide and are subject to review and approval for safety sight distance and clearance issues.
3. No more than one (1) banner shall be installed on any pole or standard and banners may not be installed between poles or standards;
4. The banners shall contain only the name of the permittee and if applicable, the date, time, and name of the event to be conducted by the permittee;
5. All banner brackets on streetlight poles shall be mounted at least fourteen (14) feet above the ground surface;
6. All banner brackets on streetlight poles shall be installed using stainless steel band clamps and the brackets must be sufficiently strong to withstand wind-load generated by ninety (90) mile per hour winds. Each banner shall have a minimum of two (2), five (5) inch half circle wind slits;
7. Poles or standards shall be wrapped with forty-five (45) milliliter thick black rubber sheet or other pre-approved material under all stainless steel brackets and clamps and no portion of any bracket shall be in direct contact with the surface of any street light pole or standard.

In addition, all street light pole(s) being used shall be inspected and approved by the Utilities Department;

8. Banners shall be installed only at locations specified on the permit;
9. Permittee shall install and remove banners in strict compliance with the traffic control, signage and warning device criteria specified in the WATCH handbook and/or the California Manual on Uniform Traffic Control Devices; and
10. If more than one permittee requests the use of the same street light pole(s) at the same time, the City may require removal of some of the banners to allow other organizations to install banners authorized under City policies.

B. Time of Installation

1. Permittee shall contact the Public Works Department at least forty-eight (48) hours prior to the installation of any banner on streetlight poles pursuant to the permit; and
2. All banners and supporting material shall be removed within thirty (30) days after the date of installation.

C. Place of Installation

1. Banners shall only be installed on City-owned poles and standards, or approved locations in roadway medians, in City parks, and on other City owned facilities;
2. Banners shall not be installed on any pole or standard which could create sight distance problems for pedestrian or vehicular traffic;
3. Banners shall not be installed on poles or standards in any residential district;
4. Banners shall only be installed at the approved locations indicated on the plan submitted with the banner application; and
5. City-owned poles within Caltrans right-of-way shall require an additional review/approval process with Caltrans Permit Department.

History

Adopted L-8 – 10-25-1977

Adopted M-4 – 1-24-1994

Amended M-4 – 2-26-1996 (changed to L-16)

Amended L-16 – 2-24-1997

Amended L-16 – 5-8-2001

Amended L-16 – 4-8-2003

Amended L-16 – 10-10-2006

Amended L-16 – 5-14-2013

Amended L-16 – 5-12-2015

Amended L-16 – 8-14-2018
Amended L-16 – 2-24-2026

REDUCING BARRIERS TO WIRELESS SERVICE FACILITIES ON PRIVATELY OWNED PROPERTY, ON CITY-OWNED AND CITY-HELD TRUST PROPERTY, AND THE PUBLIC RIGHT-OF-WAY

Purpose

The purpose of this policy is to reduce barriers to wireless service facilities on private property, City-owned and City-held trust property, and the public right-of-way. This policy describes the manner in which these locations may be used as locations for personal wireless service facilities that transmit voice and/or data.

Policy

It is the Policy of the City to effectively balance the needs of its residents, visitors, and businesses to use and have access to state-of-the-art wireless telecommunication systems (such as wireless Internet, voice, and other data communications) with the needs of residents to safely and effectively enjoy their property. This Policy shall be used when considering applications to install wireless communications devices on private property, City-owned, or City-held property by any wireless telecommunications provider or siting company.

Except for sites identified as ineligible for personal wireless service facilities pursuant to this Policy, all proposals affecting City-owned or City-held trust property shall be processed through the Community Development Department and the Public Works Department and shall be exempt facilities as provided in Chapters 20.49 and 21.49.

Chapters 20.49 and 21.49 of the Newport Beach Municipal Code (NBMC) shall be used for wireless service facilities on private property. The NBMC shall be reviewed to reduce the barriers to wireless service facilities.

Agreement Required

All personal wireless service facilities located on City-owned property or City-held Trust property, or in the public right-of-way must have an agreement approved as to form by the City Attorney and approved as to substance (including, but not limited to, compensation, term, insurance requirements, bonding requirements, and hold harmless provisions) by the City Manager. The agreement shall be executed prior to the issuance of a street construction permit (encroachment permit).

City Sites Eligible or Ineligible for Personal Wireless Service Facility Placement

- A. Sites Eligible for Use. The City Council has determined that the following City locations are acceptable for placement of personal wireless service facilities, in no particular order of preference:
1. Newport Beach Civic Center.
 2. Parks.

3. Police Headquarters.
 4. Lifeguard Headquarters.
 5. The Community Centers.
 6. Medians and parkways along public streets
 7. The Central Library and Branch Libraries.
 8. The Corporate Yards.
 9. Qualifying City-held easements.
 10. Streetlights (following certification and acceptance by the Utilities Department of an effective test of the facility's impacts to the light standard under various environmental conditions), which may be located upon the right-of-way, or City-trust held property.
 11. Leased City property, subject to the lease provisions.
 12. Open space areas owned by the City where no sensitive habitat exists and the personal wireless service facilities are located on existing structures, are designed to be unobtrusive and/or stealth-integrated to preserve the visual character and natural landscape of the site.
- B. Sites Ineligible for Use. The City Council has determined that the following City locations are unacceptable for placement of personal wireless service facilities:
1. Open space areas owned by the City where placement of facilities in these areas would aesthetically impair the pristine nature of the area.
 2. Other properties owned by the City where the placement of facilities would conflict with existing structures, including utilities, or otherwise impact use of the facility or property for its designated purpose.
 3. Traffic signal poles.

Compensation and Term

The City Manager shall follow these rules when developing any agreement for the placement of any personal wireless service facilities on City-owned or City-held trust property, or in the public right-of-way:

- A. Compensation for personal wireless services facilities located in the public right-of-way shall be based on the rates established by Federal Communications Commission (FCC) Small Cell Order (FCC 18-133).
- B. Compensation on City-owned property other than a City streetlight shall be determined based on the California Department of General Services published telecommunications lease rates for

installation of all types on City-owned public, non-commercial, and commercial properties, as may be amended or replaced. At the discretion of the City Manager, a discount not to exceed twenty percent (20%) may be applied to these rates to facilitate the installation of personal wireless service facilities in locations that address local coverage gaps or improves telecommunication coverage for residents.

- C. The Agreement shall provide for a specific term to be determined by the City Manager.
- D. The Agreement shall provide for the following rent adjustments:
 - 1. Rent adjustments for personal wireless services facilities located in the public right-of-way shall be adjusted annually by the Consumer Price Index (CPI), or any subsequent rates established by the FCC .
 - 2. Rent adjustment on City-owned property other than City streetlights shall be adjusted annually based on the California Department of General Services published telecommunications lease rates.
- E. The Agreement shall require the applicant to post a bond, letter of credit, or other financial security/securities (“Financial Security”) in an amount that equals or exceeds the anticipated cost of removing the personal wireless service facility or personal wireless service facilities and repairing any damage to City property at the completion of the Agreement term or in the event that the applicant ceases use of or abandons the personal wireless service facility or otherwise does not remove the personal wireless service facility including any equipment or cabinet whether underground, in the public right-of-way, or on City or private property. The Financial Security shall name the City as eligible for receipt of the Financial Security’s proceeds if the applicant ceases use of or abandons the personal wireless service facility(ies).

City Communications Systems Exempt

This Policy shall not apply to any communications system used by City personnel for communications deemed necessary for City operations.

History

Adopted L-23 – 9-24-2002
 Amended L-23 – 10-10-2006
 Amended L-23 – 8-14-2018
 Amended L-23 – 2-24-2026