

ATTACHMENT B

RESOLUTION NO. 2025- 87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING VARIOUS PROVISIONS OF THE NEWPORT BEACH CITY COUNCIL POLICIES TO REFLECT ORGANIZATIONAL RESTRUCTURING TO THE CITY ATTORNEY, FINANCE, HUMAN RESOURCES, AND PUBLIC WORKS DEPARTMENTS

WHEREAS, the City of Newport Beach ("City") is a charter City, governed by a charter adopted by the citizens of the City;

WHEREAS, Section 200 of the City Charter vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State;

WHEREAS, the City Council approved a restructuring of various departments within the City including establishment of the Municipal Operations Director and Administrative Services Director as well as consolidating Risk Management within the City Attorney's Office;

WHEREAS, amendments to the Newport Beach City Council Policies ("Council Policies") are needed to reflect the structural reorganization; and

WHEREAS, the City Council held a public meeting on December 9, 2025, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 et seq. ("Ralph M. Brown Act"). Evidence, both written and oral, was presented to, and considered by, the City Council at this meeting.

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

Section 1: The various provisions of the Newport Beach Council Policies are amended as set forth in Exhibits "A" through "X" which are attached hereto and incorporated herein by reference.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.


ADOPTED this 9th day of December, 2025.

Joe Stapleton, Mayor

ATTEST:

Lena Shumway, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp, City Attorney

Attachments:

Exhibit A –	Newport Beach Council Policy A-12
Exhibit B –	Newport Beach Council Policy A-14
Exhibit C –	Newport Beach Council Policy B-7
Exhibit D –	Newport Beach Council Policy B-8
Exhibit E –	Newport Beach Council Policy B-12
Exhibit F –	Newport Beach Council Policy B-17
Exhibit G –	Newport Beach Council Policy D-1
Exhibit H –	Newport Beach Council Policy D-4
Exhibit I –	Newport Beach Council Policy E-1
Exhibit J –	Newport Beach Council Policy F-1
Exhibit K –	Newport Beach Council Policy F-3
Exhibit L –	Newport Beach Council Policy F-6
Exhibit M –	Newport Beach Council Policy F-8
Exhibit N –	Newport Beach Council Policy F-9
Exhibit O –	Newport Beach Council Policy F-11
Exhibit P –	Newport Beach Council Policy F-12
Exhibit Q –	Newport Beach Council Policy F-13
Exhibit R –	Newport Beach Council Policy F-14
Exhibit S –	Newport Beach Council Policy F-15
Exhibit T –	Newport Beach Council Policy F-25
Exhibit U –	Newport Beach Council Policy G-1
Exhibit V –	Newport Beach Council Policy G-3
Exhibit W –	Newport Beach Council Policy G-6
Exhibit X –	Newport Beach Council Policy L-21

Exhibit A
Newport Beach Council Policy A-12

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 Account" from the General Fund;
- D. Culture and Arts Grant 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 the amount of \$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 designee shall follow these priorities when recommending Community Programs Grants:

- A. Local groups located within the City and offering programs to City residents;
- B. Regional groups located in Orange County and offering programs to City residents;
- C. Groups located in California and offering programs to City residents; and
- D. Groups that have not received funding from any City source for three (3) consecutive years or more.

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 events 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 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.

The City reserves the right to audit the expenditure of these funds within a year of receipt.

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 division 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 Director of Administrative Services. 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

Exhibit B
Newport Beach Council Policy A-14

RESTRICTIONS ON COMMUNICATIONS INITIATED
BY CITY OFFICIALS OR CITY STAFF
WITH CIVIL SERVICE BOARD MEMBERS

Purpose

To establish a City Council policy that ensures contacts and communications made by the City Council or City staff with the Civil Service Board do not interfere with an employee's right to a fair and impartial hearing.

Background

The Civil Service Board was created by the City Charter to, among other things, hear appeals filed by City employees who have been suspended, demoted or discharged. The purpose of this City Council policy is to ensure that communications initiated by the City Council or City staff with members of the Civil Service Board do not interfere with an employee's right to a fair and impartial hearing. This policy also restricts the dissemination of records presented to the Civil Service Board during any hearing related to a personnel matter.

Policy

- A. City officials, employees and employee representatives shall not contact Civil Service Board members to discuss any information pertaining to a past, pending or prospective hearing involving employee discipline or grievances.
- B. All documents presented to the Civil Service Board prior to, or during, an employee disciplinary hearing or grievance hearing shall be considered confidential. No City Council member, City employee or employee representative shall release any such document to any person without the prior written approval of the applicant's representative and the Secretary for the Civil Service Board.
- C. A Civil Service Board decision shall be considered confidential and shall not be released to any person without the prior written approval of the applicant's representative and the Secretary for the Civil Service Board.

- D. Documents pertaining to a pending hearing that are transmitted to one or more members of the Civil Service Board shall be transmitted to all Board members by the Administrative Services Director unless circumstances indicate that the document has already been transmitted to all Board members.

History

Adopted A-14 - 1-27-1997

Amended A-14 - 5-12-2015

Amended A-14 - 12-9-2025

Exhibit C
Newport Beach Council Policy B-7

SPECIAL EVENT PERMIT REQUEST PROCESSING

Purpose

To set forth City policy concerning administration and control of special events. Special events include activities as defined in Chapter 11.03 of Title 11 of the Newport Beach Municipal Code. Requests that include activities for which the Municipal Code requires a permit to be obtained may be included in the special event permit process.

Policy

It is the policy of the City Council to ensure that the numerous special event activities permitted by the City do not negatively affect the community, that requests for permits are efficiently processed by staff, that City liability is eliminated, that all appropriate insurance requirements are met, and that costs for municipal services provided are kept at a reasonable level and recovered from the event sponsors. Affected City departments shall be notified of special event permit requests in accordance with the schedule attached and provide recommendations on how to conduct the event safely, lawfully and with a minimum negative impact on the community.

It is the responsibility of the Recreation and Senior Services Director to coordinate the administration of special events and to be the central contact point for residents or other event sponsors, as well as the various City Departments having influence or control over aspects of any given event. Requests for special event permit applications will be received by a special event supervisor in the Recreation and Senior Services Department and routinely routed to appropriate departments for investigation. Each department will investigate the proposed event and make a recommendation for approval or denial of the event. If recommended for approval, recommended conditions for approval will also be presented.

Events that include the following activities or aspects shall be additionally reviewed by the departments indicated:

<u>Activity</u>	<u>Reviewing Department</u>
Fireworks	Fire Department Police Department City Manager

Tents and Canopies	Fire Department Building Division
Requests on the Harbor	Harbor Department Orange County Sheriff's Harbor Patrol Bureau
Requests on the Balboa Pier	Public Works Department
Requests on McFadden Plaza	Public Works Department
Requests on the Newport Pier	Public Works Department
Requests on Public Beaches	Harbor Department Public Works Department Fire Department
Requests in a Public Park	Recreation and Senior Services Department Public Works Department
Requests to Deviate from Use Permit	Community Development Department
Requests at a Commercial Location	Community Development Department
Signs and Banners on Private Property	Community Development Department
Signs and Banners on Public Property	Public Works Department
Amplified Sound at a Commercial Location	Community Development Department Police Department
Amplified Sound at a Residential Location	Police Department Revenue Division
Temporary Street or Sidewalk Closures	Public Works Department
Sidewalk Sales	Public Works Department Community Development Department
Use of Public Property	Administrative Services Department

Public Food Service

Orange County Health Care Agency

Use of Back Bay Drive

California Department of Fish and
Wildlife
Public Works Department
County of Orange

If each department reviewing a special event permit application recommends approval of issuance of the permit, a permit will be issued to the applicant listing the conditions provided by each department. The City Council may authorize approval of any request for special event permit when:

- A. Required by Municipal Code.
- B. When a Level 3 Special Event Permit has been denied and the applicant chooses to appeal the denial.

Residency Requirements

For purposes of this City Council Policy, there are two types of special event permit applicants: (1) a business or organization; or (2) a natural person. The determination between the two types of applicants is determined by who is financially and legally responsible for all components of the event, including permitting, providing liability insurance, attending meetings, conducting event correspondence with the City, and paying all event related fees as well as retaining the profits generated by the event. For purposes of this City Council Policy and for special event permit fees, a "resident" is defined as:

- 1. A business or organization which owns or leases property within the City and is registered, incorporated or conducts its business from the owned or leased property within the City; or
- 2. A person that lives permanently or on a long-term basis in the City.

Post Office Boxes do not qualify a business, organization, or individual for residency status under this City Council Policy or special event permit fees.

History

Adopted I-7 - 1-24-1994

Amended I-7 - 2-24-1997

Amended I-7 - 5-8-2001

Amended I-7 - 4-8-2003 (changed to B-7)

Amended B-7 - 4-13-2004

Amended B-7 - 9-13-2005

Amended B-7 - 8-11-2009

Amended B-7 - 5-12-2015

Amended B-7 - 8-8-2017

Amended B-7 - 11-14-2023

Amended B-7 - 12-9-2025

Exhibit D

Newport Beach Council Policy B-8

BIKE, FOOT RACE AND SURF CONTEST EVENT POLICY

The purpose of this policy regarding the use of City Public Property and beaches for conducting bicycle events, running events, surf contests and other athletic contests is to minimize the inconvenience to City residents, and to eliminate any potential City liability for injuries resulting from the event. All bicycle events, running events, surf contests or events and similar athletic contests/events shall be required to secure a Special Event Permit, comply with all of the conditions to the permit, and comply with the provisions of this Policy. Races, running events, walking events and other athletic contests/events using City public property shall not be conducted during the summer (June 15 through September 15). No more than twelve (12) such events shall be permitted during any calendar year and not more than four (4) in one geographical area in one year.

The person or entity primarily responsible for administering the event must prove their ability to pay for all required City safety and maintenance services prior to issuance of any permit. Proof of ability to pay for these services shall be in the form of a cash deposit, bond, or similar instrument. The permittee shall, prior to the event, provide the City with evidence of insurance, with the City named as an additionally insured, with minimum coverage of one (1) million dollars per occurrence unless the City Attorney determines that due to the circumstances surrounding the event, more insurance coverage is necessary.

No permit shall be issued for any race, running event, surf contest or athletic contest/event which is sponsored or financially supported by a tobacco or alcohol company and no alcohol or tobacco shall be permitted to be dispensed or available in the event there are participants under the age of 21. Nor will any signage promoting alcohol or tobacco company be allowed to be displayed at the contest/event.

As stewards of public access to the coast it is the City's policy to keep the beaches open to the general public and not permit exclusive use or events unless sponsored or organized by the City. Surf, surf-related and sandcastle contests are the only events permitted using City beaches and shall not be conducted during Memorial Day weekend or summer (June 15 - September 15).

Surf Contests and League Competitions

No more than eight (8) surf or surf related commercial events and/or events determined to need a Special Event Permit shall be permitted on or near the beach during any calendar year and events shall be scheduled at least three (3) weeks apart. All Surf

competitions, no matter what the size, are required to register with the Recreation & Senior Services Department a minimum of one month prior to the scheduled event in order to receive approval for use of the requested location and event dates.

Non-commercial, low impact surf contests put on by non-profit groups and/or local schools can apply for event approval by completing a Surf Contest/ Activity Registration Form. There is no fee for registration of a surf contest, only for the Special Event Permit, if needed. All responsible parties must be able to provide upon request proof of a valid registration approval during the hours of the surf contest. Only non-profit groups will be considered.

Surf contest permits will be granted for specific dates only. No more than one surf contest will be scheduled per day. Surf contest permits do not allow for the exclusive use of the ocean or contest area and are always subject to blackball rules and regulations. There can only be a maximum of six (6) commercial contests at any one location per calendar year. The Fire Department determines acceptable locations for surf contests.

Local surf league competitions are required to submit a Contest/ Activity Registration Form a minimum of one month prior to the scheduled match. Schools are to coordinate and agree to league competition dates prior to submittal collectively by June 1 each year to be considered for priority. League competitions are limited up to two (2) pre-season and five (5) league "home" competition events, with one home league competition per week per school. Up to seven (7) total per school per year.

No more than two surf league competitions per week will be considered, with emphasis placed on coordinating schedules to hold one per week when possible. If two surf league competitions are scheduled in the same week, they must be at different locations on the beach. Schools shall make every effort to coordinate alternating home league competitions to achieve this. League competitions are limited to the morning hours of 6:30-8:30 a.m. and shall not be conducted during Memorial Day weekend or summer (June 15 -September 15).

History

Adopted I-21 - 2-14-1983	Amended B-8 - 4-13-2004
Amended I-21 - 11-14-1983	Amended B-8 - 9-13- 2005
Amended I-21 - 9-22-1986	Amended B-8 - 9-27-2011
Amended I-21 - 1-24-1994 (changed to I-8)	Amended B-8 - 11-14-2023
Amended I-8 - 7-25-2000	Amended B-8 - 12-9-2025
Amended I-8 - 4-8-2003 (changed to B-8)	

Exhibit E
Newport Beach Council Policy B-12

CO-SPONSORSHIP OF ANNUAL FIREWORKS EVENTS

The City of Newport Beach recognizes that the annual Independence Day fireworks event, provided by the private resort operated within the lower Back Bay, is a worthwhile event benefiting many City residents. Moreover, the fireworks display is enjoyed by the citizens as a community and family event.

Therefore, when fireworks events are scheduled at this location by the private resort in commemoration of Independence Day, the City Council may annually budget an amount between \$20,000 and \$40,000 for the fireworks events, provided that (1) City residents have free access to the event, with the exception of parking fees; (2) the City is recognized as a co-sponsor of the event in all publicity and promotional materials for the fireworks display; and (3) the applicant provides evidence of insurance with the City named as an additional insured, the amount of coverage determined by the City Manager and the City Attorney.

History

Adopted I-24 - 3-9-1998

Amended I-24 - 4-8-2003 (changed to B-12)

Amended B-12 - 8-11-2009

Amended B-12 - 12-9-2025

Exhibit F
Newport Beach Council Policy B-17

PARKS, FACILITIES, AND RECREATION PROGRAM DONATIONS

Purpose

The City Council recognizes the need to promote community involvement and active participation in quality of life components throughout the community, and the need to establish a fair, equitable, and uniform procedure by which gifts may be donated to the City. This policy establishes criteria for donations to assure area compatibility, attractiveness, usefulness, and sustainability of maintenance. Each donation considered for inclusion in the City's parks and streets system will be subject to established limitations and guidelines for each particular area.

Policy

A. Acceptance of Donations

1. Based on the value of the donation, appropriate City staff will review the acceptability of any donation and determine if the benefits to be derived warrant acceptance of the donation.
2. Criteria for evaluation includes consideration of any initial expenditure required in order to accept the donation, the potential and extent of the City's obligation to maintain the donation for a minimum of 10 years, and the community benefit to be derived from the donation. After 10 years, or at the end of the donated item's useful life, the donated item may be removed or replaced by the City.
3. The cost of a tangible donation shall also include a maintenance fee equal to 50% of the estimated 10-year maintenance cost of the donated item, paid for in full by the donor at the time of the donation, and at renewal if the donor elects to renew the donation as part of the first right of refusal process, per section G. This maintenance fee is in addition the cost and installation of the donated item.

B. Types of Donations

Donations may only be received in the form of a check. Restricted donations are those donations that the donor specifies for a particular City location or purpose. Unrestricted donations are those donations that are given to the City for unspecified use.

1. Trees

Donations for trees add beauty to City parks and facilities. Donations for trees may be used to install a tree or trees at parks recommended by the

Municipal Operations Director and approved by the Parks, Beaches and Recreation Commission. Depending on availability, the minimum cost of tree donations must be equal to the price of a 48" boxed container plus maintenance costs, unless waived by the Commission. Tree donations are limited to specific species that match the landscape in park locations.

2. Benches

Donations for a bench will be used to install a bench in different areas including parks, streets, along the beachfront, within villages, commercial districts, neighborhoods, on a specific island, etc. The Parks, Beaches, and Recreation Commission, with the assistance of Municipal Operations Department staff, shall designate the type, style, design, and placement of City-owned benches on City property.

- a. An inventory of designated benches and available bench locations will be maintained by the City.
- b. Donation requests must be submitted to the Municipal Operations Department and meet the following requirements:
 - i. Bench donations along a city street, beachfront or other public right of way will require the approval of the Municipal Operations Director.
 - ii. Donations for a bench within a commercial district will require notification of, and an endorsement from, the local business association, if applicable.
 - iii. Donations for a bench to be located at a park or facility within a residential community will require notification of residents and any established homeowners association or common interest development, when applicable, within 300 feet of the proposed location for placement.
 - iv. Donations for three types of benches, and any exception to the following, must be approved by the Parks, Beaches and Recreation Commission. Donors can choose from the following:
 - 1) Huntington Beach Style - Standard Concrete Park Bench;
 - 2) Victoria Style - Backless Standard Concrete Park Bench;
or
 - 3) Infinity Style - Standard Park Bench with metal legs and composite bench slats. Comes in standard or backless.

3. Park, Public Improvement, and Street Amenities

Donations for other amenities such as drinking fountains, tables, and other equipment that will improve public places in parks, in and/or around public buildings, streets, walkways, and trails may be offered to the City.

- a. Donations for other amenities will be identified and approved by City Staff.
- b. Donation of funds for public amenities valued at or below the amount set forth in City Council Policy F-3 may be accepted by the City Manager.
- c. Donation of funds for public amenities valued at the amount set forth in City Council Policy F-3, and above, requires City Council approval.
- d. Donations of funds for public amenities to be installed on public sidewalks shall meet the criteria described in Policy L-6 Encroachments in Public Rights-of-Way and be approved by the Municipal Operations Director.

C. Naming Rights

Donors may receive naming rights on capital improvement projects for which any donation matches or exceeds 75% of the total budgeted cost for the area benefiting from the donation. All such donations will be submitted to the City Council for acceptance of the donation and the name to be applied to the project in keeping with City Council Policy B-9 -*Naming of City Parks & Facilities*.

D. Sponsorships

Special Events are recognized as fundraising activities. Where donations or sponsorship of a special event will require some form of recognition, and, in order to provide recreational opportunities, corporate or organizational sponsors may be recognized by use of logos and name on event banners and signage. Signs and literature at all such special events is at the discretion of the appropriate Department Director. The size, scale and location of corporate logos and names should not dominate the event facilities or area. Corporate logos and/or names should not be displayed in a manner that would, in any way, suggest the endorsement of the Department or the City. All signs must comply with the City's existing sign code and Council Policies B-3 and B-8.

E. Right to Decline

The City of Newport Beach reserves the right to decline any donation if, upon review, acceptance of the donation is determined to not be in the best interest of the City.

F. Special Privileges

Making a donation or co-sponsoring a special event does not entitle a sponsor/donor to any special privileges other than those stated in this policy such as recognition or displays at events, unless otherwise agreed upon and approved by the Department Director or the City Council when appropriate.

G. Timeliness

All donations are limited to a period of 10 years or until the end of the useful life of the item. After 10 years, or the end of the useful life of the item, whichever comes first, reasonable effort will be made to contact the original donor (City will attempt to make contact for no more than 30 days if donor is unable to be reached) for a right of first refusal to keep the donation in their name. If denied, or the donor is unable to be reached, the location may become available for a new donation.

H. Acknowledgements

1. Letter of acceptance of donation will be sent to the donor.
2. In some cases, recognition of donations may be given at Commission or Council Meetings.
3. A donor will receive a certificate of acknowledgement for the donation and their name will be placed on the GIS Donation map, with coordinates of the location of their donation.
4. Donations are not eligible for donation plaques, however the donor will be provided with a certificate acknowledging the donation and the location of the donated item.

History

Adopted I-15 - 7-22-1991 ("Park Improvement Donations")

Amended I-15 - 1-24-1994 (changed to G-5)

Amended G-5 - 6-27-1994

Amended G-5 - 6-24-1996

Adopted B-17 - 5-9-2006 ("Park, Facilities, and Recreation Program Donations", and incorporating G-5)

Amended B-17 - 2-24-2009

Amended B-17 - 6-26-2012

Amended B-17 - 8-8-2017

Amended B-17 - 9-10-2019

Amended B-17 - 11-14-2023

Amended B-17 - 12-9-2025

Exhibit G
Newport Beach Council Policy D-1

MEDIA RELATIONS

Purpose

A continuing responsibility of the City of Newport Beach is to provide timely, accurate and factual information to residents, businesses and visitors. To meet that responsibility, the City must work in partnership with the news media. To ensure that the City communicates effectively with media representatives, the following procedures shall be followed and adhered to by all City employees, consultants, and members of boards, commissions, and committees.

A. Print and Broadcast Media Spokespersons

1. Designated Spokespersons

The City Manager, City Attorney, Assistant City Manager, Assistant City Attorney, Department Directors, Public Information Manager, Fire or Police Public Information Officers, designated departmental representatives (such as on-duty Watch Commander), or City Manager designee, may handle routine requests from the media that are within their area of expertise. Except to the extent authorized by Council Policy or law, no other persons may disseminate official information on behalf of the City, and should refer the reporter to the Department Director, Public Information Office or designated department representative.

2. Potential Controversial Issues

The City Manager, City Attorney, Assistant City Manager, Assistant City Attorney, and Department Directors may address questions from the media on sensitive issues relating to their area of expertise, including topics that may affect City policy and/or matters that may ultimately result in Council action.

B. Release of Information

1. Approval

News releases shall be prepared and routed to the Public Information Office for review before they are released to the media. The City Manager or Assistant City Manager will have final approval on all news releases except announcements regarding special events and routine activities.

Exception. Fire and Police responses to emergencies in the community may be reported directly to the media by a designated department spokesperson with the approval of the Fire or Police Chief or their designee.

Investigations and routine community relations activities may also be reported directly to the media by the designated Fire or Police Department spokespersons. All news releases should also be copied to the City Manager and the City's Public Information Office.

2. Format

All City representatives shall use standard City of Newport Beach news release stationery and follow City news release format and writing style to distribute information to the media. Electronic distribution of news releases shall utilize City email addresses, and where applicable, City Digital Communication Platforms as defined in City Council Policy D-5. News releases shall include the name of and contact information for the designated spokesperson to contact for additional information. Personal stationery, personal email addresses, and personal Digital Communication Platforms shall not be utilized for the dissemination of official news releases.

3. City Council Notification

All news releases shall be distributed to the Mayor and members of the City Council prior to release to the media if practical, or immediately thereafter.

4. Staff Notification

All information – written or spoken – released to the media by a member of the City staff will be immediately communicated via e-mail to the City Manager, appropriate Department Head and Public Information Office. The e-mail should contain a brief synopsis of the information communicated, the name and phone number of the person interviewed, the reporter's name, the name of the media outlet, and when the story is expected to appear.

5. Release of Reports

Reports prepared by City staff for submission to the City Council shall be made available to the media or the general public at the same time as the agenda packets are delivered to the City Council.

6. Confidential Information

News Releases shall not contain information, which is confidential pursuant to provisions of state or federal statutory or decisional law, or which has been received by the City pursuant to a representation of confidentiality. Documents or information exempt from disclosure pursuant to provisions of the California Public Records Act shall not be contained in any news release without City Attorney approval. No City representative will release public information contrary to the provisions of the California Public Records Act, the Brown Act, the California Penal Code, cases interpreting those statutes, or City of Newport Beach policy. Any questions related to Public Records Act requests should be directed to the City Clerk's Office and the City Attorney's Office.

C. Guidelines

1. Litigation, Personnel, Election Issues

Due to legal and privacy concerns, any request for information related to litigation, personnel or election issues must be handled by the appropriate department. This information includes: private employee information, employee disciplinary actions, matters considered in closed sessions of City Council, certain law enforcement records, certain Fire and EMS records, matters related to internal and external security, privileged communication records and work products of the City Attorney or special legal counsel, draft correspondence or documents, and records pertaining to litigation where the City is a party.

- Media inquiries regarding pending or ongoing litigation should be referred to the City Attorney's Office.
- Questions regarding personnel issues or matters should be referred to the Administrative Services Department.

- Any inquiries regarding election or campaign issues should be referred to the City Clerk's Office.

In all cases, especially if there is any question as to which department should respond to the inquiry, the department should notify the City Manager and the Public Information Office about the inquiry.

2. Personal Points of View

City employees and consultants and members of boards, committees and commissions (BCC) have a right to their personal points of view and the freedom to express their opinions. Any City employee, consultant or BCC member that identifies themselves as an employee, consultant or BCC member of the City of Newport Beach must indicate that said opinions do not represent those of the City, but are the City employee's, consultant's, or BCC member's personal opinions (*i.e.*, views expressed are my own). In addition, media contact made as a private citizen may not be communicated or prepared on City time, stationery, equipment or in any way at City expense.

3. General or Routine Media Requests (events, meetings, etc.)

Routine media requests may be handled by any employee if the information provided is of a factual, incidental or inconsequential nature such as confirming a meeting time or providing scheduling, location or other routine information about a City event or activity.

4. City-initiated Media Contacts/Information Distribution

Proactive media contacts should be made by the Public Information Manager (or the City Manager's designee) or the Police and Fire Public Information Officers. This includes issuing news releases and media advisories and making proactive, personal contact with news reporters or editors requesting coverage. All staff, including the designated spokespersons identified in Section A-1 of this policy, must work through the Public Information Office or the Police and Fire Public Information Officers in initiating media contact.

5. Errors in Reporting

Reporting errors should be brought to the attention of the Public Information Office. The Public Information Manager, in conjunction with the City Manager or the appropriate Department Head, will determine if the reporter should be contacted about the error.

6. Crisis or Emergency Issues

During a crisis or an emergency as defined in Newport Beach Municipal Code Section 2.20.020, or any successor section, all media relations will follow the guidelines specified in the City's emergency operations plan.

[Attachment - Exhibit A]

History

Adopted G-3 - 11-23-1992

Amended G-3 - 1-24-1994 (changed to D-1)

Amended D-1 - 2-26-1996

Amended D-1 - 4-23-2002

Amended D-1 - 10-14-2008

Amended D-1 - 8-8-2017

Amended D-1 - 5-14-2024

Amended D-1 - 12-9-2025



CITY OF
NEWPORT BEACH

NEWS RELEASE

Date

Contact: Name

Title

Phone

Email

Headline Goes Here

NEWPORT BEACH, Ca. – News release content goes here.

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Exhibit H –
Newport Beach Council Policy D-4

**CITY OF NEWPORT BEACH INNOVATION/IMPROVEMENT
INCENTIVE PROGRAM**

Purpose

To establish a method for employees to submit suggestions to improve City business practices. The objective of the program is to achieve efficiencies in City operations by providing employees an opportunity and incentive to contribute their ideas. Ideas resulting in measurable cost savings, increased efficiency or increased revenue to the City will be given priority over intangible suggestions.

Policy

Review Committee. The City Manager's Office shall designate an Innovation/Improvement Incentive Program coordinator in addition to a five member review committee made up of three members of the management team, and one standing advisory member from both the City Manager's Office and Administrative Services Department. The review board will review each idea submitted.

Application Period. Employee suggestions will be accepted by the Innovation/Improvement Incentive Program coordinator year-round.

Submittal and Review. Procedure Employee suggestions will be submitted on the IIIP form to their Department Director for signature. Once approved by the Department Director, the form is forwarded to the Innovation/Improvement Incentive Program coordinator. All ideas will be acknowledged upon receipt. The Innovation/Improvement Incentive Program Committee will forward a copy of any approved idea to the appropriate department(s) for evaluation. After review by the affected department(s), a written response signed by the department director(s) shall be returned to the Innovation/Improvement Incentive Program Committee with a recommendation. The affected department(s) shall provide a summary of projected cost or operational benefit to the City for suggestions recommended for adoption. The committee will make a determination to adopt, reject or defer the matter for further investigation. The decision of the committee shall be communicated directly to the employee. If the committee adopts the suggestion, a pilot study may be conducted to determine the actual savings/revenue or cost avoidance.

Employee Award Eligibility. All current City of Newport Beach full time and part time employees, actively in the workplace, are eligible to receive awards with the exception of Department Directors, members of the City Council, members of appointed advisory boards or commissions, and members of the Innovation/Improvement Incentive Program Committee.

Subject Matter Eligibility. All areas of activity within the City of Newport Beach are eligible for Innovation/Improvement Incentive Program submission with the following exceptions:

- A. Personnel grievances
- B. Matters within the scope of collective bargaining
- C. Suggestions awarded in the prior three years
- D. Matters that are a result of assigned or contracted audits, studies, surveys, review, or other research projects
- E. Enforcement of existing federal, state, or local rules, regulations and laws including printed City policies, rules and procedures
- F. Recommendations for purchase or replacement of parts from a different source at a lesser price
- G. Suggestions that would result in increased fees or costs to the City of Newport Beach residents
- H. Matters which are considered part of the normal job duties of the employee

Time Period Eligibility. Any employee who submits a suggestion retains the right to any award during the period of time that the suggestion is being evaluated, plus an additional twelve months from the date of notification that the idea was rejected or deferred for further investigation.

Criteria for Judging Suggestions. Suggestions that result in one of the following outcomes will have the greatest likelihood of adoption:

- A. Measurable Cost Savings
- B. Improved Customer Service
- C. Increased Efficiency
- D. Improved Work Environment
- E. Improved Safety and Health
- F. Increased Employee Morale

Awards. If a suggestion is adopted, the amount of the award will depend on whether the idea is one which results in tangible or intangible savings as determined by the committee. Suggestions involving work environment, employee morale, customer service or safety may fall in the intangible category.

Tangible Suggestion. Awards are given for implemented suggestions for which monetary savings can be precisely determined. Cost avoidance awards are given for suggestions that are implemented that reduce time required for an existing process or avoid future cost increases without reducing current level of service. The amount of these awards is 1% of savings or avoided costs capped at \$1,000.

Intangible Suggestion. Awards are given for suggestions implemented which improve customer service, work environment, result in a change in procedures, revision of forms, or improvement in employee morale, health or safety. The minimum award for recognition of these suggestions should have a minimum value of \$25 with a maximum not to exceed \$500.

Group Suggestion. Awards for a suggestion presented by a group of employees shall be determined on the same basis as if the suggestion had been submitted by one employee. The amount of the award shall be equally divided among those employees submitting the suggestion.

Special Awards. The City Manager, upon recommendation of the Innovation/Improvement Incentive Program Committee, may determine a special award for a submitted suggestion. Special awards will be considered only for unusual suggestions that result in superior savings, and/or innovative safety or customer service improvements.

Decision of the City Shall Be Final. The decision by the Innovation/Improvement Incentive Program Committee, the City Manager or the City Council regarding any action governed by this policy shall be at the sole discretion of such decision making authority and shall be final and binding. Nothing contained in this policy shall be deemed to create any contract or other legally binding obligation upon the City to adopt any suggestion submitted. Submittal of a suggestion shall constitute a waiver of all claims against the City with regard to such idea and an agreement by the employee to be bound by the decision of the City.

History

Adopted J-3 - 1-24-1994

Amended J-3 - 3-22-1999 (changed to D-4)

Amended D-4 - 5-14-2013

Amended D-4 - 5-12-2015

Amended D-4 - 12-9-2025

Exhibit I

Newport Beach Council Policy E-1

PUBLIC RECORDS ACT POLICY

PURPOSE

The purpose of this policy is to ensure a prompt and appropriate response to all Public Records Act ("PRA") requests.

POLICY

This Policy applies to all requests for City of Newport Beach ("City") records pursuant to provisions of the PRA found in Sections 7920.000 *et. seq.* of the Government Code of the State of California. The PRA applies to records that are paper (hard copy) or electronic (computerized) prepared, owned, used, or retained by the City. Generally, the PRA requires disclosure of City records within ten (10) calendar days unless there is a statutory basis for non-disclosure, "unusual circumstances" justify an extension of time, or the City determines that the public interest in non-disclosure significantly outweighs the public interest in disclosure.

To facilitate a prompt and appropriate response, all PRA requests shall be processed as follows:

- A. Each Department Director shall designate one (1) staff member, and one (1) alternate staff member to serve as the PRA representatives for their department ("PRA Staff"). The City Clerk shall maintain a list of PRA Staff. Department Directors shall periodically review the PRA Staff list to ensure it contains the most current information.
- B. Any City employee, officer, or Department Director (collectively, "Employee(s)") receiving a written PRA request for City records shall, on the day of receipt, deliver a copy of the request to their respective PRA Staff.
- C. Any Employee receiving a verbal PRA request for City records should ask the requester to confirm the request in writing and, if the requester declines, prepare a written record of the request. The Employee shall then deliver a copy of the request to their respective PRA Staff on the day of receipt.
- D. Requests for City records must sufficiently describe the records sought so that identification, location and retrieval can be accomplished. When a request to inspect/copy a City record is received, and the request does not describe a

reasonably identifiable record, Employees are responsible to assist the requesting party as reasonably necessary to identify the records they are seeking.

- E. City records may be inspected at any time during regular office hours. However, as a practical matter, the City may need to locate the requested records, gather multiple records, or redact exempt information prior to inspection. As soon as possible but not more than two (2) business days after receiving a request for a City record, PRA Staff shall review the request and proceed as follows:
1. If the request seeks a City record that is easily identifiable, locatable, and disclosable (e.g., contracts, staff reports, City Council Policies, etc.), PRA Staff shall respond directly to the requester with the City record(s) sought; or
 2. If the request seeks a City record that is not easily identifiable, that relates to pending or anticipated litigation, involves multiple departments, requires more than two (2) business days to compile responsive documents, is not disclosable (e.g., personnel records, legal correspondence, confidential informant information, etc.), or raises a question as to whether the record is disclosable, the request shall be forwarded to the City Clerk's PRA Staff, with a "cc" to the City Attorney's PRA Staff.
- F. Within two (2) business days of receiving a request from PRA Staff, the City Clerk or his/her designee shall review the request and proceed as follows:
1. If the request seeks a City record that is retained by the City Clerk's Office the City Clerk or his/her designee shall respond directly to the requester with the City record(s) sought; or
 2. If the request seeks City records retained by a department or multiple departments the City Clerk or his/her designee shall forward the request to the responsible PRA Staff within each department with directions on how to proceed. The City Clerk or his/her designee may designate one (1) department's PRA Staff as the lead department to respond to the request or may retain lead responsibility for a response within the City Clerk's Office, in which case the City Clerk's Office will gather all responsive documents and respond directly to the requester with the City records sought. If a department's PRA Staff is designated with lead responsibility the department shall gather all responsive City records from its own department and other departments, if any, and shall respond directly to the requestor with the City record(s) sought; or

3. If the request seeks City records that relate to pending or anticipated litigation, City records that may not be disclosable, or City records that raise a legal question, the City Clerk or his/her designee shall contact the City Attorney's Office for assistance.
- G. The City Attorney's Office is available to assist the City Clerk's Office with any questions or issues that may arise regarding a PRA request. The City Attorney's Office shall evaluate all record requests referred by the City Clerk's Office and recommend an appropriate response.
- H. All PRA requests shall be responded to within ten (10) calendar days after the request is received by the City unless "unusual circumstances", as defined in California Government Code Section 7922.535(c) or any successor statute, require additional time not exceeding fourteen (14) calendar days. The City Attorney's Office shall be copied on all written requests for additional time.
- I. Once a request is made to inspect a City record and the records identified are located in the electronic communication system, the Employee having control of the electronic communication shall use his/her best efforts, to temporarily preserve the record until it is determined if the record is subject to preservation, public inspection, or production.
- J. All PRA requests for electronic communications should be handled in accordance with this Policy, and departmental policy and direction. All electronic communications that constitute an identifiable City record and that are not privileged or exempt from disclosure shall be disclosed in compliance with the applicable provisions of the PRA.
- K. The City is obligated to produce disclosable City records upon payment of fees covering direct costs of duplication or a statutory fee, if applicable (a fee is not applicable to a request to inspect documents). The City is not entitled to recover costs associated with searching for or retrieving the record unless specifically authorized by State law. The requestor should be referred to the Administrative Services Department for payment of the costs of duplication prior to release of the records.
- L. An Employee is authorized not to disclose City records pursuant to a PRA request when:

1. The request does not reasonably describe an identifiable record after the City makes a reasonable effort to elicit additional clarifying information to help identify the record(s);
2. The request requires the City to compile data, perform research or create new records not currently in existence;
3. The request seeks records which are privileged or exempt from disclosure; or
4. The request seeks records that cannot be reasonably separated from records which are exempt from disclosure.

Any questions related to the applicability of a particular exemption shall be referred to the City Clerk's Office and, if necessary, the City Clerk's Office will refer the question to the City Attorney's Office (e.g., a request for a document regarding a City Council communication, etc.). Any legal questions regarding a request may be referred directly to the City Attorney's Office.

- M. The City Clerk, with assistance from the City Attorney, will monitor compliance with this Policy and State law regulating the PRA.

History

Adopted E-1 - 1-24-1994
 Amended E-1 - 4-23-2002
 Amended E1 - 1-24-2012
 Amended E1 - 8-8-2017
 Amended E1 - 1-10-2023
 Amended E1 - 12-9-2025

Exhibit J
Newport Beach Council Policy F-1

STATEMENT OF INVESTMENT POLICY

Purpose

The City Council has adopted this Investment Policy (the Policy) in order to establish the scope of the investment policy, investment objectives, standards of care, authorized investments, investment parameters, reporting, investment policy compliance and adoption, and the safekeeping and custody of assets.

This Policy is organized in the following sections:

- A. Scope of Investment Policy
 - 1. Pooling of Funds
 - 2. Funds Included in the Policy
 - 3. Funds Excluded from the Policy
- B. Investment Objectives
 - 1. Safety
 - 2. Liquidity
 - 3. Yield
- C. Standards of Care
 - 1. Prudence
 - 2. Ethics and Conflicts of Interest
 - 3. Delegation of Authority
 - 4. Internal Controls
- D. Banking Services
- E. Broker/Dealers
- F. Safekeeping and Custody of Assets
- G. Authorized Investments
 - 1. Investments Specifically Permitted
 - 2. Investments Specifically Not Permitted
 - 3. Exceptions to Prohibited and Restricted Investments
- H. Investment Parameters
 - 1. Diversification
 - 2. Maximum Maturities
 - 3. Credit Quality
 - 4. Competitive Transactions
- I. Portfolio Performance
- J. Reporting
- K. Investment Policy Compliance and Adoption
 - 1. Compliance
 - 2. Adoption

A. SCOPE OF INVESTMENT POLICY

1. Pooling of Funds

All cash shall be pooled for investment purposes. The investment income derived from the pooled investment shall be allocated to the contributing funds, net of all banking and investing expenses, based upon the proportion of the respective average balances relative to the total pooled balance. Investment income shall be distributed to the individual funds not less than annually.

2. Funds Included in the Policy

The provisions of this Policy shall apply to all financial assets of the City as accounted for in the City's Comprehensive Annual Financial Report, including;

- a) General Fund
- b) Special Revenue Funds
- c) Capital Project Funds
- d) Enterprise Funds
- e) Internal Service Funds
- f) Trust and Agency Funds
- g) Permanent Endowment Funds
- h) Any new fund created unless specifically exempted

If the City invests funds on behalf of another agency and, if that agency does not have its own investment policy, this Policy shall govern the agency's investments.

3. Funds Excluded from the Policy

Bond Proceeds – Investment of bond proceeds will be made in accordance with applicable bond indentures.

B. INVESTMENT OBJECTIVES

The City's funds shall be invested in accordance with all applicable City policies and codes, State statutes, and Federal regulations, and in a manner designed to accomplish the following objectives, which are listed in priority order:

1. Safety

Preservation of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that

seeks to ensure the preservation of capital in the overall portfolio. The objective shall be to mitigate credit risk and interest rate risk. To attain this objective, the City shall diversify its investments by investing funds among several financial institutions and a variety of securities offering independent returns.

a) Credit Risk

The City shall minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

- Limiting investments in securities that have higher credit risks, pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which the City will do business
- Diversifying the investment portfolio so as to minimize the impact any one industry/investment class can have on the portfolio

b) Interest Rate Risk

To minimize the negative impact of material changes in the market value of securities in the portfolio, the City shall:

- Structure the investment portfolio so that securities mature concurrent with cash needs to meet anticipated demands, thereby avoiding the need to sell securities on the open market prior to maturity
- Invest in securities of varying maturities

2. Liquidity

The City's investment portfolio shall remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated without requiring a sale of securities. Since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets. A portion of the portfolio also may be placed in money market mutual funds or LAIF which offer same-day liquidity for short-term funds.

3. Yield

The City's investment portfolio shall be designed with the objective of attaining a benchmark rate of return throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the

liquidity characteristics of the portfolio. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

C. STANDARDS OF CARE

1. Prudence

The standard of prudence to be used for managing the City's investment program is California Government Code Section 53600.3, the prudent investor standard, which states that "when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

The City's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that no investment is totally without risk and that the investment activities of the City are a matter of public record. Accordingly, the City recognizes that occasional measured losses may occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the City.

The Administrative Services Director and authorized investment personnel acting in accordance with established procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that deviations from expectations are reported in a timely fashion to the City Council and appropriate action is taken to control adverse developments.

2. Ethics and Conflicts of Interest

Elected officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper

execution of the City's investment program or could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Employees and investment officials shall subordinate their personal investment transactions to those of the City. In addition, City Council members, the City Manager, and the Administrative Services Director shall file a Statement of Economic Interests each year as required by California Government Code Section 87203 and regulations of the Fair Political Practices Commission.

3. Delegation of Authority

Authority to manage the City's investment program is derived from the Charter of the City of Newport Beach section 605 (j). The Administrative Services Director shall assume the title of and act as City Treasurer and with the approval of the City Manager appoint deputies annually as necessary to act under the provisions of any law requiring or permitting action by the City Treasurer. The Administrative Services Director may then delegate the authority to conduct investment transactions and to manage the operation of the investment portfolio to other specifically authorized staff members. No person may engage in an investment transaction except as expressly provided under the terms of this Policy.

The City may engage the support services of outside investment advisors with respect to its investment program, so long as it can be demonstrated that these services produce a net financial advantage or necessary financial protection of the City's financial resources. Such companies must be registered under the Investment Advisors Act of 1940, be well-established and exceptionally reputable. Members of the staff of such companies who will have primary responsibility for managing the City's investments must have a working familiarity with the special requirements and constraints of investing municipal funds in general and this City's funds in particular. These firms must insure that the portion of the portfolio under their management complies with various concentration and other constraints specified herein, and contractually agree to conform to all provisions of governing law and the collateralization and other requirements of this Policy. Selection and retention of broker/dealers by investment advisors shall be at their sole discretion and dependent upon selection and retention criteria as stated in the Uniform Application for Investment Advisor Registration and related Amendments (SEC Form ADV 2A).

4. Internal Controls

The Administrative Services Director is responsible for establishing and maintaining a system of internal controls. The internal controls shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent action by City employees and officers. The internal structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived, and (2) the valuation of costs and benefits requires estimates and judgments by management.

D. BANKING SERVICES

Banking services for the City shall be provided by FDIC insured banks approved to provide depository and other banking services. To be eligible, a bank shall qualify as a depository of public funds in the State of California as defined in California Government Code Section 53630.5 and shall secure deposits in excess of FDIC insurance coverage in accordance with California Government Code Section 53652.

E. BROKER/DEALERS

In the event that an investment advisor is not used to purchase securities, the City will select broker/dealers on the basis of their expertise in public cash management and their ability to provide service to the City's account.

Each approved broker/dealer must possess an authorizing certificate from the California Commissioner of Corporations as required by Section 25210 of the California Corporations Code.

To be eligible, a firm must meet at least one of the following criteria:

1. Be recognized as Primary Dealers by the Federal Reserve Bank of New York or have a primary dealer within their holding company structure, or
2. Report voluntarily to the Federal Reserve Bank of New York, or
3. Qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

F. SAFEKEEPING AND CUSTODY OF ASSETS

The Administrative Services Director shall select one or more banks to provide safekeeping and custodial services for the City. A Safekeeping Agreement approved by the City shall be executed with each custodian bank prior to utilizing that bank's safekeeping services.

Custodian banks will be selected on the basis of their ability to provide services for the City's account and the competitive pricing of their safekeeping related services.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. All securities shall be perfected in the name of the City. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

All investment securities, except non-negotiable Certificates of Deposit, Money Market Funds and local government investment pools, purchased by the City will be delivered by book entry and will be held in third-party safekeeping by a City approved custodian bank, its correspondent bank or its Depository Trust Company (DTC) participant account.

All Fed wireable book entry securities owned by the City shall be held in the Federal Reserve system in a customer account for the custodian bank which will name the City as "customer."

All DTC eligible securities shall be held in the custodian bank's DTC participant account and the custodian bank shall provide evidence that the securities are held for the City as "customer."

G. AUTHORIZED INVESTMENTS

All investments and deposits of the City shall be made in accordance with California Government Code Sections 16429.1, 53600-53609 and 53630-53686. Any revisions or extensions of these code sections will be assumed to be part of this Policy immediately upon being enacted. The City has further restricted the eligible types of securities and transactions. The foregoing list of authorized securities and transactions shall be strictly interpreted. Any deviation from this list must be pre-approved by resolution of the City Council. In the event an apparent discrepancy is found between this Policy and the Government Code, the more restrictive parameter(s) will take precedence.

Where this section specifies a percentage limitation or minimum credit rating for a particular security type, that percentage or credit rating minimum is applicable only at the date of purchase.

1. Investments Specifically Permitted

- a) United States Treasury bills, notes, or bonds with a final maturity not exceeding five years from the date of trade settlement. There is no limitation as to the percentage of the City's portfolio that may be invested in this category.
- b) Federal Instrumentality (government-sponsored enterprise) debentures, discount notes, callable and step-up securities, with a final maturity not exceeding five years from the date of trade settlement. There is no limitation as to the percentage of the portfolio that can be invested in this category. No more than thirty percent (30%) of the portfolio may be invested in any single Federal Instrumentality/GSE issuer. The maximum percentage of callable Federal Instrumentality/GSE securities in the portfolio will be twenty percent (20%).
- c) Federal Agency Obligations for which the full faith and credit of the United States are pledged for the payment of principal and interest and which have a final maturity not exceeding five years from the date of trade settlement. There is no limitation as to the percentage of the portfolio that can be invested in this category.
- d) Mortgage-backed Securities, Collateralized Mortgage Obligation (CMO) and Asset-backed Securities from issuers not defined sections a, b and c of the Investments Specifically Permitted section of this investment policy are limited to bonds with a final maturity not exceeding five years from the date of trade settlement. The security itself shall be rated at least "AAA" or the equivalent by an NRSRO. No more than five percent (5%) of the City's total portfolio shall be invested in any one issuer of mortgage-backed and asset-backed securities listed above, and the aggregate investment in mortgage-backed and asset-backed securities shall not exceed twenty percent (20%) of the City's total portfolio.

- e) Medium-Term Notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States, with a final maturity not exceeding five years from the date of trade settlement, and rated in at least the "A" category or the equivalent by an NRSRO. No more than five percent (5%) of the City's total portfolio shall be invested in any one issuer of medium-term notes, and the aggregate investment in medium-term notes shall not exceed thirty percent (30%) of the City's total portfolio.
- f) Municipal Bonds including bonds issued by the City of Newport Beach, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the City or by a department, board, agency, or authority of the City.

State of California registered warrants or treasury notes or bonds, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the state.

Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a revenue producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California.

Bonds, notes, warrants, or other evidences of indebtedness of a local agency within California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.

In addition, these securities must be rated in at least the "A" category or the equivalent by a NRSRO with maturities not exceeding five years from the date of trade settlement. No more than five percent (5%) of the City's total portfolio shall be invested in any one municipal issuer. In addition, the aggregate investment in municipal bonds may not exceed thirty percent (30%) of the portfolio.

- g) Non-negotiable Certificates of Deposit and savings deposits with a maturity not exceeding two years from the date of trade settlement, in FDIC insured state or nationally chartered banks or savings banks that qualify as a depository of public funds in the State of California as defined in California Government Code Section 53630.5. Deposits exceeding the FDIC insured amount shall be secured pursuant to California Government Code Section 53652. No one issuer shall exceed more than five percent (5%) of the portfolio, and investment in negotiable and nonnegotiable certificates of deposit shall be limited to thirty percent (30%) of the portfolio combined.

- h) Negotiable Certificates of Deposit only with a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank whose senior long-term debt is rated in at least the "A" category, or the equivalent, or short-term debt is rated at least "A-1" or the equivalent by an NRSRO and having assets in excess of \$10 billion, so as to ensure security and a large, well-established secondary market. Ease of subsequent marketability should be further ascertained prior to initial investment by examining currently quoted bids by primary dealers and the acceptability of the issuer by these dealers. No one issuer shall exceed more than five percent (5%) of the portfolio, and maturity shall not exceed two years. Investment in negotiable and non- negotiable certificates of deposit shall be limited to thirty percent (30%) of the portfolio combined.

- i) Prime Commercial Paper with a maturity not exceeding 270 days from the date of trade settlement that is rated "A-1", or the equivalent, by an NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either sub- paragraph i. or sub-paragraph ii. below:
 - i. The entity shall (1) be organized and operating in the United States as a general corporation, (2) have total assets in excess of \$500,000,000 and (3) have debt other than commercial

paper, if any, that is rated in at least the "A" category or the equivalent by an NRSRO.

- ii. The entity shall (1) be organized within the United States as a special purpose corporation, trust, or limited liability company, (2) have program wide credit enhancements, including, but not limited to, over collateralization, letters of credit or surety bond and (3) have commercial paper that is rated at least "A-1" or the equivalent, by an NRSRO.
- iii. No more than five percent (5%) of the City's total portfolio shall be invested in the commercial paper of any one issuer, and the aggregate investment in commercial paper shall not exceed twenty-five percent (25%) of the City's total portfolio. Under a provision sunseting on January 1, 2026, no more than forty percent (40%) of the portfolio may be invested in commercial paper if the City's assets under management are greater than \$100,000,000.
- j) Eligible Banker's Acceptances with a maturity not exceeding 180 days from the date of trade settlement, drawn on and accepted by a commercial bank whose senior long-term debt is rated in at least the "A" category or the equivalent by an NRSRO at the time of purchase. Banker's Acceptances shall be rated at least "A-1", or the equivalent at the time of purchase by an NRSRO. If the bank has senior debt outstanding, it must be rated in at least the "A" category or the equivalent by an NRSRO. The aggregate investment in banker's acceptances shall not exceed forty percent (40%) of the City's total portfolio, and no more than five percent (5%) of the City's total portfolio shall be invested in banker's acceptances of any one bank.
- k) Repurchase Agreements and Reverse Repurchase Agreements with a final termination date not exceeding 30 days collateralized by U.S. Treasury obligations or Federal Instrumentality securities listed in items 1 and 2 above with the maturity of the collateral not exceeding ten years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the City's approved Master Repurchase Agreement. The purchased securities shall have a minimum market value including accrued interest of one hundred and two percent (102%) of the dollar value of the funds borrowed.

Collateral shall be held in the City's custodian bank, as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily.

Repurchase Agreements and Reverse Repurchase Agreements shall be entered into only with broker/dealers and who are recognized as Primary Dealers with the Federal Reserve Bank of New York, or with firms that have a Primary Dealer within their holding company structure. Primary Dealers approved as Repurchase Agreement counterparties shall have a short-term credit rating of at least "A-1" or the equivalent and a long-term credit rating of at least "A" or the equivalent. Repurchase agreement counterparties shall execute a City approved Master Repurchase Agreement with the City. The Administrative Services Director shall maintain a copy of the City's approved Master Repurchase Agreement and a list of the broker/dealers who have executed same.

In addition, the City must own assets for more than 30 days before they can be used as collateral for a reverse repurchase agreement. No more than ten percent (10%) of the portfolio can be involved in reverse repurchase agreements.

- l) State of California's Local Agency Investment Fund (LAIF), pursuant to California Government Code Section 16429.1.
- m) California Asset Management Trust Cash Reserve Portfolio (CAMP): Investments in CAMP shall not exceed the same maximum limit established for LAIF.
- n) Mutual Funds and Money Market Mutual Funds registered under the Investment Company Act of 1940, provided that:
 - i. MUTUAL FUNDS that invest in the securities and obligations as authorized under California Government Code, Section 53601 (a) to (k) and (m) to (q) inclusive and that meet either of the following criteria:
 - 1) Attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or

- 2) Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by California Government Code, Section 53601 and with assets under management in excess of \$500 million.
 - 3) No more than 10% of the total portfolio may be invested in shares of any one mutual fund.
- ii. MONEY MARKET MUTUAL FUNDS registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and issued by diversified management companies and meet either of the following criteria:
- 1) Have attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or
 - 2) Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience managing money market mutual funds with assets under management in excess of \$500 million.
 - 3) No more than 20% of the total portfolio may be invested in Money Market Mutual Funds.
- iii. No more than 20% of the total portfolio may be invested in these securities.
- o) Supranationals which are United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development (IBRD), International Finance Corporation (IFC), or Inter-American Development Bank (IADB), with a maximum

remaining maturity of five years or less from the date of trade settlement, and eligible for purchase and sale within the United States. Investments under this paragraph shall be rated in the "AA" category, its equivalent, or better by at least one NRSRO.

No more than ten percent (10%) of the City's total portfolio shall be invested in any one issuer of supranational obligations. Purchases of supranational obligations shall not exceed twenty percent (20%) of the investment portfolio of the City.

2. Investments Specifically Not Permitted

Any security type or structure not specifically approved by this policy is hereby prohibited. Security types, which are thereby prohibited include, but are not limited to: "exotic" derivative structures such as range notes, dual index notes, inverse floating rate notes, leveraged or de-leveraged floating rate notes, interest only strips that are derived from a pool of mortgages and any security that could result in zero interest accrual if held to maturity, or any other complex variable or structured note with an unusually high degree of volatility risk.

Under a provision sunseting on January 1, 2026, securities backed by the U.S. Government that could result in a zero or negative interest accrual if held to maturity are permitted.

The City shall not invest funds with the Orange County Pool.

The purchase of a security with a forward settlement date exceeding 45 days from the time of the investment is prohibited.

3. Exceptions to Prohibited and Restricted Investments

The City shall not be required to sell securities prohibited or restricted in this policy, or any future policies, or prohibited or restricted by new State regulations, if purchased prior to their prohibition and/or restriction. Insofar as these securities provided no notable credit risk to the City, holding of these securities until maturity is approved. At maturity or liquidation, such monies shall be reinvested as provided by this policy.

H. INVESTMENT PARAMETERS

1. Diversification

The City shall diversify its investments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities. As such, no more than five percent (5%) of the City's portfolio may be invested in the instruments of any one issuer, except governmental issuers, supranationals, investment pools, mutual funds and money market funds, or unless otherwise specified in this investment policy. This restriction does not apply to any type of Federal Instrumentality or Federal Agency Security listed in Sections G1 b and G1 c above. Nevertheless, the asset allocation in the investment portfolio should be flexible depending upon the outlook for the economy, the securities markets and the City's anticipated cash flow needs.

2. Maximum Maturities

To the extent possible, investments shall be matched with anticipated cash flow requirements and known future liabilities. The City will not invest in securities maturing more than five years from the date of trade settlement, unless the City Council has by resolution granted authority to make such an investment at least three months prior to the date of investment.

3. Credit Quality

Each investment manager will monitor the credit quality of the securities in their respective portfolio. In the event a security held by the City is downgraded to a level below the requirements of this policy, making the security ineligible for additional purchases, the following steps will be taken:

- Any actions taken related to the downgrade by the investment manager will be communicated to the Administrative Services Director in a timely manner.
- If a decision is made to retain the security, the credit quality will be monitored and reported to the City Council.

4. Competitive Transactions

Investment advisors shall make best effort to price investment transactions on a competitive basis with broker/dealers selected consistent with their practices disclosed in form ADV 2A filed with the SEC. Where possible, at least three broker/dealers shall be contacted for each transaction and their bid or offering prices shall be recorded. If there is no other readily available competitive offering, the investment advisor shall make their best efforts to document quotations for comparable or alternative securities. If qualitative

characteristics of a transaction, including, but not limited to, complexity of the transaction, or sector expertise of the broker, prevent a competitive selection process, investment advisors shall use brokerage selection practices as described above.

I. PORTFOLIO PERFORMANCE

The investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. The performance of the City's investments shall be compared to the total return of a benchmark that most closely corresponds to the portfolio's duration, universe of allowable securities, risk profile, and other relevant characteristics. When comparing the performance of the City's portfolio, its rate of return will be computed consistent with Global Investment Performance Standards (GIPS).

J. REPORTING

Monthly, the Administrative Services Director shall produce a treasury report of the investment portfolio balances, transactions, risk characteristics, earnings, and performance results of the City's investment portfolio available to City Council and the public on the City's Website. The report shall include the following information:

1. Investment type, issuer, date of maturity, par value and dollar amount invested in all securities, and investments and monies held by the City;
2. A description of the funds, investments and programs;
3. A market value as of the date of the report (or the most recent valuation as to assets not valued monthly) and the source of the valuation;
4. A statement of compliance with this Policy or an explanation for non-compliance.

K. INVESTMENT POLICY COMPLIANCE AND ADOPTION

1. Compliance

Any deviation from the policy shall be reported to Finance Committee as soon as practical, but no later than the next scheduled Finance Committee meeting. Upon recommendation of the Finance Committee, the Administrative Service Director shall review deviations from policy with the City Council.

2. Adoption

The Administrative Services Director shall review the Investment Policy with the Finance Committee at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and return, and its relevance to current law and financial and economic trends.

The Administrative Services Director shall review the Investment Policy with City Council at a public meeting if there are changes recommended to the Investment Policy.

History

Adopted F-1 - 4-6-1959	Amended and Reaffirmed F-1 - 5-8-2001
Reaffirmed F-1 - 8-15-1966	Amended and Reaffirmed F-1 - 4-23-2002
Reaffirmed F-1 - 11-12-1968	Amended and Reaffirmed F-1 - 4-8-2003
Reaffirmed F-1 - 3-9-1970	Amended and Reaffirmed F-1 - 4-13-2004
Amended F-1 - 11-9-1970	Amended and Reaffirmed F-1 - 9-13-2005
Reaffirmed F-1 - 2-8-1971	Amended F-1 - 8-11-2009
Reaffirmed F-1 - 2-14-1972	Amended and Reaffirmed F-1 - 8-10-2010
Reaffirmed F-1 - 12-10-1973	Amended and Reaffirmed F-1 - 9-28-2010
Amended F-1 - 2-11-1974	Reaffirmed F-1 - 6-28-2011
Amended F-1 - 2-9-1981	Amended and Reaffirmed F-1 - 10-9-2012
Amended F-1 - 10-27-1986	Amended F-1 - 8-13-2013
Rewritten F-1 - 10-22-1990	Amended F-1 - 9-8-2015
Amended F-1 - 1-28-1991	Amended F-1 - 3-28-2017
Amended F-1 - 1-24-1994	Amended F-1 - 1-28-2020
Amended F-1 - 1-9-1995	Amended F-1 - 9-28-2021
Amended F-1 - 4-22-1996	Amended F-1 - 10-10-2023
Corrected F-1 - 1-27-1997	Amended F-1 - 4-9-2024
Amended F-1 - 2-24-1997	Amended F-1 - 10-22-2024
Amended F-1 - 5-26-1998	Amended F-1 - 12-9-2025
Reaffirmed F-1 - 3-22-1999	
Reaffirmed F-1 - 3-14-2000	

GLOSSARY OF INVESTMENT TERMS

AGENCIES. Shorthand market terminology for any obligation issued by a *government-sponsored entity (GSE)*, or a *federally related institution*. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are:

FFCB. The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.

FHLB. The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.

FHLMC. Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called "FreddieMac" issues discount notes, bonds and mortgage pass-through securities.

FNMA. Like FHLB and FreddieMac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as "FannieMae," issues discount notes, bonds and mortgage pass-through securities.

GNMA. The Government National Mortgage Association, known as "GinnieMae," issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.

PEFCO. The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.

TVA. The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio, and Mississippi River valleys. TVA currently issues discount notes and bonds.

ASKED. The price at which a seller offers to sell a security.

ASSET BACKED SECURITIES. Securities supported by pools of installment loans or leases or by pools of revolving lines of credit.

AVERAGE LIFE. In mortgage-related investments, including CMOs, the average time to expected receipt of principal payments, weighted by the amount of principal expected.

BANKER'S ACCEPTANCE. A money market instrument created to facilitate international trade transactions. It is highly liquid and safe because the risk of the trade transaction is transferred to the bank which "accepts" the obligation to pay the investor.

BENCHMARK. A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.

BID. The price at which a buyer offers to buy a security.

BROKER. A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from his own position.

CALLABLE. A callable security gives the issuer the option to call it from the investor prior to its maturity. The main cause of a call is a decline in interest rates. If interest rates decline since an issuer issues securities, it will likely call its current securities and reissue them at a lower rate of interest. Callable securities have reinvestment risk as the investor may receive its principal back when interest rates are lower than when the investment was initially made.

CERTIFICATE OF DEPOSIT (CD). A time deposit with a specific maturity evidenced by a certificate. Large denomination CDs may be marketable.

CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SYSTEM (CDARS). A private placement service that allows local agencies to purchase more than \$250,000 in CDs from a single financial institution (must be a participating institution of CDARS) while still maintaining FDIC insurance coverage. CDARS is currently the only entity providing this service. CDARS facilitates the trading of deposits between the California institution and other participating institutions in amounts that are less than \$250,000 each, so that FDIC coverage is maintained.

COLLATERAL. Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.

COLLATERALIZED MORTGAGE OBLIGATIONS (CMO). Classes of bonds that redistribute the cash flows of mortgage securities (and whole loans) to create securities that have different levels of prepayment risk, as compared to the underlying mortgage securities.

COMMERCIAL PAPER. The short-term unsecured debt of corporations.

COST YIELD. The annual income from an investment divided by the purchase cost. Because it does not give effect to premiums and discounts which may have been included in the purchase cost, it is an incomplete measure of return.

COUPON. The rate of return at which interest is paid on a bond.

CREDIT RISK. The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.

CURRENT YIELD. The annual income from an investment divided by the current market value. Since the mathematical calculation relies on the current market value rather than the investor's cost, current yield is unrelated to the actual return the investor will earn if the security is held to maturity.

DEALER. A dealer acts as a principal in security transactions, selling securities from and buying securities for his own position.

DEBENTURE. A bond secured only by the general credit of the issuer.

DELIVERY VS. PAYMENT (DVP). A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

DERIVATIVE. Any security that has principal and/or interest payments which are subject to uncertainty (but not for reasons of default or credit risk) as to timing and/or amount, or any security which represents a component of another security which has been separated from other components ("Stripped" coupons and principal). A derivative is also defined as a financial instrument the value of which is totally or partially derived from the value of another instrument, interest rate, or index.

DISCOUNT. The difference between the par value of a bond and the cost of the bond, when the cost is below par. Some short-term securities, such as T-bills and banker's acceptances, are known as discount securities. They sell at a discount from par, and return the par value to the investor at maturity without additional interest. Other securities, which have fixed coupons, trade at a discount when the coupon rate is lower than the current market rate for securities of that maturity and/or quality.

DIVERSIFICATION. Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.

DURATION. The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates. (See Modified Duration).

FEDERAL FUNDS RATE. The rate of interest charged by banks for short-term loans to other banks. The Federal Reserve Bank through open-market operations establishes it.

FEDERAL OPEN MARKET COMMITTEE. A committee of the Federal Reserve Board that establishes monetary policy and executes it through temporary and permanent changes to the supply of bank reserves.

LEVERAGE. Borrowing funds in order to invest in securities that have the potential to pay earnings at a rate higher than the cost of borrowing.

LIQUIDITY. The speed and ease with which an asset can be converted to cash.

LOCAL AGENCY INVESTMENT FUND (LAIF). A voluntary investment fund open to government entities and certain non-profit organizations in California that is managed by the State Treasurer's Office.

LOCAL GOVERNMENT INVESTMENT POOL. Investment pools that range from the State Treasurer's Office Local Agency Investment Fund (LAIF) to county pools, to Joint Powers Authorities (JPAs). These funds are not subject to the same SEC rules applicable to money market mutual funds.

MAKE WHOLE CALL. A type of call provision on a bond that allows the issuer to pay off the remaining debt early. Unlike a call option, with a make whole call provision, the issuer makes a lump sum payment that equals the net present value (NPV) of future coupon payments that will not be paid because of the call. With this type of call, an investor is compensated, or "made whole."

MARGIN. The difference between the market value of a security and the loan a broker makes using that security as collateral.

MARKET RISK. The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.

MARKET VALUE. The price at which a security can be traded.

MARKING TO MARKET. The process of posting current market values for securities in a portfolio.

MATURITY. The final date upon which the principal of a security becomes due and payable. An investment's term or remaining maturity is measured from the settlement date to final maturity.

MEDIUM TERM NOTES. Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts on either a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

MODIFIED DURATION. The percent change in price for a 100 basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.

MONEY MARKET. The market in which short-term debt instruments (T-bills, discount notes, commercial paper, and banker's acceptances) are issued and traded.

MORTGAGE PASS-THROUGH SECURITIES. A securitized participation in the interest and principal cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

MUNICIPAL SECURITIES. Securities issued by state and local agencies to finance capital and operating expenses.

MUTUAL FUND. An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.

NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION

(NRSRO). A credit rating agency that the Securities and Exchange Commission in the United States uses for regulatory purposes. Credit rating agencies provide assessments of an investment's risk. The issuers of investments, especially debt securities, pay credit rating agencies to provide them with ratings. The three most prominent NRSROs are Fitch, S&P, and Moody's.

NEGOTIABLE CD. A short-term debt instrument that pays interest and is issued by a bank, savings or federal association, state or federal credit union, or state-licensed branch of a foreign bank. Negotiable CDs are traded in a secondary market.

PREMIUM. The difference between the par value of a bond and the cost of the bond, when the cost is above par.

PREPAYMENT SPEED. A measure of how quickly principal is repaid to investors in mortgage securities.

PREPAYMENT WINDOW. The time period over which principal repayments will be received on mortgage securities at a specified prepayment speed.

PRIMARY DEALER. A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out U.S. monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the U.S. Government securities market.

PRUDENT PERSON (PRUDENT INVESTOR) RULE. A standard of responsibility which applies to fiduciaries. In California, the rule is stated as "Investments shall be managed with the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes."

REALIZED YIELD. The change in value of the portfolio due to interest received and interest earned and realized gains and losses. It does not give effect to changes in market value on securities, which have not been sold from the portfolio.

REGIONAL DEALER. A financial intermediary that buys and sells securities for the benefit of its customers without maintaining substantial inventories of securities and that is not a primary dealer.

REPURCHASE AGREEMENT. Short-term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller's point of view, the same transaction is a reverse repurchase agreement.

SAFEKEEPING. A service to bank customers whereby securities are held by the bank in the customer's name.

STRUCTURED NOTE. A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include inverse floating rate notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising, and "dual index floaters," which pay interest based on the relationship between two other interest rates - for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

SUPRANATIONAL. A Supranational is a multi-national organization whereby member states transcend national boundaries or interests to share in the decision making to promote economic development in the member countries.

TOTAL RATE OF RETURN. A measure of a portfolio's performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

U.S. TREASURY OBLIGATIONS. Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk, and are the benchmark for interest rates on all other securities in the US and overseas. The Treasury issues both discounted securities and fixed coupon notes and bonds.

TREASURY BILLS. All securities issued with initial maturities of one year or less are issued as discounted instruments, and are called Treasury bills. The Treasury currently issues three- and six-month T-bills at regular weekly auctions. It also issues "cash management" bills as needed to smooth out cash flows.

TREASURY NOTES. All securities issued with initial maturities of two to ten years are called Treasury notes, and pay interest semi-annually.

TREASURY BONDS. All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

VOLATILITY. The rate at which security prices change with changes in general economic conditions or the general level of interest rates.

YIELD TO MATURITY. The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.

Exhibit K
Newport Beach Council Policy F-3

BUDGET ADOPTION AND ADMINISTRATION

PURPOSE

To establish the policy for the preparation, adoption, and administration of the City's Annual Budget.

POLICY

A. Budgeting Philosophy.

The City shall prepare and adopt an annual budget by June 30, of each year, as required by Section 1104 of the City Charter. To the extent practicable, the budget shall be prepared to generate a surplus in most years by conservatively estimating projected revenues and liberally estimating projected expenses. Surpluses will be allocated by the City Council pursuant to Policy F-5 or as otherwise determined by the City Council.

The City has a wide variety of obligations associated with its activities and shall establish appropriate reserves for such obligations based upon the best available information at the time each budget is prepared. The City Council shall direct and control the planned use of reserves through the budget appropriation process. Appropriations for operating expenditures shall generally be balanced with current revenue sources and absent compelling, unexpected circumstances, will generally not rely on one-time revenue sources or reserves. However, this constraint is not intended to limit the periodic use of financial resources that were accumulated over time for a specific purpose or use of reserves consistent with their intended purpose.

The City Council shall maintain a contingency reserve that shall be a "safety net" to address exigent circumstances consistent with Council Policy F-2 section E. 1. This reserve will generally not be used for other purposes. The contingency reserve will be invested in short-term readily liquid assets so they can be utilized on short notice.

The budget may be developed with one or more contingency plans to protect against volatility or unexpected events. When significant uncertainty exists concerning revenue volatility or threatened/pending obligations, the City Council and City Manager reserve the right to impose any special fiscal control measures, including a personnel hiring freeze, and other spending controls, whenever

circumstances warrant. The City Council may authorize the use of contingency reserves for any purpose as set forth by Council Policy F-2.

B. Organization of the Budget.

The Budget shall consist of two volumes: the Budget Detail and the Capital Improvement Program (CIP).

The Budget Detail is an Operating Budget, which shall also provide historical trends of summary level information and contains line-by-line detail regarding operating expenditures and revenue estimates for the prior year, current year and budget year. Operating expenditures are categorized into five classifications within the Operating Budget. These are Salaries and Benefits, Maintenance and Operations, Capital Outlay, Debt Services and Interfund Transfers.

The CIP document provides a summary of current and future planned projects, basic descriptions of each project, the anticipated funding source and the scope of work to be performed. CIP improvements are generally major facility or infrastructure improvement projects managed by the Public Works Department. The Finance Committee generally will not make a recommendation on the CIP Budget because it is within the purview of the City Council alone to determine how best to spend the City's resources. However, to the extent needed capital improvements or repairs come to the attention of the Finance Committee and the failure to construct those improvements or make those repairs may expose the City to financial risk, the Finance Committee may make a recommendation that such improvements be installed in the coming fiscal year(s). Because of the nature and scope of the CIP improvements, in most instances, the construction of such improvements will take place over more than one fiscal year.

The final and complete versions of both budget volumes will be published and available on the City's website by no later than September 30th.

C. Budget Process.

In November of each year, the Administrative Services Department will prepare a budget calendar and issue budget instructions to each department for use in preparing the budget. During December of each year, the Administrative Services Department will prepare updated revenue estimates and fund balance projections for the current year and prepare preliminary revenue projections for the next fiscal year. Included in these instructions will be budget guidelines and, if deemed necessary, appropriation targets for each department. These guidelines will be

developed by the Administrative Services Director and approved by the City Manager.

After further refinements of revenue estimates and the completion of Department proposed expenditure appropriation requests, the Administrative Services Department will summarize department requests for review by the City Manager. After the City Manager has reviewed and amended the Department Directors requests, the Administrative Services Department will prepare the City Manager's proposed budget for the next fiscal year and shall submit it to the City Council and to the Finance Committee. The Finance Committee should have the opportunity to question staff and discuss the Budget Detail on at least two occasions.

The City Council shall hold as many budget study sessions as it deems necessary. The City Council and the Finance Committee should have a joint meeting (which may be in a Study Session) not later than the second Council meeting in May to discuss the Budget Detail. After the joint meeting, the Finance Committee shall make a recommendation to the City Council on the Budget Detail. Such recommendation need not include any recommendation on items on the Proposed Budget Revisions unless the Finance Committee is specifically asked to do so by the City Council.

All proposed Council changes to the City Manager's proposed budget shall be itemized in a document referred to as the Proposed Budget Revisions. The City Council shall hold a budget hearing and adopt the proposed budget with any desired Proposed Budget Revisions on or before June 30 by formal budget resolution. When adopted, the proposed budget as supplement by the finalized Proposed Budget Revisions shall become the final budget.

D. Long-Range Financial Forecast (LRFF).

Strategic planning begins with determining the City's fiscal capacity based upon long-term financial forecasts of recurring available revenues and future financial obligations. Prior to the adoption of the annual budget, the Administrative Services Department will prepare and present to the Finance Committee a Long-Range Financial Forecast that evaluates known internal and external issues impacting the City's financial condition. The LRFF is intended to help the City achieve the following:

1. The City can attain and maintain financial sustainability;
2. The City has sufficient long-term information to guide financial decisions;

3. The City has sufficient resources to provide programs and services for the stakeholders;
4. Identify potential risks to on-going operations in the long-term financial planning process and communicate these risks on an annual basis;
5. Establish mechanisms to identify early warning indicators; and
6. Identify changes in expenditure or revenue structures needed to deliver services or to meet the goals adopted by the City Council.

The LRFF will forecast revenues, expenditures, and the financial position of the General Fund Contingency Reserve at least five years into the future or longer where specific issues call for a longer time horizon. The LRFF will identify issues that may challenge the continued financial health of the City, and the plan will identify possible solutions to those challenges. Planning decisions shall be made primarily from a long-term perspective and structural balance is the goal of the planning process.

E. Administration of the Annual Budget.

During the budget year, Department Directors and their designated representatives may authorize only those expenditures that are based on appropriations previously approved by City Council action, and only from accounts under their organizational responsibility. Any unexpended appropriations, except valid encumbrances such as commitments already made, expire at fiscal year-end unless specifically reappropriated by the City Council for expenditure during the ensuing fiscal year. Department Directors shall not authorize expenditures above budget appropriations in any given expenditure Classification within their purview, without additional appropriation or transfer as specified below. Appropriations may be transferred, amended or reduced subject to the following limitations:

1. New Appropriations. During the Budget Year, the City Council may appropriate additional funds, as it deems appropriate, by a City Council Budget Amendment. The City Manager has authority to approve requests for budget increases not to exceed \$10,000 in any Budget line item or activity or Capital Project. The ability of the City Manager to approve such requests must be specifically included in each year's Budget Resolution to remain valid.

2. Grants & Donations. The City Manager may accept grants or donations of up to \$30,000 on behalf of the City, but shall refer any such grant or donation to the City Council for consideration if a condition of such grant or donation entails any duty of the City to contribute and/or expend a sum in excess of \$10,000 not covered by such grant or donation, or that carries a future obligation to maintain and/or insure any improvement. The City Council will be formally notified of all grants or donations on a quarterly basis by way of a "receive and file" or other Council meeting agenda item. This ability of the City Manager to accept grants or donations must be specifically included in each year's Budget Resolution to remain valid.

Additionally, grant related appropriations approved by City Council may be carried forward to the following fiscal year(s) as long as the grant terms remain valid, the expenditures are consistent with the previous Council authorization, and the funds would otherwise need to be returned to the granting or donor agency. Also, see Council Policy F-25 for specific grant acceptance and administration procedures.

Grant agreements and restricted donations in excess of \$30,000 must be specifically approved by the City Council. Occasionally, the terms and conditions of a grant are approved by City Council in a year prior to when the program activity will take place and therefore, the funds are not appropriated to carry out the grant at that time. In such cases, the City Manager may appropriate the funds when they are received, provided the expenditures clearly meet the amount, terms, nature and intent of the grant or donation previously approved by City Council.

3. Assessment District Appropriation. Assessment district projects are typically funded by property owner contributions and bond financing secured by property assessments. City staff will initially seek appropriation to advance City resources for the assessment engineering and the design work related to a proposed assessment district. Since the City's advance is at risk until a district is formed at a public hearing, the appropriation related to advanced resources shall be subject to the normal budget policies. However, once the district has been formed at a public hearing, the City Council will adopt a "project-length" budget for the assessment district and City staff will be allowed to roll the appropriations forward into future fiscal years without rebudgeting the project through the formal CIP process.

When assessment bonds are issued to finance the improvements, the bond issuance costs will be estimated at the maximum amount that would be

required to complete the improvements because it is not known how many property owners will opt to pay the assessment in full during the cash collection period, thereby reducing the size of the bond. Administrative Services Department staff will also have the authority to reduce Council appropriations (related to bond issuance costs) after bonds are resized and sold. Money advanced by the City will be included in the assessment amount and be reimbursed to the City when the assessment district is formed except to the extent otherwise agreed to by City Council resolution.

4. Transfers within Departments. During the fiscal year, actual expenditures may exceed budget appropriations for specific expenditure line items within departmental budgets. If a departmental budget within a specific Classification is not exceeded, the Administrative Services Director has the authority to transfer funds elsewhere within that Classification and Department to make the most efficient use of those funds appropriated by the City Council.
5. Transfers between Departments. Further, funds may be realigned between one Department and another, within the same Classification, with City Manager approval. For example, if a Fire Department function and the employee who accomplishes it are replaced by a slightly different function assigned to the Police Department, the City Manager may authorize the transfer of appropriated funds to support this function.
6. Transfers between Expenditure Categories. Any reprogramming of funds (i.e. movement) of funds among the five Classifications within the General or other Fund(s) requires the City Manager's approval. Any budget revision that changes the total amount budgeted for any fund (other than the minor provisions contained in paragraphs E.1. and E.7.b.) must be approved by the City Council.
7. Transfers between Capital Improvement Projects (CIP). Budget Transfers between Capital Improvement Projects shall be subject to the following parameters:
 - a. Excess Project Appropriations or savings should be closed out and returned to the project's fund balance. Funds may then be reappropriated to a new or existing project with the approval of City Council.

- b. Excess Project Appropriations may also be transferred from one CIP project to another, if the projects utilize the same funding source and are for substantially the same project purpose and physical location. Project appropriation transfers of this nature shall require the approval of the City Manager.

All proposed budget amendments and transfers will be submitted to the Administrative Services Director for review and processing prior to City Manager or Council authorization.

All unexpended and unencumbered appropriations for the operating budget will be canceled on June 30 of each fiscal year. All appropriations in the Capital Improvement Budget for projects currently underway and remaining unexpended at June 30th, as approved by the City Manager, will be appropriated to those projects in the following fiscal year CIP Budget. Incomplete projects may be reappropriated by the City Council during the Budget process or by separate Council action.

F. Management Authorization and Responsibilities. Once the final Budget has been approved by the City Council, specific City Council approval to make expenditures consistent with the Budget will not be required except as provided by other Council Policies and Administrative Procedures. It is the responsibility of the City Manager and management to administer the City's budget within the framework of policy and appropriation as approved by the City Council.

1. The Administrative Services Director is responsible for checking purchase requests against availability of funds and authorization as per the approved Budget.
2. Unless otherwise directed, routine filling of vacancies in staff positions authorized within the Budget will not require further City Council approval. However, new positions, not addressed by the adopted budget shall require City Council approval.
3. At fiscal year end, the Administrative Services Director is authorized to record accruals and transfers between funds and accounts in order to close projects or the books of accounts of the City in accordance with generally accepted governmental accounting principles as established by the Government Accounting Standards Board, Government Finance Officers Association, and other appropriate accounting pronouncements. Any net shortage within a Fund will be recorded as a decrease in Fund Balance. Any

net excess will be recorded as an increase to one or more appropriate Reserve Accounts as recommended by the Administrative Services Director and approved by the City Manager or as is otherwise dictated by Council Reserve Policy (F-2). The net change in fund balances will be reported to City Council through various documents including Quarterly Financial Reports, the Comprehensive Annual Financial Report (CAFR), Budget Documents and other financial presentations. Funds that exceeded appropriations during the year or ended the year with a deficit fund balance are reported annually in the CAFR notes to the financial statements. (Information regarding the policy parameters and administration of City Reserves is contained in City Council Policy F-2.)

History

Adopted - January 24, 1994
 Amended - February 27, 1995
 Corrected - February 26, 1996
 Amended - May 13, 1996
 Amended - May 26, 1998
 Amended - August 8, 2000
 Amended - May 8, 2001
 Amended - April 23, 2002

Amended - April 8, 2003
 Amended - April 13, 2004
 Amended - September 13, 2005
 Amended - October 10, 2006
 Amended - August 11, 2009
 Amended - September 27, 2011
 Amended - February 12, 2019
 Amended - December 9, 2025

Formerly F-10, F-11, F-12, and F-21

Exhibit L
Newport Beach Council Policy F-6

DEBT MANAGEMENT POLICY

A. PURPOSE

The purpose of this Debt Management Policy ("Policy") is to establish guidelines and parameters for the effective governance, management and administration of the debt of the City of Newport Beach ("City"). This Policy is intended to comply with California Government Code Section 8855(i), and any successor statute, and shall govern all debt which is contemplated or incurred by the City.

The City hereby recognizes that a fiscally prudent Policy is required to:

1. Maintain the City's sound financial position;
2. Ensure the City has the flexibility to respond to changes in future service priorities, revenue levels, and operating expenses;
3. Protect the City's creditworthiness;
4. Ensure that all debt is structured to protect both current and future taxpayers, ratepayers and constituents of the City; and
5. Ensure that the City's debt is consistent with the City's planning goals, objectives, capital improvement program, and/or budget.

B. BACKGROUND

The City is committed to fiscal sustainability by employing long-term financial planning efforts, maintaining appropriate reserves levels and employing prudent practices in governance, management, budget administration and financial reporting.

Debt levels and their related annual costs are important long-term obligations that must be managed within available resources. A disciplined, thoughtful approach to debt management includes policies that provide guidelines for the City to manage its debt consistent with available and reasonably anticipated resources. Therefore, the objective of this Policy is to provide written guidelines concerning the amount and type of debt which may be issued by the City and the ongoing management of debt obligations.

This Policy is intended to make all relevant information readily available to decision-makers and the public to improve the quality of decisions, provide justification for the structure of debt issuances, identify policy goals and demonstrate a commitment to long-term financial planning, including a multi-year capital plan. Adherence to a Policy signals to rating agencies and the capital markets that the City is well managed and able to meet its obligations in a timely manner.

C. RELATIONSHIP OF DEBT TO CAPITAL IMPROVEMENT PROGRAM AND BUDGET

The City has established long-term plans for replacing aging physical infrastructure. The City strives to maintain a level funding plan that will minimize the peaks and valleys in General Fund support levels and allows the funding of projects over time. The City utilizes debt obligations only after giving due consideration to all available funding sources, including but not limited to available cash reserves in the City's Facilities Financial Plan ("FFP"), Harbor and Beaches Master Plan ("HBMP"), other strategic savings programs, available current revenues, potential future revenue sources, existing and potential grants, and all other financial sources legally available to be used for such purposes. When and if deemed an appropriate alternative, the City may issue debt for the purposes stated in this Policy to implement policy decisions incorporated in the FFP, HBMP, and/or Capital Improvement Program.

The City shall strive to fund the upkeep and maintenance of its infrastructure and facilities due to normal wear and tear through the expenditure of available operating revenues. To the extent practicable in the circumstances, the City will avoid the use of debt to fund infrastructure and facilities improvements that are the result of normal wear and tear. Rather, those readily anticipated infrastructure and facilities repairs and replacements should be funded through reserve policies.

The City shall coordinate its debt issuances with the goals of its Capital Improvement Program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the City's public purposes.

The City shall seek to issue debt in a timely manner to avoid having to make unplanned expenditures for capital improvements or equipment from its General Fund.

D. POLICY GOALS RELATED TO PLANNING GOALS AND OBJECTIVES

The City is committed to long-term financial planning, maintaining appropriate reserve levels, and employing prudent practices in governance, management, and budget administration. The City intends to issue debt only for the purposes stated in this Policy and to implement policy decisions incorporated in the FFP, HBMP, and/or Capital Improvement Program. Adoption of this Policy will help ensure that debt is issued and managed in a manner that protects the public interest.

It is a policy goal of the City to protect taxpayers, ratepayers (if applicable) and constituents by utilizing conservative financing methods and techniques so as to obtain the highest practical credit ratings (if applicable) and the lowest practical borrowing costs.

The City shall comply with applicable state and federal law as it pertains to debt and the procedures for levying and imposing related taxes, assessments, rates, or charges.

E. CONDITIONS AND PURPOSES OF DEBT ISSUANCE

1. Acceptable Conditions for the Use of Debt

The City believes that prudent amounts of debt can be an effective means of financing major infrastructure and capital project needs of the City. Debt will be considered to finance such projects if:

- a) It meets the City's goal of distributing costs of the asset over its useful life so that benefits more closely match costs for both current and future residents.
- b) It is the most cost-effective funding means available to the City, taking into account cash flow needs, maintenance of prudent reserves and other funding alternatives.
- c) It is fiscally prudent and meets the guidelines of this Policy, the City's Municipal Code, and the City's Charter. Any consideration of debt financing shall consider financial alternatives, including pay-as-you-go funding, proceeds derived from development or redevelopment of existing land and capital assets owned by the City, and use of existing or future cash reserves, or any combination thereof.

2. Purposes for Which Debt May Be Issued

The City may consider financing for the acquisition, substantial refurbishment, replacement or expansion of physical assets, including land improvements. The primary purpose of debt would be to finance one or more of the following:

- a) Acquisition and or improvement of land, right-of-way, leaseholds or long-term easements.
- b) Acquisition of equipment or a capital asset with a useful life of three (3) or more years.
- c) Construction or reconstruction of a facility.
- d) Refunding, refinancing, or restructuring debt, subject to refunding objectives and parameters discussed herein.
- e) Although not the primary purpose of the financing effort, project reimbursable costs that include project planning, design, engineering and other

preconstruction efforts; project-associated furniture, fixtures and equipment; capitalized interest, original issuer's discount, underwriter's discount and other costs of issuance.

- f) Interim or cash flow financing, such as tax, revenue or bond anticipation notes.

3. Prohibited Uses of Debt

Prohibited uses of debt include the following:

- a) Financing of operating costs except for anticipation notes with a term of less than one year.
- b) Debt issuance used to address budgetary deficits.
- c) Debt issued for periods exceeding the useful life of the asset or projects to be financed.

4. Approval Process for the Issuance of Debt

Any issuance of debt, either through a public sale of securities, private placement or direct purchase is subject to the formal approval of the City Council as a non-consent item on a City Council agenda. As part of the City Council approval, a formal resolution authorizing the issuance of a specific form of debt shall be required as part of the authorizing documents. The resolution shall include, at a minimum, the following:

- a) The specific project(s) for which the debt is being incurred;
- b) The maximum principal amount to be borrowed;
- c) The maximum term, which will be no greater than the useful life of the project(s), equipment, or capital asset, whichever is applicable and longer;
- d) The maximum interest rate or true interest cost;
- e) The maximum annual debt service;
- f) Call Provisions, including specifically identifying any deviation from Section F(9) below;
- g) Estimated Costs of Issuance;
- h) Maximum Underwriter's Discount; and
- i) A list of all consultants hired for the issuance including, at a minimum, bond counsel, disclosure counsel, municipal advisor and underwriter(s).

In addition to the authorizing resolution, the City Council shall be provided copies of the various financing documents including indentures, purchase agreements and preliminary official statements. For any sale of securities, the City shall be required to retain an Independent Registered Municipal Advisor ("IRMA") to serve as the City's fiduciary on every sale. The IRMA will provide independent analysis of all financing

scenarios considered with a specific recommendation to the City Council supported by the analysis. The written recommendation of the IRMA shall be provided to City Council as an attachment to the City's Staff Report.

F. STRUCTURE OF DEBT (Fixed Rate)

1. **Term of Debt** - Unless financially beneficial to do otherwise, debt shall be structured with the goal of spreading payments for the project, equipment, or capital asset over its useful life so that benefits more closely match costs for both current and future residents. The duration of borrowings by the City shall not exceed the useful life of the project, equipment, or capital asset it finances. The standard term of long-term borrowing is typically fifteen to thirty years.
2. **Pace of Debt Payment** - Accelerated repayment schedules reduce debt burden faster and reduce total borrowing costs. Debt repayment shall be amortized through the most financially advantageous debt structure and, if applicable, to match the City's projected cash flow to the anticipated debt service payments, to the extent possible. "Backloading" of debt service should be considered only when one or more of the following occur:
 - a) Natural disasters or extraordinary or unanticipated external factors make payments on the debt in early years impractical.
 - b) The benefits derived from the debt issuance can clearly be demonstrated to be greater in the future than in the present.
 - c) Such structuring is beneficial to the City's aggregate overall debt payment schedule or achieves measurable interest savings.
 - d) Such structuring will allow debt service to more closely match project revenues during the early years of the project's operation.
3. **Level Payment** - To the extent practical, bonds will be amortized on a level repayment basis, and revenue bonds will be amortized on a level repayment basis considering the forecasted available pledged revenues to achieve the lowest rates possible. Bond repayments should not increase on an annual basis in excess of two percent (2%) without a dedicated and supporting revenue-funding stream.
4. **Serial Bonds, Term Bonds, and Capital Appreciation Bonds** - For each issuance, the City shall select serial bonds or term bonds, or both. On the occasions where circumstances warrant, Capital Appreciation Bonds ("CAB") may be used. The decision to use term, serial, or CAB bonds shall be based on market conditions.

5. **Reserve Funds** - The City shall strive to maintain a fund balance in the FFP or other designated reserve at a level equal to or greater than the maximum annual debt service of existing obligations.
6. **Capitalized Interest** - The City shall seek to avoid the use of capitalized interest, which defers debt service by increasing the size of a debt issue to fund interest. On occasion, capitalized interest may be considered to the extent that the City wishes to defer the beginning of debt service until project completion, to match project revenues with debt service.
7. **Discount Bonds** - While discount and deep discount bonds may reduce the interest cost of the bonds below that of par or premium bonds, they should only be used in limited situations as they reduce the potential for future savings from refunding of the bonds.
8. **Premium Bonds** - Premium bonds may provide for a lower overall interest cost compared to par or discount bonds. An analysis should be prepared comparing the yield to maturity and yield to call of the premium bond structure compared to alternative couponing. This comparison should be done on maturity-by-maturity basis. The value of the call option of the higher coupon with respect to the future ability to refund should be reviewed as well.
9. **Call Provisions** - In general, the City's debt obligations should include an optional redemption feature at par that arises not later than ten (10) years after the issuance of the debt. However, if market conditions exist where a call option at par arising later than ten (10) years after issuance of debt, or a "make-whole" call would benefit the City, the authorizing bond resolution must explicitly provide staff the authorization to negotiate these options. The City Council should set parameters that guide staff's negotiations. Alternatively, since decisions on pricing of debt and financial consequences of call or make whole provisions can arise in a very compressed timeframe with the potential for unanticipated market conditions, in connection with approving an authorizing bond resolution, the City Council should designate a date for pricing and call and notice a special or regular meeting of the City Council for that date in the event the alternatives available to the staff are outside the parameters set by the City Council. It is the City's intent to maximize prepayment flexibility on all bond issues. Shorter call provisions may be considered on a case-by-case basis.

G. USE OF ALTERNATIVE DEBT INSTRUMENTS

The City recognizes that there are numerous types of financing structures and funding sources available, each with specific benefits, risks, and costs. All potential funding sources shall be reviewed by management within the context of this Policy and the overall portfolio to ensure that any financial product or structure is consistent with the City's objectives. Regardless of what financing structure(s) is utilized, due-diligence review must be performed for each transaction, including the quantification of potential risks and benefits, and analysis of the impact on City creditworthiness and debt affordability and capacity. Because fixed rate debt transfers most financial risks to bondholders, fixed rate debt should be considered the preferred method of financing long-term capital needs. Therefore, while permitted for consideration, the following instruments are disfavored:

1. Variable Rate Debt

Variable rate debt affords the City the potential to achieve a lower cost debt depending on market conditions. However, the City shall seek to limit the use of variable-rate debt due to the potential risks of such instruments.

a) Purpose

The City may consider the use of variable rate debt for the purposes of:

- i. Reducing the costs of debt issues.
- ii. Increasing flexibility for accelerating principal repayment and amortization (often variable rate debt may be prepaid without penalty).
- iii. Enhancing the management of assets and liabilities (matching short-term "priced debt" with the City's short-term investments).
- iv. Diversifying interest rate exposure.
- v. As a short-term source of construction or acquisition financing, (*i.e.*, commercial paper, to reduce interest cost).

b) Considerations and Limitations on Variable-Rate Debt

The City may consider the use of all alternative structures and modes of variable rate debt to the extent permissible under State law and shall make determinations among different types of modes of variable-rate debt based on cost, benefit, and risk factors. The Administrative Services Director shall consider the following factors in considering whether to recommend variable rate debt:

- i. Any long-term issuance of variable rate debt should not exceed twenty percent (20%) of total City General Fund supported debt.
- ii. Any long-term issuance of variable rate debt should not exceed the expected future FFP reserves in the medium term or then current unrestricted General Fund reserve levels.

- iii. Whether interest cost and market conditions (including the shape of the yield curves and relative value considerations) are unfavorable for issuing fixed rate debt.
- iv. The likelihood of projected debt service savings when comparing the cost of fixed rate bonds.
- v. Costs, implementation and administration are quantified and considered.
- vi. Cost and availability of liquidity facilities (lines of credit necessary for variable rate debt obligations and commercial paper in the event that the bonds are not successfully remarketed) are quantified and considered.
- vii. The ability to convert debt to a fully amortizing fixed rate or the permissibility to redeem at par at any time.
- viii. The findings of a thorough risk management assessment.

c) Risk Management

Any issuance of variable rate debt shall require a rigorous risk assessment, including, but not limited to factors discussed in this section. Variable rate debt subjects the City to additional financial risks (relative to fixed rate bonds), including interest rate risk, tax risk, and certain risks related to providing the necessary liquidity required for variable rate debt.

The City shall properly manage risks associated with variable rate debt as follows:

- i. ***Interest Rate Risk and Tax Risk*** – The risk that market interest rates increase on variable-rate debt because of market conditions, changes in taxation of municipal bond interest, or reductions in tax rates.
Mitigation – Limit total variable rate exposure per the defined limits and match the variable rate liabilities with short-term assets.
- ii. ***Liquidity/Remarketing Risk*** – The risk that holders of variable rate bonds exercise their “put” option, tender their bonds, and the bonds cannot be remarketed requiring the bond liquidity facility provider to repurchase the bonds. This will result in the City paying a higher rate of interest to the facility provider and the potential rapid amortization of the repurchased bonds.
Mitigation – Limit total direct variable-rate exposure. Seek liquidity facilities, which allow for longer (5-10 years) amortization of any draws on the facility. Secure credit support facilities that result in bond ratings of the highest short-term ratings and long-term ratings not less than AA. If the City’s bonds are downgraded below these levels as a result of the facility provider’s ratings, a replacement provider shall be sought.

- iii. **Liquidity/Rollover Risk** - The risk that arises due to the shorter term of most liquidity provider agreements (1-5 years) relative to the longer-term amortization schedule of the City's variable-rate bonds. In particular, (1) the City may incur higher renewal fees when renewal agreements are negotiated and (2) the liquidity bank market constricts such that it is difficult to secure third party liquidity at any interest rate.
- iv. **Mitigation** - Negotiate longer terms on provider contracts to minimize the number of rollovers.

2. Derivatives

The use of certain derivative products to hedge variable rate debt, such as interest rate swaps, may be considered to the extent the City has such debt outstanding or under consideration. The City shall exercise extreme caution in the use of derivative instruments for hedging purposes, and may consider their utilization only when sufficient understanding of the products and sufficient expertise for their appropriate use has been developed. A comprehensive derivative policy shall be adopted by the City prior to any utilization of such instruments.

H. REFUNDING GUIDELINES

The Administrative Services Director shall monitor at least annually all outstanding City debt obligations for potential refinancing opportunities. The City should consider refinancing of outstanding debt to achieve annual savings. Absent a compelling economic reason or financial benefit to the City, any refinancing should not result in any increase to the weighted average life of the refinanced debt.

The City will generally seek to achieve debt service savings that on a net present value basis are at least three percent (3%) of the current debt being refinanced. Any potential refinancing executed more than ninety (90) calendar days in advance of the outstanding debt optional call date shall require at least a three percent net present value savings threshold. If there is negative arbitrage in an advance refunding, the interest efficiency should at least be fifty percent (50%). Under any savings scenario, the net present value assessment shall factor in all costs, including the total cost of issuance, escrow, and foregone interest earnings of any contributed funds on hand. Any potential refinancing shall additionally consider whether an alternative refinancing opportunity with higher savings can be reasonably expected in the future.

Consideration of this method of refinancing shall place greater emphasis on determining whether an alternative refinancing opportunity with higher savings is reasonably expected in the future.

I. COMMUNICATION, ADMINISTRATION AND REPORTING, AND INTERNAL CONTROL PROCEDURES

1. **Rating Agency Relations and Annual or Ongoing Surveillance** – The Administrative Services Director shall be responsible for maintaining the City's relationships with Standard & Poor's Ratings Services, Fitch Ratings and Moody's Investor's Service. The City is committed to maintaining or improving its existing rating levels. In addition to general communication, the Administrative Services Director shall:
 - a) Ensure the rating agencies are provided updated financial information of the City as it becomes publicly available.
 - b) Communicate with credit analysts at each agency at least once each year, or as may be requested by the agencies.
 - c) Prior to each proposed new debt issuance, schedule meetings or conference calls with agency analysts and provide a thorough update on the City's financial position, including the impacts of the proposed debt issuance.
2. **Council and Finance Committee Communication** – The Administrative Services Director should report feedback from rating agencies to the City Council and/or Finance Committee, when and if available, regarding the City's financial strengths and weaknesses and recommendations for addressing any weaknesses as they pertain to maintaining the City's existing credit ratings.
3. **Debt Issue Record-Keeping** – A copy of all debt-related records shall be retained at the City's offices. At minimum, these records shall include all official statements, bond legal documents/transcripts, resolutions, trustee statements, leases, and title reports for each City financing (to the extent available).
4. **Compliance** - When issuing debt, in addition to complying with the terms of this Policy, the City shall comply with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and the investment of bond proceeds in accordance with applicable bond indentures and City Administrative Procedures (AP-009), concerning tax compliance with tax exempt bonds and Build America Bonds. Without limiting the generality of the foregoing, the City shall periodically review the requirements of and will remain in compliance with the following:
 - a) **Continuing Disclosure** – The City shall comply with federal securities law, including any continuing disclosure undertakings entered into by the City in accordance with Securities and Exchange Commission Rule 15c2-12. The City

shall file its annual financial statements and other financial and operating data for the benefit of its bondholders within 270 days of the close of the fiscal year, or as required in any such agreement for any debt issue. The City shall maintain a log or file evidencing that all continuing disclosure filings have been timely made.

- b) **Arbitrage Rebate** - The use of bond proceeds and their investments shall be monitored by the Administrative Services Director to ensure compliance with all Internal Revenue Code Arbitrage Rebate Requirements. The Administrative Services Director shall ensure that all bond proceeds and investments are tracked in a manner that facilitates accurate calculation; and, if a rebate payment is due, such payment is made in a timely manner.
 - c) **Annual Reporting** - California Government Code Section 8855(k), or any successor statute, and the annual reporting requirements therein.
 - d) **Other Compliance** - Other compliance requirements imposed by regulatory bodies.
5. **Proceeds Administration** - Proceeds of debt will be held either (a) by a third-party trustee or fiscal agent, which will disburse such proceeds to or upon the order of the City upon the submission of one or more written requisitions by the City Manager (or his or her written designee), or (b) by the City, to be held and accounted for in a separate fund or account, the expenditure of which will be carefully documented by the City. On a quarterly basis, the Administrative Services Director shall monitor the proceeds and the disposition of unexpended proceeds.

J. CREDIT RATINGS

The City shall consider published ratings agency guidelines regarding best financial practices and guidelines for structuring its capital funding and debt strategies to maintain the highest possible credit ratings consistent with its current operating and capital needs.

K. LEGAL DEBT LIMIT

Newport Beach City Charter Section 1109 provides that "The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City." While this limit defines the absolute maximum legal debt limit for the City, it is not an effective indicator of the City's affordable debt capacity.

L. AFFORDABILITY

Prior to the issuance of debt to finance a project, the City shall carefully consider the overall long-term affordability of the proposed debt issuance. The City shall not assume more debt without conducting an objective analysis of the City's ability to assume and support additional debt service payments. The City shall consider its long-term revenue and expenditure trends, the impact on operational flexibility and the overall debt burden on the tax payers. The evaluation process shall include a review of generally accepted measures of affordability and will strive to achieve and or maintain debt levels consistent with its current operating and capital needs. The Administrative Services Director shall review benchmarking results of other California cities of comparable size with the City Council prior to any significant project financing.

1. **General Fund-Supported Debt** – General Fund Supported Debt generally include Certificates of Participation ("COPs") and Lease Revenue Bonds ("LRBs") which are lease obligations that are secured by an installment sale or by a lease-back arrangement between the City and another related public entity. The general operating revenues of the City are pledged to pay the lease payments, which are, in turn, used to pay debt service on the LRBs or COPs. These obligations do not constitute indebtedness under the state constitutional debt limitation and, therefore, are not subject to voter approval.

Payments to be made under valid leases are payable only in the year in which use and occupancy of the leased property is available, and lease payments may not be accelerated. Lease financing requires the fair market rental value of the leased property to be equal to or greater than the required debt service or lease payment schedule. The City as lessee is obligated to place in its Annual Budget the rental payments that are due and payable during each fiscal year the City has use of the leased property.

The City should strive to maintain its net General Fund-backed debt service at or less than eight percent (8%) of annually budgeted General Fund revenue. This ratio is defined as the City's annual debt service requirements on COPs and LRBs compared to total General Fund Revenues. This ratio, which pertains to only General Fund backed debt, is often referred to as "lease burden."

2. **Revenue Bonds** – Long-term obligations payable solely from specific pledged sources, in general, are not subject to a debt limitation. Examples of such long-term obligations include those which achieve the financing or refinancing of projects provided by the issuance of debt instruments that are payable from restricted revenues or user fees (Enterprise Revenues) and revenues generated from a project.

In determining the affordability of proposed revenue bonds, the City shall perform an analysis comparing projected annual net revenues from pledged sources to estimated annual debt service on revenue bonds. The City should strive to maintain a debt service coverage ratio of at least 125% using historical and/or projected net revenues to cover annual debt service for bonds. The City may require a revenue rate increase or reduce operating costs so that revenues cover both operations and debt service costs, and create debt service reserve funds to maintain the required coverage ratio.

3. **Special Districts Financing** - The City's Special Districts primarily consist of Community Facilities Districts ("CFDs") and 1913/1915 Act Assessment Districts ("Assessment Districts"). The City may consider requests for Special District formation and debt issuance when such requests address a public need or provide a public benefit. Each application shall be considered on a case-by-case basis as long as the City assumes no obligation under, or in connection with, such debt issuance. The Administrative Services Department shall not recommend a financing if it is determined that the financing could be indirectly detrimental to the financial standing of the City or such financing would otherwise not be in the best interests of the City.
4. **Conduit Debt** - Conduit financing provides for the issuance of securities by a government agency to finance a project of a third party, such as a non-profit organization or other private entity. The City may sponsor conduit financings for those activities that have a general public purpose and are consistent with the City's overall service and policy objectives. Unless a compelling public policy rationale exists, such conduit financings will not in any way obligate the City or otherwise pledge the City's faith and credit.

History

Adopted - May 14, 2013

Amended - May 22, 2018

Amended - December 9, 2025

Exhibit M

Newport Beach Council Policy F-8

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 should be 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 make an effort 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 in order 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 - June 8, 1992

Amended - January 24, 1994

Amended - February 26, 1996

Amended - April 23, 2002

Amended - October 10, 2006

Amended - August 11, 2009

Amended - September 27, 2011

Amended - February 12, 2019

Amended - May 25, 2021

Amended - December 9, 2025

Formerly F-25

Exhibit N
Newport Beach Council Policy F-9

CITY VEHICLE/EQUIPMENT REPLACEMENT GUIDELINES

PURPOSE

To establish a policy to provide a funding mechanism to ensure that the full service life of each City vehicle or item of equipment is utilized to its fullest potential, provide for funding timelines and implement uniform guidelines among all departments.

POLICY

The Municipal Operations Department shall inspect the equipment annually after the vehicle/equipment has reached its useful life – to determine the appropriateness of replacing each piece of equipment in conjunction with the assigned Department. All non-emergency vehicles shall be replaced based on, but not limited to, the following factors; expected service life, lifecycle maintenance costs, fuel efficiency, purchase price (cost), environmental rating etc. The City will actively seek opportunities to use cleaner burning fuels and higher efficiency vehicles when possible.

Should the expected life of the equipment be less than expected, the Municipal Operations Department in conjunction with the Administrative Services Department and the assigned Department will make a recommendation to the City Manager or his designee on the disposition and replacement of equipment.

It shall be the policy of the City that the funding and replacement of all motor vehicles shall be normally based on the expected service life and condition of the vehicle described on the following schedule:

Vehicle/Equipment	Schedule for Replacement
Police Patrol /Traffic Vehicles	75,000 miles or 4 years
Police Motorcycles	75,000 miles or 5 years
Police Detective / Plain Vehicles	80,000 miles or 8 years
Beach Vehicles / ATVs	4 years
Sedans / Station Wagons / SUVs	120,000 miles or 12 years
Pickup Trucks (1/4 to 3/4 Ton)	100,000 miles or 10 years
Vans	100,000 miles or 10 years
Ambulances (commercial chassis)	100,000 miles or 8 years
Ambulances – Reserve	4 years
Heavy Trucks (1 Ton and larger)	120,000 miles or 12 years
Beach Cleaners	8 years
Street Sweepers	10 years
Small Boats / Personal Watercraft	10 years

Large Emergency Boats	25 years
Heavy Equipment	10 years or 5,000 hours
Trailers	10 years
Vactors /Sewer Rodders	10 years
Welders, Saws, Pumps	13 years
Transfer Equipment (Radios/ Beacons)	10 years
Fire Engines - Frontline	13 years
Fire Trucks - Frontline	15 years
Fire Engine - Reserve	5-7 years
Fire Truck - Reserve	10-15 years

Fire engines, trucks and ambulances are placed within stations as frontline vehicles when they are purchased. They will remain in a frontline status until the expected useful life is over. At that time, the engines and trucks will be placed in reserve status for an additional period of time as described above.

History

Adopted - December 14, 1992

Amended - January 24, 1994

Amended - March 27, 1995

Amended - May 8, 2001

Amended - October 27, 2015

Amended - February 9, 2016

Amended - December 9, 2025

Formerly F-26

Exhibit O
Newport Beach Council Policy F-11

CUSTODY AND DISPOSAL OF CONTROLLED PROPERTY

PURPOSE

To set forth the City's policy concerning custody and disposal of controlled property.

DEFINITION

Controlled Property is generally defined as City-owned materials, equipment, tools and furniture subject to theft, loss or misuse. Conversely, major capital assets with no potential for theft, such as buildings, land and other infrastructure assets affixed to the earth are exempted from this policy. For further discussion of "Controlled Property" and property control procedures, see Administrative Procedures concerning Controlled Property.

PROPERTY CONTROL RESPONSIBILITIES

The Administrative Services Director shall establish and maintain citywide property acquisition and disposal procedures. However, the ultimate accountability for Controlled Property, along with the responsibility for maintaining reasonable safeguards to secure Controlled Property, lies with the Director of the Department that acquired the property until such time the item has been formally transferred to another Department or has been formally approved by the Administrative Services Department for sale/disposal. Procedures for acquisition, transfer, sale/disposal of controlled property vary by property type and value and are addressed through Administrative Procedures. As property custodians, Departments Directors are also responsible for a periodic inventory of their Controlled Property in accordance with Administrative Procedures. At the discretion of the Administrative Services Director, material losses or discrepancies in Controlled Property will be reported to the Finance Committee.

History

Adopted - January 24, 1994

Corrected - February 26, 1996

Amended - August 12, 1996

Amended - April 23, 2002

Amended - April 13, 2004

Amended – September 27, 2011

Amended - February 12, 2019

Amended - December 9, 2025

Exhibit P
Newport Beach Council Policy F-12

TAXICAB REGULATIONS

1. APPLICATION

- 1.1. These Regulations apply to all Taxicab Businesses that are Substantially Located in the City, and its affiliated Drivers and Taxicabs.
- 1.2. These Regulations are supplemental to Chapter 5.17 of the Municipal Code.

2. DEFINITIONS

- 2.1. "ASE" means the National Institute for Automotive Service Excellence.
- 2.2. "Advertisement" means the issuance of any card, sign, or device to any person, the causing, permitting, or allowing the placement of any sign or marking on or in any building or structure, or in any media form, including newspaper, magazine, radiowave, satellite signal, or any electronic transmission, or in any directory soliciting Taxicab services subject to these Regulations.
- 2.3. "BAR" means the Bureau of Automotive Repair.
- 2.4. "City" means the City of Newport Beach.
- 2.5. "DOJ" means the Department of Justice of the United States of America.
- 2.6. "Driver" means a person who drives or controls the movements of a taxicab.
- 2.7. "DMV" shall mean the California Department of Motor Vehicles.
- 2.8. "DOT" shall mean the U.S. Department of Transportation.
- 2.9. "Municipal Code" means the City of Newport Beach Municipal Code.
- 2.10. "Owner" means a person who is registered with the DMV as the owner of a vehicle used as a taxicab, or who has a legal right to possession or control of such vehicle pursuant to a lease or other agreement. The act of any driver of a vehicle used as a taxicab shall be deemed an act of the owner.
- 2.11. "Permittee" means a Person that holds a valid Taxicab Business Permit, and includes its officers, management, employees, drivers, volunteers, agents, leaseholders, and owner-operators, jointly and severally.
- 2.12. "Person" means any natural person, firm, association, organization, partnership, business, trust, corporation or public entity.
- 2.13. "Prearranged Trip" means a trip using an online enabled application, dispatch, or Internet website.
- 2.14. "Regulations" means these regulations.
- 2.15. "Regulatory Authority" means the County of Orange and any city within Orange County where a taxicab business is substantially located.

- 2.16. "Substantially Located" means either of the following: the city or county where a Taxicab Business is primary located; or, the city or county where the total number of prearranged and non-prearranged trips that originate account for the largest share of the Taxicab Business's total number of trips over the previous calendar year as determined annually.
- 2.17. "Taxicab" means a vehicle capable of carrying not more than eight persons, excluding the driver, and used to carry passengers for hire. The term shall exclude a vehicle operating as a charter party carrier licensed as such by any state agency, including the California Public Utilities Commission, a rideshare as defined in Vehicle Code §522, or any other vehicle operating under the authority of any state agency, including the California Public Utilities Commission.
- 2.18. "Taxicab Business" means any enterprise, whether carried on for profit or otherwise, that operates Taxicabs.
- 2.19. "Taxicab Business Permit" means a valid permit issued by the City authorizing a Person to operate a Taxicab Business.
- 2.20. "Taxicab Driver's Permit" means a valid permit issued by the City authorizing a person to drive or control the movements of a Taxicab.
- 2.21. "Taxicab Vehicle Permit" means a valid permit issued by the City authorizing a particular vehicle to be operated as a Taxicab.
- 2.22. "Taximeter" means a fully operational device with current and intact seals or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, that complies with Business and Professions Code §12500.5 and with all regulations established pursuant to Business and Professions Code §12107.

3. GENERAL RULES AND REQUIREMENTS

- 3.1. Permittee. A Permittee shall:
 - 3.1.1. Be responsible for all Taxicabs under its possession, custody control, or driven on Permittee's behalf or for its benefit;
 - 3.1.2. Be responsible for the acts or omissions of all Drivers while they operate a Taxicab on Permittee's behalf, under its authority, or for its benefit;
 - 3.1.3. Ensure all Taxicabs are driven only by Persons with a Taxicab Driver's Permit;
 - 3.1.4. Notify the City within two (2) calendar days of an affiliated Driver who becomes unqualified or unauthorized to drive a

- Taxicab, or upon termination of employment or affiliation with a Driver;
- 3.1.5. Maintain all programs and requirements for receiving a Taxicab Business Permit;
 - 3.1.6. Verify the continuous enrollment of affiliated Drivers in Permittee's drug and alcohol testing program and DMV Pull Notice program;
 - 3.1.7. Cooperate fully with City staff and law enforcement;
 - 3.1.8. Notify the City within two (2) calendar days when vehicles are removed from service and surrender Taxicab Vehicle Permits in accordance with these Regulations;
 - 3.1.9. Maintain reasonable financial responsibility to conduct Taxicab transportation services in accordance with these regulations;
 - 3.1.10. Maintain a safety education and training program in effect for all Drivers, whether employees or contractors;
 - 3.1.11. Maintain a disabled access education and training program to instruct Drivers on compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and amendments thereto, and state disability rights laws, including making clear that it is illegal to decline to serve a person with a disability or who has a service animal;
 - 3.1.12. Disclose fares, fees, and rates to the customer on its internet website, mobile telephone application, or telephone orders and upon request;
 - 3.1.13. Maintain and keep records, logs, or receipts of vehicle maintenance for all Taxicabs issued a Taxicab Vehicle Permit, showing that the Taxicab is maintained in accordance with the service standards recommended by the vehicle manufacturer, and making such records available to the City upon request;
 - 3.1.14. Collect data that demonstrates the total number of prearranged and nonprearranged trips that originate within a particular local jurisdiction for the purpose of determining where that taxicab company is substantially located, and provide that data promptly and in a format acceptable to the City upon request during regular business hours; and
 - 3.1.15. Ensure compliance of its Taxicab Business with all applicable federal, state, and local laws, rules and regulations.
- 3.2. Drivers. A Driver shall:

- 3.2.1. Be responsible for the operation of a Taxicab under its possession, custody, or control;
- 3.2.2. Possess and display at all times while a Taxicab is in operation a valid Taxicab Driver's Permit issued to that Driver which identifies the Permittee;
- 3.2.3. Display its Taxicab Driver's Permit on the passenger side area of the dashboard of the Taxicab in a manner that is easily viewable from inside or outside of the Taxicab, except that the Driver's DMV driver's license number may be covered by a removable label, if desired;
- 3.2.4. Affix its Taxicab Driver's Permit to the Taxicab in a way that makes it easily removable by the Driver to provide to law enforcement or code enforcement upon request;
- 3.2.5. Maintain its Taxicab Driver's Permit free from alterations, defacement or damage, excepting normal wear and tear that does not render it illegible;
- 3.2.6. Not display another Person's driver's permit, whether issued by the City or other Regulatory Authority, nor allow another Person to use their Taxicab Driver's Permit;
- 3.2.7. Not operate a Taxicab without a valid Taxicab Vehicle Permit issued for that Taxicab;
- 3.2.8. Not operate a Taxicab that does not meet all requirements of these Regulations;
- 3.2.9. Not carry more passengers in the Taxicab than authorized by the manufacturer's recommendations;
- 3.2.10. Ensure operational seat belts are available for all passengers;
- 3.2.11. Not leave the Taxicab to solicit passengers;
- 3.2.12. Maintain the passenger compartment in a clean and sanitary condition;
- 3.2.13. Not charge fares higher than those disclosed to the customer, and not in contravention of these Regulations or in an amount that exceeds the maximum established by the City;
- 3.2.14. Only carry a passenger to the destination by the most direct and accessible route;
- 3.2.15. Provide a receipt for the amount charged upon request of the person paying the fare, which contains the Driver's name and

- Taxicab Driver's Permit number, telephone number, Permittee's name, charge amount, date, and time of transaction;
- 3.2.16. Comply with the minimum requirements for the mandatory exchange of information established in Vehicle Code §16025 in the event of an automobile accident;
 - 3.2.17. Continuously operate the Taximeter at any time that the Driver is carrying a customer;
 - 3.2.18. Cooperate with the Permittee, code enforcement, and law enforcement to ensure compliance with law, including random testing of Drivers and Taxicab inspections; and
 - 3.2.19. Operate the Taxicab in accordance with all applicable law, including these Regulations, and with due regard for the safety, comfort, and convenience of passengers and the general public.
- 3.3. Taxicabs. An Owner, Driver, and Permittee shall be jointly and severally responsible to ensure that a Taxicab:
- 3.3.1. Displays its Taxicab Vehicle Permit as required by these Regulations at all times while the Taxicab is being operated;
 - 3.3.2. Meets the requirements of the a Vehicle Code, including, but not limited to, Vehicle Code §24000, et seq;
 - 3.3.3. Equals or exceed the standards set forth in these Regulations at all times;
 - 3.3.4. Carries at all times evidence of financial responsibility pursuant to Vehicle Code §§16020 through 16028;
 - 3.3.5. Carries at all times valid and current vehicle registration pursuant to Vehicle Code §4462, showing that the Taxicab is registered as a commercial vehicle pursuant to Vehicle Code §260;
 - 3.3.6. Displays the Permittee's name and logo, if any, in an area visible from the interior and exterior of the Taxicab at all times while in service and when soliciting passengers on behalf of Permittee;
 - 3.3.7. Displays the Permittee's name and logo, and the number by which the taxicab is designated, conspicuously on the outside of each taxicab by print, stamp, or stencil;
 - 3.3.8. Be equipped to seat no more than eight (8) passengers, excluding the Driver; and
 - 3.3.9. For on-demand (flagged) trips, possess a fully operational Taximeter.

4. FARES

- 4.1. Maximum Fare. A Permittee may set fares or charge a flat rate for Prearranged Trips. The metered rates for on-demand (flagged) trips shall not exceed those rates established by resolution of the City Council.
- 4.2. Calculating Fares. A Permittee may use any type of device or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, provided that the device or technology complies with Business and Professions Code §12500.5, and with all regulations established pursuant to Business and Professions Code §12107.
- 4.3. Disclosure of Fares. A Permittee shall disclose fares, fees, or rates to the customer. A Permittee may satisfy this requirement by disclosing fares, fees, or rates on its Internet Web site, mobile telephone application, or telephone orders upon request by the customer.
- 4.4. Notification of Rate. A Permittee shall ensure the applicable rate is disclosed to a passenger prior to the passenger accepting a ride for walkup rides and street hails. The rate may be provided on the exterior of the Taxicab, within an application of a mobile telephone, device, or other Internet-connected device, or be clearly visible in either print or electronic form inside the Taxicab.

5. FEES

- 5.1. Fees. The City shall recover its costs incurred in the administration of these Regulations by the adoption of a schedule of fees included in the City's Schedule of Rents, Fines, and Fees.
- 5.2. Refund Policy. There shall be no refund of any portion of the fees described in these Regulations.

6. TAXICAB BUSINESS PERMITS

- 6.1. Permit Required. No Person shall operate a Taxicab Business that is Substantially Located in the City without having first obtained a Taxicab Business Permit.
- 6.2. Term. A Taxicab Business Permit shall expire two (2) years from its effective date, unless renewed or revoked.
- 6.3. Issuance. A Taxicab Business Permit shall be issued by the City if all of the following requirements have been satisfied, and none of the grounds for denial are apply.

- 6.3.1. Submission of a complete application package.
- 6.3.2. Submission of a copy of a drug and alcohol policy that complies with 49 CFR Part 40 (Section 40.1 et seq.) and Part 382 (Section 382.101 et seq.) and Government Code §53075.5 for all Drivers and meeting the following requirements:
 - 6.3.2.1. A contract with a drug and alcohol program administrator and authorized lab certified by the DOT;
 - 6.3.2.2. Procedures in substantial compliance with Part 40 of Title 49 of the Code of Federal Regulations, for preemployment or pre-licensing and licensing renewal;
 - 6.3.2.3. Procedures in substantial compliance with Part 382 of Title 49 of the Code of Federal Regulations for rehabilitation, return-to-duty and follow up testing;
 - 6.3.2.4. Procedures and components for random testing following DOT guidelines, annual minimum random testing rates, and additional tests as required following accidents, rehabilitation, return-to-service, and other circumstances providing reasonable suspicion to test;
 - 6.3.2.5. When requested, random testing reports to be made available to the City by the program administrator;
 - 6.3.2.6. The applicant's and program administrator's records shall be made available to the City upon request within two (2) calendar days;
 - 6.3.2.7. The test results must be provided to the City by the testing facility; and
 - 6.3.2.8. Drivers must show a valid California driver license at the time and place of testing.
- 6.3.3. Submission of proof of insurance in the type and amounts, including endorsements and waivers, as may be required by the City Attorney or established by resolution of the City Council, but in no event less than the minimum coverage required by Government Code §16500, as may be amended.
- 6.3.4. Submission of a DMV Pull Notice Program Requester Code Number issued to applicant, as defined in Vehicle Code §1808.1, continuous enrollment in the Pull Notice program, and the following:

- 6.3.4.1. All Drivers must be enrolled in the program within seven (7) calendar days from inception of the program or date of affiliation;
- 6.3.4.2. Notify the City upon receipt of a DMV Pull Notice for any Driver that indicates an action that disqualifies the Driver for a Taxicab Driver's Permit;
- 6.3.4.3. Require the Driver to immediately cease operation and surrender their Taxicab Driver's Permit, and return the Taxicab Driver's Permit to the City within two (2) calendar days of a DMV Pull Notice receipt; and
- 6.3.4.4. DMV Pull Notice records shall be made available to the City within two (2) calendar days of request.
- 6.3.5. Submission of proof of current DMV registration for each Taxicab listed in the Taxicab Business Permit application, which complies with the registration requirements set forth in these Regulations.
- 6.3.6. Submission of proof of completion of a DOJ background check with Live Scan fingerprinting at an approved DOJ finger printing agency for each owner, partner, or principal of the applicant, the results of which shall not contravene the requirements of these Regulations.
- 6.3.7. Submission of proof of enrollment in the DOJ subsequent arrest notification program.
- 6.3.8. Submission of a list of all Drivers authorized to operate Permittee's Taxicabs.
- 6.3.9. Payment of all applicable fees.
- 6.3.10. Identify the principal place of business from which Taxicab Business is, or will be, conducted.
- 6.3.11. There are no grounds for denial of a Taxicab Business Permit as outlined in these Regulations.
- 6.4. Denial. A Taxicab Business Permit application shall be denied on any of the grounds set forth in this section, or for lack of compliance with the conditions for issuance set forth in these Regulations.
 - 6.4.1. The applicant is less than 18 years of age.
 - 6.4.2. The applicant falsifies material information on its application.
 - 6.4.3. The applicant does not meet the additional eligibility standards in Section 9 of these Regulations.

- 6.4.4. The applicant fails to fully satisfy any court judgment entered against it arising from liability for operating a Taxicab Business, including, but not limited to, judgments related to collisions or operating without the requisite insurance, within ten (10) years from the date that the judgment was originally entered pursuant to Code of Civil Procedure §683.020 and §683.030, or if the judgment has been renewed, within ten (10) years from the date that the application for renewal of judgment is filed pursuant to Code of Civil Procedure §683.120.
- 6.5. Suspension or Revocation.
 - 6.5.1. A Taxicab Business Permit may be suspended or revoked for any of the following reasons:
 - 6.5.1.1. Providing late, false, or inaccurate information in the application;
 - 6.5.1.2. Allowing operation of a Taxicab by a Person not possessing a valid Taxicab Driver's Permit;
 - 6.5.1.3. Charging fares at a rate higher than the maximum authorized;
 - 6.5.1.4. Failure to cooperate in good faith with law enforcement officers, code enforcement officers, or City staff;
 - 6.5.1.5. Failure to maintain insurance as required by these Regulations;
 - 6.5.1.6. Failure to comply with the drug and alcohol policy required by these Regulations;
 - 6.5.1.7. Failing to fully satisfy any court judgment entered against the Permittee arising from liability for operating Taxicabs, including, but not limited to, judgments related to collisions or operating without the requisite insurance, within ten (10) years from the date that the judgment was originally entered pursuant to Code of Civil Procedure §683.020 and §683.030 or, if the judgment has been renewed, within ten (10) years from the date that the application for renewal of judgment is filed pursuant to Code of Civil Procedure §683.120;
 - 6.5.1.8. Circumstances providing grounds for denial of a Taxicab Business Permit as outlined in these Regulations;

- 6.5.1.9. Violating Government Code §53075.9 pertaining to advertising; and
- 6.5.1.10. Failure to comply with these Regulations.
- 6.5.2. The period of suspension shall be up to six (6) months from the date all operation of Taxicab Business Substantially Located in the City have ceased in compliance with the suspension. If the suspended Taxicab Business Permit is allowed to expire during the term of any suspension without being renewed in accordance with these Regulations, a Person shall be ineligible to apply for a new Taxicab Business Permit until the period of suspension has elapsed.
- 6.5.3. A Person whose Taxicab Business Permit is revoked shall be ineligible to apply for a Taxicab Business Permit for two (2) years from the date all operations of a Taxicab Business Substantially Located in the City have ceased in compliance with the revocation.
- 6.5.4. It shall be the duty of the Taxicab Business to notify the City when operations have ceased in compliance with a suspension or revocation, or after the period of suspension or revocation has elapsed, provide adequate proof to the satisfaction of the City of the date that operations ceased in compliance with the suspension or revocation.

7. TAXICAB DRIVER'S PERMITS

- 7.1. Permit Required. No person shall operate a Taxicab on behalf of a Taxicab Business that is Substantially Located in the City unless that person is operating on behalf of a Permittee and possesses a Taxicab Driver's Permit.
- 7.2. Term. A Taxicab Driver's Permit shall expire two (2) years from its effective date, unless renewed or revoked.
- 7.3. Restrictions. A Taxicab Driver's Permit is only valid for the Driver to operate a Taxicab for the Permittee indicated on the Taxicab Driver's Permit. Reproduction of a Taxicab Driver's Permit is strictly prohibited, except that a Permittee may copy a Taxicab Driver's Permit for recordkeeping purposes. A Taxicab Driver's Permit shall list the name of the Permittee.
- 7.4. Issuance. A Taxicab Driver's Permit shall be issued if all of the following requirements have been satisfied, and none of the grounds for denial apply:

- 7.4.1. Submission of a complete application, including signature of the Permittee the Driver is employed, has an offer of employment, or on whose behalf the Driver intends to operate a Taxicab;
 - 7.4.2. Submission of proof of a valid California driver license (Class C);
 - 7.4.3. Submission of a DMV K4 driver record report, or other equivalent DMV issued driver record report, which is no older than thirty (30) days prior to submission of the application for a Taxicab Driver's Permit, showing that the Driver is in compliance with these Regulations;
 - 7.4.4. A negative drug and alcohol screening test administered by a Permittee's program administrator within the previous thirty (30) days in compliance with Government Code §53075.5(b)(3);
 - 7.4.5. Proof of enrollment in a Permittee's current and active random drug and alcohol program;
 - 7.4.6. Submission of proof of completion of a DOJ background check with Live Scan fingerprinting at an approved DOJ finger printing agency, the results of which shall not contravene the requirements of these Regulations;
 - 7.4.7. Submission of proof of enrollment in the DOJ subsequent arrest notification program;
 - 7.4.8. Payment of all applicable fees; and
 - 7.4.9. There are no grounds for denial of a Taxicab Driver's Permit as set forth in these Regulations.
- 7.5. Denial. A Taxicab Driver's Permit application shall be denied on any of the grounds set forth in this section, or for lack of compliance with the conditions for issuance set forth in these Regulations:
- 7.5.1. The applicant is less than 18 years of age;
 - 7.5.2. The applicant does not possess a valid Class C California driver license;
 - 7.5.3. The applicant fails to enroll in the required random drug and alcohol program;
 - 7.5.4. The applicant failed a drug and/or alcohol test required by these Regulations within the prior twelve (12) months;
 - 7.5.5. The applicant falsifies, or fails to disclose, material information on the application for a Taxicab Driver's Permit;
 - 7.5.6. The applicant does not meet the additional eligibility standards in Section 9 of these Regulations; and

- 7.5.7. A DMV K4 report shows convictions in contravention of these Regulations, or shows a pattern of reckless or dangerous driving that poses an unreasonable risk to the health and safety of the public.
- 7.6. Suspension or Revocation.
 - 7.6.1. A Taxicab Driver's Permit may be suspended or revoked for any of the reasons set forth below:
 - 7.6.1.1. Revocation or suspension of a California driver license;
 - 7.6.1.2. Notification received by the City that the Driver is no longer an authorized driver for its designated Permittee;
 - 7.6.1.3. Testing positive on a drug and alcohol screening, or failure to submit to a random drug and alcohol testing program;
 - 7.6.1.4. Not enrolled or active in the required random drug and alcohol program;
 - 7.6.1.5. Failure to cooperate with law enforcement officers, code enforcement officers, or City staff;
 - 7.6.1.6. Circumstances providing grounds for denial of a Taxicab Driver's Permit as set forth in these Regulations; and
 - 7.6.1.7. Failure to comply with the applicable provisions of these Regulations.
 - 7.6.2. The period of suspension shall be up to six (6) months from the date the Person has ceased all operations as a Driver for any Permittee in compliance with the suspension. If the suspended Taxicab Driver's Permit is allowed to expire during the term of any suspension without being renewed in accordance with these Regulations, a Person shall be ineligible to apply for a new Taxicab Driver's Permit until the period of suspension has elapsed.
 - 7.6.3. A Person whose Taxicab Driver's Permit is revoked shall be ineligible to apply for a Taxicab Driver's Permit for two (2) years from the date the Person has ceased all operations as a Driver for any Permittee in compliance with the revocation.
 - 7.6.4. It shall be the duty of the Driver or a Permittee to notify the City when the Driver has ceased operation of any Taxicab for a Permittee that is Substantially Located in the City in compliance

with a suspension or revocation, or after the period of suspension or revocation has elapsed, provide adequate proof to the satisfaction of the City of the date that the Driver ceased operation of any Taxicab for a Permittee that is Substantially Located in the City in compliance with the suspension or revocation.

7.7. Transfer.

7.7.1. A Driver may request a transfer of its Taxicab Driver's Permit to a different Permittee if the following requirements have been met:

7.7.1.1. Submission of the required forms to transfer a Taxicab Driver's Permit which have been signed by an authorized representative of the prospective Permittee;

7.7.1.2. Payment of a Taxicab Driver's Permit transfer fee, if any;

7.7.1.3. Proof of possession of a valid Class C California driver license;

7.7.1.4. Possession of a valid Taxicab Driver's Permit to be transferred; and

7.7.1.5. Proof of verification of enrollment in the prospective Permittee's current and active random drug and alcohol program.

7.7.2. A Driver shall not operate a Taxicab on behalf of a different Permittee until the Taxicab Driver's Permit is transferred to the intended Permittee, the new Taxicab Driver's Permit is in possession of the Driver, and the new Taxicab Driver's Permit is displayed as required by these Regulations.

7.7.3. Transfer of a Taxicab Driver's Permit shall not extend the term of the permit.

8. TAXICAB VEHICLE PERMITS

8.1. Permit Required. No person shall operate a Taxicab on behalf of a Taxicab Business that is Substantially Located in the City without a Taxicab Vehicle Permit.

8.2. Term. A Taxicab Vehicle Permit shall expire one (1) year from its effective date, unless renewed or revoked.

- 8.3. Display. A Taxicab Vehicle Permit must be displayed in the left-hand corner of the rear window of the Taxicab for which the Taxicab Vehicle Permit is issued.
- 8.4. Non-Transferrable. A Taxicab Vehicle Permit is nontransferable, and shall be issued only for one vehicle.
- 8.5. Issuance. A Taxicab Vehicle Permit shall be issued for a vehicle if the following criteria are met, and none of the grounds for suspension or revocation apply:
 - 8.5.1. The applicant for the Taxicab Vehicle Permit is a Permittee;
 - 8.5.2. Submission of proof that the vehicle passed inspection at an ASE-certified or BAR-registered facility, no older than thirty (30) days prior to the application, signed by the inspecting facility, and showing that the vehicle has met all inspection standards;
 - 8.5.3. Submission of proof of financial responsibility pursuant to Vehicle Code §§16020 through 16028 that covers the vehicle; and
 - 8.5.4. The vehicle is not designed or equipped to seat more than eight (8) passengers.
- 8.6. Suspension or Revocation.
 - 8.6.1. A Taxicab Vehicle Permit may be suspended or revoked for any of the following reasons:
 - 8.6.1.1. The Vehicle is determined by a law enforcement officer, code enforcement officer, or qualified City staff not to be in a safe operating condition, or in compliance with the Vehicle Code;
 - 8.6.1.2. The Vehicle is subject to impound or removal by law enforcement pursuant to state law;
 - 8.6.1.3. Failure to cooperate with law enforcement officers, code enforcement officers, or City staff in the inspection of the Vehicle;
 - 8.6.1.4. Failure to provide proof upon request by law enforcement, code enforcement, or City staff of financial responsibility pursuant to Vehicle Code §§16020 through 16028 that covers the vehicle; and
 - 8.6.1.5. Failure to comply with the applicable provisions of these Regulations.
 - 8.6.2. The period of suspension shall be until satisfactory proof is presented to the City that the Taxicab successfully passed a new

inspection as required by these Regulations, and that none of the reasons for suspension exist.

- 8.6.3. In the event a Taxicab cannot successfully pass inspection or cure any of the reasons for suspension, then the Taxicab Vehicle Permit shall be permanently revoked.

9. ADDITIONAL ELIGIBILITY STANDARDS

- 9.1. A Person shall not be eligible for a Taxicab Business Permit or a Taxicab Driver's Permit if the Person is convicted, pleads guilty, or nolo contendere in any state to any of the offenses listed in this section or their equivalent.
- 9.1.1. Penal Code. Penal Code violations including homicide, mayhem, kidnapping, hostages, robbery, attempted murder, assault with intent to commit a felony, false imprisonment, human trafficking, assault and battery (Pen. Code §§187-248); rape, abduction, carnal abuse of children, pandering, pimping, and seduction (Pen. Code §§261-269); child abduction (Pen. Code §§277-280); forgery or counterfeiting (Pen. Code §§470-483.5); false personation or cheats (Pen. Code §§528-539); or is required to register as a sex offender (Pen. Code §§290-294).
- 9.1.2. Vehicle Code Violations. Vehicle Code violations including disregard for safety of persons or property (Veh. Code §§2800.2); flight from peace officer causing death or bodily injury (Veh. Code §2800.3); and violation of the duty to stop at scene of accident resulting in death or injury (Veh. Code §20001).
- 9.1.3. Felony Conviction for Controlled Substances. Any felony based on the manufacture, use, sale, possession, or transportation of controlled substances, including marijuana (Health & Saf. Code §§11000-11651).
- 9.1.4. Felony Conviction for Weapon Offenses. Any felony based on the manufacture, use, sale, possession, or transportation of weapons, firearms or ammunition.
- 9.1.5. Other Felony Convictions in the Past Eight Years. Any felony conviction within the past eight (8) years other than those felonies expressly identified in this Section 9.
- 9.1.6. Other Vehicle Code Violations in the Past Five Years: Vehicle Code violations within the past five (5) years including reckless driving (Veh. Code §23103); driving under the influence of intoxicating liquors or drugs (Veh. Code §23152-23229.1); flight from peace officer (Veh. Code §2800.1); violation of duty to stop

at the scene of an accident not resulting in death or injury (Veh. Code §20001); violation of duty to stop at the scene of an accident where property is damaged (Veh. Code §20002); and violation of duty to give personal information when involved in an accident resulting in injury or death (Veh. Code §20003).

- 9.1.7. Misdemeanor Conviction Relevant to Fitness for a Taxicab Driver's Permit or Taxicab Business Permit in the Past Five Years. Any misdemeanor conviction in the past five (5) years substantially related to the fitness, qualifications, functions or responsibilities of a Taxicab Driver or Permittee.

10. ADVERTISING

- 10.1. Permittee. A Permittee shall ensure that its Taxicab Business Permit number is conspicuously visible in all Advertisements, as required by Government Code §53075.9. The Taxicab Business Permit number shall be displayed as "Newport Beach Taxicab Business Permit #XXX" or similar designation as may be issued by the City. Advertisements must use the Permittee's name as it is listed on its Taxicab Business Permit.
- 10.2. Driver. Every Driver shall comply with Government Code §53075.9 and include, in every Advertisement for Taxicab services, the name of the Permittee, the Permittee's Taxicab Business Permit number, and the Taxicab Driver's Permit number.

11. PERMITS GENERALLY

11.1. Renewal of Permit.

- 11.1.1. An application for renewal of a permit subject to these Regulations shall be submitted to the City at least thirty (30) days prior to the expiration of the permit. Acceptance of late applications for renewal shall be at the City's discretion.
- 11.1.2. A permit that is more than thirty (30) days expired shall be ineligible for renewal.
- 11.1.3. A permit that is renewed shall continue for an additional period equal to the term of the original permit, commencing upon the expiration of the immediately preceding term.
- 11.1.4. A permit may be renewed if the following conditions are met:
 - 11.1.4.1. Submission of the required forms for renewal of the permit;
 - 11.1.4.2. Payment of fees applicable for renewal, if any;

- 11.1.4.3. The Person or Vehicle that is the subject of the permit is eligible for issuance of the permit pursuant to these Regulations;
- 11.1.4.4. Renewal of a Taxicab Business Permit requires the applicant to provide documentation of trip data in the format required by the City reflecting the total number of prearranged and nonprearranged trips, when each trip took place, and where each trip originated;
- 11.1.4.5. Renewal of a Taxicab Driver's Permit requires proof that the Person has passed a drug and alcohol screening within the prior twelve (12) months, unless the Person has failed a test more recently than the prior twelve (12) months, in which case proof of passing a drug and alcohol screening within the prior seven (7) days; and
- 11.1.4.6. Renewal of a Taxicab Vehicle Permit shall require proof, no older than thirty (30) days prior to the application, that the vehicle has passed inspection at an ASE-certified or BAR-registered facility.
- 11.1.5. A Person may apply for renewal of their permit during the period that it is suspended. A renewed permit shall not be reinstated or returned to the Person until the conditions for reinstatement of a suspended permit set forth in these Regulations has been satisfied.
- 11.1.6. The term of a suspended or surrendered permit shall not be extended by the period of suspension or surrender.
- 11.2. Replacement of Permit. A replacement for a lost or damaged permit issued pursuant to these Regulations may be obtained from the City upon payment of any applicable fees established by resolution of the City Council. Issuance of a replacement permit shall not extend the term of the permit.
- 11.3. Surrender of Permit. The following permits shall be immediately invalid and shall be surrendered to the City within two (2) calendar days if any of the following occurs:
 - 11.3.1. A Taxicab Business Permit, Taxicab Driver's Permit, or Taxicab Vehicle Permit expires, is suspended, or revoked;
 - 11.3.2. A Taxicab Business Permit, and all affiliated Taxicab Driver's Permits and Taxicab Vehicle Permits if a Permittee sells, dissolves, or terminates its Taxicab Business;

- 11.3.3. A Taxicab Driver's Permit if the Driver's employment or affiliation with a Permittee terminates and is not transferred pursuant to these Regulations;
 - 11.3.4. A Taxicab Driver's Permit if the Driver becomes ineligible for issuance of a Taxicab Driver's Permit under these Regulations;
 - 11.3.5. A Taxicab Vehicle Permit if the corresponding Taxicab is permanently removed from service; and
 - 11.3.6. A Taxicab Vehicle Permit if the corresponding Taxicab has been removed from the Permittee's approved insurance policy.
- 11.4. Reinstatement of a Suspended or Surrendered Permit.
- 11.4.1. A Person whose permit was suspended or surrendered may request return and reinstatement of the permit for the remaining balance of the unexpired term, provided that the following conditions have been satisfied:
 - 11.4.1.1. All applicable fines and fees have been paid;
 - 11.4.1.2. All terms and conditions of any administrative or judicial decision have been fulfilled;
 - 11.4.1.3. Any period of suspension has passed;
 - 11.4.1.4. The Person or Vehicle that is the subject of the permit is eligible to be issued the permit pursuant to these Regulations; and
 - 11.4.1.5. The permit remains otherwise valid, has not expired, been revoked, and is not suspended.
 - 11.4.2. The term of a suspended or surrendered permit shall not be extended by the period of suspension or surrender.

12. REPORTING VIOLATIONS

- 12.1. Investigation. The City may investigate for violations of these Regulations and take any appropriate actions necessary to ensure compliance, including but not limited to, administrative actions, citations, fines, and other remedies for enforcement.
- 12.2. Reporting Violations. Reports alleging illegal Taxicab operation or violation of these Regulations shall require all of the following information be provided in order to warrant investigation by the City:
 - 12.2.1. Date, time and location;
 - 12.2.2. Description of activity; and

12.2.3. Vehicle's license plate number, color, make and model, and any distinctive characteristics.

12.3. Advertising Violations. Reports alleging a violations pertaining to Advertising must provide a copy or sample of the Advertisement (such as the sign, business card, advertising display, webpage, electronic recording or phone directory) evidencing non-compliance with these Regulations or state law.

13. ENFORCEMENT

13.1. Citations. Compliance with the provisions of these Regulations may be secured under the provisions of Chapter 1.05 of the City of Municipal Code, and the schedule of fines set forth therein.

13.2. Cumulative. In lieu of, or in addition to, the remedies set forth herein and in Chapter 1.05 of the Municipal Code, the City may suspend or revoke any permit based on the grounds set forth in these Regulations.

13.3. Not Exclusive. The foregoing remedies shall not be exclusive, but shall be in addition to any other remedy available to the City at law or in equity.

14. ADMINISTRATIVE APPEALS

14.1. Appeal of Administrative Citation. Appeals of administrative citations issued to enforce the provisions of these Regulations shall follow the procedures and time limits set forth in Municipal Code Chapter 1.05, including Section 1.05.030 Service Procedures, Section 1.05.040 Contents of Administrative Citation, Section 1.05.060 Appeal of Administrative Citation, Section 1.05.070 Hearing Officer, Section 1.05.080 Hearing Procedure, Section 1.05.090 Hearing Officer's Decision, Section 1.05.100 Failure to Pay Fines, Penalties, Costs or Fees, and Section 1.05.110 Right to Judicial Review of Hearing Officer's Decision on Administrative Citation.

14.2. Appeal of Administrative Decision or Action. Appeals of denials of issuance or renewal of a permit, or for administrative action to suspend or revoke a permit, shall follow the procedures and time limits set forth in Municipal Code Chapter 1.05, including Section 1.05.030 Service Procedures, Section 1.05.060 Appeal of Administrative Citation, Section 1.05.070 Hearing Officer, Section 1.05.080 Hearing Procedure, Section 1.05.090 Hearing Officer's Decision, Section 1.05.100 Failure to Pay Fines, Penalties, Costs or Fees, and Section 1.05.110 Right to Judicial Review of Hearing Officer's Decision on Administrative Citation.

14.3. Stay. If an appeal is properly submitted to the City in accordance with City Municipal Code Chapter 1.05.060, the citation, decision, or action shall be stayed pending the final determination of the appeal, unless the City notifies the appellant in writing that the action is not stayed during the

appeal because the continued operation of the affected Taxicab, Driver, or Taxicab Business, as applicable, would pose a risk to the health or safety of the public.

15. CONFLICTS

15.1. Severability. If any term or portion of these Regulations is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of these Regulations shall continue in full force and effect.

15.2. California Law. All references to statutes contained in these Regulations refer to the statutes of the State of California except as otherwise indicated.

16. ADMINISTRATIVE POLICIES AND PROCEDURES

16.1. The City Manager may adopt administrative policies and procedures to supplement and carry out these Regulations.

History

Adopted November 14, 2023

Amended December 9, 2025

Exhibit Q
Newport Beach Council Policy F-13

DISTRIBUTION OF PUBLIC INFORMATION IN MUNICIPAL SERVICES
STATEMENTS AND BUSINESS LICENSE RENEWALS

PURPOSE

The purpose of this Policy is to establish guidelines for the distribution of written materials with the Municipal Services Statement and Business License Tax Renewal forms.

Periodically, material is distributed to residents through the Municipal Services Statement and Business License Renewal form. This material shall be approved by the Administrative Services Director using the guidelines below as criteria for approval. Material not completely consistent with the guidelines below will not be distributed with Municipal Services Statements or Business License Tax Renewal forms without specific Council authorization. All costs associated with the inclusion of such material must be paid by the Department submitting the request for inclusion.

Mailing may include the following:

- A. Notification of schedules or procedures affecting City services.
- B. Notification of any changes in procedure or process affecting business license holders.
- C. Information on the availability and scope of City services and facilities.
- D. Information concerning the functions and responsibilities of City departments and financial aspects of City operations.
- E. Information on municipal projects or future programs where a reaction from the community, business, or a neighborhood is desired.
- F. Information on recommended courses of action to protect the public or property from fire, theft, damage, and related hazards.
- G. Other materials which are designed to keep the public informed on the activities of its government.

Mailings shall not contain information: of a commercial nature; from a commercial entity; or that promotes political candidates or causes. Mailings may include factual financial information except if the topic of such financial information pertains to a ballot measure in an upcoming election unless otherwise determined by the City Council.

With the approval of the City Manager, information from community based, noncommercial organizations may be included in the Municipal Services Statement and Business License Renewal. The primary purpose of any such material should be to provide information of a public service nature. The material must not contain direct solicitation for contributions or promotions of events whose primary purpose is fund raising (such as \$200 per plate dinners). However, announcements of other events are generally appropriate, even if a nominal fee or "bake sale" type activity is an incidental

part of the function. All costs associated with the inclusion of such material must be paid by the non-commercial organization.

The Municipal Services Statement subscribers list shall not be made available for any private or organizational use. The City Manager may authorize exceptions to this restriction.

History

Adopted - December 9, 1968

Amended - October 25, 1977

Amended - May 13, 1991

Amended - January 24, 1994

Amended - February 27, 1995

Corrected - February 26, 1996

Amended - April 13, 2004

Amended - September 27, 2011

Amended — February 12, 2019

Amended - December 9, 2025

Formerly G-2

Exhibit R
Newport Beach Council Policy F-14

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.

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 - 12-9-2025

Exhibit S
Newport Beach Council Policy F-15

EXTERNAL FINANCIAL AND COMPLIANCE
REPORTING DISCLOSURE & ANNUAL AUDITS

PURPOSE

To establish City policy regarding external financial reporting, financial disclosure filings and contracting for annual audit services by an external accounting firm.

POLICY

Accounting standards boards and regulatory agencies set the minimum standards and disclosure requirements for annual financial reports and continuing disclosure requirements associated with municipal securities. The City places a high value on transparency and full disclosure in all matters concerning the City's financial position and results of operations. To this end, the City endeavors to make superior disclosure in the City's Comprehensive Annual Financial Report and Continuing Disclosure filings by going above and beyond the minimum reporting requirements including certificate of achievement programs and voluntary event disclosure filings.

The City prepares its financial statements in conformance with Generally Accepted Accounting Principles (GAAP). Responsibility for the accuracy and completeness of the financial statements rests with the City. However, the City retains the services of an external accounting firm to audit the financial statements on an annual basis. The primary point of contact for the auditor is the Administrative Services Director, but the auditors will have direct access to the City Manager, City Attorney, Finance Committee or City Council on any matters they deem appropriate.

The financial statement audit and compliance audits will be conducted in accordance with the United States Generally Accepted Auditing Standards (GAAS), standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller of the United States, and standards set by regulatory agencies if applicable.

After soliciting and receiving written proposals from qualified independent accounting firms, the Administrative Services Director shall submit a recommendation to the Finance Committee and City Council. Under the premise that multiyear audit agreements are more cost efficient, allow for greater continuity and reduce audit disruption, the City may engage auditors in multi-year contracts, but the term of each contract shall not exceed five years. Generally, the City will request proposals for audit services every five years. However, the Finance Committee may make an exception to the competitive proposal requirement if extraordinary circumstances exist and a change in auditors may not be prudent. If the City Council is satisfied with the performance of the auditors, the independent accountant firm may submit additional proposals through

a competitive selection process, but it is the City's policy to require mandatory audit firm rotation after ten years of consecutive service.

After audit results have been communicated to the City, the Administrative Services Department is then responsible for responding to all findings within six months to the Finance Committee and appropriate regulatory agencies, if applicable.

History

Adopted - January 24, 1994

Amended - February 27, 1995

Corrected - February 26, 1996

Amended - September 13, 2005

Amended - September 27, 2011

Amended - February 12, 2019

Amended - December 9, 2025

Formerly A-14

Exhibit T
Newport Beach Council Policy F-25

GRANT ADMINISTRATION

PURPOSE

To establish guidelines for the application, acceptance, administration, and financial reporting of grants including, but not limited to federal, state, local, and restricted donations (also considered grants for the purpose of this policy).

POLICY

A. Grant Application and Responsibility

Individual departments are encouraged to investigate sources of funding relevant to their respective departmental activities.

The individual Department applying for a grant or receiving a restricted donation will generally be considered the Program Administrator of the grant. The Financial Planning Division in the Administrative Services Department may assist in the financial administration and reporting of the grant, but the Program Administrator is ultimately responsible for meeting all terms and conditions of the grant, ensuring that only allowable costs are charged to the grant program and is responsible for adhering to City budgeting and fiscal procedures. Individual Departments and Program Administrators are not authorized to execute grant contracts. Grant contracts shall be reviewed by the City Attorney's office and executed by the City Manager and/ or the Mayor on behalf of the City Council.

B. Grant Acceptance & Appropriation by City Council

Even though the funding source for an activity may be provided by a grantor/ donor, only City Council can appropriate funds for official City activities except as authorized by Council Policy F-3 (Budget Adoption and Administration). Therefore, prior to the acceptance of a grant, the City Manager or City Council, as provided for in Council Policy F-3, will:

1. Approve the terms and conditions of the proposed grant including the specific City obligations that may be created by the grant contract in terms of required City matching expenditures or staff activities, even if the expenditures were previously appropriated through the budget adoption process.

2. Approve budget appropriations for the grant expenditures and City matching expenditures unless previously appropriated through the budget adoption process.
3. Approve and execute the Grant Contract(s).

City Council review and approval of items 1 and 3 are not required if the grant is under \$30,000, however, Council expenditure appropriation is required for all new appropriations in excess of \$10,000 or as otherwise specified by Council Policy F-3. If the grant or gift terms require that the City spend money and seek reimbursement from the grant or gift, the City will need to appropriate the expenditure and then seek reimbursement or draw-downs in accordance with the terms of the grant or gift.

Any budget amendments requested by the Program Administrator or operating Department will be reviewed by the Financial Planning Division of the Administrative Services Department and submitted as a staff report to the Council for its review and approval. The Financial Planning Division of the Administrative Services Department along with the Program Administrator will determine the proper amount of the appropriation request during the current and future fiscal year(s).

C. Timely Reimbursement

The Program Administrator is responsible and should pursue and/or request grant reimbursements or draw-downs on a timely basis. If requested, the Financial Planning Division of the Administrative Services Department will assist with grant reimbursements or draw-downs. All checks will be made payable to the City of Newport Beach.

Grant checks must be forwarded to the Revenue Division of the Administrative Services Department for immediate deposit and include supporting documentation.

The Program Administrator will keep the Financial Planning Division of the Administrative Services Department apprised of the annual estimated grant revenues and expenditures and a tentative schedule of cash-flows for the grant program. Whenever practicable, the Program Administrator shall seek to receive the grant or gift funds prior to the expenditure of any sums by the City.

D. Financial and Grant Reporting

Grant reporting requirements vary widely by grant and sometimes include monthly, quarterly, and or annual reporting. Subsequent to the approval of a grant application, and during the project period, any required reports will be the responsibility of the Program Administrator, or if requested by the Program Administrator, the Financial Planning Division of the Administrative Services Department. Program Administrators submitting their own reports will forward a copy of each report to the Financial Planning Division of the Administrative Services Department.

E. Grants Containing Direct Federal Assistance and/or Federal "Pass-Through" Funds

Program Administrators acknowledge that Federal Funds or Federal Funds that "pass-through" state and local programs are required to be reported on the City's Schedule of Expenditures of Federal Awards and included in the City's annual Single Audit (compliance audit of all Federal Funds). Program Administrators will identify and keep the Financial Planning Division of the Administrative Services Department apprised of those grant programs that contain direct Federal Funding or Federal pass-through funds identifying the Catalog of Federal Domestic Assistance (CFDA) number when at all possible.

F. Record Keeping & Retention Requirements

For the purpose of Grantor inquiries and grant specific compliance audits, Program Administrators are responsible for maintaining adequate records as evidence that program activities and expenditures met the terms and conditions of the grant and that all grant reporting requirements were met timely. Record retention requirements vary by grant, but it is recommended that original grant records should be maintained in a manner and duration consistent with the City's Records Retention Policy, unless otherwise specified by the grant contract.

G. Documents to be forwarded to the Administrative Services Department:

Information received from a granting or donor agency or private party or entity that is pertinent to the terms, conditions, approval, extension, denial, revocation, and administration of a grant will be forwarded to the Financial Planning Division of the Administrative Services Department including but not limited to:

Grant Award Notification
Expenditure Authorization Date (if applicable)
Grant Contracts
Grant Extension Letters
Grant Termination Letter
Program and or Financial Reports
Notices of Questioned Costs or instances of non-compliance
Any Document setting or modifying terms and conditions of the grant

History

Adopted - September 13, 2005
Amended - September 27, 2011
Amended - February 12, 2019
Amended - December 9, 2025

Exhibit U
Newport Beach Council Policy G-1

RETENTION, REMOVAL, AND MAINTENANCE OF CITY TREES

Goal of Policy

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 require that in approving any tree removal or reforestation request, the Parks, Beaches and Recreation Commission ("Commission") shall find that the tree removal request will not adversely impact the overall inventory, diversity and age of the City's Urban Forest. 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.

Purpose

The purpose of this policy is to establish definitive standards for the retention, removal, maintenance, reforestation, tree trimming standards, and supplemental trimming 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, trimming, root pruning, maintenance, and programmed replacement 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.

The City classifies public trees in one of three categories: Special City Trees, Problem City Trees, and Standard City Trees.

I. SPECIAL CITY TREES

It is the City's policy to retain Special City Trees ("Special Trees") categorized as Landmark, Dedicated, or Neighborhood trees, because they have historical significance, and/or contribute to, and give character to, a location or to an entire neighborhood. Landmark, Dedicated, and Neighborhood trees are identified by species in Exhibit A and shall hereinafter be collectively referred to as Special Trees. Trees within these three categories shall be identified, mapped, recorded and administered by staff for the Commission. When staff proposes modifications, the Commission shall review the Special Tree list and forward recommendations for additions or deletions to the City Council for approval.

Landmark Trees are identified as those individual Special Trees that possess historical significance by virtue of their size, age, location, or species.

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 correspond to the amended B-17 Policy: Parks, Facilities, and Recreation Program Donations. Exhibit A of this Policy will be updated annually to reflect updates.

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.

All Special Trees shall be retained unless there are overriding problems which will require their removal such as death, disease, interference with infrastructure, or the creation of a hazardous situation. Prior to considering the removal of any Special Tree(s), the Municipal Operations Director, or designee, shall prepare a Tree Inspection Report, with a Tree Risk Assessment, identifying and implementing specific mitigation measures to retain the tree(s). For Landmark Tree(s), the Tree Risk Assessment shall include Level 3 Testing: Advanced Techniques to confirm the presence of any potential risks, unless waived by the City Council in advance. 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. If the specific mitigation measures are unsuccessful or impractical in retaining a tree(s), then a full staff report shall be made to the Commission before any further action considering removal is taken. The reports shall also be provided to the Councilperson of the district in which the Special Tree is located. Prior to any removal of Special Tree(s), the City must comply with the noticing and appeal provisions set forth in Section IV.A (Removal of Special City Trees), unless a Special Tree is considered so hazardous as to necessitate an emergency removal. 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.

Long term, most trees reach maturity and decline, and will be replaced one-for-one with the same species or the closest equivalent wherever possible. An alternate species may be recommended by Staff if the same species is unavailable and will be subject to approval by the Commission.

During normal sidewalk, curb, and street repair activity requiring root pruning, all steps shall be taken to retain Special Trees. If tree roots are to be pruned in association with sidewalk, curb, and gutter improvements, sufficient timing in advance must be planned to ensure that pruning will not destabilize or kill the tree. If both sides of a Special Tree's roots are to be pruned, one side should be pruned at minimum two 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 in order to retain the tree providing that these measures are practical, costs are reasonable, and that they comply with Americans with Disabilities Act (ADA) standards. All proposed root pruning or other tree treatment shall be evaluated and approved by the City Arborist.

Special Trees may be considered for removal in conjunction with a City Council-approved beautification project utilizing the Removal of City Trees procedures as noted in Section IV.A. of this Policy.

II. PROBLEM CITY TREES

A Problem City Tree ("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:

- Ficus nitida (Indian Laurel Fig)
- Ficus rubiginosa (Rusty Leaf Fig)
- Ficus benjamina (Weeping Fig)
- Fraxinus uhdei (Shamel Ash)
- Cupaniopsis anacardioides (Carrotwood)
- Liquidambar styraciflua (American Sweet Gum)
- Schinus terebinthifolius (Brazilian Pepper)

Problem Trees shall not be designated as City parkway trees on the Street Designation Tree List of City Council Policy G-6 unless they are Special Trees.

Problem Trees that are not designated Special Trees may be removed for the following reasons:

- A. The Problem Tree has had a repeated history of damaging public or private sewers, water mains, roadways, sidewalks, curbs, walls, fences, underground utilities, or foundations based on City records or other competent and reliable authority. Water or sewer blockage that results from tree roots and causes significant documented private property damage (greater than \$1,000.00) may be sufficient criterion for tree removal; or
- B. The Problem Tree has had a repeated history of significant interference with street or sidewalk drainage, despite specific treatment by the City to alleviate repeated damage; or
- C. The Problem Tree has created, in the opinion of the City Arborist, a view impediment that cannot be resolved by normal nor alternative tree trimming procedures.

Problem Trees may be proposed for removal by either staff or private property owners. The City Arborist has the authority to remove Problem Trees. No more than 50 Problem Trees may be removed per year by staff under the above criteria without special approval of the Commission. Replacement trees of a minimum 36-inch box size shall be planted if funding, availability, and growth space permits.

Staff is responsible for notifying the adjacent property owner, the legally established homeowners association, if applicable, and the Councilperson of the district where the removal is proposed, of the intent to remove a Problem Tree.

The decision by the City Arborist to remove a problem tree is final unless called up by at least one Councilperson. The City Arborist shall report the removal of Problem Trees under the above criteria on a monthly basis to the Commission. 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 Category C (view).

III. STANDARD CITY TREES

A City tree which is located on City real property (parkways, parks, other City-owned property) and not designated as a Special or Problem Tree is designated as a Standard City Tree ("Standard Tree"). It is the City's policy to retain Standard Trees unless removal is necessary for one of the following reasons:

- A. The City tree has had a repeated history of damaging public or private sewers, water mains, roadways, sidewalks, 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; or
- B. The City tree has had a repeated history of significant interference with street or sidewalk drainage; or
- C. The City tree is dead, diseased, dying, or hazardous, and presents a liability to the City. A dead tree is one that has been assessed by the City Arborist and found to have deceased. Diseased trees are defined as those trees that cannot be cured by current arboricultural methods, are in an advanced state of decline, and have no prospect of recovery. Dying trees are those that have no prospect of recovery. Hazardous trees are defined as those that are defective, have a potential to fail, and would cause damage to persons and property upon failure. The City Arborist will perform a Level 2: Basic, Tree Risk Assessment whenever a tree is identified as hazardous. The assessment will 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 procedures or actions necessary to mitigate the hazard. After assessment, the City Arborist will expeditiously convey his written findings and recommendations to the Landscape Manager for evaluation. In the case of imminent tree failure, the Landscape Manager or the City Arborist shall have the authority to direct the emergency removal of a hazardous tree without further approvals; or
- D. The tree(s) have been requested to be removed in conjunction with a City Council-approved City, commercial, neighborhood, or homeowners association beautification program; or

- E. The tree(s) have been requested to be removed in conjunction with a commercial or residential project. Approval will only be granted if the City tree unreasonably impedes the planned construction. In these cases, the applicant will coordinate and assume all costs for the removal and replacement. Replacements will be a minimum of 36-inch box size, but larger sizes may be required at the Landscape Manager's discretion; or
- F. The City Manager, upon the advice of the Municipal Operations Director, City Attorney or the Traffic Engineer, shall have the authority to remove individual Problem or Standard Trees to resolve claims or safety issues.

IV. REMOVAL OF CITY TREES

A flowchart detailing tree removal procedures is available on the Municipal Operations Department's website:
www.newportbeachca.gov/government/departments/public-works/municipal-operations

The initiation to remove City tree(s) may be made by the staff of the Municipal Operations Department, a homeowners association, or a private property owner by submitting an application to the City Arborist, utilizing the City Tree Removal form available on the Municipal Operations Department website:
www.newportbeachca.gov/government/departments/public-works/municipal-operations

The City will replace all trees removed in accordance with the Standard Trees removal criteria on a one for one basis, as funding, availability, and growth space permits. Replacement trees will be a minimum of a 36-inch boxed size. 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 Tree(s) will be the sole responsibility of the City, unless an applicant voluntarily pays for a new tree(s), or desires to upgrade to a box size larger than a 36-inch box as a replacement (if available), then the resident will be responsible for the difference in price.

A. Removal of Special City Trees

- Special Trees, other than Landmark Trees, may be considered for removal under the same criteria as Standard Trees in Section III if a full staff report, prepared by the Municipal Operations Director and approved by the City Manager, is provided to the Commission detailing the necessity of removal and any specific previous treatment of the tree.
- Removal of a Special Tree(s) is initiated by submitting an application utilizing the City Tree Removal form.
- After receipt of the application, a Tree Inspection Report shall be prepared by the City Arborist to determine if the tree(s) meets the criteria for consideration for removal outlined in Section III. The City Arborist shall determine whether in his/her judgment additional specific mitigation measures can be initiated to retain the tree provided the costs are reasonable.
- Private property owners, residential communities, neighborhoods, or business organizations who apply for a Special Tree removal(s) 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. 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 are not acceptable for petition purposes, and there may be no more than one signature per property. All petition signatures shall be verified by City staff for property owner status of the person(s) signing the petition.
- Private property owners represented by a homeowners association with mandatory membership and within the 500-foot radius must, instead of the above petition procedure, submit a petition through their association. The association shall submit a resolution of the Board of Directors formally requesting a Special Tree removal(s)

with a statement that all members of the homeowners association affected have been officially notified and given an appropriate opportunity to respond before the Board voted on the request.

- The City Arborist shall also provide a notice of the proposed tree removal to the adjacent property owner (if not the applicant), the private property owners immediately adjacent to the applicant's property, and the appropriate homeowners association if applicable (not applicable to the emergency removal of hazardous trees under Section I (Special Trees)).
- Once a recommendation is made by the City Arborist and the Landscape Manager to the Municipal Operations Director or designee and the Deputy Director concurs, then the applicant, and private property owners within a 500-foot radius of the tree location, and a homeowners association if applicable, shall be notified via postcard of the recommendation at least 30 days before the Commission meeting. The postcard will include the date, time, and location of the Commission meeting and a City contact number. A homeowners association is responsible for notification of all association members pursuant to their established procedure.
- An 8" x 5" placard will be posted on the Special Tree(s) considered for removal at least 30 days before the Commission meeting. The placard will include the following information: the date of its posting, the date, time and location of the Commission meeting, and a City contact number.
- 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, except for the emergency removal of hazardous trees in Section I (Special City Trees) of this Policy.
- Following Commission approval for removal of a Special Tree(s), the tree(s) will be posted with a new 8" x 5" placard at least 30 days prior to the removal notifying the public that they have the right to appeal. The placard shall also note a Staff contact number and a date on which it was posted.

- Any appeal to the Council regarding a Commission tree decision must be received by the Municipal Operations Director no later than 30 calendar days following the date of the above reposting after the Commission decision. The Municipal Operations Director will delay any tree removals until the appeal period has expired or until the Council has acted upon the appeal.
- The full costs of removal and replacement of a Special Tree(s) will be the sole responsibility of the City, unless an applicant voluntarily pays for a new tree(s).

B. Removal of Problem City Trees

- Problem Trees may be proposed for removal by either City staff, a homeowners association, or private property owners by written application utilizing the City Tree Removal form. The City Arborist has the authority to remove Problem Trees.
- If there are no removal criteria other than it being a Problem Tree species, then no more than 50 Problem Trees may be removed per year by staff 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 approved by the Commission. Replacement trees of a 36" boxed size shall be planted if funding, availability, and growth space permits.
- Staff is responsible for providing 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 or retain a Problem Tree.
- Except for those trees categorized as Item C (dead, diseased, or dying trees) or Item F (claims and safety issues) in Section III

(Standard City Trees), all Problem Tree removal(s) shall be posted with a minimum 8" x 5" placard at least 14 calendar days prior to the scheduled removal. The placard shall also note a Staff contact number and a date on which it was posted. Unless deemed an emergency, posting for the removal of dead, diseased, or hazardous trees shall be at least 72-hours prior to the scheduled removal.

- The decision by the Landscape Manager to remove a problem tree is final unless called up by at least one Councilperson. The City Arborist shall report the removal of Problem Trees on a monthly basis to the Commission.
- The cost to remove and replace Problem Trees will be the sole responsibility of the City based on availability of funding, with the exception of Category C (view) in Section II, which is the sole responsibility of the applicant.

C. Removal of Standard City Trees

- The initiation to remove a Standard Tree(s) may be made by the staff of the Municipal Operations Department, a homeowners association, or a private property owner by submitting an application to the Landscape Manager, utilizing the City Tree Removal form.
- After receipt of the application, a Tree Inspection Report shall be prepared by the City Arborist to determine if the tree(s) meets the criteria for consideration for removal as outlined in the above Section III (Standard City Trees). The City Arborist shall determine whether in his/her judgment additional specific mitigation can be initiated to retain the tree provided the costs are reasonable.
- Once a recommendation is made by the City Arborist to the Landscape Manager, or designee, and the Manager agrees with the recommendation, the City may remove the tree(s). The authority to remove Standard Trees rests with the Landscape Manager.

- Staff is responsible for providing 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 or retain a Standard Tree.
- Except for those trees categorized as Item C (dead, diseased, or dying trees) or Item F (claims and safety issues) in Section III (Standard City Trees), all Standard Tree removal(s) shall be posted with a minimum 8" x 5" placard at least 14 calendar days prior to the scheduled removal. The placard shall also note a Staff contact number and a date on which it was posted. Unless deemed an emergency, posting for the dead, diseased, or hazardous trees shall be at least 72-hours prior to the scheduled removal.
- Any appeal to the Commission regarding a tree decision must be received by the Municipal Operations Director no later than 14 calendar days following the date of posting or notice of intent. The Municipal Operations Director will delay any tree removals until the appeal period has expired or until the Commission has acted upon an appeal.
- The City will replace all trees removed in accordance with the Standard Trees removal criteria on a one for one basis. Replacement trees will be a minimum of a 36" boxed size. If 36" boxed trees are not available, or funding or space constraints prevent planting of a 36-inch box tree, then the largest tree available for the space available will be planted. If resident/applicant desires to upgrade to a 48-inch boxed tree or larger, the resident/applicant will be responsible for the difference in price.
- The full costs of removal and replacement of a Standard Tree(s) will be the sole responsibility of the City, unless an applicant voluntarily pays for a new tree(s) or desires to upgrade to box size larger than 36-inch planted as a replacement, then the applicant will be responsible for the difference in price.

V. REFORESTATION OF CITY TREES

A. Description of Reforestation

Reforestation 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.

It is recognized and acknowledged that many City trees were planted years ago and in some cases were planted with specific species that when fully mature cause damage to curb, gutter, sidewalk, or underground utilities. Within the geographical boundaries of certain view neighborhoods, City street trees may encroach into blue water views from public and private property depending on the length of time since the trees were last trimmed, or the age and height of the trees. In other cases, the wrong species of tree was planted originally and simply does not conform to the current treescape or may represent a safety hazard. The City Street Tree Designation List and the City Parkway Tree Designation List attached to City Council Policy G-6 reflect an effort by the City to designate appropriate tree species that will not cause future problems.

The City understands the importance of trees and the beauty they bring to a community, and desires to continually improve the urban forest through reforestation. In areas where City trees have been removed through City initiation, the City will endeavor to replace the trees one for one with the appropriate street tree.

B. Application for Reforestation

Reforestation requests shall be made by submitting an application to the Landscape Manager for consideration by the Commission. Requests shall comply with the following requirements:

- The proposed area must have clearly defined contiguous geographical boundaries that include the tree(s) proposed for

removal and replacement, street address(es), block number(s), or other geographical information.

- Submission of a petition signed by the owners of a minimum of 60% of the properties within a radius of 500 feet from the location of the proposed reforestation. The petition content must be approved and dated by City staff prior to distribution by the petitioner. Signatures by non-property owners shall be invalid and only one signature per property shall be counted towards the 60% threshold. The 60% threshold is based on the number of properties, not the number of property owners. All petition signatures shall be verified by City staff for property owner status of the person(s) signing the petition.
- Private property owners who are mandatory members of a homeowners association must submit reforestation requests 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.
- 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. Action Upon Application

- Petitions that are submitted more than 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.

- City staff shall post the tree(s) proposed for reforestation with an 8" x 5" placard at least 14 calendar days prior to the scheduled Commission meeting. The placard will include the date it was posted, the date, time and location of the Commission meeting and a City contact number.
- For requests from a homeowners association: City staff shall notify private property owners within a 500-foot radius of the tree(s) requested for reforestation via postcard at least 14 calendar days prior to the Commission meeting. The postcard will include the date, time and location of the Commission meeting and a City contact number.
- In hearing reforestation requests, the Commission may consider any and all relevant circumstances, including but not limited to the following:
 - Health or overall condition of the tree(s)
 - Degree of verifiable public or private property damage from the tree(s)
 - Degree of verifiable view impairment from the tree(s)
 - If the tree species is a Problem City Tree (Section II)
 - The level of community support and/or opposition
 - The value of the existing tree(s) versus the value of the replacement tree(s)
 - Whether the tree species is inappropriate for the location or does not conform to the current treescape
 - Efforts made to ensure adequate notification
- The decision of the Commission shall be final unless called up by a Councilmember.

D. Reforestation Work

- The replacement tree(s) shall be an appropriate tree(s) that meets the criteria of the City's Street Tree Designation List or the City Parkway Tree Designation List as identified in City Council Policy G-6, or the requestor must obtain approval from the Commission of the

designation of a different tree species other than the designated street tree, or an appropriate species based on the City Tree Designation Lists.

- There shall be a minimum of a one-for-one replacement of all trees. Replacement trees shall be a minimum size of 36-inch boxed trees, unless the parkway 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 not 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 the watering and fertilizing of 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.

VI. TREE MAINTENANCE

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 in accordance with City Council Policy G-6. Section 13.08.040 of the Municipal Code prohibits any person from tampering with City trees.

VII. ENCROACHMENT AND DEMOLITION PERMITS

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 permit process whenever possible. 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). If the proposed development requires the removal of City trees (that are not dead, dying or in decline), the property owner must submit a tree removal form to the Landscape Manager, 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. Approval or disapproval of all tree removal/ replacement requests associated with encroachment and demolition permits will be the responsibility of the Municipal Operations Director or a designee.

VIII. TREE TRIMMING STANDARDS

The City Council has adopted tree trimming cycles for trees of different ages and species. 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 homeowners 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.

IX. 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 homeowners 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.

[Attachment - Exhibit A Special City Trees]

History

Adopted 1-9 - 5-9-1966	Amended G-1
Reaffirmed 1-9 - 8-30-1966	(Administratively) - 11-24-1997
Amended 1-9 - 8-14-1967	Amended G-1 - 8-10-1998
Reaffirmed 1-9 - 11-12-1968	Amended G-1 - 1-25-1999
Reaffirmed 1-9 - 3-9-1970	Amended G-1 - 2-22-2000
Reaffirmed 1-9 - 2-14-1972	Amended G-1 - 4-23-2002
Amended 1-9 - 11-9-1976	Amended G-1 - 4-27-2004
Amended 1-9 - 11-12-1985	Amended G-1 - 10-11-2011
Amended 1-9 - 11-28-1988	Amended G-1 - 9-8-2015
Amended 1-9 - 3-14-1994	Amended G-1 - 8-8-2017
(changed to G-1)	Amended G-1 - 2-9-2021
Amended G-1 - 4-11-1994	Amended G-1 - 5-9-2023
Amended G-1 - 2-26-1996	Amended G-1 - 11-14-2023
Amended G-1 - 7-14-1997	Amended G-1 - 12-9-2025

EXHIBIT A SPECIAL CITY TREES

Landmark Trees:

Location	Type
Balboa Boulevard Median	Araucaria heterophylla (1)
Balboa Library	Eucalyptus globulus (3)
Balboa Library	Phoenix canariensis (1)
Bob Henry Park	Ficus rubiginosa (1)
Castaways Park	Phoenix canariensis (1)
Lido Hotel Site	Ficus microcarpa 'Nitida' (2)
Dover Drive east of Irvine Avenue	Erythrina caffra (1)
Dover Drive at Westcliff	Liquidambar styraciflua (4)
John Wayne Park	Erythrina caffra (1)
Lido Isle Medians	Pinus pinea (4)
Main Street	Ficus microcarpa 'Nitida' (1)
Marine Avenue (Balboa Island)	Eucalyptus (Various Species) (47)
Ocean Blvd. Corona del Mar	Phoenix canariensis (5)
Wedge Area	Myoporum laetum (2)
West Jetty View Park (near Historical Marker)	Phoenix canariensis (2)
Westcliff & Dover (Groves) Bike Trail	Eucalyptus globulus (49)

Donated Trees:

Location	Type	Donated By
Bayside Park	Pyrus calleryana	(Newport-Irvine Rotary Club)
Bayview Park	Cinnamomum camphora	(Gene Atherton)
Bayview Park	Cassia leptophylla	(Thomas Edward Mansfield and Owen Thomas Vatter)
Begonia Park	Bauhinia blakeana	(Dr. Leo V. Turgeon)
Begonia Park	Prunus cerasifera	(Cheryl Bailey Ringwald)
Bob Henry Park	Ficus rubiginosa	(Bob Henry)
Bonita Canyon Sports Park	Melaluca linariifolia	(Elaine Linhoff)
		(Fern Pirkle)
Buffalo Hills Park	Erythrina caffra	(Bahia Community Earth Day Celebration)
Buffalo Hills Park	Stenocarpus sinuatus	(N. Beach Sunrise Rotary Club)
Castaways Park	Pinus torreyana	(Kevin Murphy)
		(Mary Louise Romine)
Castaways Park	Platanus racemosa	(Joe Clarkson)
		(Michael F. Gustin)
		(Arthur Grant Kidman Junior)
		(Grover Stephens, PH.D.)
		(Arthur C. Wahlstedt, Jr.)

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

Mariners Park	<i>Stenocarpus sinuatus</i>	(N. Beach Sunrise Rotary Club)
Mariners Park	<i>Magnolia 'Little Gem'</i>	(Graci Lee Henry)
Mariners Park	<i>Bauhinia variegata</i>	(Susana Lee Niederhaus)
No. Mariners Park	<i>Pinus radiata</i>	(Marcie Schrauder)
Newport Pier/ 24 th Street Bike Path	<i>Chamaerops humilis</i>	(Marie "Maxine" Louchis)
Old School Park	<i>Bauhinia variegata</i>	(Mary Jo Tyler)
Old School Park	<i>Cassia leptophylla</i>	(Jean & Coalson Morris)
Peninsula Park	<i>Chamaerops humilis</i>	(Gray Lunde Tree)
Peninsula Park	<i>Ravenea rivularis</i>	(Don Perdue)
San Miguel Park	<i>Schinus molle</i>	(Jon Walters)
Spyglass Hill Park	<i>Acacia baileyana</i>	(Dennis George Brice) (Edith Mary Brice)
Veterans Park	<i>Lagenstroemia indica fauriei</i>	(Rosemary Rae Hill Hansen)
WCH & Superior Ave City Parking Lot	<i>Cassia leptophylla</i>	(Louise Greeley)
West Newport Park	<i>Erythrina caffra</i>	(Russell Marc Beaumont) (Jeff Steven Reinker)
West Newport Park	<i>Spathodea campanulata</i>	(Brownie Girl Scout Troop 2072)
Various locations: Castaways Park and Cliff Drive Park slopes	<i>Quercus agrifolia</i>	(Dr. Jan David Vandersloot & Family)

Neighborhood Trees:

Location	Type
Along Avon Avenue	<i>Eucalyptus globulus</i> (8)
Buena Vista and Lindo Avenue	<i>Erythrina caffra</i> (1)
Candlestick Lane (Baycrest)	<i>Eucalyptus citriodora</i> (17)
Clay Street (Irvine Ave to St. Andrews Road)	<i>Ficus microcarpa 'Nitida'</i> (21)
Cliff Drive (north side, west of Dover Drive)	<i>Agathus robusta</i> (4)
Cliff Drive Park (Scout House)	<i>Ficus benamina</i> (1)
Commodore Road	<i>Eucalyptus citriodora</i> (2)
Corona del Mar State Beach	<i>Washingtonia robusta</i> (74)
601 Dover Drive	<i>Eucalyptus ficifolia</i> (1)
Dover Drive (Mariners to Irvine)	<i>Eucalyptus globulus</i>
Eastbluff Park	<i>Ficus macrophylla</i> (6)
Glenwood Lane	<i>Eucalyptus citriodora</i> (10)
Goldenrod Avenue (Ocean Blvd to Fifth Ave)	<i>Washingtonia robusta</i> (144)
Heliotrope Avenue (Corona del Mar)	<i>Pinus radiata</i> (2)
Irvine Avenue (17th St. to Dover)	<i>Phoenix dactylifera</i> (Date palm) (30)
Irvine Avenue (17th St. to Dover)	<i>Spathodea campanulate</i> (African tulip) (39)
128 Kings Road	<i>Roystonea regia</i> (1)
128 Kings Road	<i>Pseudobombax ellipticum</i> (1)

L Street Park
 Leeward Lane
 M Street Park
 Margaret Drive Median
 Marguerite Avenue (Ocean Blvd to Fifth Ave)
 Mariners Drive
 Newport Center Drive
 Poppy Avenue(Corona del Mar)
 Rhine Wharf Park
 Along Riverside Avenue (adjacent to Cliff Drive
 Park)
 725 St. James Road
 Sandalwood Lane
 Santa Ana Avenue
 Seaview Avenue (Corona del Mar)
 Shorecliffs Entrance
 Starlight Circle
 Via Lido Bridge
 Vista Del Oro Median
 Waterfront Drive (Avocado Ave to Acacia Ave)
 West Newport Park

Quercus suber (39)
Fraxinus uhdei "Tomlinson" (39)
Pinus pinea (1)
Erythrina caffra (1)
Phoenix canariensis (79)
Jacaranda mimosifolia (52)
Washingtonia robusta (363)
Eucalyptus rudis (40)
Archontophoenix cunninghamiana (12)

Schinus terebinthefolius (11)
Eucalyptus ficifolia (1)
Eucalyptus citriodora (3)
Eucalyptus robusta (38)
Pinus radiata (5)
Erythrina caffra (40)
Eucalyptus citriodora (10)
Eucalyptus globulus (14)
Erythrina caffra (6)
Schinus molle (16)
Metrosideros excelsus(55)

Exhibit V
Newport Beach Council Policy G-3

PRESERVATION OF VIEWS

The purpose of this policy is to identify the importance of views lost to excessive plant growth. The objectives of this policy are to:

- A. Preserve and promote the aesthetic and environmental benefits provided by trees and the preservation of views of the surrounding locale, recognizing views can be enhanced and framed by properly maintained trees.
- B. By example, City will endeavor to maintain all City-owned plants in a manner to maximize public and private view planes. Exceptions can be trees that in themselves enhance either the overall beauty of the area or are included in Preservation of Special Trees list of Council Policy G-1 (Retention or Removal of City Trees). Special requests for view trimming of City trees shall not be honored to protect the tree trimming cycle/schedule unless deemed necessary by the Municipal Operations Director or the resident complies with the provisions of the Tree Trimming Standards/Supplemental Trimming section of Council Policy G-1.
- C. Tree trimming shall be in accordance with the standards of the International Society of Arboriculture (ISA) or with standards applied to a particular area prior to the adoption of the ISA standards in the City. These standards may include practices to enhance public views as necessary. 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 tree trimming is impractical or infeasible as determined by the City Arborist.
- D. City trees are not affected by nor subject to the terms and conditions under a Homeowner's Association or a private neighborhood's CC&R's.

In an effort to preserve views in the 200 blocks of Carnation, Jasmine, Larkspur, Marigold, and Orchid Avenues, the planting of parkway trees is prohibited.

Definitions to clarify this policy are:

- A. Unreasonable Obstruction of View. A tree, shrub, hedge or other vegetation should be maintained on public property in the City in such a manner as to not unreasonably obstruct the view from other property.
- B. Views. ¹¹View¹¹ means a range of sight including pleasing vistas or prospects or scenes. Views include, but are not limited to, the sight of geologic features, bays, oceans, skylines, bridges and parks.

History

Adopted 1-12 - 9-14-1987 ("Obstruction of Views by Trees")
Amended 1-12-11-28-1988
Adopted 1-12-7-22-1991 (renaming to "Preservation of Views")
Amended 1-12-1-24-1994 (changed to G-3)
Amended G-3 - 3-14-2000
Amended G-3- 8-8-2017
Amended G-3 - 2-9-2021
Amended G-3 - 12-9-2025

Exhibit W
Newport Beach Council Policy G-6

MAINTENANCE AND PLANTING OF PARKWAY TREES

The City Council is vitally interested in beautification of City parkways. Public cooperation in helping to develop and maintain healthy and attractive parkway trees is encouraged.

I. MAINTENANCE OF PARKWAY TREES

The Municipal Operations Department will trim the parkway trees on a rotation schedule. An effort will be made to trim the parkway trees on less than a three-year cycle. More frequent trimming will be performed on approved trees and in approved view areas. Public safety issues such as low branches and heavy foliage will be given priority over view-type trimming. 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 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.

III. STANDARDS AND SPECIFICATIONS FOR PLANTING PARKWAY 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.

IV. 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.

V. 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

Exhibit A
Street Tree Designation List

STREET TREE DESIGNATION LIST					
ID	HOA	FROM	TO	BOTANICAL NAME	COMMON NAME
ANACAPADR	Fashion Island	1300	1300	<i>Ficus rubiKi,nosa</i>	1. Rusty Leaf Fig
BALBOA BLVD E		600	2100	<i>Svaf?Tlls romanzo{fiana</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>Washin/Ztonia robusta</i>	1. Mexican Fan Palm
BLUE KEY	Harbor View Hills South	3600	3734	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
BLUE WATER DR	Broadmoor	2501	2825	<i>Magnolia grandiflora 'St Mary'</i>	1. Magnolia, St. Marv's
BOMBEROST	Fashion Island	800	800	<i>Ficus rubiKi,nosa</i>	1. Rusty Leaf Fig
BRIGHTON RD	Cameo Shores	4501	4651	<i>Bauhinia varie}Zata</i>	1. Purple Orchid
BUCK GULLY DR	Harbor View Hills South	4000	4001	<i>Magnolia grandijl.ora 'Little Gem'</i>	1. Magnolia, Little Gem
CAMDENDR	Parkway	4501	4699	<i>Bauhinia varie}Zata</i>	1. Purple Orchid
CAMDEN DR	Slope	4500	4599	<i>Bauhinia varie}Zata</i>	1. Purple Orchid
CAMEO HIGHLANDS DR	Cameo Highlands	500	735	<i>Bauhinia variegata</i>	1. Purple Orchid
CAMEO SHORES RD	Parkway	101	346	<i>Bauhinia variegata</i>	1. Purple Orchid
CAMEO SHORES RD	Slope	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
COASTHWYE			1600	1600	1. <i>Bauhinia blakeana</i> 2. <i>Archontophoenix cunninghamiana</i>	1. Hong Kong Orchid 2. King Palm
COASTHWYE			2200	3934	1. <i>Bauhinia blakeana</i> 2. <i>Archontophoenix</i> x <i>cunninghamiana</i>	1. Hong Kong Orchid 2. King Palm
COASTHWYE			4001	4401	1. <i>Bauhinia blakeana</i> 2. <i>Archontophoenix</i> x <i>cunninghamiana</i>	1. Hong Kong Orchid 2. King Palm
COASTHWYE			4104	4400	1. <i>Bauhinia blakeana</i> 2. <i>Archontophoenix</i> x <i>cunninghamiana</i>	1. Hong Kong Orchid 2. King Palm
COASTHWYE	Median		300	2100	1. <i>Spathodea campanulata</i> 2. <i>Archontophoenix</i> x <i>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
DEANZADR					<i>Magnolia grandiflora 'cultivar'</i>	

Exhibit A
Street Tree Designation List

DORCHESTER RD		Cameo Highlands	4500	4833	<i>Bauhinia variegata</i>	1. Purple Orchid
EBBTIDERD	Even	Harbor View Hills	2700	2700	<i>Magnolia grandiflora 'Little Gem'</i>	1. Magnolia, Little Gem
EBBTIDERD	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 variexata</i>	1. Purple Orchid
FAIRFIELD DR	Slope	Cameo Shores	4500	4500	<i>Bauhinia variexata</i>	1. Purple Orchid
FARALLONDR		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
GARRETIDR	Slope	Cameo HiQ'hlands	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 variexata</i>	1. Purple Orchid
HAMPDEN RD	Parkway	Cameo Shores	4501	4717	<i>Bauhinia variexata</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 Fosteriana</i>	1. Magnolia, Little Gem 2. Kentia Palm
HERONWAY	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 dactyloides</i> 2. <i>Spathoglottis plicata</i>	1. Date palm 2. African tulip
ISLAND VIEW DR	Broadmoor	2501	2727	1. <i>Magnolia, Little Gem</i> 2. <i>Howea Fosteriana</i>	1. Magnolia, Little Gem 2. Howea Fosteriana
JAMBOREE RD		500	600	1. <i>Tabebuia avellanedae</i> 2. <i>Liquidambar styraciflua</i> 'Rotundiloba'	1. Lavender Trumpet 2. Roundleaf Sweet Gum
JAMBOREE RD Median		800	900	1. <i>Tabebuia avellanedae</i> 2. <i>Liquidambar styraciflua</i> 'Rotundiloba'	1. Lavender Trumpet 2. Roundleaf Sweet Gum
JAMBOREE RD Median		1100	1500	1. <i>Tabebuia avellanedae</i> 2. <i>Liquidambar styraciflua</i> 'Rotundiloba'	1. Lavender 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
KEYWEST	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 styraciflua 'Rotundiloba'</i>	1. Magnolia, Little Gem 2. Roundleaf Sweet Gum
MARGUERITE AVE		200	721	<i>Archontopoenix culming/Imnimmw</i>	1. King Palm
MARGUERITE AVE		1600	1740	<i>Archontopoenix cunninghamiana</i>	1. King Palm
MARGUERITE AVE Even		1520	1520	<i>Archontopoenix cunninghamiana</i>	1. King Palm
MILFORD DR	Cameo Shores	101	345	<i>Bauhinia variegata</i>	1. Purple Orchid
MORNING CANYON RD		318	342	<i>Enicthrina cnffra</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. Tristania Laurina 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. <i>Tristania Laurina</i> 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 varie!ata</i>	1. Purple Orchid
ORRINGTON RD	Slope	Cameo Shores	4510	4510	<i>Bauhinia varie!ata</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
PEARLAVE		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 varie!ata</i>	1. Purple Orchid
PERHAM RD	Slope	Cameo Shores	4500	4500	<i>Bauhinia varie!ata</i>	1. Purple Orchid
POPPY AVE			200	352	<i>Tristania laurina</i>	1. WaterGum

Exhibit A
Sheet Tree Designation List

				<i>Spathodea campmwla</i>	2.African Tulip Tree	
QUIET COVE		3400	3449	<i>Geijera panliflora</i>	1. Australian Willow	
ROCKFORD PL	Cameo Highlands	500	521	<i>Bllllhinia variegata</i>	1. Purple Orchid	
ROCKFORD RD	Cameo I-ighlands	500	721	<i>Bauhinia variegata</i>	1. Purple Orchid	
ROXBURY RD	Cameo Shores	4500	4646	<i>Bmlhinia rnriegata</i>	1. Purple Orchid	
SALT AIR CIR	Broadmoor	2501	2601	<i>Magnolia grandiflom 'St Mary'</i>	1. Magnolia, St. Mary's	
SALT AIR DR	Odd	Broadmoor	1301	1301	<i>Mllglwlia grmzdiflom 'St Mary'</i>	1. Magnolia, St. Mary's
SALT AIR DR	Slope	Broadmoor	1300	1320	<i>Magnolia grandiflora 'St Mall'</i>	1. Magnolia, St. Marv's
SAN CLEMENTE DR	Fashion Island	850	901	<i>Firns mbigi110s11</i>	1. Rusty Leaf Fig	
SAN MIGUEL DR	Fashion Island	300	366	<i>Ficus rubi>[inosa</i>	1. Rusty Leaf Fig	
SAN MIGUEL DR	Fashion Island	1600	2601	<i>Ficus rubi>[inosa</i>	1. Rusty Leaf Fig	
SAN NICOLAS DR	Fashion Island	500	567	<i>Ficus rubi>[inosa</i>	1. Rusty Leaf Fig	
SAND KEY	Harbor View Hills South	1200	1235	<i>Mag110/ia grandiflom 'Litl/e Gem'</i>	1. Magnolia, Little Gem	
SANDCASTLE DR	Harbor View Hills South	850	1555	<i>Magnolia gmndiflora 'Little Gem'</i>	1. Magnolia, Little Gem	
SANDPIPER DR	Parkway	Harbor View Hills	1010	1106	<i>Magl lolia gmndiflom 'Litile Gem'</i>	1. Magnolia, Little Gem

Exhibit A
Street Tree Designation List

SANDPIPER DR	Slope	Harbor View Hills	1015	1101	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
SANDUNELN		Harbor View Hills South	3800	3930	<i>Magnolia grandiflora</i> 'Little Gem'	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</i> 'Little Gem'	1. Magnolia, Little Gem
SEALN		Harbor View Hills	900	950	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
SEABREEZE LN		Harbor View Hills South	3400	3631	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
SEACREST DR		Harbor View Hills South	1200	1533	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
SETTING SUN DR	Parkway	Harbor View Hills	2701	3007	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
SETTING SUN DR	Slope	Harbor View Hills	2700	3000	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
SURFVIEWLN		Harbor View Hills South	3500	3620	<i>Magnolia grandiflora</i> 'Little Gem'	1. Magnolia, Little Gem
SURREY DR		Cameo Highlands	4500	4824	<i>Buddleia davidii</i> 'Variegata'	1. Purple Orchid

Exhibit A
Street Tree Designation List

TILLER WAY	Harbor View Hills South	900	1039	<i>Magnolia gmnidiflora 'Little Gem'</i>	1. Magnolia, Little Gem
TOPSIDE LN	Harbor View Hills South	3798	4015	<i>Magnolia gmnidiflora '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>Scyllus 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 gmnidiflora 'Little Gem'</i>	1. Magnolia, Little Gem

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkw y Size	Botanical Name	Common Name	Heig ht	Sprea d	Type	Water Needs *	24" Avai L.	36" Avai L.	48" Avai L.	Notes
2'+	Acacia baileyana	Bailey Acacia	25	15	Evergree n	L	Yes	No	No	
2'+	Archontophoe nix cunninghamia na	King Palm	40	20	Evergree n	M	Yes	Yes	Yes	
2'+	Chionanthus retusus	Chinese Fringe Tree	20	15	Deciduo us	M	Yes	Yes	No	
2'+	Heteromeles arbutifolia	California Holly	20	15	Evergree n	L	No	No	No	Available-15 Gal
2'+	Ligustrum lucidum	Glossy Privet	25	15	Evergree n	L	Yes	Yes	No	
2'+	Melaleuca nesophila	Pink Melaleuca	25	15	Evergree n	L	Yes	No	No	
2'+	Photinia x fraseri	Fraser Photinia	20	10	Evergree n	M	Yes	Yes	No	
2'+	Prunus cerasifera 'Newport'	Newport Plum	15	10	Deciduo us		Yes	No	No	
2'+	Prunus cerasifera 'Purple Pony'	Dwarf Purple Leafed Plum	15	10	Deciduo us		Yes	No	No	

ExhibitB

City of Newport Beach Parkway Tree Desiimation List										
Pkw y Size	Botanical Name	Common Name	Heig ht	Sprea d	Type	Water Needs	24" Avai L.	36" Avai L.	48" Avai L.	Notes
2+	Rhaphiolepis x 'Montie'	Indian Hawthorn e	15	10	Evergree n	M	Yes	Yes	No	
2+	Tecoma stans	Yellow Bells	20	15	Evergree n	M	Yes	No	No	
2+	Trachycarpus fortunei	Windmill Palm	30	10	Evergree n	M	Yes	Yes	Yes	
2+	Tristanopsis laurina	Water Gum	20	10	Evergree n	M	Yes	Yes	No	
3+	Betula pendula	European White Birch	40	25	Deciduo us	H	Yes	Yes	Yes	
3+	Brahea armata	Mexican Blue Palm	30	15	Evergree n	L	Yes	No	No	
3+	Brahea edulis	Guadalup ePalm	30	10	Evergree n	L	No	Yes	No	
3+	Cercis canadensis 'Forest Pansy'	Forest Pansy Redbud	15	10	Deciduo us	M	Yes	Yes	No	
3+	Cercis occidentalis	Western Redbud	15	10	Deciduo us	L	Yes	Yes	No	
3+	Chitalpa tashkentensis	Chitalpa	25	25	Deciduo us	L	Yes	Yes	No	

Exhibit B

City of Newport Beach Parkway Tree Desil!llation List										
Pkw y Size	Botanical Name	Common Name	Heig ht	Sprea d	Type	Water Needs "	24" Avai L.	36" Avai L.	48" Avai L.	Notes
3'+	Duranta repens	Golden Dewdrop	20	15	Evergree n	M	Yes	No	No	
3'+	Eryobotrya deflexa	Bronze Loquat	25	25	Evergree n	M	Yes	Yes	No	
3+	Handroanthus chrysotricha	Yellow Trumpet Tree	25	20	Deciduo us	M	Yes	No	No	
3'+	Heteromeles arbutifolia	Toyon Tree	15	10	Evergree n	L	No	No	No	Available-15 Gal
3'+	Howea forsteriana	Kentia Palm	35	20	Evergree n	M	Yes	Yes	No	
3'+	Hymenoporu flavum	Sweetsha de	40	20	Evergree n	M	No	No	No	Available-15 Gal
3'+	Lagerstroemia indica 'Indian Tribes'	Crape Myrtle	25	20	Deciduo us	M	Yes	Yes	Yes	Natchez(white) , 'Dynamite(vibra nt red), 'Tuscarora(pink) , 'Muskogee(purp le)
3'+	Livistona chinensis	Chinese Fountain Palm	20	10	Evergree n	M	Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkw y Size	Botanical Name	Common Name	Heig ht	Sprea d	Type	Water Needs	24" Avai l.	36" Avai l.	48" Avai l.	Notes
3'+	Livistona decora	Fountain Palm	20	10	Evergree n	M	Yes	No	No	
3'+	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	20	15	Evergree n	M	Yes	Yes	Yes	
3'+	Maytenus boaria	Mayten Tree	20	15	Evergree n	M	Yes	Yes	Yes	
3'+	Rhus integrifolia	Lemonad e Berry	10	10	Evergree n	VL	No	No	No	Available-IS Gal
3'+	Syagrus romanzoffiana	Queen Palm	50	20	Evergree n	M	Yes	Yes	Yes	
3'+	Washingtonia robusta	Mexican Fan Palm	90	20	Evergree n	L	Yes	Yes	No	
3'+	Wodyetia bifurcata	Foxtail Palm	40	20	Evergree n	M	Yes	No	No	
4'+	Arbutus 'Marina'	Strawberr yTree	20	20	Evergree n	L	Yes	Yes	Yes	
4'+	Brachychiton populeneus	Bottle tree	50	40	Evergree n	L	Yes	Yes	No	
4'+	Cassia leptophylla	Gold Medallio n tree	25	20	Evergree n	M	Yes	Yes	No	
4'+	Geijera parvifolia	Australia nWillow	40	25	Evergree n	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 nobilis	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 Deshimation List										
Pkw y Size	Botanical Name	Common Name	Heig ht	Sprea d	Type	Water Needs *	24" Avai L.	36" Avai L.	48" Avai L.	Notes
5'+	Bauhinia variegata	Purple Orchid Tree	30	20	Deciduo us	M	Yes	Yes	No	
5'+	Brachychiton acerfolius	Flame Tree	40	30	Evergree n	L	Yes	Yes	No	
5'+	Calodendron capense	Cape Chestnut	40	40	Deciduo us	M	Yes	No	No	
5'+	Erythrina americana (E. coralloides)	Naked Coral Tree	30	30	Deciduo us	L	Yes	Yes	No	
5'+	Fraxinus oxycarpa 'Ravwood'	Raywood Ash	35	30	Deciduo us	M	Yes	Yes	Yes	
5'+	Ginkgo biloba 'Fruitless'	Maidenha ir Tree	60	40	Deciduo us	M	Yes	Yes	Yes	
5'+	Handroanthus heptaphylla	Pink Trumpet Tree	30	30	Deciduo us	M	Yes	Yes	Yes	
5'+	Jacaranda mimosifolia	Jacaranda	40	50	Deciduo us	M	Yes	Yes	Yes	
5'+	Koelreuteria paniculata	Goldenrai n Tree	25	25	Deciduo us	L	Yes	Yes	Yes	
5'+	Lophostemon confertus	Brisbane Box	60	40	Evergree n	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Desiimation List										
Pkw y Size	Botanical Name	Common Name	Heig ht	Sprea d	Type	Water Needs *	24" Avai L.	36" Avai L.	48" Avai L.	Notes
5+	Lyonothamnus floribundus	Catalina Ironwood	50	30	Evergree n	VL	Yes	No	No	
5+	Magnolia grandiflora 'Majestic Beauty'	Majestic Beauty Magnolia	40	20	Evergree n	M	Yes	Yes	Yes	
5+	Magnolia grandiflora 'Russett'	Russett Magnolia	20	15	Evergree n	M	Yes	Yes	Yes	
5+	Magnolia grandiflora 'Saint Mary'	Saint Mary Magnolia	25	20	Evergree n	M	Yes	Yes	Yes	
5+	Magnolia grandiflora 'Samuel Sommer'	Samuel Sommer Magnolia	40	30	Evergree n	M	Yes	Yes	Yes	
5+	Melaleuca linnarifolia	Flaxleaf Paperbark	30	30	Evergree n	L	Yes	No	No	
5+	Metrosederos excelsa	New Zealand Christmas Tree	40	40	Evergree n	M	Yes	No	No	

Exhibit B

City of Newport Beach Parkway Tree Desilimation List										
Plew y Size	Botanical Name	Common Name	Heig ht	Sprea d	Type	Water Needs "	24" Avai L	36" Avai L	48" Avai L	Notes
5'+	Parkinsonia x 'Desert Museum'	Desert Museum Palo Verde	30	35	Semi	L	Yes	Yes	Yes	
5'+	Pinus brutia	Afghan Pine	60	50	Evergree n	L	Yes	Yes	Yes	
5'+	Pistachia chinensis	Chinese Pistache	40	40	Deciduo us	M	Yes	Yes	Yes	
5'+	Podocarpus macrophyllus	Yew Pine	50	50	Evergree n	M	Yes	No	No	
5'+	Prunus ilicifolia subsp. lyonii	Catalina Cherry	30	30	Evergree n	VL	No	No	No	Available-15 Gal
5'+	Pyrus betulaefolia 'Southworth'	Dancer Pear	25	20	Deciduo us		Yes	Yes	No	
5'+	Pyrus calleryana 'Aristocrat'	Aristocrat Pear	30	40	Deciduo us	M	Yes	Yes	Yes	
5'+	Pyrus calleryana 'Chanticleer'	Chanticle er Pear	35	20	Deciduo us	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Desiimation List										
Pkw y Size	Botanical Name	Common Name	Heig ht	Sprea d	Type	Water Ne e ds . .	24" Avai l.	36" Avai l.	48" Avai l.	Notes
5'+	Pyrus calleryana 'Redspire'	Redspire Pear	35	25	Deciduo us	M	Yes	Yes	Yes	
5'+	Pyrus kawakamii	Evergreen Pear	35	25	Deciduo us	M	Yes	Yes	No	
5'+	Quercus douglasii	Blue Oak	50	50	Deciduo us	VL	Yes	Yes	No	
5'+	Quercus ilex	Holly Oak	50	50	Evergree n	L	Yes	Yes	Yes	
5'+	Sapium sebiferum	Chinese Tallow Tree	40	35	Deciduo us	M	Yes	Yes	No	
5'+	Sophora japonica 'Regent'	Chinese Scholar Tree	40	40	Deciduo us	M	Yes	Yes	No	
8'+	Afrocarpus falcatus	Fern Pine	60	60	Evergree n		Yes	Yes	Yes	
8'+	Araucaria heterophylla	Norfolk Island Pine	80	30	Evergree n	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	Evergree n	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Designation List										
Pkw y Size	Botanical Name	Common Name	Heig ht	Sprea d	Type	Water Needs "	24" Avai L.	36" Avai L.	48" Avai L.	Notes
8'+	Erythrina caffra	Kaffirboo m Coral Tree	40	40	Evergree n	L	Yes	Yes	No	
8'+	Fraxinus velutina 'Modesto'	Modesto Ash	50	30	Deciduo us	M	Yes	Yes	Yes	
8'+	Koelreuteria bipinnata	Chinese Flame Tree	50	50	Deciduo us	M	Yes	Yes	Yes	
8'+	Pinus canariensis	Canary Island Pine	80	50	Evergree n	L	Yes	Yes	Yes	
8'+	Pinus pinea	Italian Stone Pine	60	40	Evergree n	L	Yes	Yes	Yes	
8'+	Pinus torreyana	Torrey Pine	70	40	Evergree n	L	Yes	Yes	No	
8'+	Platanus x hispanica	London Plane Tree	70	40	Deciduo us	M	Yes	Yes	No	
8'+	Platanus mexicana	Mexican Sycamore	60	40	Evergree n	M	Yes	Yes	No	
8'+	Platanus racemosa	California Sycamore	60	40	Deciduo us	M	Yes	Yes	Yes	

Exhibit B

City of Newport Beach Parkway Tree Desiimation List										
Pkw y Size	Botanical Name	Common Name	Heig ht	Sprea d	Type	Water Needs "	24" Avai l.	36" Avai l.	48" Avai l.	Notes
8'+	Quercus agrifolia	Coast Live Oak	70	80	Evergree n	L	Yes	Yes	Yes	
8'+	Quercus engelmannii	Engleman Oak	60	80	Evergree n	L	Yes	Yes	No	
8'+	Quercus lobata	Valley Oak	70	50	Deciduo us	L	Yes	Yes	No	
8'+	Quercus virginiana	Southern Live Oak	60	80	Evergree n	M	Yes	Yes	Yes	
8'+	Roystonea regia	Cuban Royal Palm	80	40	Evergree n	M	Yes	Yes	No	
8'+	Schinus molle	California Pepper	40	50	Evergree n	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	Deciduo us	L	Yes	Yes	No	

ExhibitC

Eastbluff Community Association Street Tree Designation List										
Plew y Size	Botanical Name	Common Name	Heigh t	Sprea d	Type	Water Ne e ds . .	24" Avail	36" Avail	48" Avail	Notes
2'+	Tabebuia chrysotricha	Yellow Trumpet Tree	25	20	Deciduou s	M	Yes	No	No	
3'+	Cercis canadensis 'Forest Pansy'	Forest Pansy Redbud	15	10	Deciduou s	M	Yes	Yes	No	
3'+	Cercis occidentalis	Western Redbud	15	10	Deciduou s	L	Yes	Yes	No	
3'+	Chitalpa tashkentensis	Chitalpa	25	25	Deciduou s	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	Deciduou s	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										
Pkw y Size	Botanical Name	Common Name	Heigh t	Sprea d	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	Peppermin tTree	35	35	Evergreen	L	Yes	No	Yes	
5'+	Albizia julibrissin	Silk Tree	40	40	Deciduou s	M	Yes	Yes	No	
5'+	Bauhinia variegata (purpurea)	Purple Orchid Tree	30	20	Deciduou s	M	Yes	Yes	No	
5'+	Brachychiton acerfolius	Flame Tree	40	30	Evergreen	L	Yes	Yes	No	
5'+	Calodendron capense	Cape Chestnut	40	40	Deciduou s	M	Yes	No	No	
5'+	Fraxinus oxycarpa 'Raywood'	Raywood Ash	35	30	Deciduou s	M	Yes	Yes	Yes	
5'+	Ginkgo biloba 'Fruitless'	Maidenhair Tree	60	40	Deciduou s	M	Yes	Yes	Yes	

ExhibitC

Eastbluff Community Association Street Tree Designation List										
Plew y Size	Botanical Name	Common Name	Heigh t	Sprea d	Type	Water Needs	24" Avail	36" Avail	48" Avail	Notes
5'+	Jacaranda mimosifolia	Jacaranda	40	50	Deciduou s	M	Yes	Yes	Yes	
5'+	Koelreuteria paniculata	Goldenrai nTree	25	25	Deciduou s	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 Marv'	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 quinquinerva (virididfolia)	Cajeput Tree	40	20	Evergreen	M	Yes	Yes	Yes	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkw y Size	Botanical Name	Common Name	Heigh t	Sprea d	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'+	Pistachia chinensis	Chinese Pistache	40	40	Deciduou s	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	Deciduou s	VL	Yes	Yes	No	
5'+	Quercus ilex	Holly Oak	50	50	Evergreen	L	Yes	Yes	Yes	
5'+	Tabebuia avellanedae(Ipe)	Pink Trumpet Tree	30	30	Deciduou s	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	Deciduou s	M	Yes	Yes	Yes	
8'+	Lophostemon confertus	Brisbane Box	60	40	Evergreen	M	Yes	Yes	Yes	
8'+	Platanus acerifolia	London Plane Tree	70	40	Deciduou s	M	Yes	Yes	No	

Exhibit C

Eastbluff Community Association Street Tree Designation List										
Pkw y Size	Botanical Name	Common Name	Heigh t	Sprea d	Type	Water Needs *	24" Avail	36" Avail	48" Avail	Notes
8'+	Podocarpus gracilior (Afrocarpus gracilior)	Fem Pine	60	60	Evergreen		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	

Exhibit X
Newport Beach Council Policy L-21

SIDEWALK CAFE STANDARDS AND PROCEDURES

Purpose

These standards and procedures are adopted pursuant to Municipal Code Chapter 13.18, and any successor chapter, to encourage appropriate outdoor activities in the public right-of-way, to ensure that the space used for outdoor dining in the public sidewalk shall serve a public purpose, to ease the process of obtaining permission to operate an outdoor dining facility, and to ensure adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes.

Definitions

Sidewalk Café. An outdoor dining area on a public sidewalk where patrons may consume food and/or beverages provided by an abutting food service establishment. Such establishments may either provide table service in the outdoor dining areas or sell take-out items to be consumed in the outdoor dining area.

These regulations do not apply to outdoor dining on private property.

General Provisions

- A. Encroachment Permit required. Outdoor dining on a public sidewalk may occur only pursuant to a Sidewalk Cafe License Encroachment Permit (hereinafter "Encroachment Permit").
- B. Sidewalk Cafes shall be prohibited in Shared Bicycle/Pedestrian Facilities. Locations of Shared Bicycle/Pedestrian Facilities where sidewalk cafes are prohibited shall include the following:

Campus Drive – south side	Von Karman Ave. to Jamboree Rd.
Irvine Avenue – east side	Orchard Ave. to Bristol St.
Jamboree Road – west side	Eastbluff Dr. North to Campus Dr.
MacArthur Boulevard – east side	Jamboree Rd. to Campus Dr.
Ocean Front	F St. to McFadden Place & westerly line of Ocean Front parking lot to 36 th St.

Riverside Avenue – north side	Cliff Dr. to 150 feet north of Avon Ave.
San Joaquin Hills Road – south side	MacArthur Blvd. to Marguerite Ave.
San Miguel Drive – west side	Port Sutton Dr. to San Joaquin Hills Rd.
San Miguel Drive – both sides	San Joaquin Hills Rd. to Avocado Ave.

- C. Encroachment Permit transfer. An Encroachment Permit may be transferred to a subsequent operator of the same establishment subject to approval by the Public Works Director and payment of an Encroachment Permit transfer fee established by resolution of the City Council. Prior to approval of the transfer the Public Works Director may modify the terms of the Encroachment Permit as deemed appropriate to protect public health, safety and welfare.
- D. Zoning requirements. Outdoor dining on a public sidewalk shall be subject to the requirements provided in Municipal Code Section 20.48.090 (Eating and Drinking Establishments). An Encroachment Permit may be processed concurrently with any permits required by the Zoning Code.
- E. Authority of the Public Works Director; Appeal. The location and configuration of any sidewalk cafe shall be subject to approval by the Public Works Director, who shall consider public safety issues unique to the pedestrian and vehicular needs of the specific location when reviewing Encroachment Permit applications.
- F. Inspection. The Public Works Department may inspect improvements within the public right-of-way at any time without notice to the Permittee.
- G. Conditions of approval. The Public Works Director shall have the authority to apply conditions to the approval of Encroachment Permits as appropriate to ensure compliance with the provisions of this policy. The following standard conditions of approval shall be included in the Encroachment Permit:
1. Indemnification. The Encroachment Permit shall contain a condition requiring the Permittee to defend, indemnify and hold the City and its employees harmless from and against any loss or damage arising from the use or existence of the improvements or encroachment authorized under an

Encroachment Permit, which language shall be approved by the City Attorney.

2. Insurance. The Encroachment Permit shall contain a condition requiring the Permittee to obtain and maintain insurance, which types and amounts shall be determined by the City Attorney.
3. Encroachment Permit limitations. Issuance of the Encroachment Permit does not imply that all governmental agency requirements for starting a new restaurant or expanding an existing one have been satisfied. Business owners are responsible for securing and complying with all required licenses and permits from other agencies including the state Alcoholic Beverage Control Board, the County Health Department, and the City. Sale of alcoholic beverages in outdoor dining areas shall comply with Newport Beach Municipal Code Section 10.04.010 and Council Policy K-7 (Determination of Convenience and Necessity of Alcoholic Beverage Premises).
4. No alterations. The floor of the outdoor dining area shall be maintained at the same level as the sidewalk, and no alterations to the sidewalk or coverings on the sidewalk (e.g., borings for recessed sleeves) shall be installed unless expressly approved by the Public Works Director.
5. Disabled access. The outdoor dining area shall be accessible to the disabled, and buildings adjacent to these dining areas shall maintain building egress as defined by the latest adopted editions of Title 24 of the California Code of Regulations, Disabled Access Standards.
6. Management. Restaurant management shall operate the outdoor dining areas in compliance with the terms and conditions of the Encroachment Permit and shall not delegate or assign the responsibility. The Permittee shall ensure that sidewalk café patrons do not disturb persons on the adjacent right-of-way by loud, boisterous, and unreasonable noise, offensive words, or disruptive behavior.
7. Maintenance. Restaurant management shall keep the outdoor dining area clear of litter, food scraps, greases and oils, and soiled dishes and utensils at all times. Trash receptacles shall be provided in outdoor dining areas used for consuming take-out items unless public trash receptacles located nearby are determined to be adequate by the Public Works Director. At the

end of each business day, establishments are required to clean (sweep and wash) the entire sidewalk in and around the outdoor dining area (including street and gutter areas) and remove debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street. If disposable materials are used, the establishment shall comply with all applicable City recycling programs. Awnings and umbrellas shall be washed whenever they are dirty and, in any event, no less than two times each year. Private trash receptacles shall be emptied daily.

8. Furniture removal. When the establishment stops serving for the day and patrons already seated in it leave, further seating in the outdoor dining area shall be prohibited and the outdoor dining furniture shall be removed from the right-of-way unless otherwise approved in the Encroachment Permit.
9. Plans and permits. All City-approved plans and permits for the outdoor dining area shall be kept on the premises for inspection at all times when the establishment is open for business.
10. Abatement. In the event that the Permittee fails to abide by the terms and conditions of the Encroachment Permit, the Public Works Director may summarily abate any prohibited improvements and the Permittee shall pay all costs incurred by the City to abate the prohibited improvements.
11. Termination. Upon termination of the Encroachment Permit, the Permittee shall immediately remove the barriers around the outdoor dining area, return the sidewalk to its original condition, and remove all personal property, furnishings, and equipment from the sidewalk. Any personal property remaining on the premises shall be removed pursuant to the laws of the State of California and the City.

Application Procedure

- A. An Encroachment Permit shall be required for all encroaching furniture and improvements. The application shall be filed with the Public Works Department on a form provided by the Public Works Department. The application shall be signed by the owner of the property, or his authorized agent. Authorized agents shall submit written authorization. The application shall be accompanied by a site plan, drawn to scale and fully dimensioned, which accurately depicts the location,

height, nature and extent of all proposed improvements and objects within the encroachment zone. All fixed features such as tree wells, signposts, parking meters, fire hydrants, news racks, etc. within twenty (20) feet of the encroachment zone shall be depicted on the site plan.

- B. Prior to issuance of the Encroachment Permit the applicant shall provide both the Certificate of Insurance and the completed standard Special Endorsement in a form meeting the approval of the Public Works Director and the City Attorney.

Term

Valid Encroachment Permits shall remain in effect until modified or revoked.

Sidewalk Cafe Development Standards

- A. Horizontal clearance. A clear, continuous pedestrian path not less than six (6) feet in width shall be required for pedestrian circulation outside of the outdoor dining area, provided that the Public Works Director may require more than six (6) feet if necessary to protect the public safety. Areas with heavy pedestrian traffic shall be required to maintain a minimum of eight (8) feet clear width on the sidewalk. As used herein, pedestrian path means a continuous obstruction-free sidewalk area, paved to City standards, between the outside boundary of the dining area and any obstruction, including but not limited to parking meters, street trees, landscaping, street lights, bus benches, public art, and curb lines. These requirements may be modified at the discretion of the Public Works Director in locations where unusual circumstances exist and where public safety would not be jeopardized.
- B. Allowable uses. An outdoor dining area may incorporate street trees or street furniture, provided that the required pedestrian path is maintained outside of the outdoor dining area.
- C. Setbacks from corners, streets and alleys. When an outdoor dining area is located at a street corner, a ten (10) foot setback from the corner of the building shall be maintained along both frontages. When an outdoor dining area is located adjacent to a driveway or an alley, a five (5) foot setback shall be maintained from the driveway or alley. These requirements may be modified at the discretion of the Public Works Director in locations where unusual circumstances exist and where public safety would not be jeopardized (e.g., the sidewalk adjacent to the proposed outdoor dining area is wider than usual or the perimeter of the building has an unusual configuration).

- D. Extension to adjacent properties. Subject to approval of the Public Works Director and the limitations of Newport Beach Municipal Code Section 20.48.090(D), an outdoor dining area may extend onto the sidewalk in front of an adjacent business with the written consent of both the adjacent business owner and property owner.

Design Standards

A. Barriers.

1. No barrier shall be required if the applicant proposes to limit the outdoor dining area to one row of table and chairs abutting the wall of the establishment and if no alcohol shall be served.
2. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that meets the requirements of this policy and of the Alcoholic Beverage Control Board.
3. Barriers should complement the building facade as well as any street furniture and be somewhat transparent (such as wrought iron) and shall be able to withstand inclement weather. Barriers must be seventy percent (70%) transparent and shop drawings showing the design must be submitted to the Public Works Department for approval upon request.
4. Barriers shall conform to the Public Works Department installation standards and be removable. Barriers and furniture shall be removed at the end of each business day unless otherwise approved by the Public Works Department. Barriers shall be designed to be sectional in nature and easily removed by no more than two people. Barriers may be anchored through the use of recessed sleeves and posts, by wheels that can be locked into place, or weighted bases, however, when they are removed, the resulting surface must be flush with the sidewalk.
5. The height of any barrier shall not exceed three (3) feet six (6) inches.

- B. Awnings and Umbrellas. The use of awnings over the outdoor dining area and removable table umbrellas may be permitted, provided they do not interfere with street trees. No portion of an awning shall be less than eight (8) feet above the sidewalk and no portion of an umbrella shall be less than seven (7) feet above the sidewalk. Awnings may extend up to five (5) feet from the building front or cover

up to fifty percent (50%) of the outdoor dining area, whichever is less. Awnings shall have no support posts located within the public right-of-way. A building permit must be obtained prior to installation of an awning. Heaters, electrical lighting, and/or planting shall not be attached to the awning structure.

- C. Lighting. Outdoor lighting fixtures shall compliment the style of the building. Lighting fixtures shall not be glaring to motorists or pedestrians on the adjacent right-of-way, and shall illuminate only the outdoor dining area. Outdoor lighting may be installed on the facade of the building. Electrical fixtures shall not be permitted in the public right-of-way. Lighting shall be installed by a licensed electrician under an electrical permit from the Building Department. Battery operated lamps or candles shall be permitted.
- D. Design. The design, material, and colors used for chairs, tables, umbrellas, awnings and other fixtures shall compliment the architectural style and colors of the building facade and street furniture.
- E. Signs. Notwithstanding any other provision in the Newport Beach Municipal Code, signs and logos shall be permitted on umbrellas in outdoor dining areas.
- F. Heaters. Portable propane heaters shall be allowed within the outdoor dining area.
- G. Landscaping. Any landscaped pots or planters, if desired, shall be placed within the permitted barrier. Such planters shall be portable and not line the barrier in a continuous fashion. The height of planter and plantings shall not exceed forty-two (42) inches. Barriers and awnings shall not be planted with vines. All planters and pots shall be placed on the interior of the barrier.

Plants shall be properly maintained and stressed or dying plants shall be promptly replaced. Because plant fertilizers contain materials that can stain the pavement, water drainage from any plants onto the adjacent sidewalk shall not be allowed. Potted plants shall have saucers or other suitable systems to retain seepage and be elevated to allow for air flow of at least one (1) inch between saucers and sidewalk.

Fees

- A. Application fee. An application fee established by resolution of the City Council shall be paid at the time an Encroachment Permit application is submitted to the Public Works Department.

- B. Transfer fee. A transfer fee established by resolution of the City Council shall be paid at the time an Encroachment Permit transfer application is submitted to the Public Works Department.
- C. Annual use fee. An annual use fee established by resolution of the City Council shall be paid upon annual renewal of an Encroachment Permit. No use fee shall be charged during the first year of operation.

Violation/Remedy

The Public Works Director may revoke the Encroachment Permit at any time if it is determined that continued operation of the sidewalk café is detrimental to the public interest, or the Permittee is in violation of the conditions set forth in the Encroachment Permit.

If a Permittee fails to abide by the provisions of this policy or the terms and conditions of an Encroachment Permit, the Public Works Director may summarily abate any encroachment or improvement that is in violation of this policy or the terms and conditions of an Encroachment Permit. The Permittee or property owner shall pay all costs incurred by the City in abating the encroachment or improvement.

The Permittee or property owner may appeal to the City Manager the decision of the Public Works Director to revoke an Encroachment Permit or the cost incurred to abate an encroachment/improvement, within ten (10) days of receiving notice of the revocation or demand for payment of the abatement costs. The determination of the City Manager with respect to the appeal shall be final as to the City but subject to judicial review pursuant to Cal. Code Civ. Proc. 1094.5.

History

Adopted L-19 - 3-11-1996

Amended L-19 - 5-28-1996 (changed to L-21)

Amended L-21 - 3-22-1999

Amended L-21 - 4-23-2002

Amended L-21 - 8-14-2018

Amended L-21 - 11-14-2023

Amended L-21 - 12-9-2025