



CITY OF

NEWPORT BEACH

City Council Staff Report

January 11, 2022
Agenda Item No. 4

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Leilani I. Brown, City Clerk - 949-644-3005,
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PREPARED BY: Leilani I. Brown, City Clerk

TITLE: Resolution No. 2022-1: Updating the List of Designated Positions for
2022 Under the City's Conflict of Interest Code

ABSTRACT:

The City of Newport Beach (City) revises its Conflict of Interest Code annually in order to update the list of designated positions that need to file a Statement of Economic Interests and the positions' disclosure categories.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Adopt Resolution No. 2022-1, *A Resolution of the City Council of the City of Newport Beach, California, Adopting an Updated Designated Employees List for 2022.*

DISCUSSION:

The City's Conflict of Interest Code was first adopted in 1977 in response to the enactment of the 1974 Political Reform Act (Act). In February 1990, the City updated its Conflict of Interest Code pursuant to Section 18730 of the Regulations adopted by the Fair Political Practices Commission. The City's Conflict of Interest Code consists of two basic parts:

1. The body of the code contains the provisions required by Section 87302 of the Act, such as the manner of reporting financial interests and the method to be used by designated positions when they are required to disqualify themselves from making or participating in the making of decisions; and
2. The Appendix to the code lists the positions of those designated employees within the agency who make or participate in the making of decisions which may foreseeably have a material effect on economic interests. It also lists the corresponding disclosure categories for each position, specifying which kinds of economic interests are reportable by designated employees in their Statement of Economic Interests.

Prior to the time the Statement of Economic Interests are submitted to the City Clerk on an annual basis, the list of designated positions is reviewed with the City's department directors to determine if there are additions or deletions that need to be made. The positions on the attached Designated Positions List were determined in cooperation with the department directors by evaluating each position to determine the job duties and corresponding disclosure categories.

The Disclosure Categories are listed beside each position and indicate the different financial interests within the City which must be disclosed and reported on each Designated Employee's Statement of Economic Interests depending upon whether the duties involve a broad range of duties or involve specific duties, such as contracting or decisions, which might affect real property interests.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

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

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Resolution No. 2022-1 with Exhibits
Attachment B – Exhibit 1 (redline)