

ATTACHMENT A

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

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

WHEREAS, the Fair Political Practices Commission ("FPPC") has adopted regulations for compliance with the Act under Division 6 of Title 2 of the California Code of Regulations ("Regulations");

WHEREAS, Section 18730 of the Regulations provides that incorporation by reference of the terms of Section 18730, along with the designation of employees by position ("Designated Employees") who make or participate in the making of decisions which may foreseeably have a material effect on economic interests, and the formulation of disclosure categories specifying which kinds of economic interests are reportable by Designated Employees in their Statement of Economic Interests, constitute the adoption and promulgation of a Conflict of Interest Code as required by Government Code Section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code Section 87306;

WHEREAS, on February 26, 1990, the City Council adopted Resolution No. 90-21, which adopted Section 18730 as provided under the Regulations, along with a designation of employees ("Designated Employees List"); and

WHEREAS, subsequent to February 26, 1990, the City Council adopted resolutions amending the Designated Employees List. Since the adoption of the resolutions, there have been further personnel changes and changes in staffing positions and, therefore, the City Council has determined that the City's Designated Employees List should be updated to reflect these changes. The 2022 Designated Employees List, which reflects staffing changes during 2021 and in effect for 2022, is attached hereto as Exhibit 1 and incorporated herein by this reference.

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

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

Section 2: A designated list of employees and disclosure categories as set forth in Exhibits 1 and 2, attached hereto and incorporated herein by reference, is hereby adopted and incorporated as part of the City of Newport Beach's Conflict of Interest Code.

Section 3: Exhibit 1, attached hereto and incorporated herein by reference, shall be appended to the Newport Beach Conflict of Interest Code and all previously adopted Designated Employees List(s) are hereby superseded.

Section 4: An Appendix of Disclosure Categories for each of the Designated Employees is set forth in Exhibit 2, attached hereto and incorporated herein by reference.

Section 5: All Designated Employees and other positions listed in Exhibit 1 shall file their Statement of Economic Interests with the City Clerk electronically.

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

Section 7: The City Council finds this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

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

Section 9: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 10: This resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify the vote adopting the resolution.


ADOPTED this 11th day of January, 2022.

Kevin Muldoon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachments: Exhibit 1 – 2022 Appendix of Designated Positions
 Exhibit 2 – Appendix of Disclosure Categories

EXHIBIT 1

2022 APPENDIX OF DESIGNATED POSITIONS

Departments/Positions	Disclosure Categories
<u>City Council</u>	GC §87200
<u>Office of the City Attorney</u>	
City Attorney	GC §87200
Assistant City Attorney	1
Deputy City Attorney	1
Paralegal	2, 3
<u>Office of the City Clerk</u>	
City Clerk	1
Assistant City Clerk	1
<u>Office of the City Manager</u>	
City Manager	GC §87200
Assistant City Manager	1
Deputy City Manager	1
Public Information Manager	1
<u>Community Development Department</u>	
Community Development Director	1
Deputy Community Development Director	1
Systems & Administrator Manager	2
Administrative Analyst	2, 3, 4
<u>Building Division:</u>	
Real Property Administrator	1
Senior Plan Check Engineer	3, 4
Principal Building Inspector	3, 4
Senior Building Inspector	3, 4
Building Inspector II	3, 4
Permit Specialist II	3, 4
Permit Specialist	3, 4
Principal Civil Engineer	3, 4
Senior Civil Engineer	3, 4
Civil Engineer	3, 4
EMS Plans Examiner	3, 4
Principal Engineer	3, 4
Planning Technician	3, 4
Permit Technician Supervisor	3, 4
<u>Planning Division:</u>	
Principal Planner	1
Senior Planner	2, 3, 4
Associate Planner	2, 3, 4
Assistant Planner	3, 4
Code Enforcement Supervisor	3, 4
Code Enforcement Officer, Senior	3, 4
Code Enforcement Officer I	3, 4
Code Enforcement Officer Trainee	3, 4

Department/Positions	Disclosure Categories
<u>Finance Department</u>	
Finance Director/City Treasurer	GC §87200
Deputy Finance Director	1
Revenue Manager	2, 3
Finance Manager	2, 3
Purchasing and Contracts Administrator	2
Senior Buyer	2
Buyer	2
<u>Fire Department</u>	
Fire Chief	1
Assistant Fire Chief	1
Assistant Fire Chief of Lifeguard Operations	1
EMS Division Chief	1
Fire Marshal	1
Administrative Manager	2
Life Safety Specialist III	3, 4
Life Safety Specialist II	3, 4
Life Safety Specialist I	3, 4
Fire Facilities Coordinator	2
<u>Harbor Department</u>	
Harbormaster/Director	1
<u>Human Resources Department</u>	
Human Resources Director	1
Human Resources Manager	2
<u>Library Services Department</u>	
Library Services Director	1
Library Services Manager	2
Adult Services Coordinator (Librarian III)	2
Branch and Youth Services Coordinator (Librarian III)	2
Circulation and Technical Processing Coordinator (Librarian III)	2
<u>Police Department</u>	
Chief of Police	1
Deputy Chief of Police	1
Support Services Administrator	1
Executive Officer to the Chief of Police	2
Support Services Lieutenant	2
Police Fiscal Service/Facility Manager	2

Department/Positions	Disclosure Categories
Public Works Department	
<i>Administration and Finance Division:</i>	
Public Works Director	1
Public Works Finance/Administrative Manager	1
Administrative Analyst	2
Analyst	2
Management Specialist	2
Senior Management Analyst	2, 3
<i>Engineering and Transportation Division:</i>	
Deputy Public Works Director/City Engineer – Public Works	1
Administrative Manager	1
Assistant City Engineer	2, 3, 4
City Traffic Engineer	2, 3, 4
Principal Civil Engineer	2, 3, 4
Senior Civil Engineer	2, 3
Senior Civil Engineer-Plan Check	3, 4
Assistant Civil Engineer	2
Associate Civil Engineer	2
Associate Civil Engineer-5%	2
Associate Civil Engineer-Plan Check	2, 3, 4
Senior Public Works Inspector	2, 3, 4
Public Works Inspector	2, 3, 4
Senior Engineer	2, 3, 4
Water Conservation Coordinator	3, 4
<i>Municipal Operations Division:</i>	
Deputy Public Works Director – Municipal Operations	1
Assets Maintenance Manager	2, 4
City Arborist	2, 3, 4
Refuse Manager	2, 3, 4
Field Maintenance Manager	2
Parks and Trees Manager	2
Beach Maintenance Supervisor	2
Equipment Maintenance Supervisor	2
Facilities Maintenance Supervisor	2
Landscape Maintenance Supervisor	2
<u>Recreation and Senior Services Department</u>	
Recreation and Senior Services Director	1
Deputy Recreation and Senior Services Director	2
Recreation Manager	2
Senior Services Manager	2
<u>Utilities Department</u>	
Utilities Director	1
Field Superintendent II	2
Operations Support Superintendent	2
Senior Management Analyst	2

	Disclosure Categories
<u>Boards, Commissions and Committees</u>	
Board of Library Trustees	2
Building and Fire Board of Appeals	3, 4
City Arts Commission	2
Civil Service Board	3
Finance Committee	1
Harbor Commission	3, 4
Parks, Beaches and Recreation Commission	4
Planning Commission	GC §87200
<u>Consultants</u>	1
<p>Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:</p> <p>The Department Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Department Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.</p>	

EXHIBIT 2

APPENDIX OF DISCLOSURE CATEGORIES

CATEGORY	DESCRIPTION OF CATEGORY
GC §87200	Must disclose all personal investments and business positions in business entities, sources of income and interests in real property within Newport Beach. The original Form 700 is filed with the City Clerk who sends the original to the FPPC.
1	<p>DESIGNATED EMPLOYEES WHOSE DUTIES ARE BROAD AND INDEFINABLE.</p> <p>Must disclose all personal investments and business positions in business entities, sources of income and interests in real property within Newport Beach.</p> <p>CONSULTANTS shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:</p> <p style="padding-left: 40px;">The Department Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Department Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.</p>
2	<p>DESIGNATED EMPLOYEES WHOSE DUTIES INVOLVE CONTRACTING OR PURCHASING.</p> <p>Must disclose investments and business positions in business entities within Newport Beach and income from sources within Newport Beach which manufacture, sell or provide supplies, materials, books, machinery, services, equipment or computer equipment of the type utilized by the City, or utilized by the employee’s department.</p>
3	<p>DESIGNATED EMPLOYEES WHOSE DUTIES INVOLVE REGULATORY POWERS.</p> <p>Must disclose all investments and business positions in business entities within Newport Beach, and income from sources within Newport Beach which are subject to the regulatory, permit or licensing authority of the City of Newport Beach.</p>
4	<p>DESIGNATED EMPLOYEES WHOSE DECISIONS MAY AFFECT REAL PROPERTY INTERESTS.</p> <p>Must disclose investments and business positions in business entities within Newport Beach, and income from sources within Newport Beach which engage in land development, construction or the acquisition or sale of real property, and all interests in real property.</p>
5	<p>POSITIONS WHICH INVOLVE CITY SELF-INSURANCE BENEFITS.</p> <p>Must disclose all interests in real property, investments and business positions in business entities within Newport Beach and sources of income within Newport Beach from:</p> <ul style="list-style-type: none"> a) Persons or entities which provide services, supplies, materials, machinery or equipment of the type utilized by the agency. b) Entities which are engaged in the business of insurance including, but not limited to, insurance companies, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers and actuaries. c) Financial institutions including, but not limited to, banks, savings and loan associations and credit unions. d) Entities or persons who have filed a claim, or have a claim pending, against the agency.