

**AMENDMENT A TO CITY OF NEWPORT BEACH
SEVENTH AMENDED AND RESTATED EMPLOYMENT
AGREEMENT – CITY ATTORNEY**

WHEREAS, on March 22, 2022, the City of Newport Beach, a California municipal corporation and Charter City (“Employer” or “City”) and AARON C. HARP (“Employee”), an individual (sometimes collectively referred to herein as “the Parties”) entered into a Seventh Amended and Restated Employment Agreement (“Agreement”) for the period of March 22, 2022 through December 30, 2028;

WHEREAS, given increases in the cost of medical insurance and to aid in the recruitment and retention of valuable employees, the City Council wishes to amend the Agreement; and

WHEREAS, this amendment will not be binding until it is approved by the City Council.

NOW, THEREFORE, it is mutually agreed between the Parties as follows:

1. Section 4.J, Employee Benefits, Retirement-CalPERS of the Agreement is amended to read as follows:

J. Retirement-CalPERS

Employee is a California Public Employees' Retirement System ("CalPERS") classic member. Employee is enrolled in the City's Tier I "Classic" CalPERS retirement program. Employee contributes thirteen percent (13%) of compensation earnable towards Employee's retirement benefit which is designated as follows: Eight percent (8%) member contribution, 2.42% of compensation earnable as cost sharing per Government Code section 20516(a) and 2.58% of compensation earnable as cost sharing per Government Code section 20516(f).

Employee's retirement contributions shall be tied to the retirement contributions required by Tier I non-safety employees covered by the Key &

Management Compensation Plan ("Plan"). If there are changes to the retirement contributions required by Tier I non-safety employees covered by the Plan, as set forth in a council-approved Plan, during the term of this Agreement, this Agreement shall be deemed amended and Employee will be subject to the same formula or percentage contribution as it is applied to the Tier I non-safety Key & Management employees covered under the Plan and for the same duration.

Employee retirement contributions that are in addition to the normal CalPERS Member Contribution shall be calculated on Base Salary, special pays, and other pays normally reported as "PERSable" compensation (known either as compensation earnable or pensionable compensation) and will be made on a pre-tax basis through payroll deduction, to the extent allowable by law.

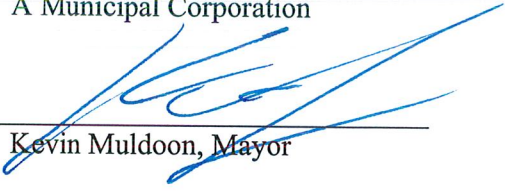
2. Except as expressly modified herein, all other terms and provisions set forth in the Agreement shall remain unchanged and shall be in full force and effect.

Signatures on the next page

EMPLOYER
CITY OF NEWPORT BEACH
A Municipal Corporation

EMPLOYEE,
An Individual

By:


Kevin Muldoon, Mayor

By:


Aaron C. Harp


Date:

Date:

11/3/22

APPROVED AS TO FORM:

By:


Charles Sakai, Attorney

Date:

1 November, 2022

ATTEST:

By:


Leilani Brown, City Clerk

Date:

11/30/2022

