

**AMENDMENT A TO CITY OF NEWPORT BEACH  
THIRD AMENDED AND RESTATED EMPLOYMENT  
AGREEMENT – CITY MANAGER**

**WHEREAS**, on January 25, 2022, the City of Newport Beach, a California municipal corporation and Charter City (“Employer” or “City”) and GRACE K. LEUNG (“Employee”), an individual (sometimes collectively referred to herein as “the Parties”) entered into a Third Amended and Restated Employment Agreement (“Agreement”) for the period of January 25, 2022 through December 30, 2026;

**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.K, Employee Benefits, Retirement-CalPERS of the Agreement is amended to read as follows:

**K. Retirement-CalPERS**

Employee is a California Public Employees' Retirement System ("CalPERS") classic member. Employee is enrolled in the City's Tier II "Classic" CalPERS retirement program. Employee contributes thirteen percent (13%) of compensation earnable towards Employee's retirement benefit which is designated as follows: 7% of Employee/Member's total PERSable salary as the Employee/Member Contribution and 6% as cost sharing of the Employer Contribution Rate in accordance with Government Code Section 20516(f).

Employee's retirement contributions shall be tied to the retirement contributions required by Tier II non-safety employees covered by the Key & Management Compensation Plan (“Plan”). If there are changes to the retirement

contributions required by 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 II 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

By:

  
Kevin Muldoon, Mayor

Date:

EMPLOYEE,  
An Individual

By:

  
Grace K. Leung

Date:

11/2/2022

APPROVED AS TO FORM:

By:

  
Aaron C. Harp, City Attorney

Date:

10/27/22

ATTEST:

By:

  
Leilani Brown, City Clerk

Date:

11/30/2022

