

**FIFTH AMENDMENT TO CITY ADMINISTRATOR
AT-WILL EMPLOYMENT AGREEMENT**

This Fifth Amendment to City Administrator At-Will Employment Agreement ("Fifth Amendment") is made and entered into between the City of Carmel-by-the-Sea, California, a municipal corporation ("City") and Richard ("Chip") Lyons Rerig, an individual ("City Administrator"). The City and the City Administrator are sometimes individually referred to as a "Party" and collectively as "Parties." This Fifth Amendment shall be effective on October 1, 2021.

WHEREAS, the Parties entered into an Employment Agreement ("Employment Agreement") on February 2, 2016.

WHEREAS, pursuant to Section 7A of the Employment Agreement, City Administrator received a base salary that, at the time of the Employment Agreement, was \$190,000.00.

WHEREAS, the current base salary of the City Administrator based upon Resolution No. 2018-110 and the Second Amendment to the Employment Agreement is \$196,650.00.

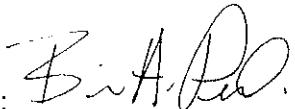
WHEREAS, pursuant to the Employment Agreement, the City Council of the City of Carmel-by-the-Sea ("City Council") grants salary increases to City Administrator in its discretion.

WHEREAS, the Parties now desire to amend the Employment Agreement as follows:

NOW, THEREFORE, in consideration of the promises herein, the Parties agree as follows:

1. Term: Pursuant to Section 4 of the Employment Agreement, City Administrator's Term shall continue until March 1, 2027 or the date of earlier termination in accordance with the provisions in the Employment Agreement.
2. Salary Increase: The City Council hereby approves a salary increase for the City Administrator to \$216,650 effective October 1, 2021.
3. City-owned Vehicle: The Fourth Amendment to the Employment Contract included a provision permitting the City Administrator to use a City-owned vehicle for business purposes, to commute to and from work, and for personal purposes. The City Administrator has decided not to use a City-owned vehicle for these purposes.
4. Government Code Provisions
 - a. Pursuant to Government Code section 53260, in the event City provides City Administrator with a cash settlement related to termination of the Employment Agreement, the cash settlement shall not exceed the lesser of (1) an amount equal to the monthly salary of

APPROVED AS TO FORM:

By:  February 28, 2022

Brian Pierik
City Attorney

Date