

ATTACHMENT A

RESOLUTION NO. 2026- __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF NEWPORT BEACH AND THE NEWPORT BEACH CITY EMPLOYEES ASSOCIATION RELATED TO ALTERNATIVE WORK SCHEDULES AND THE TELECOMMUTING PROGRAM

WHEREAS, the City Council of the City of Newport Beach (“City Council”) previously adopted Resolution No. 2001-50, the “Employer-Employee Relations Resolution,” pursuant to authority contained in the Meyers-Milias-Brown Act, Government Code 3500, *et seq*;

WHEREAS, the City of Newport Beach (“City”) promotes effective communication and collaborative working relationships with its employees to foster improved relations while balancing good management practices;

WHEREAS, on December 9, 2025, the City Council adopted Resolution No. 2025-84 approving a Memorandum of Understanding (“Memorandum of Understanding”) with the Newport Beach City Employees Association (“NBCEA”), a recognized organization, with a term of November 29, 2025, through December 31, 2028;

WHEREAS, the City Council desires to enter into a Side Letter of Agreement between the City and NBCEA to make modifications to the provisions related to Alternative Work Schedules to provide for the termination of all 4/10 work schedules on June 30, 2026, unless expressly continued in writing by the City Manager, and to provide that the City Manager shall determine whether to make a 4/10 work schedule available, on a going forward basis, based upon operational necessity or other exceptional circumstances; and

WHEREAS, the City Council desires to enter into a Side Letter of Agreement between the City and NBCEA to increase the number of telecommuting hours provided for under the Telecommuting Program from 80 to 100 hours.

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

Section 1: The City Council does hereby approve and authorize the Mayor to execute the Side Letter of Agreement attached hereto as Exhibit A, which is incorporated herein by this reference. The terms referenced in the attached Side Letter of Agreement shall prevail over any previously adopted terms within the Memoranda of Understanding that conflict herewith.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 3: 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 4: The City Council finds the adoption of this resolution 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 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

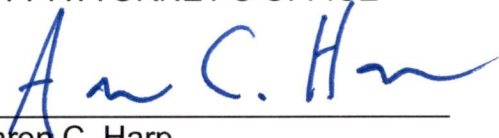
ADOPTED this 23rd day of June, 2026.

Lauren Kleiman
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment(s): Exhibit A: Side Letter of Agreement between the City and NBCEA

EXHIBIT A

Side Letter of Agreement between the City and NBCEA

**SIDE LETTER OF AGREEMENT
BETWEEN
CITY OF NEWPORT BEACH
AND
THE NEWPORT BEACH CITY EMPLOYEES ASSOCIATION**

This Side Letter of Agreement ("Agreement") is made and entered into this 23rd day of June 2026, by and between the City of Newport Beach ("City") and the Newport Beach City Employees Association ("Association") (collectively "Parties") with respect to the following:

WHEREAS, the current Memorandum of Understanding ("MOU") between the Parties has a term of November 29, 2025, through December 31, 2028;

WHEREAS, the Parties wish to amend Section 5, Miscellaneous, Subsection C, Alternate Work Schedules, to modify the provisions related to the 4/10 work schedules to provide for the termination of all 4/10 work schedules on June 30, 2026, unless expressly continued in writing by the City Manager, and to provide that the City Manager shall determine whether to make a 4/10 work schedule available, on a going forward basis, based upon operational necessity or other exceptional circumstances;

WHEREAS, the Parties wish to amend Section 5, Miscellaneous, Subsection M, Telecommuting Program, to increase the number of telecommuting hours provided for under the Telecommuting Program from 80 to 100 hours; and

WHEREAS, this Agreement will not have the effect of an agreement, and will not be binding on either Party, until it is approved by the City Council.

NOW, THEREFORE, it is mutually agreed between the Parties to amend the MOU as set forth below.

Section 1: Section 5, Miscellaneous, Subsection C, Alternate Work Schedules, of the MOU is hereby amended to read as follows:

“C. Work Schedules / Alternate Work Schedules

Unit members may work either a 5/40 or 9/80 work schedule subject to supervisor approval.

After June 30, 2026, a 4/10 schedule shall not be available unless specifically approved in writing by the City Manager, based on operational necessity or other exceptional circumstances. Any existing 4/10 schedule shall terminate on June 30, 2026, unless expressly continued in writing by the City Manager.

Approval of a 4/10 schedule is entirely within the City Manager’s discretion, is not an entitlement and may be revoked due to operational needs. Denials of requests to work a 4/10 schedule and/or the cancellation of existing 4/10 schedule shall not be subject to the grievance procedure in Section 5.F.

Employees assigned to the 9/80 work schedule will have alternating Fridays off, with the City determining which employees will work on each alternating Friday to ensure effective coverage of

the work. Supervisors may approve a different alternating day off based on extenuating business circumstances.

Employees assigned to a 4/10 schedule will work four 10-hour days per week, with the City determining the regular day off based on operational needs. Requests for specific days off may be approved by the City where feasible but shall not be subject to the grievance procedure in Section 5.F.

The City agrees to maintain flex-scheduling where it is currently operating successfully in this unit.”

Section 2: Section 5, Miscellaneous, Subsection M, Telecommuting Program, shall be amended to read as follows:

“M. Telecommuting Program

The City agrees to a telecommuting program that will provide for 100 hours of telecommuting hours per calendar year to be used in accordance with City policy. The provisions of the policy shall not trigger any right of grievance or appeal.”

Section 3: Except as expressly modified herein, all other provisions, terms, and covenants set forth in the MOU shall remain unchanged and shall be in full force and effect.

Signatures on the next page

Executed this 23rd day of June 2026

FOR THE NEWPORT BEACH CITY EMPLOYEES ASSOCIATION:

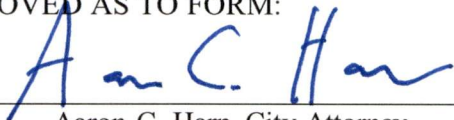
BY: 

Mariah Stinson, NBCEA President

FOR THE CITY OF NEWPORT BEACH:

BY: _____
Lauren Kleiman, Mayor of Newport Beach

CITY OF NEWPORT BEACH
APPROVED AS TO FORM:

BY: 

Aaron C. Harp, City Attorney

ATTEST:

BY: Lena Shumway
City Clerk