

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

FIFTH AMENDMENT TO AGREEMENT NO. 34946

**34946**

THIS FIFTH AMENDMENT TO AGREEMENT NO. 34946 is made and entered, in duplicate, as of February 9, 2022, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on November 5, 2019, by and between AXON ENTERPRISE, INC., a Delaware corporation (“Contractor”), with a place of business at 17800 North 85<sup>th</sup> Street, Scottsdale, Arizona 85255, and the CITY OF LONG BEACH, a municipal corporation (“City”).

WHEREAS, City and Contractor (the “Parties”) entered into Contract No. 34946 (the “Contract”) whereby Contractor agreed to provide Body Worn Camera equipment and services; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to add an additional fifty (50) body worn camera units and update the Project Implementation Schedule; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to extend the term to December 7, 2019; and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to amend various terms and extend the term to December 7, 2020; and

WHEREAS, the Parties entered into a Fourth Amendment to extend the term one (1) additional one-year period and attach an updated rate sheet;

WHEREAS, the Parties currently desire to extend the term for one (1) additional one-year period;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein contained, the Parties agree as follows:

1. Section 2 of the Agreement is hereby amended to read as follows:

“2. TERM. Unless sooner terminated in accordance with Paragraph 10 of the Agreement, the term of this Agreement shall commence at midnight on June 8, 2018, and end at 11:59 p.m. on December 7, 2022. This Agreement shall automatically

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1 renew for two (2) additional one (1) year periods."

2 2. Except as amended herein, the terms and conditions of the  
3 Agreement No. 34946 are ratified and confirmed and shall remain unchanged and in full  
4 force and effect.

5 IN WITNESS WHEREOF, the Parties have caused this document to be  
6 duly executed with all formalities required by law as of the date first stated above.

7  
8  
9 7/14/22, 2022

AXON ENTERPRISE, INC., a Delaware corporation

By [Signature]  
Name Daniel Zito  
Title Interim CFO

10  
11 July 14, 2022

By [Signature]  
Name Bill Decker  
Title VP Manufacturing

"Consultant"

12  
13  
14  
15  
16 August 2, 2022

CITY OF LONG BEACH, a municipal corporation

By [Signature]  
City Manager

"City"

17  
18  
19 This Fifth Amendment to Agreement No. 34946 is approved as to form on  
20 JULY 25, 2022.

EXECUTED PURSUANT  
TO SECTION 301 OF  
THE CITY CHARTER

21 CHARLES PARKIN, City Attorney  
22 By [Signature]  
23 Deputy  
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7           AXON ENTERPRISE, INC., a Delaware  
8 corporation

9 7/14/22, 2022

By [Signature]  
Name James Zito  
Title Interim CFO

11 July 14, 2022

By [Signature]  
Name Bill Decker  
Title VP Manufacturing

“Consultant”

15           CITY OF LONG BEACH, a municipal  
16 corporation

16 \_\_\_\_\_, 2022

By \_\_\_\_\_  
City Manager

“City”

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20 \_\_\_\_\_, 2022.

21           CHARLES PARKIN, City Attorney

22 By \_\_\_\_\_  
23 Deputy

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