

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 **FIFTH AMENDMENT TO AGREEMENT NO. 28164**

2 **28164**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 28164 is made and
4 entered, in duplicate, as of Oct 9, 2007 for reference purposes only,
5 pursuant to a minute order adopted by the City Council of the City of Long Beach at its
6 meeting on October 9, 2007, by and between the LONG BEACH AREA CONVENTION
7 AND VISITORS BUREAU, INC., a California nonprofit corporation ("CVB"), and the CITY
8 OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, the parties entered Agreement No. 28164 whereby CVB
10 agreed to promote tourism and conventions in the City; and

11 WHEREAS, the parties desire to amend said Agreement to reflect the
12 amount appropriated by the City Council in Fiscal Year 2007-08 from the Special Fund
13 for such promotion, to reflect that the City will participate in the 2008 Rose Parade, and to
14 extend the term of the Agreement;

15
16 NOW, THEREFORE, in consideration of the mutual terms and conditions
17 contained in Agreement No. 28164 and herein, the parties agree as follows:

18 1. Section 5 of Agreement No. 28164 is hereby amended in its entirety
19 to read as follows:

20 "5. City's Convention and Tourism Budget. City's City Council has
21 appropriated and allocated from its Special Fund for City convention and
22 tourism sales and development \$3,729,000 for the fiscal year ending
23 September 30, 2004; \$3,930,366 for the fiscal year ending September 30,
24 2005; \$3,930,366 for the fiscal year ending September 30, 2006; \$3,930,366
25 for the fiscal year ending September 30, 2007; and \$3,930,366 for the fiscal
26 year ending September 30, 2008. City's liability for CVB's approved
27 convention and tourism sales and development programs shall not exceed
28 those amounts. Those amounts include the sums identified in Section 17 and

1 18 hereof and are not additional thereto. City reserves the right, at any time
2 during the term hereof, by notice from City's City Manager, to redefine the
3 scope of services within said amounts. By August 1 of each fiscal year during
4 the term hereof, City's City Manager shall notify CVB of the amount of
5 anticipated transient occupancy taxes to be appropriated by the City Council
6 from the City's Special Fund for convention and tourism sales and
7 development programs for the following fiscal year. No later than June 1 of
8 each fiscal year during the term hereof, CVB shall prepare and submit the
9 marketing plan referred to in Section 2(a) hereof based on the anticipated
10 transient occupancy taxes to be appropriated."

11 2. All references in Section 18 of Agreement No. 28164 to the 2003
12 Tournament of Roses Parade shall hereafter mean and refer to the 2008 Tournament of
13 Roses Parade.

14 3. Except as expressly modified herein, all of the terms and conditions
15 contained in Agreement No. 28164 are ratified and confirmed and shall remain in full
16 force and effect.

17
18 IN WITNESS WHEREOF, the parties have caused this document to be duly

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1 executed with all formalities required by law as of the date first stated above.

2 LONG BEACH AREA CONVENTION AND
3 VISITORS BUREAU, INC., a California
4 nonprofit corporation

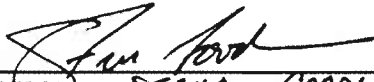
5 Dated: 10/9, 2007

By:


Name: STEVEN J. SMITH
Title: CHAIRMAN - LBCVB

7 Dated: 10/9, 2007

By:



Name: STEVE GOODLING
Title: PRES/CEO - LBCVB

10 "CVB"

14 CITY OF LONG BEACH, a municipal
15 corporation

16 Dated: 10/13, 2007

By:


Name: Patrick H. West
Title: City Manager

18 "City"

21 This Fifth Amendment to Agreement No. 28164 is approved as to form
22 on 10/10, 2007.

23 ROBERT E. SHANNON, City Attorney

25 By


Assistant

27 HAM.11
28 10/01/07
#05-04205

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

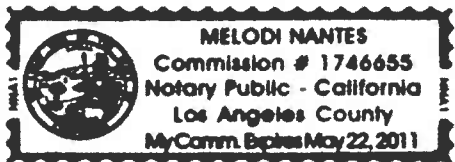
On 10.15.07 before me, Melodi Nantes, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Patrick H. West
Name(s) of Signer(s)

personally known to me

(or proved to me on the basis of satisfactory evidence)

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Signature Melodi Nantes
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Fifth Amendment to Agreement No. 28164

Document Date: None Number of Pages: 3

Signer(s) Other Than Named Above: Steve Smith, Steve Goodling, Robert Shannon

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
 Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
 Top of thumb here

Signer Is Representing: _____