## OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664

## SIXTEENTH AMENDMENT TO AGREEMENT NO. 26174

## 

THIS SIXTEENTH AMENDMENT TO AGREEMENT NO. 26174 is made and entered, in duplicate, as of September 13, 2018 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on September 4, 2018, by and between the LONG BEACH MUSEUM OF ART FOUNDATION, a California nonprofit public benefit corporation ("Foundation"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Foundation (the "Parties") entered into Agreement No. 26174 whereby Foundation agreed to manage the City's art collection; and

WHEREAS, the Parties desire to amend the Agreement to reflect the compensation paid to Foundation for fiscal year 2018-2019;

NOW, THEREFORE, in consideration of the mutual terms and conditions in Agreement No. 26174 and in this Amendment, the Parties agree as follows:

- 1. Section 4.A. of Agreement No. 26174 is hereby amended in its entirety to read as follows:
- "A. The City shall pay to the Foundation as compensation for Foundation's management services a fee of Five Hundred Seventy-One Thousand Dollars (\$571,000) for fiscal year 2003-2004, which has been appropriated by the City Council. Funding was reduced from the prior year and the Parties negotiated regarding the level of services that the Foundation can provide for the actual amount of funding. The Foundation agrees to and shall perform its management services for the amount appropriated.

The City shall pay to the Foundation as compensation for Foundation's management services a fee of Five Hundred Sixty-Nine Thousand Dollars (\$569,000) for each fiscal year in years 2004-2009, which has been appropriated by the City Council. Funding was reduced from the prior year and the Parties negotiated regarding the level of services that the Foundation can provide for the actual amount of funding. The Foundation agrees to and shall perform its management services for the amount appropriated for each

The City shall pay to the Foundation as compensation for Foundation's management services a fee of One Hundred Sixty-Nine Thousand Dollars (\$169,000) for each fiscal year in years 2009-2015, which has been appropriated by the City Council. Funding was reduced from the prior year and the Parties negotiated regarding the level of services that the Foundation can provide for the actual amount of funding. The Foundation agrees to and shall perform its management service for the amount appropriated for each respective fiscal year.

The City shall pay to the Foundation as compensation for Foundation's management services a fee of Three Hundred Nineteen Thousand Dollars (\$319,000) for each fiscal year in years 2016-2018, which has been appropriated by the City Council. The Foundation agrees to and shall perform its management service for the amount appropriated.

The City shall pay to the Foundation as compensation for Foundation's management services a fee of Three Hundred Sixty-Nine Thousand Dollars (\$369,000) for fiscal year 2018-2019, which has been appropriated by the City Council. The Foundation agrees to and shall perform its management service for the amount appropriated.

If funding is reduced in future fiscal years, during the term of this Agreement, below the sum of Six Hundred Forty-Five Thousand Five Hundred Eighty-Five Dollars (\$645,585), then the Parties agree to negotiate for a period of ninety (90) days regarding the level of services that the Foundation can provide for the actual amount of funding. If the Parties have not reached agreement at the end of the ninety day period, then Foundation shall have the right to terminate this Agreement and the Lease by giving thirty (30) days' notice of termination to the City.

The Parties further agree to negotiate for any increase in the fee in any future year provided, however, that the fee shall be no greater than Six Hundred Sixty-Nine Thousand Dollars (\$669,000) plus cumulative increases in the Consumer Price Index (All Consumers) for Los Angeles-Riverside-Orange County with a base index year of 2003. If

the Parties reach agreement on an increase in the fee, then this Agreement shall be amended with authorization of the City Council to reflect such increase."

 Except as expressly amended herein, all terms and conditions in Agreement No. 26174 are ratified and confirmed and shall remain in full force and effect.

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

FOUNDATION, a California nonprofit public benefit corporation  By Mame Plant Wilde Title By Mame Mays has been a sistent City Manager  EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER  City Manager  City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to form September 262018.  FOUNDATION, a California nonprofit public benefit corporation  By Manager  Foundation  Foundation  CITY OF LONG BEACH, a municipal corporation  By City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to form September 262018.		•	LONG BEACH MUSEUM OF ART
By Mush Wilde Title Gard Presider  Tom Modica Title Wegsurer Seevelary Assistant City Manager EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER  CITY OF LONG BEACH, a municipal corporation  By City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to for Septemba 262018.			FOUNDATION, a California nonprofit
Name Barbala W) / de Title Baard President Name Mayska Jeffey Title Heasure Secretary Secretary Foundation"  TO Modica Title Heasure Secretary Foundation"  TO SECTION 301 OF THE CITY CHARTER CITY OF LONG BEACH, a municipal corporation  Sept. 28 , 2018 By City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to found the secretary of the secretary		$\wedge$	public benefit corporation
Tom Modica Assistant City Manager EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER City Manager  City OF LONG BEACH, a municipal corporation  Sept. 28, 2018  City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to for Septemba 262018.	***************************************	Stofenster 25, 2018	Name Barbala Wilde
Assistant City Manager  EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER  CITY OF LONG BEACH, a municipal corporation  By  City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to foon  September 262018.		9 25 , 2018	By Marsha effer
Assistant City Manager  EXECUTED PURSUANT  TO SECTION 301 OF THE CITY CHARTER  CITY OF LONG BEACH, a municipal corporation  Sept. 28  City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to foon  September 262018.		Tom Madian	
EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER  CITY OF LONG BEACH, a municipal corporation  Sept. 28  City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to form  September 262018.			Title treasurer Secretary M
TO SECTION 301 OF THE CITY CHARTER CITY OF LONG BEACH, a municipal corporation  Sept. 28 , 2018 By City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to foon September 262018.		<del>-</del>	
THE CITY CHARTER CITY OF LONG BEACH, a municipal corporation  Sept. 28, 2018  By City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to foon  September 26, 2018.		<b>EXECUTED PURSUANT</b>	"Foundation"
Corporation  Sept. 28, 2018 By  City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to form  September 26, 2018.			OF LONG PERSON
Sept. 28, 2018 By City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to fo		THE CITY CHARTER	
City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to fo			corporation
City Manager  "City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to fo		De 67.28, 2018	By All
"City"  This Sixteenth Amendment to Agreement No. 26174 is approved as to foon  September 262018.			
This Sixteenth Amendment to Agreement No. 26174 is approved as to foon			· •
on <u>Septemba 26</u> 2018.			"City"
on <u>Septemba 26</u> 2018.		This Sixteenth Amendment to	Agreement No. 26174 is approved as to form
	nn.		••
CHARLES PARKIN, City Attorney	"¹ — <u> </u>	septembar 2018.	
CHARLES PARKIN, City Attorney		V	
			CHARLES PARKIN, City Aftorney
By / J		F	$\beta$ v $\beta$
Deputy			