

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

THIRD AMENDMENT TO AGREEMENT NO. 33265

33265

THIS THIRD AMENDMENT TO AGREEMENT NO. 33265 is made and entered, in duplicate, as of September 30, 2020, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on March 20, 2018, by and between CHARTER COMMUNICATIONS OPERATING, LLC on behalf of its subsidiaries providing services, a Delaware limited liability company ("Spectrum"), with a place of business at 17777 Center Court Drive, 8th Floor, Cerritos, California 90703, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Spectrum (the "Parties") entered into Agreement No. 33265 (the "Agreement") whereby Spectrum agreed to provide local and long distance telephone, data communications, and internet services; and

WHEREAS, on May 18, 2016, Charter Communications, Inc. concluded separate transactions with Time Warner Cable Inc. ("Time Warner") and Advance/Newhouse Partnership (former parent of Bright House Networks, LLC; "Bright House Networks"), by which Charter merged with Time Warner Cable and acquired the Bright House Networks operating entities and assets; and

WHEREAS, Charter Communications, Inc. launched the "Spectrum" brand in the fall of 2016, adopting the "Spectrum Business" brand names for its small and large commercial clients, respectively; and

WHEREAS, Time Warner Cable and Bright House Networks legal entities are now operating subsidiaries of Charter communications, Inc. and continue to provide services under existing agreements; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to extend the term to November 14, 2019; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to extend the term to November 14, 2020 and add \$500,000 to the Agreement for a total not to exceed amount of \$1,346,303.97; and

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1 WHEREAS, the Parties desire to extend the term one (1) additional one-year
2 period and add \$1,050,000 to the Agreement;

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

5 1. The term of the Agreement shall be extended commencing at 12:01
6 a.m. on November 15, 2020, and shall terminate at 11:59 p.m. on November 14, 2021,
7 unless sooner terminated as provided in this Agreement, or unless the services to be
8 performed or the Project is completed sooner. The Parties have no further options to
9 extend the term.

10 2. \$1,050,000 is added to the Contract for a total not to exceed Contract
11 amount of \$2,396,303.97.

12 3. Except as expressly modified herein, all of the terms and conditions
13 contained in Agreement No. 33265 are ratified and confirmed and shall remain in full force
14 and effect.

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

3 CHARTER COMMUNICATIONS
4 OPERATING, LLC

5 By: Charter Communications, Inc., its
6 Manager

7 December 23, 2020

8 By [Signature]
9 Name LYNNE R. BEN
10 Title VP Strategic Sales, West

11 By _____
12 Name _____
13 Title _____

14 "Spectrum"

15 CITY OF LONG BEACH, a municipal
16 corporation

17 January 13, ²⁰²¹~~2020~~

18 By [Signature]
19 City Manager

20 "City"

21 This Third Amendment to Agreement No. 33265 is approved as to form on

22 January 6, 2020.

23 CHARLES PARKIN, City Attorney

24 By [Signature]
25 Deputy