

Robert E. Shannon
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1 THIRD AMENDMENT TO AGREEMENT NO. 26174

2 **26174**

3 THIS THIRD AMENDMENT TO AGREEMENT NO. 26174 is made and
4 entered, in duplicate, as of September 15, 2005 for reference purposes only, pursuant to
5 a minute order adopted by the City Council of the City of Long Beach at its meeting on
6 September 13, 2005, by and between the LONG BEACH MUSEUM OF ART
7 FOUNDATION (“Foundation”) and the CITY OF LONG BEACH (“City”).

8 WHEREAS, the parties entered Agreement No. 26174 whereby Foundation
9 agreed to manage the City’s art collection; and

10 WHEREAS, the parties desire to amend the Agreement to reflect the
11 compensation paid to Foundation for fiscal year 2005-2006;

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

14 1. Section 4(A) of Agreement No. 26174 is hereby amended in its entirety
15 to read as follows:

16 “A. The City shall pay to the Foundation as compensation for Foundation’s
17 management services a fee of Five Hundred Seventy-One Thousand Dollars
18 (\$571,000.00) for fiscal year 2003-2004, which has been appropriated by the City’s City
19 Council. Funding was reduced from the prior year and the parties negotiated regarding the
20 level of services that the Foundation can provide for the actual amount of funding. The
21 Foundation agrees to and shall perform its management services for the amount
22 appropriated.

23 “The City shall pay to the Foundation as compensation for Foundation’s
24 management services a fee of Five Hundred Sixty-nine Thousand Dollars (\$569,000.00)
25 for fiscal year 2004-2005, which has been appropriated by the City’s City Council. Funding
26 was reduced from the prior year and the parties negotiated regarding the level of services
27 that the Foundation can provide for the actual amount of funding. The Foundation agrees
28 to and shall perform its management services for the amount appropriated for fiscal year

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1 2004-2005.

2 "The City shall pay to the Foundation as compensation for Foundation's
3 management services a fee of Five Hundred Sixty-nine Thousand Dollars (\$569,000.00)
4 for fiscal year 2005-2006, which has been appropriated by the City's City Council. The
5 Foundation agrees to and shall perform its management service for the amount
6 appropriated for fiscal year 2005-2006.

7 "If funding is reduced in future fiscal years, during the term of this Agreement,
8 below the sum of \$645,585.00, then the parties agree to negotiate for a period of ninety
9 (90) days regarding the level of services that the Foundation can provide for the actual
10 amount of funding. If the parties have not reached agreement at the end of the ninety-day
11 period, then Foundation shall have the right to terminate this Agreement and the Lease by
12 giving thirty (30) days notice of termination to the City.

13 "The parties further agree to negotiate for any increase in the fee in any
14 future year provided, however, that the fee shall be no greater than \$669,000 plus
15 cumulative increases in the Consumer Price Index (All Consumers) for Los Angeles-
16 Riverside-Orange County with a base index year of 2003. If the parties reach agreement
17 on an increase in the fee, then this Agreement shall be amended with authorization of the
18 City Council to reflect such increase."

19 2. Except as expressly amended herein, all terms and conditions in
20 Agreement No. 26174 as previously amended, except to the extent inconsistent with this
21 Amendment, are ratified and confirmed and shall remain in full force and effect.

22 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.

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3 Dec 1, 2005

LONG BEACH MUSEUM OF ART FOUNDATION
By Pamela M. Munzer
President
PAMELA M. MUNZER
(Type or Print Name)

4
5 Dec 2, 2005

By [Signature]
Secretary
MIND SULLIVAN
(Type or Print Name)

6
7
8
9
10 December 9, 2005

"Foundation"
CITY OF LONG BEACH
By [Signature]
City Manager
"City"

11 This Third Amendment to Agreement No. 26174 is approved as to form on
12 12/6, 2005.

13 ROBERT E. SHANNON, City Attorney
14 By [Signature]
15 Senior Deputy

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