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FOURTH AMENDMENT TO AGREEMENT NO. 28164

28164

THIS FOURTH AMENDMENT TO AGREEMENT NO. 28164 is made and entered, in duplicate, as of September 26, 2006 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on October 3, 2006, by and between the LONG BEACH AREA CONVENTION AND VISITORS BUREAU, INC., a California nonprofit corporation ("CVB"), and the CITY OF LONG BEACH, a municipal corporation ("City").

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

WHEREAS, the parties desire to amend said Agreement to reflect the amount appropriated by the City Council in Fiscal Year 2006-07 from the Special Fund for such promotion, to reflect that the City will participate in the 2007 Rose Parade, and to extend the term of the Agreement;

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

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

"5. City's Convention and Tourism Budget. City's City Council has appropriated and allocated from its Special Fund for City convention and tourism sales and development \$3,729,000 for the fiscal year ending September 30, 2004; \$3,930,366 for the fiscal year ending September 30, 2005; \$3,930,366 for the fiscal year ending September 30, 2006; and \$3,930,366 for the fiscal year ending September 30, 2007. City's liability for CVB's approved convention and tourism sales and development programs shall not exceed those amounts. Those amounts include the sums identified in Section 17 and 18 hereof and are not additional thereto. City reserves the right, at any time during the term hereof, by notice from City's City Manager, to redefine the scope of services within said amounts. By August 1 of each fiscal year during the term hereof, City's City Manager

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1 shall notify CVB of the amount of anticipated transient occupancy taxes to be appropriated
2 by the City Council from the City's Special Fund for convention and tourism sales and
3 development programs for the following fiscal year. No later than June 1 of each fiscal
4 year during the term hereof, CVB shall prepare and submit the marketing plan referred to
5 in Section 2(a) hereof based on the anticipated transient occupancy taxes to be
6 appropriated."

7 2. All references in Section 18 of Agreement No. 28164 to the 2003
8 Tournament of Roses Parade shall hereafter mean and refer to the 2007 Tournament of
9 Roses Parade.

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

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

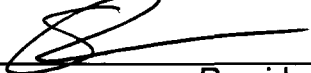
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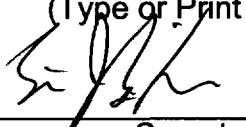
1 executed with all formalities required by law as of the date first stated above.

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

4 Oct 4, 2006

By 
STEPHEN GOODLING
President
(Type or Print Name)

6 OCTOBER 4, 2006

By 
STEVEN J. SMITH
Secretary Chairman
(Type or Print Name)

9 "CVB"

10 CITY OF LONG BEACH, a municipal corporation

11 10/16, 2006

By 
City Manager

13 "City"

15 This Fourth Amendment to Agreement No. 28164 is approved as to form
16 on 10/5, 2006.

17 ROBERT E. SHANNON, City Attorney

18 By 
19 Senior Deputy

26 DFG:bg 9/26/06(AMD_4thAmd#28164)05-04205
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