

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECOND AMENDMENT TO AGREEMENT NO. 30350
30350

THIS SECOND AMENDMENT TO AGREEMENT NO. 30350 is made and entered, in duplicate, as of September 23, 2009 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on October 23, 2007, by and between MICHAEL J. ARNOLD AND ASSOCIATES, INC., a California corporation ("Consultant"), with its principle place of business at 1127 11th Street, Suite 820, Sacramento, California 95814, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, there is a need to hire a legislative advocate to assist City in keeping informed about activities in the State Capitol that may affect the citizens of City and their municipal government; and

WHEREAS, there is a need to retain expert assistance to help City formulate and communicate in the most effective ways City's policies and positions to the California Legislature and State agencies, including the members of the Long Beach Legislative Delegation; and

WHEREAS, by reason of extensive experience in dealing with governmental agencies and officials, Consultant is particularly and peculiarly qualified to serve City in establishing and maintaining liaison for City and representing City with other governmental entities and officials; and

WHEREAS, the parties entered Agreement No. 30350 whereby Consultant agreed to provide said services; and

WHEREAS, the parties desire to extend the term of the Agreement;

NOW, THEREFORE, in consideration of the mutual terms and conditions contained in Agreement No. 30350 and herein, the parties agree as follows:

1. Section 4.A. of Agreement No. 30350 is hereby amended in its entirety to read as follows:

"A. For the initial term of this Agreement, City shall pay to

1 Consultant the sum of Eight Thousand Forty Nine Dollars (\$8,049.00) per
2 month, with the first payment due on October 31, 2007 for services, if any,
3 rendered during the month of October. For the first extended term of this
4 Agreement, City shall pay to Consultant the sum of Eight Thousand Three
5 Hundred Eleven Dollars (\$8,311.00) per month, with the first payment due on
6 October 31, 2008 for services, if any, rendered during the month of October.
7 For the second extended term of this Agreement, City shall pay to Consultant
8 the sum of Eight Thousand Three Hundred Eleven Dollars (\$8,311.00) per
9 month, with the first payment due on October 31, 2009 for services, if any,
10 rendered during the month of October.”

11 2. Section 4.E. of Agreement No. 30350 is hereby amended in its
12 entirety to read as follows:

13 “E. For the initial term of this Agreement, total compensation
14 hereunder shall not exceed One Hundred Two Thousand Two Hundred
15 Eighty-Eight Dollars (\$102,288.00). For the first extended term of this
16 Agreement, total compensation hereunder shall not exceed One Hundred
17 Five Thousand Four Hundred Thirty-Two Dollars (\$105,432.00). For the
18 second extended term of this Agreement, total compensation hereunder shall
19 not exceed One Hundred Five Thousand Four Hundred Thirty-Two Dollars
20 (\$105,432.00). The parties agree that this compensation represents the
21 reasonable value of services to be rendered by Consultant. If a court of
22 competent jurisdiction or any administrative agency determines that payment
23 of such compensation was otherwise contingent, then this Agreement shall be
24 deemed rescinded ab initio.”

25 3. Section 5 of Agreement No. 30350 is hereby amended in its entirety
26 to read as follows:

27 “5. TERM. The initial term of this Agreement shall begin at
28 midnight on October 1, 2007 and shall terminate at 11:59 p.m. on September

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

1 30, 2008. The first extended term of this Agreement shall commence at
2 midnight on October 1, 2008 and shall terminate at 11:59 p.m. on September
3 30, 2009. The second and final extended term of this Agreement shall
4 commence at midnight on October 1, 2009 and shall terminate at 11:59 p.m.
5 on September 30, 2010, unless sooner terminated as provided in this
6 Agreement.”

7 3. Except as expressly modified herein, all of the terms and conditions
8 contained in Agreement No. 30350 are ratified and confirmed and shall remain in full
9 force and effect.

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

MICHAEL J. ARNOLD AND ASSOCIATES, INC.,
a California corporation

12
13 October 8, 2009

By Michael J. Arnold
President

Michael J. Arnold
(Type or Print Name)

14
15 October 8, 2009

By Michael J. Arnold
Secretary

Michael J. Arnold
(Type or Print Name)

16
17 “Consultant”

CITY OF LONG BEACH, a municipal corporation

18
19
20 Nov 10, 2009

By [Signature] Assistant City Manager
City Manager

21
22 “City”

**EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.**

23 This Second Amendment to Agreement No. 30350 is approved as to form
24 on 11/2, 2009.

25
26 ROBERT E. SHANNON, City Attorney

27 By [Signature]
Deputy