



1 the third month following the month during which the Permit year ends, Permittee shall  
2 pay to the City any percentage fees above the \$9,000 annual minimum fee.

3 Example: \$100,000 annual gross receipts x 10% = \$10,000

4 \$10,000 - 9,000 annual minimum = \$1,000 percentage fees due

5 Although percentage fees are not paid monthly, Permittee shall nevertheless submit to  
6 the City monthly statements of gross receipts on or before the 10<sup>th</sup> day of each month  
7 for receipts received during the preceding month.”

8 “B. In consideration of an error in the calculation of Permit fees during the  
9 first three (3) years of the Permit, Permittee is entitled to and the Director grants to  
10 Permittee a credit against Permit fees in the amount of \$60,000 to be amortized over  
11 eighty (80) months beginning on April 1, 2006.

12 “C. In lieu of additional Permit fees, Permittee shall contribute in-kind  
13 contributions to the City having an annual value not less than \$10,000.

14 “D. Permittee is entitled to up to two (2) pages of advertising in the  
15 quarterly class schedule published by the City of Long Beach. If Permittee’s advertising  
16 exceeds two pages, then Permittee shall pay to the City the then-current rates for the  
17 advertising that exceeds the two pages.

18 “E. If Permittee fails to pay any sum due under this Permit within ten (10)  
19 days after its due date or fails to provide the annual in-kind contributions, then the  
20 Director may, at his option, immediately revoke this Permit.

21 “F. If Permittee fails to submit a monthly payment that is due or a monthly  
22 report on gross receipts by the due date, then Permittee shall pay to the City a late  
23 charge of ten percent (10%) on the outstanding unpaid balance, or Twenty-five Dollars  
24 (\$25.00), whichever is greater. If a due date falls on a weekend or holiday, the late  
25 charge will not apply until the end of the next business day. If Permittee offers unusual  
26 or extenuating circumstances for not making the payment when due, then the Director  
27 at his discretion may waive the late charge. If Permittee pays with a check returned for  
28 insufficient funds, Permittee shall also pay a service charge in the sum of Fifteen

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1 Dollars (\$15.00) in addition to applicable late charges, and Permittee shall thereafter  
2 make all payments in cash or by money order.

3 "G. Permittee shall submit with the payment of the Permit fees or, if no  
4 Permit fees are due, then by the tenth (10th) of the month, a monthly report showing  
5 gross receipts for the immediately preceding month."

6 4. Except as expressly amended in this Second Amendment to Permit  
7 No. 28246, all of the terms and conditions in Permit No. 28246 are ratified and  
8 confirmed and shall remain in full force and effect.

9 Dated this 1<sup>st</sup> day of JANUARY, 2007.

11 PARKS AND RECREATION COMMISSION OF THE  
12 CITY OF LONG BEACH, CALIFORNIA

13 By [Signature]  
14 Director, Department of Parks, Recreation and  
15 Marine

16 Permittee hereby accepts and agrees to the terms of this Second  
17 Amendment to Permit No. 28246.

18 FIRST SERVE, INC., a California corporation

19 By [Signature]  
20 President

21 By [Signature]  
22 Secretary

23 "Permittee"

24 This Second Amendment to Permit No. 28246 is approved as to form on  
25 March 14, 2007.

26 ROBERT E. SHANNON, City Attorney

27 By [Signature]  
28 Deputy

GJA:1-22-07;11-15-06(2dtAmd#28246)02-05597  
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