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NINTH AMENDMENT TO AGREEMENT NO. 28164

28164

3 THIS NINTH AMENDMENT TO AGREEMENT NO. 28164 is made and entered, in duplicate, as of October 5, 2011 for reference purposes only, pursuant to a 5 minute order adopted by the City Council of the City of Long Beach at its meeting on 6 October 4, 2011, by and between the LONG BEACH AREA CONVENTION AND 7 VISITORS BUREAU, INC., a California nonprofit corporation ("CVB"), and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, the parties entered Agreement No. 28164 whereby CVB 10 agreed to promote tourism and conventions in the City; and

11 WHEREAS, the parties desire to amend said Agreement to reflect the 12 amount appropriated by the City Council in Fiscal Year 2011-12 from the Special Fund for such promotion; and 13

WHEREAS, the City will not participate in the 2012 Rose Parade;

15 NOW, THEREFORE, in consideration of the mutual terms and conditions 16 contained in Agreement No. 28164 and herein, the parties agree as follows:

17 1. Section 5 of Agreement No. 28164 is hereby amended in its entirety 18 to read as follows:

"5. 19 City's Convention and Tourism Budget. City's City Council has 20 appropriated and allocated from its Special Fund for City convention and 21 tourism sales and development \$3,729,000 for the fiscal year ending 22 September 30, 2004; \$3,930,366 for the fiscal year ending September 30, 23 2005; \$3,930,366 for the fiscal year ending September 30, 2006; \$3,930,366 24 for the fiscal year ending September 30, 2007; \$3,930,366 for the fiscal year 25 ending September 30, 2008; \$3,930,366 for the fiscal year ending September 26 30, 2009; \$3,815,366 for the fiscal year ending September 30, 2010; 27 \$3,428,676 for the fiscal year ending September 30, 2011; and \$3,428,676 for 28 fiscal year ending September 30, 2012. City's liability for CVB's approved

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convention and tourism sales and development programs shall not exceed those amounts. Those amounts include the sums identified in Sections 17 and 18 hereof and are not additional thereto. The amount for the fiscal year ending September 30, 2012 does not include the sum identified in Section 18 of Agreement No. 28164 because the City will not participate in the 2012 Tournament of Roses Parade. 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 shall notify CVB of the amount of anticipated transient occupancy taxes to be appropriated by the City Council from the City's Special Fund for convention and tourism sales and development programs for the following fiscal year. No later than June 1 of each fiscal year during the term hereof, CVB shall prepare and submit the marketing plan referred to in Section 2(a) hereof based on the anticipated transient occupancy taxes to be appropriated."

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

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