

## **FIRST AMENDMENT TO AGREEMENT**

(Extension of Term)

THIS FIRST AMENDMENT TO AGREEMENT ("First Amendment") effective July 1, 2015, amends the Agreement entered into between the CITY OF FRESNO, a municipal corporation organized and existing under the laws of the State of California ("CITY"), the FRESNO/CLOVIS CONVENTION & VISITORS BUREAU, a California nonprofit mutual benefit corporation ("FCCVB"), and SMG, a Pennsylvania general partnership ("SMG"). CITY, FCCVB, and SMG may be referred to herein collectively as "PARTIES," or individually as a "PARTY."

### **RECITALS**

- A. The PARTIES entered into an Agreement, dated July 1, 2014, for the funding of a Sales Manager position, working as an employee of FCCVB, to increase bookings and generate hotel room rentals from city-wide conventions/events utilizing Fresno Convention & Entertainment Center ("FCEC") facilities.
- B. By its terms, the original term of the Agreement expired on June 30, 2015; the Agreement may be renewed for up to two (2) one-year terms at the mutual concurrence of the PARTIES, providing that funding is appropriated by the City Council of the City of Fresno.
- C. The PARTIES now desires to extend the term of the Agreement by two (2) years, covering Fiscal Years 2015-16 and 2016-17.
- D. The CITY has appropriated \$100,000 in the Convention Center budget to fund the position for Fiscal Year 2015-16; and the Fiscal Year 2016-17 extension remains subject to the CITY appropriating funds for that year.
- E. Paragraph 11 of the Agreement provides that the Agreement may be amended or otherwise modified in a writing signed by the parties.

### **AGREEMENT**

NOW, THEREFORE, in consideration of the above recitals, which recitals are contractual in nature, the mutual premises herein contained, and for other good and valuable consideration hereby acknowledged, the parties agree that the aforesaid Agreement be amended as follows:

- 1. The Agreement term, as set forth in Subsection (a) of Section 5 of the Agreement, is hereby extended by two (2) years commencing upon the expiration of the original term and shall now expire on June 30, 2017.
- 2. Except as otherwise provided herein, the Agreement entered into by the PARTIES, effective July 1, 2014, remains in full force and effect.
- 4. This First Amendment contains no exhibits.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have executed this First Amendment at Fresno, California, the day and year first above written.

**CITY**

**SMG**

CITY OF FRESNO, a Municipal Corporation

SMG, a Pennsylvania general partnership

By: \_\_\_\_\_  
Bruce Rudd  
City Manager

By: \_\_\_\_\_  
Bill Overfelt  
General Manager

ATTEST:  
YVONNE SPENCE, CMC  
City Clerk

**FCCVB**

FRESNO/CLOVIS CONVENTION &  
VISITORS BUREAU, a California nonprofit  
mutual benefit corporation

BY: \_\_\_\_\_  
Deputy

By: \_\_\_\_\_  
Layla Forstedt  
CEO

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Raj Singh Badhesha, Deputy

RSB:jd; 69781jd RSB; 12/1/15