

**AMENDMENT NO. 6 TO CONTRACT NO. C36620 - PROFESSIONAL SERVICES FOR
MANAGEMENT AND STAFFING OF THE PALM DESERT AQUATIC CENTER
BETWEEN THE CITY OF PALM DESERT AND FAMILY YMCA OF THE DESERT**

1. Parties and Date.

This Amendment No. 6 to Contract No. C36620 - Professional Services for Management and Staffing of The Palm Desert Aquatic Center is made and entered into as of this 14th day of December 2023, by and between the City of Palm Desert ("City") and Family YMCA of The Desert, a Nonprofit Organization with its principal place of business at 43930 San Pablo Avenue, Palm Desert, CA 92260 ("Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties".

2. Recitals.

2.1 Agreement. The City and Consultant have entered into an agreement entitled Contract No. C36620 - Professional Services for Management and Staffing of the Palm Desert Aquatic Center dated May 10, 2018 ("Contract") for the purpose of retaining the services of Consultant to provide Management and Staffing of the Palm Desert Aquatic Center.

2.2 Amendment. The City and Consultant desire to amend the Agreement to extend the term and update the scope of work. The Parties have heretofore entered into that Amendment No. 5 dated April 27, 2023.

2.3 Amendment Authority. This Amendment No. 6 is authorized by City Council approval.

3. Terms.

3.1 SECTION 1. Section 1.1 of the Agreement is hereby amended in its entirety to read as follows:

"The term of this Agreement commenced on July 1, 2018 ("Commencement Date") and continued with extensions through June 30, 2023. Amendment No. 5 extended the term of this Agreement from July 1, 2023, through December 31, 2023. The term of this Agreement is further extended, and shall include the time period from January 1, 2024, through June 30, 2025."

3.2 SECTION (1) TERM (1.1) of the Agreement is hereby amended in its entirety to read as follows:

"Exhibit A is hereby deleted in its entirety and replaced with the attached Exhibit A attached hereto and incorporated herein by reference."

3.3 SECTION (15) of the Agreement is hereby amended in its entirety to read as follows:

"The City agrees to pay the Consultant a fixed Management Fee for the period of this Agreement to the expiration of the term, CONSULTANT shall receive a "Fixed Management Fee" of \$16,701.72 per month, for the first six-month period and \$17,536.81 per month, for the remaining twelve months. The Fixed Management Fee shall be paid monthly, in arrears, within 30 days of receipt of the invoice."

3.4 SECTION (16) of the Agreement is hereby removed from the Agreement and has been addressed in Exhibit A.

3.3 Continuing Effect of Agreement. Except as amended by this Amendment No. 6, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 6. From and after the date of this Amendment No. 6, whenever the term "Agreement" or "Contract" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 6.

3.4 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. 6.

3.5 Severability. If any portion of this Amendment No. 6 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.6 Counterparts. This Amendment No. 6 may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR AMENDMENT NO. 6 TO CONTRACT NO. C36620 – PROFESSIONAL SERVICES FOR MANAGEMENT AND STAFFING OF THE PALM DESERT AQUATIC CENTER BETWEEN THE CITY OF PALM DESERT AND FAMILY YMCA OF THE DESERT

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 6 to the **CONTRACT NO. C36620 – PROFESSIONAL SERVICES FOR MANAGEMENT AND STAFFING OF THE PALM DESERT AQUATIC CENTER** as of the day and year first above written.

CITY OF PALM DESERT

FAMILY YMCA OF THE DESERT

Approved By:

Kathleen Kelly, Mayor

Signature

Name

Title

Attested By:

Anthony J. Mejia
City Clerk

Signature

Name

Approved As To Form:

Title

By:

Best Best & Krieger LLP
City Attorney

QC: _____

Insurance:

Initial Review

Final Approval