

CITY OF PALM DESERT

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April 26, 2022

Family YMCA of the Desert
43930 San Pablo Avenue
Palm Desert, California 92260

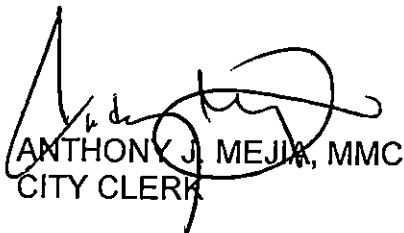
Dear Sir or Madam:

Subject: Contract No. C36624 - Extension of Contract With Family YMCA of the Desert for Management and Staffing at the Palm Desert Aquatic Center Amendment No: 4

At its regular meeting of April 14, 2022, the Palm Desert City Council, by Minute Motion:
1) Approved Amendment No. 4 to Contract No. C36620 with the Family YMCA of the Desert ("YMCA"), Palm Desert, California, for management and staffing of the Palm Desert Aquatic Center in the annual amount of \$165,000 plus reimbursements of additional costs included in the agreement for an amount not to exceed \$1,444,400; and
2) authorized the Mayor to execute said amendment.

Enclosed for your records is a fully executed copy of Amendment No. 4. If you have questions or require additional information, please do not hesitate to contact us.

Sincerely,


ANTHONY J. MEJIA, MMC
CITY CLERK

AJM/mgs

Enclosure (as noted)

cc: Shawn Muir, Management Analyst

**AMENDMENT NO. 4 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. 4 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 April 2022, 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 TERM. The Parties have heretofore entered into that Amendment No. 3 dated MAY 13, 2021.

2.3 Amendment Authority. This Amendment No. 4 is authorized pursuant to Section 1.2 of the Agreement.

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 is extended, and shall include the time period from July 1, 2022, through June 30, 2023."

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. 4, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 4. From and after the date of this Amendment No. 4, whenever the term “Agreement” or “Contract” appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 4.

3.3 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. 4.

3.4 Severability. If any portion of this Amendment No. 4 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5 Counterparts. This Amendment No. 4 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. 4 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. 4 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


Approved By:



Jan C. Harnik, Mayor

FAMILY YMCA OF THE DESERT

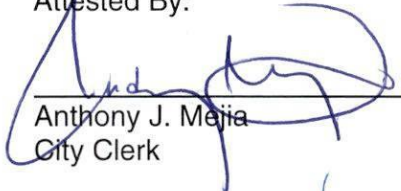


Signature


Name
CEO

Title

Attested By:



Anthony J. Mejia
City Clerk

Signature

Name

Title

Approved As To Form:



By:
Best Best & Krieger LLP
City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Riverside)
On April 21, 2022 before me, Faustina Sevilla, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Paula K. Simonds
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____