

**AMENDMENT NO. 5 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. 5 to Contract No. C36620 - Professional Services for Management and Staffing of The Palm Desert Aquatic Center is made and entered into as of this 27th day of April 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 term. The Parties have heretofore entered into that Amendment No. 4 dated April 13, 2022.

2.3 Amendment Authority. This Amendment No. 5 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. The term of this Agreement is extended, and shall include the time period from July 1, 2023, through December 31, 2023."

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. 5, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 5. From and after the date of this Amendment No. 5, whenever the term "Agreement" or "Contract" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 5.

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. 5.

3.4 Severability. If any portion of this Amendment No. 5 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Contract No. C36625

3.5 Counterparts. This Amendment No. 5 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. 5 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. 5 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:

DocuSigned by:
Kathleen Kelly
982E74611A68484

Kathleen Kelly, Mayor

DocuSigned by:
Paula Simonds
B3ECAT19399P4F0...

Signature

Paula Simonds
CEO

Attested By:

DocuSigned by:
Anthony J. Mejia
8063A189723D437

Anthony J. Mejia
City Clerk

Approved As To Form:

By:

DocuSigned by:
Robert Hargreaves
6786DC2D6E9A440

Best Best & Krieger LLP
City Attorney

QC: MN

Insurance:

^{DS}
JB

Initial Review

^{DS}
JB

Final Approval