

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME APPROVING AND
AUTHORIZING THE CITY MANAGER TO EXECUTE 1ST AMENDMENT TO THE RENEWED
AND REVISED AGREEMENT BETWEEN THE CITY OF BURLINGAME AND THE
BURLINGAME AQUATIC CLUB, INC. FOR THE MANAGEMENT AND OPERATION OF, AND
FOR THE PROVISION OF AQUATIC PROGRAMS AT, THE BURLINGAME AQUATIC
CENTER**

WHEREAS, on August 18, 2014, the City of Burlingame, (the “City”) and the Burlingame Aquatic Club (“BAC”) herein “the Parties”, entered into the Renewed and Revised Agreement for the management and operations of, and for the provision of aquatic programs at the Burlingame Aquatic Center; and

WHEREAS, BAC and the City have worked together for many years to provide community youth and adult aquatic program offerings on a year-round basis; and BAC has cooperated with the City in the operation of the aquatic facility and in the provision of aquatic activities; and

WHEREAS, the Parties intend that BAC shall work towards operating the Community Aquatics Activities on a break-even net income basis; and

WHEREAS, the Parties are currently negotiating a new agreement in uncertain times due to the COVID-19 and after a period of two (2) years of swimming pool closure; and

WHEREAS, BAC needs additional time to develop and operate a new community aquatic program during COVID-19; and

WHEREAS, both Parties need additional time to understand the annual operating costs for the newly renovated pool and to determine the actual pool usage between the community and competitive programming in order to have a fair and equitable cost share of the pool operating costs.

WHEREAS, the City will commit up to \$200,000 for pool operating costs for a year, or until the funds are depleted from the date the BAC is back in the water and at the end of this time period the agreement would be renegotiated.

WHEREAS, pool operating costs would include 100% of the City’s share of maintenance, chemical, utilities, etc. and BAC would commit to starting programs as soon as feasible under the COVID restrictions, including community aquatics, at their expense.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME
RESOLVES AND ORDERS AS FOLLOWS:**

1. The City Council finds that all of the facts recited above and stated in the staff report are true and correct.
2. The City Council approves and authorizes the expenditure of up to \$200,000 in City funds to pay for the pool operating expenses of the Burlingame Aquatic Center for a year from the date aquatic activities resume in the pool.
3. The City Council authorizes the City Manager to execute the 1st Amendment to the Renewed and Revised Agreement for the maintenance and operation of, and for the provision of aquatic programs at, the Burlingame Aquatic Center, in the form attached to this Resolution or with such minor modifications deemed necessary by the City Manager that are consistent with Council's direction on this matter.

Emily Beach, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, certify that the foregoing Resolution was introduced at a regular meeting of the Burlingame City Council held on the 6th day of July, 2020, and was adopted thereafter by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Meaghan Hassel-Shearer, City Clerk