



STAFF REPORT

AGENDA NO: 8c

MEETING DATE: June 7, 2021

To: Honorable Mayor and City Council

Date: June 7, 2021

From: Margaret Glomstad, Parks and Recreation Director – (650) 558-7307

Subject: Adoption of a Resolution Approving the Second Amendment to the Renewed and Revised Agreement between the City of Burlingame and the Burlingame Aquatics Club, Inc. for the Management and Operation of, and for the Provisions of Aquatic Programs at, the Burlingame Aquatic Center

RECOMMENDATION

Staff recommends that the City Council adopt a resolution approving the Second Amendment to the Renewed and Revised Agreement between the City of Burlingame and the Burlingame Aquatics Club, Inc. (BAC) for the management and operation of, and for the provisions of aquatic programs at, the Burlingame Aquatic Center.

BACKGROUND

The City has had a long history with BAC. In 2011, the City and BAC entered into an agreement authorizing BAC to provide community youth and adult aquatic program offerings on behalf of the City at the Burlingame High School pool. (BAC already had a robust competitive program.) On August 18, 2014, the parties entered into a Renewed and Revised Agreement (“Agreement”) to clarify areas of ambiguity and to incorporate current operating practices that had evolved over the term of the agreement.

Throughout this time, the City has been supporting the community programming efforts with an annual subsidy, which is approved by the City Council each year as part of the City’s yearly budget adoption. The budgeted subsidy has varied over the years but has been between \$90,000 and \$155,000 per year.

In June 2018, the San Mateo Union High School District began major renovations to the aquatics facility at Burlingame High School. The construction was completed at the end of 2019. During construction, BAC continued operations by using other pools in the area, but their programming suffered significantly due to the displacement and length of construction. When BAC was able to begin operations in the renovated pool in January 2020, the only remaining program they were operating was youth competitive swimming under the leadership of a head coach.

After the pool reopened, the BAC Board of Directors hired a new Executive Director, Robert Gill, and the club had been in the process of developing a new program when the COVID-19 restrictions began. On May 15, 2020, the County Health Officer issued a new Health Order allowing indoor

and outdoor pools to reopen provided appropriate social distancing measures were in place, monitored, and managed.

The Agreement between the City and BAC was amended in June 2020 to provide support to the club while they rebuilt their programs after the long closure and the uncertainty of COVID-19. The 1st Amendment to the Agreement includes the City paying the pool operating costs for up to a year in an amount not to exceed \$200,000. The intent of the parties was to renegotiate the Agreement prior to the termination date. With the continuation of the COVID-19 restrictions and the associated uncertainties, however, a full renegotiation of the Agreement was not prudent.

DISCUSSION

BAC needs additional time and support as they continue to rebuild robust programming that can support the expenses associated with staffing and maintaining the aquatics center. Staff is therefore proposing a 2nd Amendment to the Agreement.

The 2nd Amendment to the Agreement includes:

1. A six-month extension of the term to December 31, 2021 (which aligns with the current pool agreement between the City and the San Mateo Union High School District).
2. The City supporting the BAC by paying pool operating costs up to \$100,000 in lieu of any other subsidiary from the City to BAC.
3. BAC remitting to the City a total of \$37,500 in payments due on September 30, 2021, and December 31, 2021, to pay a portion of the pool maintenance costs related to BAC's competitive programming.
4. More time for the easing of the County Health Department restrictions so BAC can continue to build a sustainable program.

While the City is subsidizing BAC as a whole, BAC will be fairly and equitably (based on pool usage) applying all pool expenses paid by the City on behalf of BAC across all their programs as they return to operation. At the end of the year, BAC will provide the City with a clear breakdown of expenses and income for each program (community and competitive) to ensure the funds were appropriately allocated.

FISCAL IMPACT

City staff has estimated that the City's share of the pool operating costs will be approximately \$100,000 from July 1, 2021, to December 31, 2021. The estimate is based on last year's operational costs at the cost-share allocation of 50/50 contained in the City's agreement with the San Mateo Union High School District. Sufficient funds are included in the Parks and Recreation Department's proposed budget for FY 2021-22 for this purpose.

Exhibits:

- Resolution
- Second Amendment