

**AMENDMENT NO.1 TO THE
MARCH 17, 2022 AGREEMENT**

BETWEEN

**YOUNG MEN’S CHRISTIAN ASSOCIATION (YMCA) OF ORANGE COUNTY, ON BEHALF
OF THE FULLERTON FAMILY BRANCH
AND THE CITY OF YORBA LINDA**

THIS AMENDMENT NO. 1 is made and entered into this 21st day of March 2023, by and between the City of Yorba Linda (“City”) and Young Men’s Christian Association of Orange County, Fullerton Family YMCA. (“Consultant”).

WITNESSETH:

WHEREAS, the City and Consultant entered into an Agreement for Professional Services dated March 17, 2022 (“Agreement”) to provide swim lesson instruction and lifeguarding services and

WHEREAS, the City desires to amend this Agreement through March 30, 2024. The contract may be extended for three (3) additional one (1) year periods upon mutual approval between the City and Consultant.

NOW, THEREFORE, it is mutually understood and agreed by City and Consultant that the Agreement is hereby amended in the following particulars:

1. Exhibit “A” of the Agreement entitled "Scope of Services" will be amended to reflect additional to scope of work performed by consultant as provided on Attachment “A” of this amendment.
2. Exhibit “C” of the Agreement entitled “Compensation” will be amended to reflect the fees table provided on Attachment “B” of this amendment. The total compensation of the Agreement will not exceed one hundred and twenty-five thousand dollars (\$125,000.00).

IN WITNESS WHEREOF, the City and Consultant have caused this Amendment No. 1 to the Agreement to be executed on the date first written above.

CITY OF YORBA LINDA

YOUNG MEN'S CHRISTIAN ASSOCIATION OF
ORANGE COUNTY, on behalf of the Fullerton
Family YMCA.

By: _____
Gene Hernandez
Mayor

By: _____

Name: _____

Title: _____

Attest:

[If Corporation, TWO SIGNATURES, President **OR** Vice President **AND**
Secretary, **AND** CORPORATE SEAL OF CONTRACTOR REQUIRED]

By: _____
Marcia Brown
City Clerk

By: _____

Name: _____

Title: _____

Approved as to Form:

By: _____
Rutan & Tucker LLP
City Attorney

EXHIBIT "A"

Scope of Services

The City of Yorba Linda currently offers swim lessons two seasons per year, Spring and Summer, at locations within the City of Yorba Linda.

Lessons are broken down into eight (8) levels, based on swimmer ability. Each level is taught with a specific instructor:student ratio, see Section E of these Scope of Services. Class titles, swimmer competency, and ages are negotiable between City and Consultant.

Ages 6mon - 3yr	Ages 3yr - 5yr			Ages 6yr - 13yr			
Infant & Parent Water Exploration	Stage 1 Water Acclimation	Stage 2 Water Movement	Stage 3 Water Stamina	Stage 3 Water Stamina	Stage 4 Stroke Introduction	Stage 5 Stroke Development	Stage 6 Stroke Mechanics
Infant must be 6 months of age to 3 years of age and infant must be accompanied in the water by an adult. Swim diapers with plastic pants over them are required for this age group.	For children who cannot swim by themselves, have never had lessons before, or are fearful of the water.	For children who are comfortable in the water and working on becoming more independent swimmers.	For children who are comfortable floating and rolling by themselves, with a good grasp of over-arm front crawl and back-crawl.	For children who are fearful of the water, or who have not had any swimming lessons.	For children with a basic knowledge of the front and back crawl, but are not able to swim full lengths of the pool.	For children who have a solid grasp of Stages 3 & 4, but are still working on technique.	For children who have a full understanding of Stages 3, 4, & 5, who are working their way to the swim team level.

Register online at www.YLRecOnline.com or at any Recreation Facility during normal business hours: City Hall, Thomas Lasorda Jr. Field House, Travis Ranch Activity Center, or the Yorba Linda Community Center. Facilities often remain open on weekday evenings and weekends. Please contact each facility for extended hours.

Spring session are typically held at Heritage Oak Private School from early April through late May from approximately 4:15pm to 7:35pm.

SESSION 1				
Mon & Wed April 10 - May 3	5:25p.m. to 5:55p.m.	6:00p.m. to 6:30p.m.	6:35p.m. to 7:05p.m.	7:10p.m. to 7:40p.m.
Age: 6 months - 3 years	21122	21124	N/A	N/A
Age: 3-5 years	21146	21152	N/A	N/A
Age: 6 - 13 years (Stage 3 only)	N/A	N/A	21204	21205
Tues & Thurs April 11 - May 4	5:25p.m. to 5:55p.m.	6:00p.m. to 6:30p.m.	6:35p.m. to 7:05p.m.	7:10p.m. to 7:40p.m.
Age: 6 months - 3 years	21126	21128	N/A	N/A
Age: 3-5 years	21183	21190	N/A	N/A
Age: 6 - 13 years (Stage 3 only)	N/A	N/A	21206	21207

SESSION 2				
Mon & Wed May 8 - June 5	5:25p.m. to 5:55p.m.	6:00p.m. to 6:30p.m.	6:35p.m. to 7:05p.m.	7:10p.m. to 7:40p.m.
Age: 6 months - 3 years	21130	21131	N/A	N/A
Age: 3-5 years	21195	21196	N/A	N/A
Age: 6 - 13 years (Stage 3 only)	N/A	N/A	21208	21209
Tues & Thurs May 9 - June 1	5:25p.m. to 5:55p.m.	6:00p.m. to 6:30p.m.	6:35p.m. to 7:05p.m.	7:10p.m. to 7:40p.m.
Age: 6 months - 3 years	21132	21133	N/A	N/A
Age: 3-5 years	21200	21201	N/A	N/A
Age: 6 - 13 years (Stage 3 only)	N/A	N/A	21210	21211

Summer session are typically held at Yorba Linda High School from late June to mid-August from approximately 11:20am to 3:10pm.

SESSION 1

Monday-Thursday June 19- June 29	11:20a.m to 11:50a.m	12:00p.m to 12:30p.m	12:40p.m to 1:10p.m	1:20p.m to 1:50p.m	2:00p.m to 2:30p.m	2:40p.m to 3:10p.m
Age: 6 months - 3 years	21649	21861	N/A	N/A	N/A	N/A
Age: 3-5 years	21669	21670	21671	21866	21867	21868
Age: 6 - 13 years	21723	21724	21725	21880	21881	21882

SESSION 2

Monday-Thursday July 3- July 13	11:20a.m to 11:50a.m	12:00p.m to 12:30p.m	12:40p.m to 1:10p.m	1:20p.m to 1:50p.m	2:00p.m to 2:30p.m	2:40p.m to 3:10p.m
Age: 6 months - 3 years	N/A	21650	N/A	N/A	N/A	N/A
Age: 3-5 years	21672	21873	21673	21874	21875	21876
Age: 6 - 13 years	21726	21727	21728	21883	21884	21885

SESSION 3

Monday-Thursday July 17- July 27	11:20a.m to 11:50a.m	12:00p.m to 12:30p.m	12:40p.m to 1:10p.m	1:20p.m to 1:50p.m	2:00p.m to 2:30p.m	2:40p.m to 3:10p.m
Age: 6 months - 3 years	21863	N/A	N/A	N/A	21651	21864
Age: 3-5 years	21869	21674	21875	21870	21871	21872
Age: 6 - 13 years	21729	21729	21731	21886	21887	21888

SESSION 4

Monday-Thursday July 31- Aug. 10	11:20a.m to 11:50a.m	12:00p.m to 12:30p.m	12:40p.m to 1:10p.m	1:20p.m to 1:50p.m	2:00p.m to 2:30p.m	2:40p.m to 3:10p.m
Age: 6 months - 3 years	N/A	N/A	21862	N/A	21652	21865
Age: 3-5 years	21676	21677	21678	21877	21878	21879
Age: 6 - 13 years	21732	21733	21734	21889	21890	21891

Adventure Playground- Lifeguarding services will be required throughout the year to assist in monitoring the water slide at Adventure Playground. Estimated times and hours of operations are to be determined.

Consultant shall provide lifeguarding services, instructors, and the instruction equipment for teaching all classes for the City of Yorba Linda swimming instruction program ("Program"), subject to the following:

A. City's Responsibility:

City shall be responsible for the following:

1. Establishing and collecting any fees for the Program.
2. Advertising the Program in the City's Parks and Recreation Activity Guide, website, social media accounts, and any other methods of advertising.
3. Administering registration, withdrawals, and transfer of participants in the Program.
4. Provide Consultant with a list of class participants enrolled in the Program.
5. Providing emergency contacts for representatives from the City and PlacentiaYorba Linda Unified School District ("PYLUSD").
6. Obtaining all necessary facility use permits and paying any and all fees necessary for use of the pool facilities.
7. Obtaining a signed waiver and release from each Program participant (Exhibit "B").

The City and property owners of the pool facilities shall be responsible for ensuring pool maintenance and upkeep in accordance with all applicable State, Federal, and City regulations, and performing any other necessary administrative tasks. City shall provide to Consultant City Ordinances, Rules and Regulations, and Resolutions which are pertinent to this Agreement.

B. Facilities.

1. The Program is typically offered at the Yorba Linda High School pool (Summer), 19900 Bastanchury Road, Yorba Linda, CA 92886 or Heritage Oak Private School pool (Spring), 16971 Imperial Highway, Yorba Linda, CA 92886, Adventure Playground, 4701 Casa Loma Ave., Yorba Linda, CA 92886 or other facility as determined by the City of Yorba Linda.

C. Consultant Responsibility. Consultant shall provide the following to administer the program:

1. Staffing

1. One (1) Pool Manager to be onsite during all swim lesson programs.
2. One (1) Pool Lead to be onsite during the first day of each swim session.
3. Up to nine (9) instructors to teach all swim class provided in the Program.
 1. Four (4) during spring session.
 2. Nine (9) during summer session.
3. Up to six (6) lifeguards.
 1. Two (2) during spring session.
 2. Three (3) during summer session.
 3. Three (3) during Adventure Playground Water Slide Operations.

Any employee or volunteer of the Consultant working in this Program and having direct supervision or authority to exercise disciplinary action, must be fingerprinted using the Live Scan process by a reputable agency prior to working with minors. In addition, Consultant agrees to supply City a copy of receipt from the Live Scan indicating the employee or volunteer has been fingerprinted.

2. Daily Schedule and Testing of Pool Chemicals. The Pool Manager will arrive at the pool at a pre-determined time to complete pool chemical testing. Should the testing of the pool not meet

requirements, Consultant will contact City's Representative.

1. City's Representative (or his or her designee) and Consultant representatives will complete a secondary and third test simultaneously. If two of the three readings and levels are low then the City's Representative will contact facility staff to address the concern and adjust the pool chemicals in order to meet the minimum chemical level requirements for swim lessons.
3. Swim Testing. Consultant shall conduct swim tests on the first day of each swim session to determine participant readiness for registered swim level. The onsite Pool Lead shall be responsible for on-site transferring of participants among groups as necessary.
4. Instructor/Student Ratio. To the extent permitted by the American Red Cross and all public health orders and guidance:
 - 1:4 for classes in Preschool Stages One (1) and Two (2).
 - 1:5 for classes in Preschool Stage Three (3).
 - 1:5 for classes in Youth Stages Three (3) and Four (4).
 - 1:6 for classes in Youth Stages Five (5) and Six (6).
 - 1:10 for classes in Infant & Parent, Jr. Lifeguard and Blue Swim Team.
5. Instructor Qualifications.
 1. All classes shall be taught in accordance with the American Red Cross WSI Swim Programs, YMCA Swim Instructors Safety Around Water Program or other approved program as determined by the City.
 2. All instructors provided by Consultant to teach under this Agreement must be certified instructors and shall have active, valid Advanced Life Saving Certificates, Basic Lifeguard Training or Emergency Water Safety Certificates issued by a recognized licensed agency or the American Red Cross. Copies of valid certificates for all instructors and lifeguards must be forwarded by the Consultant to the City's Representative prior to the start of the instruction.

6. Equipment. Consultant shall provide at its sole expense all equipment (ex. Kickboards, noodles, lifeguarding equipment, etc.) and supplies, including an identifiable uniform, necessary for the Program.
7. Class List. Consultant shall keep and maintain a complete and accurate record of class participants and notify City of attendance and any changes in enrollment for each class at the completion of each class session.
8. Class Schedule. Consultant and City shall agree in a timely manner on a detailed class schedule to be included in the City's Parks and Recreation Activity Guide. Consultant shall notify City no later than one month prior to start of session if they are unable to provide staffing for any portion of the agreed upon class schedule.

EXHIBIT "C"
Compensation
CITY OF YORBA LINDA
PROPOSAL BID SHEET FOR
SWIM LESSON INSTRUCTION & LIFEGUARDING SERVICES

Line Item	Position	Hourly Rate	Benefit % (SS, Unemployment, Work. Comp.)	Fully Burdened Hourly Rate
1	Pool Manager	\$26.00	10.26%	\$28.67
2	Pool Lead	\$25.00	10.26%	\$27.57
3	Swim Instructor	\$24.00	10.26%	\$26.46
4	Lifeguard	\$23.00	10.26%	\$25.36

Line Item	Item	Rate	Notes
5	Director Admin Fee	\$3,224.00	Fee is charged over 4 payments: Session 1&2: \$806.00 Session 3&4: \$806.00 Session 5&6: \$806.00 Session 7&8: \$806.00 Fee based on 5% of Aquatics Director salary.
6	Instructor Training	\$2,790.00	Training for 9 Swim Instructors One-time charge to be charged on first invoice of Spring season.
7	Lifeguard Training	\$2,511.00	Training for 6 Lifeguards One-time charge to be charged on first invoice of Spring season.
8	Pool Lead Training	\$443.75	Training for 1 Pool Lead One-time charge to be charged on first invoice of Spring season.
9	Pool Manager Training	\$474.75	Training for 1 Pool Manager One-time charge to be charged on first invoice of Spring season.