

Agenda Item #3.M.6.

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 14, 2024

Consent

Regular

Ordinance

Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Second Amendment to the Recreation Facility Rental Agreement with the Young Men's Christian Association of the Palm Beaches, Inc. (YMCA) for the use of the swimming pool and other recreation facilities at the Club Managers Association of America Therapeutic Recreation Complex (TR Complex) in John Prince Park. This Amendment exercises the second renewal option retroactively for the period of May 1, 2024 through April 30, 2025 with the annual rent of \$67,536.

Summary: On April 12, 2022, the Board of County Commissioners (BCC) approved a Rental Agreement (R2022-0362) with the Young Men's Christian Association of the Palm Beaches, Inc. (YMCA) for the use of the swimming pool and other recreation facilities at the Club Managers Association of America Therapeutic Recreation Complex (TR Complex) in John Prince Park. The term of the agreement was for the period of May 1, 2022 to April 30, 2023, with two (2) one (1) year renewal options. On May 16, 2023, the BCC approved a First Amendment (R2023-0688), which exercised the first renewal option retroactively for the period May 1, 2023 through April 30, 2024. This Second Amendment exercises second and final renewal option of the rental agreement for the period of May 1, 2024 through April 30, 2025. The renewal of this agreement allows for the County to expand on its partnership with the YMCA for year round aquatic programming at the TR Complex and increase the overall number of classes and services offered to the general public. District 3 (AH)

Background and Justification: On January 12, 2021, the BCC approved a Lease Agreement with the YMCA for five acres of land in Lake Lytal Park to relocate their existing Branch located in Palm Springs. While waiting for their new facility to be constructed within Lake Lytal Park, the YMCA and Parks have collaborated on a partnership that will allow the YMCA to offer expanded services to their members and the general public and reduce operational costs to the County. The YMCA is the nation's largest provider of aquatic training and drowning prevention programs in addition to the variety of classes, camps and services they offer. These expanded services will be provided without increasing Ad Valorem funding. All other terms and conditions remain. The Amendment has been executed on behalf of the YMCA, and now needs to be approved by the BCC.

Attachments:

1. Second Amendment to Recreation Facility Rental Agreement
2. Letter from the YMCA

Recommended by: _____


Department Director

4/30/24
Date

Approved by: _____


Assistant County Administrator

4/30/24
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(28,140)</u>	<u>(39,396)</u>	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(28,140)</u>	<u>(39,396)</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:			Yes	<u>X</u>	No
Does this item include use of Federal Funds?			Yes	_____	No
Does this item include use of State Funds?			Yes	_____	No
					<u>X</u>

Budget Account No.: Fund 0001 Department 580 Unit 5204/5307
 Object Various Program 4735

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The annual rent will be \$67,536 (\$5,628/monthly) for the agreement period May 1, 2024 through April 30, 2025.

C. Departmental Fiscal Review:

[Signature]

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature] 4/22/2024
 OFMB MD 4/22

[Signature] 4/25/24
 Contract Development and Control
[Signature] 4/25/24

B. Legal Sufficiency:

[Signature] 4-29-24
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

SECOND AMENDMENT TO RECREATION FACILITY RENTAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE PALM BEACHES, INC.

THIS SECOND AMENDMENT to Recreation Facility Rental Agreement R2022-0362, dated April 12, 2022 is made and entered into on _____ day of _____, by and between the Board of County Commissioners of Palm Beach County, Florida, hereinafter referred to as "COUNTY," and The Young Men's Christian Association of the Palm Beaches, Inc., a Florida not for profit corporation, authorized to conduct business in the State of Florida, hereinafter referred to as "RENTER".

WITNESSETH:

WHEREAS, on April 12, 2022, COUNTY and RENTER entered into an Agreement (R2022-0362), which granted RENTER the use of the swimming pool and other recreation facilities at the Club Managers Association of America Therapeutic Recreation Complex (TR Complex) in John Prince Park for the period May 1, 2022 to April 30, 2023 with two (2) one (1) year renewal options; and

WHEREAS, on May 16, 2023, COUNTY and RENTER executed the First Amendment to Recreation Facility Agreement (R2023-0688), which extended the term of the Agreement to April 30, 2024; and

WHEREAS, RENTER has provided COUNTY with written notice that RENTER wishes to exercise the second of two (2) available one (1) year renewal options; and

WHEREAS, COUNTY and RENTER desire to amend this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the COUNTY and RENTER hereby agree as follows:

1. Section 1 of the Agreement is hereby amended to state: This Agreement is effective May 1, 2022, the date RENTER enters the recreation facility property, and will terminate on April 30, 2025, the date RENTER is to complete vacating the recreation facility property. The number of days the Term of this Agreement is effective includes, without proration, any partial day's use and occupancy of the Recreation Facility.
2. Section 3 of the Agreement is hereby deleted in its entirety.
3. Except as provided herein, each and every other term of the Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

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IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as of the date first written above.

ATTEST:
Clerk of the Circuit Court & Comptroller

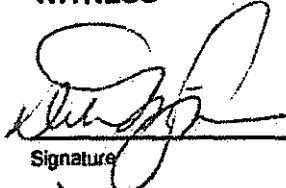
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS:

Deputy Clerk

Maria Sachs, Mayor

WITNESS


RENTER – THE YOUNG MEN’S CHRISTIAN
ASSOCIATION OF THE PALM BEACHES, INC.



Signature
3/19/2024

Date
DELIA MIRAGLIA-STERN

Print

By:  3-19-2024

Signature Date
Timothy G. Coffield

Print
CEO

Title

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

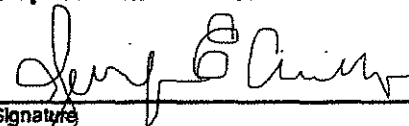
APPROVED AS TO
TERMS & CONDITIONS:

Senior Assistant County Attorney

Department Director

 4-29-24

Signature Date

 4-18-24

Signature Date

Jennifer E. Cirillo



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/15/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Cothrom Risk & Insurance Services 440 N Andrews Ave Fort Lauderdale FL 33301	CONTACT NAME: PHONE (A/C, No, Ext): 954-368-2191 FAX (A/C, No): E-MAIL ADDRESS: certificates@cothrom.com	
	INSURER(S) AFFORDING COVERAGE	
INSURED YOUNMEN-05 The Young Men's Christian Association of the Palm Beaches, Inc dba YMCA of the Palm Beaches 2085 S Congress Ave West Palm Beach FL 33406	INSURER A: Church Mutual Insurance Company, S.I. NAIC # 18767	
	INSURER B: Market American Insurance Company 28932	
	INSURER C: BCS Insurance Company 38245	
	INSURER D: United States Liability Insurance Company 25895	
	INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 2138714618 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	040098402622964	8/1/2023	8/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 Abuse/Molestation AG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> OTHER:	Y		040098409622962	8/1/2023	8/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	MWC019528003	12/14/2023	12/14/2024	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
D A C	Directors & Officers Professional Liability Network Security (Cyber)			NDO1594388 040098402622964 RPSP1157241M	8/1/2023 8/1/2023 8/1/2023	8/1/2024 8/1/2024 8/1/2024	D&O Aggregate 1,000,000 PL Aggregate 3,000,000 Cyber Aggregate 1,000,000

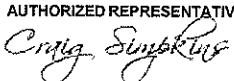
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Directors & Officers policy includes Employment Practices Liability Aggregate at \$1,000,000.

General Liability policy includes crime (employee theft) at \$25,000.

Accident Policy #99089162 Aggregate \$1,000,000.

Palm Beach County Board of County Commissioners is an additional insured under the general liability policy for contract, agreements, or permit subject to the terms and conditions of the policy per form A267.1(11-16)
See Attached...

CERTIFICATE HOLDER Palm Beach County Parks and Recreation Department 2700 6th Avenue South Lake Worth FL 33461	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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ADDITIONAL REMARKS SCHEDULE

AGENCY Cothrom Risk & Insurance Services		NAMED INSURED The Young Men's Christian Association of the Palm Beaches, Inc dba YMCA of the Palm Beaches 2085 S Congress Ave West Palm Beach FL 33406	
POLICY NUMBER		EFFECTIVE DATE:	
CARRIER	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
 FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

Palm Beach County Board of County Commissioners is an additional insured under the auto liability policy subject to the terms and conditions of the policy.
 A waiver of subrogation is provided in favor of the Palm Beach County Board of County Commissioners under the general liability when required by written agreement, subject to the terms and conditions of the policy.



FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

March 21, 2024

Jennifer Cirillo, MBA, CPRE
Director Parks & Recreation
Palm Beach County Parks and Recreation
2700 6th Avenue South
Lake Worth Beach, Florida 33461

Dear Ms. Cirillo,

Pursuant to the terms of our Recreation Facility Rental Agreement with Palm Beach County Parks and Recreation Department (R-2022-0362), dated April 12, 2022, this letter serves as notice the YMCA of the Palm Beaches is hereby executing its option to extend the Agreement for an additional year.

We greatly appreciate the opportunity to partner with Parks and Recreation through this agreement and look forward to another year of serving the community together.

With Gratitude,

Timothy G. Corfield, Ph.D.
President & CEO

YMCA OF THE PALM BEACHES

2728 Lake Worth Road, Lake Worth Beach, FL 33461 P 561.968.9622 F 561.968.2972 ymcapalmbeaches.org

THE YMCA OF THE PALM BEACHES, INC. IS A 501(c)3 TAX EXEMPT ORGANIZATION. A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION (REGISTRATION NO. CH2056) MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL FREE (800-435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.