

**AMENDMENT NO. 1
TO THE MANAGEMENT AGREEMENT
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
THE SANTA CLARA SWIM CLUB, INC.**

PREAMBLE

This agreement ("Amendment No. 1") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and The Santa Clara Swim Club, a California corporation, ("Swim Club"). City and Swim Club may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

- A. The Parties previously entered into an agreement entitled Management Agreement, dated April 13, 2018 (Agreement); and
- B. The Parties entered into the Agreement for the purpose of having Swim Club provide community swim programs including Recreational Swim, Lap Swim, Learn to Swim, and Santa Clara Swim Club training practices for the benefit of the City, and the Parties now wish to amend the Agreement to reduce the management fee due to address COVID19 and other impacts that closed the Mary Gomez Pool several months at the end of FY2019/20 and continuing through the beginning of FY2020/21.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

- 1. Exhibit B of the Agreement, entitled "Fee Schedule" is amended to read as follows:
"The Management Fee to be paid within 30 days (or, July 30) after the close of each fiscal year on June 30 shall be as follows:
 - Fiscal Year 2018/19 = \$35,000,
 - Fiscal Year 2019/20 = \$25,611,
 - Fiscal Year 2020/21 = \$28,022,
 - Fiscal Year 2021/22 = \$36,587, and,
 - Fiscal Year 2022/23 = \$36,587."

2. Except as set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect. In case of a conflict in the terms of the Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:

Dated: _____

BRIAN DOYLE
City Attorney

DEANNA J. SANTANA
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

THE SANTA CLARA SWIM CLUB, INC.
A California corporation

Dated: _____

By (Signature): _____

Name: Tom Wilcox

Title: Chief Financial Officer

Principal Place of
Business Address: 2625 Patricia Drive, Santa Clara, CA 95051

Email Address: twilcox@santaclaraswimclub.org

Telephone: 408-246-5050 ext. 10

"SWIM CLUB"