

RESOLUTION NO. 39 , 2022

A RESOLUTION RATIFYING A POOL MANAGEMENT AND MAINTENANCE AGREEMENT WITH SWIMSAFE POOL MANAGEMENT, INC. AND APPROVING AN AMENDMENT TO SUCH AGREEMENT FOR THE 2023 SEASON

WHEREAS, the City entered into an Agreement with SwimSafe Pool Management, Inc. in December 2018 authorizing a three year contract to operate and manage the Montgomery Swimming Pool complex and related recreation services; and

WHEREAS, the 2018 Agreement allowed the City the opportunity to extend the Agreement for additional option years at a slight increase projected in 2018 for seasons through 2023; and

WHEREAS, with the economic impact of COVID-19 across our country, and the particular impact on supply chain issues and labor shortages, SwimSafe has asked for an Amendment to the option year for the 2023 pool season to increase the cost of the Agreement to a total of \$195,000, which is approximately \$32,000 above the option year pricing, to cover the increased cost of chemicals and related supplies, and to incentivize the employment of lifeguards and related personnel to support the Montgomery Swimming Pool complex; and

WHEREAS, with the unprecedented economic impact of COVID-19 and with the superior services the City has received for several years from SwimSafe Pool Management, Inc., the Administration has recommended that the City adopt such option year Amendment for the 2023 pool season.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Council does hereby ratify the Swimming Pool Management and Maintenance Agreement between SwimSafe Pool Management, Inc. and the City of Montgomery executed December 31, 2018 governing the continuing operations of the Montgomery Swimming Pool complex through calendar year 2023.

SECTION 2. To offset the unique impact of the COVID-19 pandemic, the City Manager is authorized to execute an Extension to the Agreement to increase the total service fees to be paid to SwimSafe Pool Management, Inc. for pool season 2023 to \$195,000.

SECTION 3. The City Manager is authorized to execute such additional documentation as may be necessary to implement this proposed Amendment.

SECTION 4. This Resolution shall be in full force and effect from and after its passage.

PASSED: December 7, 2022

ATTEST: Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Craig D. Margolis
Craig D. Margolis, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director

**2023 AMENDMENT TO SWIMMING POOL MANAGEMENT
AND MAINTENANCE AGREEMENT**

WHEREAS, SwimSafe Pool Management, Inc., an Ohio corporation ("SSPM"), 107 Commerce Drive, Loveland, Ohio 45140, entered into a Swimming Pool Management and Maintenance Agreement ("Agreement") with the City of Montgomery, Ohio, an Ohio municipal corporation ("Client"), 10101 Montgomery Road, Montgomery, Ohio 45242, on December 31, 2019, to manage, operate and service the Montgomery Community Swimming Pool; and

WHEREAS, according to the terms of such Agreement, the Agreement may be extended by Client for pool seasons 2022 and 2023, which extensions were appropriately authorized by the City Manager; and

WHEREAS, due to the devastating impacts of COVID-19 which has negatively impacted the cost of supplies and operations, SSPM has requested, and Client has agreed, to increase the total Agreement to \$195,000 for the 2023 swim season.

NOW THEREFORE, with these premises in mind, in consideration of the mutual promises and covenants contained herein, SSPM and Client agree as follows:

1. The Contract amount for the 2023 pool season shall be \$195,000 payable according to the same terms and conditions of the original Agreement. This Amendment and the increase in the contract price shall apply only to the 2023 swim season.

2. All other terms and conditions of the Swimming Pool Management and Maintenance Agreement dated December 31, 2018 are hereby ratified and reaffirmed.

**SwimSafe Pool Management, Inc.
an Ohio corporation**

**City of Montgomery, Ohio,
an Ohio municipal corporation**

By: _____

By: _____

Name: _____

Brian K. Riblet
City Manager

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM:



Terrence M. Donnellan,
Director of Law