



# CITY OF LODI

# COUNCIL COMMUNICATION

**AGENDA TITLE:** Addendum to Agreement Between the Boosters of Boys and Girls Sports Organization (B.O.B.S.) and the City of Lodi Naming All Employees Hired to Staff B.O.B.S. Concessions on City Facilities as Part-time Employees of the City of Lodi

**MEETING DATE:** January 20, 1993

**PREPARED BY:** Parks and Recreation Director

**RECOMMENDED ACTION:** By Council resolution, approve naming all employees hired to staff B.O.B.S. concessions on City facilities as part-time employees of the City of Lodi.

**BACKGROUND INFORMATION:** Currently, the B.O.B.S. writes the City a check each pay period to cover the wages of their employees. The City, in turn, issues a City payroll check for each individual. It is felt that there needed to be a formal agreement stipulating to both parties (B.O.B.S. and City) that these people, in fact, are part-time City employees and, as such, are subject to the same provisions as other City employees in matters of hiring, dismissal, and promotion.

**FUNDING:** City shall issue all payroll checks and shall be reimbursed by B.O.B.S. for the full amount of salaries and benefits paid, plus five percent (5%) of gross salary as an administrative fee.

Ron Williamson  
Director  
Parks and Recreation Department

RW:srb

cc: Bob McNatt, City Attorney

APPROVED

THOMAS A. PETERSON  
City Manager



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RESOLUTION NO. 93-17

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A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING AN ADDENDUM TO AN AGREEMENT BETWEEN THE BOOSTERS OF BOYS  
AND GIRLS SPORTS (BOBS) AND THE CITY OF LODI WHICH CLARIFIES THE  
RELATIONSHIP BETWEEN PART-TIME BOBS EMPLOYEES AND THE CITY OF LODI

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RESOLVED, that the Lodi City Council hereby approves an addendum to the February 4, 1987 agreement between the Boosters of Boys and Girls Sports and the City of Lodi on file in the Office of the City Clerk, which addendum clarifies the relationship of part-time BOBS employees and the City of Lodi; and

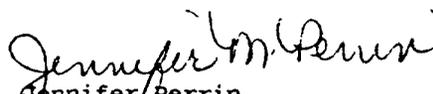
FURTHER RESOLVED, the City Manager and City Clerk are hereby authorized to execute the addendum to agreement on behalf of the City.

Dated: January 20, 1993

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I hereby certify that Resolution No. 93-17 was passed and adopted by the Lodi City Council in a regular meeting held January 20, 1993 by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider, Pennino  
(Mayor)  
Noes: Council Members - Davenport  
Absent: Council Members - None

  
Jennifer Perrin  
City Clerk

The Foregoing Document Is Certified  
To Be A Correct Copy Of The Original  
On File In This Office.

Peggy Nicolini  
Deputy City Clerk, City Of Lodi

By Peggy Nicolini  
Dated: 1-25-93

93-17

ADDENDUM TO AGREEMENT  
(BOOSTERS OF BOYS AND GIRLS SPORTS (BOBS) AND CITY OF LODI)

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THIS ADDENDUM, entered into this 20th day of January, 1993, by and between the BOOSTERS OF BOYS AND GIRLS SPORTS (BOBS) and the CITY OF LODI, a municipal corporation ("City") shall be as follows:

WHEREAS, on February 4, 1987, the parties hereto entered into an agreement for the purpose of creating and defining a relationship under which the parties would cooperate on certain Parks and Recreation programs; and

WHEREAS, under the aforementioned agreement, BOBS has the right to operate food and beverage concessions at certain City facilities; and

WHEREAS, it now appears necessary and desirable to clearly delineate the status of and procedures for the hiring, dismissal and supervision of employees operating such concessions, NOW THEREFORE

W I T N E S S E T H:

That agreement entered into on February 4, 1987 between the parties hereto is amended by adding the following provisions:

1. All employees hired to staff the concessions at those City facilities where BOBS operates such concessions shall be deemed part-time employees of the City of Lodi. This shall not include BOBS volunteer coordinators.
2. Such employees shall have the same rights and privileges, and shall be subject to the same provisions as other City employees in matters of hiring, dismissal and promotion.

3. City shall issue all payroll checks for such part-time employees and shall thereafter be reimbursed by BOBS for the full amount of salaries and benefits paid, plus five percent (5%) of gross salary as an administrative fee. Such reimbursement shall be due and payable upon invoice.
4. All other terms and conditions of the agreement dated February 4, 1987 shall remain in full force and effect.

IT IS SO AGREED.

CITY OF LODI,  
a municipal corporation

BOOSTERS OF BOYS AND GIRLS SPORTS  
(BOBS)

  
\_\_\_\_\_  
THOMAS A. PETERSON  
City Manager

By   
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
JENNIFER M. PERRIN  
City Clerk

Approved As To Form:

  
\_\_\_\_\_  
BOBBY W. McNATT  
City Attorney

AGRBGC.2/TXTA.01V

AGREEMENT

THIS AGREEMENT entered into this 4th day of February, 1987, by and between CITY OF LODI, a Municipal Corporation, hereinafter called "CITY", and BOOSTERS OF BOYS/GIRLS SPORTS, hereinafter called "BOBS";

It is the purpose and intent of this Agreement to reduce to writing the working relationship that has in the past and will continue in the future to exist between CITY and BOBS in the conduct of the operation of the Lodi Recreation & Parks recreation program for the use and citizens of the City of Lodi.

CITY acknowledges and understands that BOBS is a non-profit corporation composed of volunteer citizens residing in the Lodi area. CITY further acknowledges that it is aware of the purposes set forth in Article I, Section 3, of the By-Laws of BOBS which purposes read, so far as pertinent here, as follows:

- A. To serve in an advisory and coordinating capacity to the Lodi Recreation and Parks Department in all matters pertaining to joint program sponsorship, general program policies, and rules and regulations.
- B. To serve in mutual cooperation with the Lodi Recreation and Parks Department in promoting and encouraging participating in competitive athletics by youths from ages 6 through 18.
- C. To increase interest and support in competitive athletics by involving a great number of adults directly or indirectly as volunteers in athletics at all levels and various program areas.
- F. To assist the Lodi Recreation and Parks Department in financing various programs for youth by participating in fund-raising activities.
- G. To bring to youth a deeper realization of the importance of sportsmanship and fellowship through participation in athletics.

BOBS agrees to provide its members to CITY for the conduct of its various athletic programs throughout the year. All of said persons shall be considered volunteers and shall receive no compensation as such nor

shall BOBS be entitled to any compensation for the services to be performed by its members on behalf of CITY.

It is acknowledged and agreed that the Director of CITY'S Park & Recreation Department shall be the authorized person to assign and direct the members of BOBS in their participation of the sports and recreation program of CITY.

CITY agrees that while any of the members of BOBS are participating in the sports and recreation program of CITY pursuant to this Agreement, that member shall be indemnified and held harmless from any suit, claim or liability that may or might be filed against that member similar to the coverage provided to any other volunteer or employee of CITY.

CITY agrees to hold BOBS, its officers and directors free from any suit, action or claim for damage, up to a maximum of \$250,000.00, that may or might be filed by reason of injury to participants in CITY'S sports and recreation programs, which program may at that particular time be under the direction or supervision of a member of BOBS.

CITY does hereby grant to BOBS the exclusive right to operate the food and beverage concession at Salas Park, Kofu Park and at such other public places as may be permitted by the Director of CITY'S Parks and Recreation Department. BOBS does hereby agree that the net proceeds received from the sale of food, beverage and merchandise as said concession stands shall be used by them in carrying on the CITY'S recreational programs and shall make the funds available for disbursement upon the mutual agreement of BOBS and the Director of CITY'S Parks and Recreation Department.

BOBS agrees to maintain in full force during the time that they are operating said food concession stands, a liability insurance policy in the minimum sum of \$500,000.00 which shall name the City of Lodi as an additional insured and under which policy the insurer agrees to indemnify and hold the BOBS and City of Lodi harmless from and against all costs, expenses and liability arising out of or based upon any damages claimed by any person purchasing food from said concession stands. In addition to the additional named insured endorsement on BOBS'

policy of insurance, said insurance policy shall be endorsed to include the following language:

A duplicate or certificate of said insurance policy containing the above-stated required endorsements shall be delivered to the City Attorney after the issuance of said policy, with satisfactory evidence that the carrier is required to give the City of Lodi at least 30 days prior notice of the cancellation or reduction in coverage of the policy during the effective period of this Agreement. If there has been no such delivery within 48 hours prior to the expiration date of the policy, this Agreement shall be null and void.

CITY agrees that BOBS may conduct their business and have as its principal place of business such office facilities as may be furnished by CITY, free of charge to BOBS.

This Agreement may be terminated by either party upon the giving of a written 30 day notice to the other party.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year first hereinabove written.

ATTEST:

CITY OF LODI

*Arthur Rinaldi*  
City Clerk

BY *Fred W. Reid*  
Mayor

Hereinabove called "CITY"

Approved as to Form

*Forrest M. Stein*  
FORREST M. STEIN  
City Attorney

BOOSTERS OF BOYS AND  
GIRLS SPORTS

BY *Robert E. Casale*  
Pres.

Hereinabove called "BOBS"