

**CITY OF PALM BEACH GARDENS
CITY COUNCIL**

Agenda Cover Memorandum

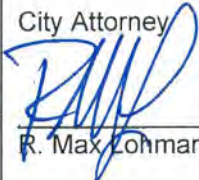
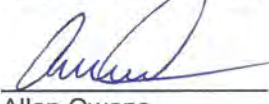
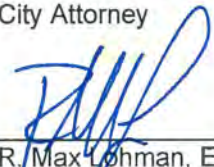
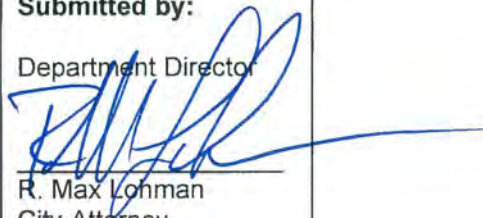
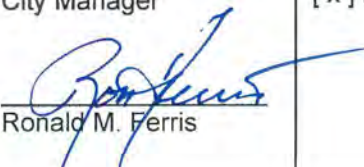
Meeting Date: July 15, 2021

Resolution 39, 2021

Subject/Agenda Item: Authorizing the City Manager to approve Independent Contractor Agreements (ICAs) for the Recreation and Golf Divisions, as set forth in the Resolution.

Recommendation to APPROVE

Recommendation to DENY

<p>Reviewed by:</p> <p>City Attorney</p>  <p>R. Max Lohman, Esq.</p> <p>Finance Administrator</p>  <p>Allan Owens</p>	<p>Originating Dept.: City Attorney</p>  <p>R. Max Lohman, Esq. City Attorney</p> <p>Advertised: N/A</p> <p>Date:</p> <p>Paper:</p> <p><input checked="" type="checkbox"/> Not Required</p>	<p>Costs: \$ 0 (Total)</p> <p>\$ _____ Current FY</p> <p>Funding Source:</p> <p><input type="checkbox"/> Operating</p> <p><input checked="" type="checkbox"/> Other</p> <p>-----</p> <p>Contract/Agreement:</p> <p>Effective Date: _____ N/A _____</p> <p>Expiration Date: _____ N/A _____</p>	<p>Council Action:</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/ Conditions</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Continued to:</p>
<p>Submitted by:</p> <p>Department Director</p>  <p>R. Max Lohman City Attorney</p>	<p>Affected parties: N/A</p>	<p>Budget Acct.#: N/A</p>	<p>Attachments:</p> <p>Resolution 39, 2021</p>
<p>Approved by:</p> <p>City Manager</p>  <p>Ronald M. Ferris</p>	<p><input type="checkbox"/> Notified</p> <p><input checked="" type="checkbox"/> Not required</p>		

BACKGROUND: The City's Recreation and Golf Divisions routinely enter into agreements with independent contractors for the provision of assistant golf professional, tennis professional, and other instruction-related services. Our professionals/instructors have a history of being very successful providing lessons. Many of them are fully booked every week, which results in their earning revenue exceeding the City Manager's purchasing authority. This occurrence then requires City staff to present ICA amendments to the City Council for approval to exceed the City Manager's \$65,000 purchasing limit. In certain circumstances, if City staff does not recognize that a particular professional will exceed \$65,000 during the five- (5) year term of the ICA, we have to prohibit that professional from teaching lessons until the amendment to the ICA is approved by City Council. This presents a hardship to our residents who take lessons from those professionals. Therefore, in order to expedite the provision of or receipt of goods and/or services through Recreation and Golf Independent Contractor Agreements, a need exists to delegate to the City Manager the authority to negotiate, approve, and execute Golf and Recreation Divisions' ICAs when any such agreement contains a revenue-sharing provision for the benefit of the City.

STAFF RECOMMENDATION: Staff recommends approval of Resolution 39, 2021 as presented.

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RESOLUTION 39, 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE, APPROVE AND EXECUTE INDEPENDENT CONTRACTOR AGREEMENTS FOR THE RECREATION AND GOLF DIVISIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Palm Beach Gardens routinely enters into Independent Contractor Agreements for the City's Recreation and Golf Divisions for instructional tennis and golf lessons; and

WHEREAS, to facilitate and expedite the approval of Independent Contractor Agreements that would normally be required to be approved by the City Council, the City Council has determined that a need exists to delegate the authority to the City Manager to approve and execute Independent Contractor Agreements for the City's Recreation and Golf Divisions; and

WHEREAS, the City Council deems approval of this Resolution to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. The City Council hereby delegates and authorizes the City Manager to negotiate, approve, and execute Independent Contractor Agreements for the City's Recreation and Golf Divisions.

SECTION 3. This Resolution shall become effective immediately upon adoption.

(The remainder of this page intentionally left blank.)

PASSED AND ADOPTED this _____ day of _____, 2021.

CITY OF PALM BEACH GARDENS, FLORIDA

BY: _____
Rachelle A. Litt, Mayor

ATTEST:

BY: _____
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: _____
R. Max Lohman, City Attorney

VOTE:

AYE NAY ABSENT

MAYOR LITT	_____	_____	_____
VICE MAYOR REED	_____	_____	_____
COUNCILMEMBER WOODS	_____	_____	_____
COUNCILMEMBER MARCIANO	_____	_____	_____
COUNCILMEMBER TINSLEY	_____	_____	_____