

**CONTINUATION AND FIRST AMENDMENT
TO AGREEMENT BETWEEN
THE CITY OF SAN JOSE AND CITY OF SUNNYVALE AND CITY OF SANTA CLARA
TO OFFER THERAPEUTIC RECREATION COOPERATIVE DANCES**

This CONTINUATION AND FIRST AMENDMENT is made and entered into this 3rd day of December, 2021, by and between the CITY OF SAN JOSE, a municipal corporation of the State of California (“City”), and CITY OF SUNNYVALE, a municipal corporation of the State of California (“Contractor”).

RECITALS

WHEREAS, on April 3, 2018, City and Contractor entered into an agreement entitled “MEMORANDUM OF UNDERSTANDING” between City, Contractor, and the City of Santa Clara to offer Therapeutic Recreation Cooperative Dances for individuals with disabilities (“Agreement”); and

WHEREAS, on February 4, 2020, City, Contractor, and City of Santa Clara signed a letter agreeing to extend the Agreement for two more years through December 31, 2021, as allowed in “Section 7 – Additional Matters of the Agreement;” and

WHEREAS, on October 14, 2021, the City of Santa Clara notified City and Contractor that it is unable to continue providing services and extend the Agreement for two more years through December 31, 2023, as allowed in “Section 7 – Additional Matters of the Agreement.”

NOW, THEREFORE, City and Contractor agree to continue and amend the Agreement as follows:

SECTION 1. The Amendment removes the City of Santa Clara as a Party to the Agreement, upon execution of this Continuation and Amendment.

SECTION 2. Per Section 7 of the Agreement, the remaining Parties agree to exercise the second two-year extension to continue providing Therapeutic Recreation Cooperative Dance services through December 31, 2023.

SECTION 3. All of the terms and conditions of the original Agreement not specifically modified by this Continuation and First Amendment shall remain in full force and effect.


Continuation and First Amendment
Memorandum of Understanding - Tri-City Therapeutic Recreation Cooperative Dance
T-39138\ 1788876

DB# 647014


SECTION 4. Unless otherwise prohibited by law or City policy, the Parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term “electronic copy of a signed contract” refers to a writing as set forth in Evidence Code Section 1550. The term “electronically signed contract” means a contract that is executed by applying an electronic signature using technology approved by the City.

The Parties whose signatures are affixed below are fully authorized to have executed this Continuation and First Amendment:

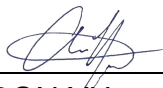
CITY OF SAN JOSE

By: 
Name: SARAH ZARATE
Title: Director, City Manager's Office
Date: 12/3/21

CONTRACTOR

By: 
Cherise Brandell (Dec 1, 2021 11:16 PST)
Name: Cherise Brandell
Title: Director of Library and Recreation Services
Date: Dec 1, 2021

APPROVED AS TO FORM:

By: 
Name: AARON YU
Title: Deputy City Attorney

City of San José Contract/Agreement Transmittal Form

Route Order

Attached / Completed

Electronically Signed

- TO: City Attorney
 City Manager
 City Clerk **OR** Return to
 Dept. (circle one)

- Insurance Certificates / Waivers Electronically Signed: Yes
Business Tax Certificate Audit Trail Attached (if applicable)
 Contacted Clerk re: Form 700 Scanned Signature Authorization
 Supplemental Memorandums (if applicable): Select One

Type of Document: Amendment

Type of Contract: Other

REQUIRED INFORMATION FOR ALL CONTRACTS:

Existing GILES # 663284-001

Contractor: City of Sunnyvale

Address: 665 W. Olive Ave. Sunnyvale, CA 94086

Phone: (408) 730-7359

Email: svandyne@sunnyvale.ca.gov

Contract Description: This 1st Amendment and Continuation MOU extends the original Tri-City MOU for Therapeutic Dances through December 31, 2023, and removes City of Santa Clara from the original agreement, as it currently lacks staffing to host dances.

Term Start Date: Upon Execution Term End Date: 12/31/2023 Extension: Yes

Method of Procurement: N/A RFB, RFP or RFQ No.: _____ Date Conducted: _____

Agenda Date (if applicable): n/a Agenda Item No.: n/a

Resolution No.: n/a Ordinance No.: _____

Original Contract Amount: \$0 Amount of Increase/Decrease: \$0

Option #: 2 of 2 Option Amount: \$0 NTE/Updated Contract Amount: \$0

Fund/Appropriation: n/a


Form 700 Required (Selection mandatory for processing): Select one Revenue Agreement: Select one

Tax Certificate No.: n/a Expiration Date: 12/31/2023

Department: PRNS (64)

Department Contact: Alex Niles (408) 793-5592 Customer (Finance Only): _____

Notes: PRNS DB# 647014
PRNSContracts@sanjoseca.gov

Department Director Signature:  On behalf of Jon Cicirelli 12/2/2021
Date

Office of the City Manager Signature: _____ Jessica Lowry 12/3/21
Date