

**ORDINANCE NO. 57-15  
EXHIBIT A**

**AGREEMENT BETWEEN THE CITY OF AVON AND  
THE YMCA OF GREATER CLEVELAND FOR  
SERVICES TO THE CITY'S OUTDOOR AQUATIC FACILITY**

**THIS AGREEMENT** is made and entered into by The City of Avon, Ohio, 36080 Chester Road, Avon, Ohio 44011, an Ohio Municipal Corporation (hereinafter referred to as ("Avon")), and the YMCA of Greater Cleveland, 2200 Prospect Ave., Cleveland, Ohio 44115 an Ohio non-profit corporation (hereinafter referred to as ("the YMCA")), both Avon and the YMCA hereinafter collectively referred to as the Parties.

**WHEREAS**, the City of Avon is in the process of constructing and then operating an outdoor aquatic center (hereinafter referred to as the "pool") for residents and non-residents to enjoy the benefits recreational swimming all summer long; and

**WHEREAS**, the City desires to enlist the services of the YMCA to assist it in the development of safe and enjoyable swimming programs to enhance the experience of all the contemplated users of the facility; and

**WHEREAS**, the City further desires that the YMCA assist in the training and staffing of employees at the facility to assure all users of the pool that safety is the City's top priority in all facets of the pool's operations.

**NOW THEREFORE**, in consideration of the foregoing recitals and the mutual promises, covenants and agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

**I. PROVIDING LIFEGUARD CERTIFICATION**

1. It will take approximately 50 lifeguards on staff for the summer of 2015 to run the Avon Outdoor Pool. It is anticipated that the City will need to run shifts with upwards of 15-18 lifeguards on-duty at any given time. Recognizing a problem of lifeguard shortages already in place across the Cleveland Area, the YMCA will offer twice as many lifeguard classes to accommodate the demand for staffing at the Avon Outdoor Pool.

- a. The City of Avon will start advertising in March for lifeguarding positions;
- b. The YMCA will look into marketing with North Ridgeville in their resident flyer;
- c. The YMCA will hold Red Cross Lifeguarding Certification classes. Fees for such classes will be \$190.00 (normal cost is \$250.00); and

Those interested in a great summer job or challenging career as a professional lifeguard will receive the necessary training through videos, group discussion and hands-on practice. They will also learn teamwork, rescue and surveillance skills, First Aid and CPR/AED and other skills needed to work as a professional-level CPR and AED.

2. The Prerequisites for the Lifeguard position are as follows:

- a. Applicants must be 15 years of age;
- b. Pass physical testing requirements, i.e., complete the 300 yard swim and minute tread;
- c. Pass a written exam including scenario and rescue information;
- d. Complete all classes and hours;
- e. Complete a water-rescue scenario that includes removal from water and CPR skills;
- f. During Lifeguard instruction class, Avon can have an LGI come the 2<sup>nd</sup> and 4<sup>th</sup> day of the course;
- g. A class roster will be provided to the City of all who complete the course.
- h. The YMCA can be a place to recruit, hold interviews, water skills assessments and trainings before the Outdoor Pool opens. There will be free access (coordinate with YMCA management).

3. The responsibility for training/orientation. The YMCA and City of Avon is committed to the safety of everyone who uses aquatic facilities. It is critical to diligently train staff to prevent, recognize, and respond to all aquatic incidents. Minimizing risk and safety practices help protect our patrons and community, prevent injuries, and reduce the frequency and severity of incidents. The YMCA aquatic management team will partner with the City pool management and assist in safety and loss prevention.

4. The **City of Avon** will have accident/incident reports appropriately reviewed by management to :

- a. Determine if corrective action is needed;
- b. Identify training and supervision issues;
- c. Ensure accurate reporting and documentation of incidents and outcomes;
- d. Evaluate effectiveness of emergency procedures; and
- e. Discuss relevant risk management topics with YMCA representative.

5. The City will require the lifeguard staff to have appropriate training prior to service, with renewal training at appropriate intervals. Appropriate training includes the following:

- a. Professional rescuer; CPR certification (This certification training, which is renewed annually, requires two-person CPR, the use of a bag-valve mask, and child/infant CPR)
- b. Standard first aid certification – renewed every two years

- c. Current Red Cross Lifeguard or equivalent lifeguard training certification renewed every two years
- d. AED certification – renewed annually

6. Orientation by YMCA & City of Avon (for identified staff members) is required. 25 to 30 hours of Orientation will happen 1-2 weeks prior to the opening of the pool. The orientation will be run by the YMCA’s Director of Aquatics Safety & Compliance, the City Aquatic Director and the City Pool Manager and Supervisor. Dates for orientation will be dependent upon the date set for opening day. The YMCA’s Director of Aquatics Safety & Compliance will provide leadership and support for the orientation’s preparation, training sessions and drills. The fee will be \$25.00 per hour. This orientation will include the following:

- a. Pool/facility orientation and operation;
- b. Pump room orientation and operation;
- c. Emergency action plan (AEP) review;
- d. OSHA (Occupational Safety and Health Administration) workplace safety;
- e. Lifeguard training plan.

7. The City, supported by the YMCA, will also put in place an orientation and an in-service training plan for the lifeguard staff to address any immediate gaps in certifications and knowledge. In addition, the City will promote/support professional development training opportunities for aquatics leadership that takes into account the need for advanced certifications, aquatic management training, technical training, continuing education, conferences, and networking opportunities.

8. Prior to the pool’s opening, the lifeguard training plan will thoroughly orient lifeguards to the environment in which they will be guarding. This will include oral, written, and physical components with proper documentation including, but not limited to, the following:

- a. Zones and rotations;
- b. Emergency policies and procedures, including emergency action plans;
- c. Location and use of rescue and resuscitation equipment;
- d. Location and use of personal protective equipment;
- e. Facility rules and injury prevention policies and procedures.

9. The orientation will review and include land/water drills for water rescues, First aid, spinal injury management and CPR/AED skills.

10. With an auditing component, the YMCA, in conjunction with pool management, will conduct a minimum of two hours of in-service training per month for all lifeguard staff. Included in these “in-service” training topics (among other things) are the following:

- a. CPR/AED skills
- b. First aid skills

- c. Scanning and patron surveillance
- d. Emergency response, including emergency action plan drills
- e. Spinal injury management
- f. Water rescue skills
- g. Water Park training certification
- h. Provide reviews and skills re-test for those displaying deficiencies in
- i. above competencies

**II. SWIM LESSONS PROGRAMMING BY YMCA AT THE AVON AQUATIC CENTER**

1. Swim Lessons. The YMCA of Greater Cleveland offers a wide range of swimming options. Structured classes are available for all ages and skill levels. YMCA lessons feature small instructor-to-student ratios. Swim lesson flyers detailing classes, descriptions and times will be distributed by the YMCA and the City beginning in April, 2015. The goal of these lessons will be to enable students to improve swimming skills, build confidence in the water and learn personal safety. Registration will be at the Avon YMCA or online through Daxko (YMCA software) for the first swim lesson session. YMCA indoor classes will be distinguished from the Avon outdoor program with easy access for customers. The YMCA will restrict registrations for the Avon Aquatic Center to eligible patrons. Parameters will be established by the City. Refer to applicable Avon Codified Ordinances. Registration for open slots will be available at the outdoor pool once it opens. The scheduling of lessons will be as follows:

- a. Group Lessons are 30-40 minutes in length and will be conducted in accordance with the schedule set by the YMCA.
- b. Sessions will be offered in the weeks of July 20, 27 and August 3, 2015.
- c. The program will follow the YMCA swim lesson structure of classes
- d. The approved class fee is: \$60 (\$58 for Y members) for eight (8) thirty (30) minute lessons over a two (2) week period or \$68 (\$64 for Y members) for eight (8) forty (40) minute lessons over a two (2) week period. One week sessions are half (½) the price of either session chosen. Fee adjustments will be made if classes are converted to one (1) week sessions.
- e. The City will be reimbursed fourteen (14%) percent of the fee charged by the YMCA.
- f. The City will provide assigned pool space to facilitate a minimum of four (4) classes during each time slot.

2. The scheduling of times for swim lessons shall be as follows:

- a. (For 2015) Sessions will be offered during the weeks of July 20, July 27 and August 3.
- b. The swim lesson program will follow the YMCA structure of classes.

- c. Assigned pool space will provide for offering a minimum of 4 classes during each time slot:
- d. Morning lesson times will be: 10:00/10:10 to 10:40am; 10:45/10:55 to 11:25am.
- e. Evening lesson times will be: 6:00/6:10 to 6:45pm; 6:50/7:00 to 7:30pm
- f. If needed, additional lessons will be offered at 9:15/9:25 to 9:55 a.m.
- g. Classes will meet Monday through Thursday with a make-up lesson scheduled for Friday of that week, if needed.
- h. Class size: An appropriate teacher to student ratio will be followed as defined in YMCA swim lesson guide or approved by the pool manager.
- i. Private and semi-private swimming lessons will also be available. The cost and procedure for scheduling to be determined.

### **III. POOL MAINTENANCE.**

1. The YMCA will provide a Maintenance Supervisor for a flat fee of \$1,200 per week for 38 hours a week, which shall include access to YMCA personnel staff to aid in support. This Maintenance Supervisor shall begin two (2) weeks prior to opening of the Pool and end two (2) after the Pool closes. The Maintenance Supervisor job details are as follows:

- a. In conjunction with manager, Institute standard operating procedures. Work with supervisory staff to enable them to recognize and respond to equipment and water quality problems. Establish or participate in communications necessary to conduct an efficient operation. Available and willing to answer questions via phone providing solution to problem. Minimize delayed reaction to issues and provide emergency response needed to appropriately react to malfunctions, water quality imbalance, fecal contamination, filtration system maintenance, play feature equipment maintenance, building maintenance, etc.
- b. Oversee performance and maintenance of the systems and equipment that comprise the aquatic facilities operation. This includes but is not limited to filters, pumps, play features, chemical controller/sensors/feed equipment, spray ground controls, plumbing, etc. Back wash filtration system as recommended by manufacturer and dictated by pressure differentials. Clean all strainers and sensors as needed. Lubricate equipment. Perform duties and routines specified by pool contractor and equipment manufacturers to properly operate and maintain the equipment. Trouble shoot for problems.
- c. In coordination with management perform/record water tests, and conduct a water treatment program necessary to maintain balanced water. Records include those that must be kept in accordance with Lorain County Board of Health.
- d. Inventory supplies, requisition the purchase of supplies and maintain sufficient (not excessive) quantity. Relay to management supplies needed

- as needed-daily communications with city management of supplies , equipment needed and/or not working properly.
- e. Direct/supervise staff in cleaning and sanitation of facility. Prepare pool for daily opening and closing, activities, programs and events. Provide directions and establish operating procedures needed to guide staff.
- f. Coordinate the maintenance and repair of equipment. Respond to work orders and review supervisors’ daily reports. Meet with management to review operational needs. Keep detailed records.
- g. Keep facility and maintenance areas, or an area being cleaned or in need of repair, signed and secured from the public while the area is closed or otherwise off limits.

**IV. SUPERVISION, COMMUNICATIONS, REPORTING.**

1. The City of Avon will provide any and all chemicals needed to maintain the aquatics facility in a safe, clean condition throughout the season. This includes any and all chemicals necessary to initially start and balance the water chemistry at the beginning of the season.
2. The City of Avon will provide, at their cost, proper and adequate storage space for all chemicals to maintain proper pool water chemistry per OWNER’S pools.
3. The City of Avon will obtain, prior to pool opening, all necessary certificated and permits as required by state, county and local laws.
4. The City of Avon will provide any and all necessary maintenance and safety equipment, (including, but not limited to: AED, O2, backboard, BVM, fanny packs, pocket masks, rescue tubes, gloves, basic first aid supplies, etc.) YMCA to properly maintain pool and equipment in a clean and safe condition. Any and all maintenance and safety equipment cost shall be borne by The City of Avon and stored on the property where the pool is located.
5. The City of Avon will provide material safety data sheets (MSDS) and assess for possible updates. Post MSDS in the room where chemicals are stored and used, and compile the MSDS in a clearly labeled binder readily available to employees. The maintenance supervisor will assist with maintaining a current catalog of chemicals as new chemicals are requisitioned/ordered
6. The City of Avon will provide, clearly identify and properly store chemicals. Post a warning sign on the outside of the door where chemicals are stored and says – Chemical Storage – Authorized Personnel Only, with an appropriately marked Occupational Safety and Health Administration (OSHA) compliant placard visible placed.
7. The City of Avon will provide follow chemical handling, storage, and disposal procedures as required by the Environmental Protection Agency (EPA) and Occupation Safety and Health Administration (OSHA).
8. The City of Avon will provide, for all employees required to handle chemicals, with personal protective equipment (PPE) (e.g., gloves, eye protection, face protection,

inhalation protection, and apron to protect clothes) and in coordination with the maintenance supervisor train them in the use of PPE according to OSHA standards.

9. The City of Avon will establish a fecal contamination policy that identifies response procedures, documentation, and prevention procedures. The policy will follow the Centers for Disease Control and Prevention (CDC) recommendation for preventing contamination incidents and recreational water illness (RWI), or state &/or local standards as required.

10. The City of Avon will with a partnership with YMCA provide/develop a written preventive maintenance and inspection schedule according to manufacturers’ recommendations, keeping inspections and maintenance records on file.

11. The City of Avon with a partnership with YMCA will provide and routinely maintain aquatic facility mechanical systems in accordance with the manufacturers’ equipment manuals. Keep a record of maintenance on file.

12. Maintenance supervisor will provide a copy of a work schedule (2 week), a time sheet and a weekly log to the pool manager.

13. Prior to the start of programs the YMCA will provide class lists, rosters and registration information to the city. Update information as needed.

14. The YMCA will control communications of their staff and bring problems directly to the pool manager or recreation director. Similarly the city will communicate problems to the aquatics director, executive director (French Creek) or operating director.

**V. EMERGENCY ACTION PLAN TO BE DEVELOPED BY CITY OF AVON.**

1. The City of Avon will develop a facility manual for on-site access and implement policies to address safety concerns. Examples may include, but are not limited to, the following:

- a. Drowning, or submersion events
- b. Program-specific emergency procedures, if applicable
- c. Child abuse prevention and reporting procedures, if applicable
- d. Missing person
- e. Hypoxic training and breath-holding
- f. Natural disasters and severe weather
- g. Facility evacuation
- h. Power failure
- i. Properly securing and storing equipment after hours or end of season
- j. Securing facility at end of daily operation or end of season
- k. Rental agreements and contracts for rental groups
- l. Equipment maintenance and operation
- m. Establish daily, ongoing safety inspections to include:
  - i. Rescue and safety equipment
  - ii. Deck and facility equipment

The city will evaluate each lifeguard zone seasonally for size and effectiveness.

**6. MEMBER BENEFITS.**

1. Avon Outdoor Pool pass holders will receive 50% off the YMCA’s joiner fee (normal fee is \$100.00) for the months of June, July, August and September.

**7. TERM OF THE AGREEMENT.**

This Agreement shall be in full force and effect beginning with the date on which the last party executes same and shall run through the end of the 2015 outdoor aquatic season (approximately September 15<sup>th</sup>, 2015). It may be renewed in successive years by agreement of the parties.

**IN WITNESS WHEREOF**, the parties have hereunto executed this agreement in the presence of the witnesses and on the dates set forth below.

The City of Avon, Ohio (Avon)

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

The YMCA of Greater Cleveland

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_