MEMORANDUM

TO:

Commissioner Ron Peters, Chair

Tulsa County Board of County Commissioners

FROM:

Richard Bales, Director

Tulsa County Parks Division

SUBJECT: Park Facility Independent In thurtor Affeement

DATE:

July 2, 2014

The Park Division respectfully request Board approval of the attached agreements between the BOCC and Kate Kline for an "Arts & Craft" class, Geoffrey Beeson for a "Japanese Martial Arts" class, Christy Hays for a "Zumba" class, Michael Amberg for a "Sports & Fitness" class dba as "Amazing Athletes", Stephen McPherson for a "Krav Mega Self Defense" class, and Aymee Beiter for a "Zumba/Posture" class offered at the LaFortune Community Center for the Fiscal year of 2014/2015.

The forms have been signed off "Approved As To Form" by the District Attorney's office.

All the classes except the Arts & Craft class instructed by Kate Kline require the insurance certificate which is attached.

ORIGINAL TO COUNTY CLERK'S OFFICE FOR MONDAY JULY 14, 2014 BOCC AGENDA.

rb:

xc: Comm. Keith
Comm. Smaligo
Pat Ward e-mail only)
(Cherrie Lewallen e-mail only)
file



Independent Instructor Agreement For Recreational Classes/Activities

This Agreement is made as of the day of, 20, by and between the Board of County Commissioners of Tulsa County, Oklahoma, hereinafter referred to as the "COUNTY" and, an Independent Instructor, hereinafter referred to as
"INSTRUCTOR". WITNESSETH:
WHEREAS, the COUNTY desires to make available (a) (an) was a specific service for that program; and
WHEREAS , the COUNTY and INSTRUCTOR desire to clarify and define their responsibilities with regards to providing said program.
NOW THEREFORE , in consideration of the mutual covenants and promises contained herein, the COUNTY and INSTRUCTOR hereby agree as follows:
1. Term: The class, activity or service will begin on 41, 20/4 and will meet thereafter number of times, with the termination date of this agreement being 40, 20/5.
2. a. Fees: Tulsa County Parks, on behalf of COUNTY, shall collect fees and charges from the INSTRUCTOR. The fee(s) charges charged by the COUNTY for this class or activity (is) (are):, or
b. Fees: The INSTRUCTOR shall collect all fees and charges from the Participants. The fee(s) charges charged by the INSTRUCTOR for this class or activity (is) (are): 40 or for the paid enrollment fee(s) for the class or activity.
3. PAYMENT TO COUNTY:
The INSTRUCTOR shall pay to the COUNTY the sum of \$ or or % of the paid enrollment fee(s) charges charged for the class or activity payable on or before the 10 th of each month to the TULSA COUNTY PARKS.

Form 5171 (7-09)

California California

4. <u>S</u>	PECIFIC	DETAILS:
	a.	Type of service/instruction: Sports Based. Gitness Name of class or activity: Amazing athletes
	b.	Name of class or activity: amazine athletes
	c.	Day(s)/Date(s) Scheduled: Thursdayo.
	d.	Time Scheduled: $\frac{9.30-12.00}{}$
	e.	Location: La Porteina.
	f.	A minimum of and a maximum of paid enrollments must be received by the INSTRUCTOR prior to commencement of the class or activity. COUNTY reserves the right to cancel each class or activity which does not have the specified minimum number of Participants registered.
5.	Independe agrees that Employer/	ent Instructor Status: It is specifically understood that INSTRUCTOR is an int Instructor and not an Employee of the COUNTY. The COUNTY and INSTRUCTOR at this Agreement is not a contract of employment and that no relationship of Employee or Principal/Agent is or shall be created hereby nor shall hereafter exist by the performance of services herein specified.
6.	provided I Social Sec	is acknowledged and agreed by the COUNTY and INSTRUCTOR that the service herein by the INSTRUCTOR is a professional service and that the COUNTY is neither paying curity benefits nor withholding taxes from the INSTRUCTOR'S compensation for said the INSTRUCTOR assumes all liability and responsibility for payment of his/her own or employee FICA and Social Security benefits with respect to this Agreement.
7.	INSTRUC	ion: The COUNTY may terminate this Agreement at any time upon written notice to the CTOR and the INSTRUCTOR may terminate this Agreement upon written notice mailed to NTY at least thirty (30) working days prior to the INSTRUCTOR'S departure date.
8.	Subcontra obligation	acting: The INSTRUCTOR may not subcontract or assign any rights, responsibilities or under this Agreement.
9.	Schedule/ the right t	<u>Cancellation:</u> Due to special events or unforeseen circumstances the COUNTY reserves o cancel or reschedule class or activities.
10	Said insurpolicy: To exhibit to	e: The INSTRUCTOR shall acquire liability insurance for any class, activity or function rance is limited to no less than \$1,000,000.00. INSTRUCTOR shall name as co-insured or alsa County, Board of County Commissioners. A copy of insurance must be attached as an this Agreement.
		MUNICIPE. IN CLIUI ULI GLASI LUISI CUMINI, SUNIA UL CUMINI,

4. SPECIFIC DETAILS:

11. Performance:

- a. **INSTRUCTOR** agrees to:
- 1. Perform the service set forth herein in accordance with all applicable Tulsa County and Tulsa County Parks rules and regulations, and in a competent, professional, and safe, and responsible manner with full regard for the safety of the participants as well as the facility.
- 2. No person other than the INSTRUCTOR or a qualified employee of the INSTRUCTOR shall be engaged to provide the services provided for in this Agreement.
- 3. Provide written activity plans for each class or activity for which the INSTRUCTOR is responsible. (Written activity plans must be submitted prior to execution of contract.)
- 4. Provide and maintain, in proper working order, all necessary equipment specified to conduct the services provided for in this agreement.
- 5. Inspect the activity site prior to beginning each class or activity, and noting any damage or unsafe condition to facility, equipment prior to its use. Should an unsafe condition exist at a facility INSTRUCTOR should report said condition immediately to the County Representative and postpone said class or activity until condition is addressed.
- 6. Inspect the activity site after the class or activity is concluded to assure that the facility is left in the condition in which it was found.
- 7. Utilize his or her own methods and procedures toward a result which shall be in accordance with the purposes, intent and objectives of the COUNTY in providing such recreational class or activity.
- 8. Provide the County Representative with _____ day(s) notice of all schedule conflicts/changes.
- 9. INSTRUCTOR shall immediately notify the County Representative of any unanticipated absences due to circumstances such as personal/family illnesses.
- 10. Provide the County Representative with a complete and accurate Class/Activity Financial Report, copies of participant payment receipts, and acceptable payment in accordance with this Agreement, due on or before the 10th day of each month following a month in which classes were conducted or monies were collected.
- b. **COUNTY** agrees to:
- 1. Maintain the facilities in proper working order.
- 2. Provide class/activity roster and activity financial forms to the INSTRUCTOR.
- 3. Publicize the class or activity through the Park Program Guide and public service announcements.

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INSTRUCTOR and the COUNTY may attack such as specialty certifications, licenses and required INSTRUCTOR and COUNTY may	plicable to the class or activity, as provided for herein, applicable Exhibit(s). If any additional requirements for memberships applicable to the class or activity are y attach applicable Exhibit(s). The INSTRUCTOR'S it to this Agreement. All Exhibits shall be incorporated
13. <u>County Representative:</u> The County Representative:	sentative for this CONTRACT is: Phone Number: 496-6221
14. <u>Indemnification:</u> The INSTRUCTOR sh COUNTY, Board of County Commissioner	nall indemnify and save harmless and defend Tulsa s, and their respective agents, servants, and employees y, losses, or causes of action which may arise from any the INSTRUCTOR during the performance of the
15. <u>Notices:</u> All notices required in this Agree return receipt requested, if sent to the COUN	ement shall be hand delivered or sent by certified mail, TY shall be mailed to:
Director of Tulsa County Parks 2315 West Charles Page Blvd Tulsa, Oklahoma 74127 (918) 596-5990 and if sent to the INSTRUCTOR shall be ma	ailed to:
INSTRUCTOR'S Name: MICHAEL An	BERG.
INSTRUCTOR'S address: Po Box 36	1 OWASSU 74055
INSTRUCTOR'S Phone No: 918-407	-3472
16. Terms: The terms of this CONTRACT and the State of Oklahoma.	the enforcement thereof shall be governed by the laws of
IN WITNESS WHEREOF, The parties have runderstand it, and agree to abide by it.	read the foregoing and in the date first above written,
TULSA COUNTY PARKS DIRECTOR	BOARD OF COUNTY COMMISSIONERS
ACHAINE O KOULE	SIGNATURE
INSTRUCTOR	TULSA COUNTY CLERK
SIGNATURE	SIGNATURE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 1/8/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the

certificate holder in fied of such endorsement(s).				
PRODUCER	CONTACT NAME:	Michelle Mason		
	PHONE (A/C, No, Ext):	(888) 416-9091	FAX (A/C, No):	
6167 BRISTOL PKWY STE 115	(20, 110, 220,	internation		
CULVER CITY, CA 90230-4884	E-MAIL ADDRESS:	infoca@fdean.com		
PRODUCER FRANCIS L. DEAN & ASSOCIATES OF CALIFORNIA, LLC. 6167 BRISTOL PKWY STE 115 CULVER CITY, CA 90230-4884 www.fdeanca.com (888) 416-9091 INSURED SPORTS AND RECREATION PROVIDERS ASSOCIATION (PURCHASING GROUP) AN ITS PARTICIPATING MEMBERS: J & N Amberg Group, LLC DBA Amazing Athletes of Eastern OK P.O. Box 361		INSURER(S) AFFORDING COVERA	GE	NAIC#
	INSURER A :	United States Fire Insurance	Company	21113
	INSURER B:	1.0		
	INSURER C :			
	INSURER D :			
P.O. Box 361 Owasso, OK 74055	INSURER E :			
OW6550, OIL 17000	INSURER F:			

COVERAGES CERTIFICATE NUMBER: USP137150 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS,

2	TYPE OF INSURANCE	INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY						GENERAL AGGREGATE	\$2,000,000.00
Ì	X COMMERCIAL GENERAL LIABILITY						PRODUCTS - COMP/OP AGG	\$2,000,000.00
ŀ	CLAIMS-MADE X OCCUR				0.1/00/0014	04/00/0045	PERSONAL & ADV INJURY	\$1,000,000.00
		X	-	SRPGP-101-0413	12:01 AM	01/23/2015 12:01 AM	EACH OCCURRENCE	\$1,000,000.00
١.					12.01 AW	12.01 AW	FIRE DAMAGE (Any one fire)	\$300,000.00
I	GEN'L AGGREGATE LIMIT APPLIES PER:						MED EXP (Any one person)	\$0.00
Ì	X POLICY PRO- LOC							\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
1	ANY AUTO						BODILY INJURY (Per person)	\$
	ALL OWNED SCHEDULED AUTOS						BODILY INJURY (Per accident)	\$
	HIRED AUTO NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	\$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	\$
	DED RETENTION \$	7						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/						WC STATU- OTH- TORY LIMITS ER	\$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?	N/A		**************************************			E.L. EACH ACCIDENT	\$
	(Mandatory in NH)	_ N / A					E.L. DISEASE - EA EMPLOYEE	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	\$
	GL Premium:							\$361.00

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Sports Activities

CERTIFICATE HOLDER

J & N Amberg Group, LLC DBA Amazing Athletes of Eastern OK

P.O. Box 361

Owasso, OK 74055

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Francis L. Dean

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ADDITIONAL INTEREST SCHEDULE

1/8/2014 NAIC CODE

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					T	FFECTIVE DAT	\rightarrow	NAMED INSURED	_		e Compan	9	
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	REST			NAME AND ADDRESS RANK:	_	EVIDENCE:		CERTIFICATE		POLICY	SEND BILL	INTEREST IN IT	EM NUMBER
x	ADDITIONAL		LOSS PAYEE	Amazing Athletes Franch	ise	Systems, I	Inc.					LOCATION:	BUILDING:
	BEACH OF WARRANTY		MORTGAGEE	200 Watson View Drive								VEHICLE:	BOAT:
	CO-OWNER		OWNER	Franklin, TN 37067								AIRPORT:	AIRCRAFT:
	EMPLOYEE		REGISTRANT	,								ITEM CLASS:	ITEM:
	AS LESSOR LEASEBACK		TRUSTEE									ITEM DESCRIPTION	
	OWNER			REFERENCE / LOAN #:			INTER	REST END DATE:				e 1	
				LIEN AMOUNT:			PHON	NE (A/C, No, Ex):				FAX (A/C, No):	
DEA	SON FOR INTEREST:						E-MA	IL ADDRESS:	_				
	REST			NAME AND ADDRESS RANK:		EVIDENCE:		CERTIFICATE		POLICY	SEND BILL	INTEREST IN IT	EM NUMBER
Value.	ADDITIONAL		LOSS PAYEE	Miss Helen's Private Sch	ool				-			LOCATION:	BUILDING:
X	INSURED	-		4849 S Mingo Road									
	BEACH OF WARRANTY		MORTGAGEE	A A 1								VEHICLE:	BOAT:
	CO-OWNER	_	OWNER	Tulsa, OK 74146								AIRPORT:	AIRCRAFT:
	AS LESSOR		REGISTRANT									CLASS:	ITEM:
	LEASEBACK OWNER		TRUSTEE	Par e								ITEM DESCRIPTION	
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X	ADDITIONAL INSURED		LOSS PAYEE	Tulsa Public Schools								LOCATION:	BUILDING:
	BEACH OF WARRANTY		MORTGAGEE	P.O Box 470208								VEHICLE:	BOAT:
_	CO-OWNER		OWNER	Tulsa, OK 74146								AIRPORT:	AIRCRAFT:
	EMPLOYEE		REGISTRANT	10.00, 011111								ITEM CLASS:	ITEM:
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X	INSURED BEACH OF	-	LOSS PAYEE MORTGAGEE	Victory Christian School 7700 S. Lewis Avenue								VEHICLE:	BUILDING: BOAT:
	WARRANTY												
	CO-OWNER		OWNER	Tulsa, OK 74136								AIRPORT:	AIRCRAFT:
	AS LESSOR		REGISTRANT									ITEM CLASS:	ITEM:
	LEASEBACK OWNER		TRUSTEE									ITEM DESCRIPTION	
	LIENHOLDER			REFERENCE / LOAN #:			INTE	EREST END DATE:					1 -
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X	ADDITIONAL INSURED		LOSS PAYEE	Tulsa County Board of	Con	nmissioner	S					LOCATION:	BUILDING:
	BEACH OF WARRANTY		MORTGAGEE	500 South Denver Aven								VEHICLE:	BOAT:
	CO-OWNER		OWNER	Tulsa, OK 74103								AIRPORT:	AIRCRAFT:
_	EMPLOYEE		REGISTRANT	1 4154, 51(17105								ITEM	ITEM:
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in	e above are a	dde	d as addition	al insured but only with res	pec	t to liability	aris	ing out of op	er	ations of the	named in	sured during the po	olicy period.

ADDITIONAL INTERES

1/8/2014

CORD	ADDITIONA	INTER	REST SC	CHEDI	JLE		1/8/2014
AGENCY	ADDITION		CARRIER United States F			y	NAIC CODE 21113
POLICY NUMBER SRPGP-101-0413/USP137150			·····	••		g Athletes of Eas	tern OK
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- "	NODITIONAL NSURED	\neg	MORTGAGEE	Owasso Public Schools 501 E. 2nd Avenue						VEHICLE:	BOAT:			
_ v	VARRANTY			O OK 74055						AIRPORT:	AIRCRAFT:			
	CO-OWNER	_	OWNER	Owasso, OK 74055										
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	ON FOR INTEREST:			NAME AND ADDRESS RANK:	EVIDENCE:	CERTIFICATE		POLICY	SEND BILL	INTEREST IN IT	EM NUMBER			
INTER	ADDITIONAL			Owasso YMCA						LOCATION:	BUILDING:			
X	INSURED		LOSS PAYEE	_						VEHICLE:	BOAT:			
	BEACH OF WARRANTY		MORTGAGEE	8300 N Owasso Expy						AIRPORT:	AIRCRAFT:			
co-owner Owasso, OK 74055											ITEM:			
EMPLOYEE REGISTRANT REGISTRANT														
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	LIENHOLDER			REFERENCE / LOAN #:		INTEREST END DATE:				FAX (A/C, No):				
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	BEACH OF WARRANTY		MORTGAGEE	0750 S. Sheridan Houd										
		-	OWNER	Tulsa, OK 74133						AIRPORT:	AIRCRAFT:			
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	WARRANTY	-								AIRPORT:	AIRCRAFT:			
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-	EMPLOYEE AS LESSOR LEASEBACK	-	REGISTRANT							ITEM DESCRIPTION				
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ACORD 45 (2009/04)

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CORD

ADDITIONAL INTEREST SCHEDULE

1/8/2014

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GEN	CY			2				CARRIER United States		re Insuran	ce C	ompany		21113
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TER				NAME AND ADDRESS	RANK:	EVIDEN	CE:	CERTIFICATE		POLICY	5	SEND BILL	INTEREST IN	ITEM NUMBER
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7	NSURED BEACH OF VARRANTY		MORTGAGEE										VEHICLE:	BOAT:
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Η,	MPLOYEE	-	REGISTRANT										ITEM CLASS:	ITEM:
7	AS LESSOR LEASEBACK DWNER		TRUSTEE					TENERS SHE DATE.					ITEM DESCRIPTION	
_ '	LIENHOLDER			REFERENCE / LOAN #:			_	PHONE (A/C, No, Ex):					FAX (A/C, No):	
				LIEN AMOUNT:				-MAIL ADDRESS:						
EAS	ON FOR INTEREST:				24411	EVIDEN	-	CERTIFICATE	Т	POLICY	T	SEND BILL	INTEREST IN	ITEM NUMBER
	EST		7	NAME AND ADDRESS	RANK:	EVIDEN	CE:	CERTIFICATE		7 02.01			LOCATION:	BUILDING:
	ADDITIONAL INSURED BEACH OF	-	LOSS PAYEE MORTGAGEE										VEHICLE:	BOAT:
	WARRANTY	_											AIRPORT:	AIRCRAFT:
	CO-OWNER EMPLOYEE	-	OWNER										ITEM	ITEM:
1	AS LESSOR	_	REGISTRANT										CLASS: ITEM DESCRIPTION	
	LEASEBACK OWNER		TRUSTEE					INTEREST END DATE:						
_	LIENHOLDER			REFERENCE / LOAN #:			_	PHONE (A/C, No, Ex):					FAX (A/C, No):	
				LIEN AMOUNT:			-	E-MAIL ADDRESS:						
_	ON FOR INTEREST	:		NAME AND ADDRESS	RANK:	EVIDE	ICE:	CERTIFICATE	T	POLICY		SEND BILL	INTEREST I	ITEM NUMBER
_	REST ADDITIONAL	_	7.000 5.45	NAME AND ADDRESS	NAME.								LOCATION:	BUILDING:
(INSURED BEACH OF	-	LOSS PAYEE MORTGAGEE										VEHICLE:	BOAT:
	WARRANTY												AIRPORT:	AIRCRAFT:
	CO-OWNER EMPLOYEE		OWNER										ITEM	ITEM:
	AS LESSOR	L	REGISTRANT										CLASS: ITEM DESCRIPTION	
- 1	LEASEBACK OWNER		TRUSTEE				-т	INTEREST END DATE:					+	
				1										
	LIENHOLDER			REFERENCE / LOAN #:			-	PHONE (A/C, No, Ex):					FAX (A/C, No):	