

**FIRST AMENDMENT AND RENEWAL OF MEMORANDUM OF UNDERSTANDING
BETWEEN FULTON COUNTY, GEORGIA AND FRIENDS OF MILLS, INC.**

THIS FIRST AMENDMENT AND RENEWAL OF MEMORANDUM OF UNDERSTANDING (“Amendment and Renewal”) is entered into as of the ____ day of December, 2023, by and between FULTON COUNTY, GEORGIA (“County”) and FRIENDS OF MILLS, INC., a non-profit corporation incorporated under the laws of the State of Georgia (“Friends of Mills”), Fulton County and Friends of Mills are each a “Party” and collectively the “Parties”.

WHEREAS, the County owns and maintains the Helene S. Mills Senior Multipurpose Facility (“Mills Senior Facility”) and, through the Department of Senior Services, is responsible for the delivery, management, operation and oversight of its senior multipurpose programs and adult day care services and activities at the Mills Senior Facility; and

WHEREAS, the Friends of Mills supports the recreational, intellectual, social, physical and health needs of senior citizens, primarily age 55 and over, and thereby enhances and extends the lives of senior citizens who participate in the programs at the Mills Senior Facility by providing financial and other support through fundraising and other supporting activities as set forth in its organizational documents; and

WHEREAS, on May 16, 2018, the Board of Commissioners passed Resolution 18-0325 adopting a standard Form Memorandum of Understanding (“MOU”) between the County and the Friends groups supporting Senior Centers in order to create uniformity of obligations and ensure compliance with County policies; and

WHEREAS, through Resolution 18-0325, the Board of Commissioners also authorized the County Manager to execute the Form MOUs with the Friends groups supporting Senior Centers; and

WHEREAS, the Parties entered into that certain MOU dated May 15, 2018, by which the Parties agreed to terms for fundraising, rental of facilities, fund disbursement, distribution of vending machine proceeds, auditing, and reporting related to the Mills Senior Facility; and

WHEREAS, Paragraph 7H. of the Form MOU authorizes Friends of Mills to manage rental of the Facilities at the Mills Senior Facility; and

WHEREAS, the Department of Senior Services has determined that utilizing Friends of Mills to manage rental of the Facilities at the Mills Senior Facility is no longer a financially viable decision; and

WHEREAS, the Board of Commissioners desires that Friends of Mills no longer manage rental of the Facilities at the Mills Senior Facility and that the County manage rental of the Facilities at the Mills Senior Facility instead; and

WHEREAS, Paragraph 1 of the Form MOU provides the following with respect to amendments to the MOU:

Variations and modifications of this MOU, or waivers of its provisions, will not be valid unless they are reduced to writing, signed by the parties' duly authorized representatives, and approved by the Board of Commissioners as provided herein.

WHEREAS, Paragraph 4 of the Form MOU provides the following with respect to the Term of the MOU:

(4) *Term.* This MOU shall commence upon its Effective Date and shall continue for five (5) years, which is through December 31, 2023, unless earlier terminated, and this MOU may be renewed as determined by the County Manager for another five (5) year term, with any such renewal period ending on December 31, 2028, the last year of such renewal period authorized by the County Manager.

WHEREAS, the initial Term of the MOU is set to expire on December 31, 2023; and

WHEREAS, the County Manager has determined that amending the MOU prior to renewing same with Friends of Mills is in the County's best interest.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

Section 1. The MOU with Friends of Mills is hereby amended to remove all references to the rental of the Facilities at the Mills Senior Facility and the ability of Friends of Mills to manage rentals at the Mills Senior Facility, as reflected in the attached Exhibit "A, which is incorporated herein by reference."

Section 2. Exhibit D to the MOU with Friends of Mills, Facility Rental Application and Agreement, is hereby stricken in its entirety.

Section 3. Paragraph 4 of the MOU is deleted in its entirety and replaced with a new paragraph 4 to read as follows:

(4) Term. This MOU shall commence upon its Effective Date and shall continue for five (5) years, which is through December 31, 2028, unless earlier terminated.

Section 4. Except as modified by this First Amendment and Renewal, all terms and conditions of the MOU with Friends of Mills shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this First Amendment and Renewal of the MOU with Friends of Mills as of the date first written above.

FULTON COUNTY, GEORGIA

FRIENDS OF MILLS, INC.

Robert L. Pitts
Chairman, Board of Commissioners

Steven Dalton

ATTEST:

Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo, County Attorney

APPROVED AS TO CONTENT:

Ladisa Onyiliogwu, Director
Department of Senior Services