

RESOLUTION NUMBER R- 288671

ADOPTED ON MAY 15 1997

WHEREAS, within the City, there is a public health and safety need for emergency medical services; and

WHEREAS, it has been determined to be in the best interests of the community and the citizens of the City that such emergency medical services be provided on a comprehensive basis, starting with care at the scene of an incident and continuing through stabilization and hospitalization of the patient; and

WHEREAS, on December 2, 1996, the City issued a Request for Proposals ("RFP") for emergency medical and medical transportation services (hereafter collectively referred to as "EMS/MTS services"), and thereafter issued Clarification Nos. One (1) through Ten (10) to the RFP; and

WHEREAS, one of the three proposers responding to the RFP was the Fire & Life Safety Services Department, a business center of the City of San Diego ("FLSS"), in collaboration with Rural/Metro Corporation ("Rural/Metro"); and

WHEREAS, FLSS' proposal identified itself as the primary bidder, as part of a joint effort with Rural/Metro, in a cooperative "public/private partnership" to combine their services, as contemplated by the RFP, to provide comprehensive coverage of the City's EMS/MTS services; and

WHEREAS, on March 17, 1997, the City Council adopted Resolution No. R-288436, directing the City Manager to negotiate an agreement or agreements consistent with the FLSS proposal and the requirements under the RFP, pursuant to which an EMS operation within FLSS (hereafter "Fire/Paramedics") and Rural/Metro will jointly provide EMS/MTS services for the City; and

WHEREAS, it is the express intention of the City Council that any documents attached as Exhibits hereto, incorporated herein by reference or on file in the Office of the City Clerk comprise, together with the text of this Resolution; the full action of the Council and are necessary for a full understanding of the Council's actions; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager be and he is hereby authorized and empowered for and on behalf of the City to execute an Articles of Organization and Operating Agreement (the "LLC Agreement"), the form of which is on file in the office of the City Clerk as Document No. RR-288671-1, creating the San Diego Medical Services Enterprise, LLC, a California limited liability company ("SDMSE") comprised of the City and Rural/Metro as the Members of the LLC, to provide the EMS/MTS services through a combination of efforts by Fire/Paramedics and Rural/Metro.

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered for and on behalf of the City to execute an Agreement between SDMSE and the City (the "EMS Agreement"), the form of which is on file in the office of the City Clerk as Document No. RR-288671-2, describing in detail the obligations SDMSE and its Members will collectively undertake to provide EMS/MTS services to the City.

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered for and on behalf of the City to execute an Agreement between SDMSE and Rural/Metro (the "Rural/Metro Agreement"), the form of which is on file in the office of the City Clerk as Document No. RR-288671-3, describing in detail the obligations Rural/Metro will undertake on behalf of SDMSE to provide EMS/MTS services to the City.

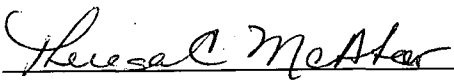
BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered for and on behalf of the City to execute an additional Agreement between SDMSE and the City (the "City Agreement"), the form of which is on file in the office of the City Clerk as Document No. RR-288671-4, describing in detail the obligations Fire/Paramedics will undertake on behalf of SDMSE to provide EMS/MTS services to the City.

BE IT FURTHER RESOLVED, that the creation of a Special Revenue Fund within the budget of the City is hereby authorized, to be known as the EMS/MTS Fund, for the purpose of identifying and controlling the expenditures of FLSS' EMS/MTS operations under the above-referenced Agreements.

BE IT FURTHER RESOLVED, that the City Manager be and he is hereby authorized and empowered to undertake the necessary actions and enter into any subsidiary agreements necessary to implement the purpose and intent of this Resolution, and to make such other non-material, non-substantive changes to the LLC Agreement, the EMS Agreement, the City Agreement and the Rural/Metro Agreement, and other agreements entered into pursuant to this Resolution, as the City Manager shall approve as being necessary or in the best interests of the City and which, in the opinion of the City Attorney, do not: 1) increase the financial commitments or the scope of the obligations of the City, or 2) decrease revenue to the City.

BE IT FURTHER RESOLVED, that the City Attorney is hereby directed to prepare a Council policy which, to ensure that the gross financial commitment of the City over the initial five-year term of the EMS Agreement shall not exceed the amount forecast at the time this Resolution is adopted, shall restrict transfers from the City's general fund to the EMS/MTS Fund authorized herein accordingly. The City Clerk is directed to insert such Council Policy in the Council Policy Manual where appropriate.

APPROVED: CASEY GWINN, City Attorney

By   
Theresa C. McAteer  
Deputy City Attorney

TCM:cmg

Or.Dept:Fire  
Aud.Cert:  
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