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(R-2007-575) 12/4/06
ORG

RESOLUTION NUMBER R- 302156

DATE OF FINAL PASSAGE DEC 15 2006

A RESOLUTION AMENDING THE THIRD AMENDED AND RESTATED OPERATING AGREEMENT OF SAN DIEGO MEDICAL SERVICES ENTERPRISE, LLC TO CHANGE THE LANGUAGE RELATED TO THE EXPIRATION OF THE COMPANY UNTIL THE FIFTH ANNIVERSARY OF THE DATE ON WHICH THE COMPANY CEASES TO PROVIDE SERVICES TO ANY THIRD PARTY

WHEREAS, San Diego Medical Services Enterprise, LLC [SDMSE] is the Emergency Medical Services [EMS] service provider for the City of San Diego; and

WHEREAS, SDMSE is a limited liability company whose members are the City of San Diego and Rural-Metro of San Diego; and

WHEREAS, the City Council passed a resolution, on file with the City Clerk as Resolution No. R-299840, authorizing and directing the City Manager to enter into a Third Amended and Restated Operating Agreement [Operating Agreement], between the City and Rural-Metro of San Diego on November 15, 2004 and such Operating Agreement was entered into between the City and Rural Metro of San Diego, on file with the City Clerk as Document No. RR.229840.1, on November 30, 2004; and

WHEREAS, pursuant to the Operating Agreement, the term of the SDMSE expires on June 30, 2008; and

WHEREAS, the termination of the SDMSE at such a set time exposes the City to potential liability for the activities of SDMSE and may inhibit SDMSE's ability to contract for and provide EMS services outside the City of San Diego; and

WHEREAS, the officers of SDMSE recommended and the Board of Managers of SDMSE approved the amendment of the Operating Agreement to allow for the continued existence of SDMSE beyond the current term, as described in the Staff report; and

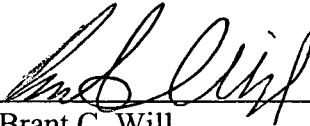
WHEREAS, the president of Rural Metro of San Diego has approved the amendment of the Operating Agreement, as described in the Staff report; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that the Council hereby approves the recommendation of Staff regarding the amendment to the Operating Agreement to allow for the continued operation of SDMSE and to allow for the City, at its option to withdraw from SDMSE.

BE IT FURTHER RESOLVED, that Mayor be and is hereby authorized and empowered for and on behalf of the City to amend the Operating Agreement to amend the termination provision of SDMSE, the form of which is on file on the office of the City Clerk as Document No. RR- 302156

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

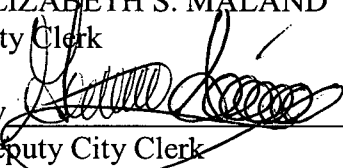


Brant C. Will
Deputy City Attorney

BCW:ai
11/14/06
Or.Dept:Fire
R-2007-575

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 04 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12-15-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R-302156

Passed by the Council of The City of San Diego on DEC 04 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 15 2006

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Zuma*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number <u>8-302156</u>