

COUNCIL DOCKET OF _____

Supplemental Adoption Consent Unanimous Consent Rules Committee Consultant Review

R -

O -

Appropriation of San Diego Medical Services Enterprises (SDMSE) Retained Earnings and System Savings

Reviewed Initiated By PS&NS On 6/19/08 Item No. 3

RECOMMENDATION TO:

Refer this item to City Council to authorize appropriation of funds as outlined within the report.

VOTED YEA: Maienschein, Falconer, Young, Hueso

VOTED NAY:

NOT PRESENT:

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO. 08-088

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

EMS System Retained Earnings and Savings PowerPoint

COUNCIL COMMITTEE CONSULTANT





PS&NS JUN 11 2008 #4

PS&NS JUN 19 2008 #3

000481

THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: June 5, 2008 REPORT NO: 08-088
ORIGINATING DEPARTMENT: Fire-Rescue
SUBJECT: Appropriation of San Diego Medical Services Enterprise
(SDMSE) Retained Earnings and System Savings
CONTACT/PHONE NUMBER: Rod Ballard, Deputy Chief, Director Emergency Medical
Services

REQUESTED ACTION: (1) Authorize the Auditor/Comptroller to appropriate funds in Department 121 (SDMSE-Fire) identified as retained earnings (EMS Special Revenue Fund #76330) generated from the EMS system as outlined in this report. (2) Authorize the Auditor/Comptroller to appropriate fund balance in Department 121 (SDMSE-Fire) identified as system savings as outlined in this report.

STAFF RECOMMENDATION: Approve the recommendation to appropriate funds as outlined within the report.

EXECUTIVE SUMMARY: San Diego Medical Services (SDMSE) is a public/private partnership formed as a limited liability company (LLC) between the City and Rural/Metro of San Diego. On December 4th, 2006, Council adopted resolution R-302155 changing SDMSE's profit distribution policy. The company distributes profit to the partners after considering all operating expenses, ensuring a minimum \$500,000 cash reserve is maintained, and projecting expenses forward.

The City currently holds profit in the amount of \$1,674,199.25 in the EMS Special Revenue Fund. During the previous council discussion on how profits are distributed (outlined in resolution R-302155), it was requested that staff return to the Public Safety and Neighborhood Services committee with a description on how this profit should be expended.

Fire-Rescue has identified EMS system needs upon which these retained earnings should be appropriated and expended. These needs include:

1. Fire Station 38 (Mira Mesa) Ambulance Crew Quarters Buildout: \$400,000
2. Quality Assurance Analysis and Reporting Tools (FirstWatch Biosurveillance): \$30,000
3. Online EMS Education Program: \$35,000
4. Equipment for Mass Decontamination of EMS Resources and Facilities: \$40,000
5. Mobile (Ambulance and Fire Apparatus) Gateways for Data Transmission: \$200,000
6. Acquire New Dynamic System Status Management Utility for Ambulances: \$295,000
7. Improve Station Alerting Systems for EMS: \$28,000
8. Improve EMS System Communication Interoperability with Lifeguards: \$45,000
9. Addition of Automated External Defibrillators (AED) to Staff Vehicles: \$100,000

000482

In addition to retained earnings, Fire-Rescue maintains a fund balance from EMS system savings realized through staffing changes. City Manager's Report 04-219 outlines that EMS systems savings shall be allocated toward enhancements to the EMS system. Staff recommends that the savings in the amount of \$225,489.51 be appropriated toward:

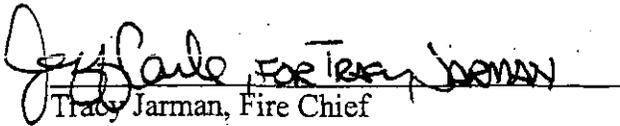
1. Cardiac Monitor/Defibrillators Improvements and Upgrades
2. Improvements to the Electronic Patient Care Record Program

FISCAL CONSIDERATIONS: No impact to the general fund. This report discusses appropriation of retained earnings and savings.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: RESOLUTION R-302155: Profit Distribution Methodology for SDMSE; RESOLUTION R-292161; IBA Report #06-61.

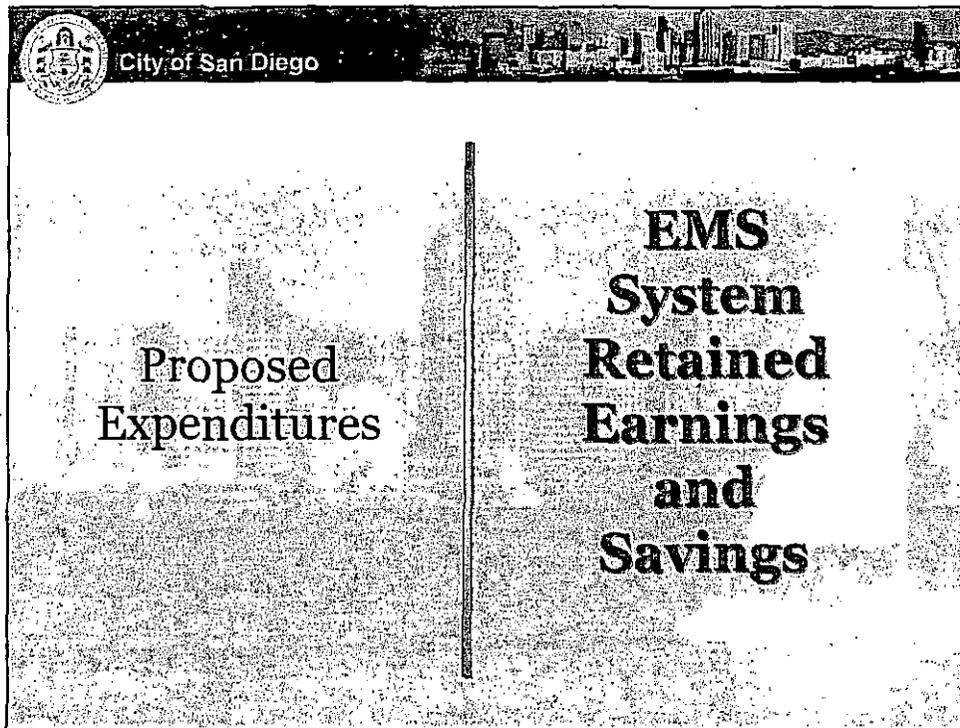
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: NA

KEY STAKEHOLDERS AND PROJECTED IMPACTS: NA


Tracy Jarman, Fire Chief
Originating Department


Jill Olen
Deputy Chief/Chief Operating Officer

000483

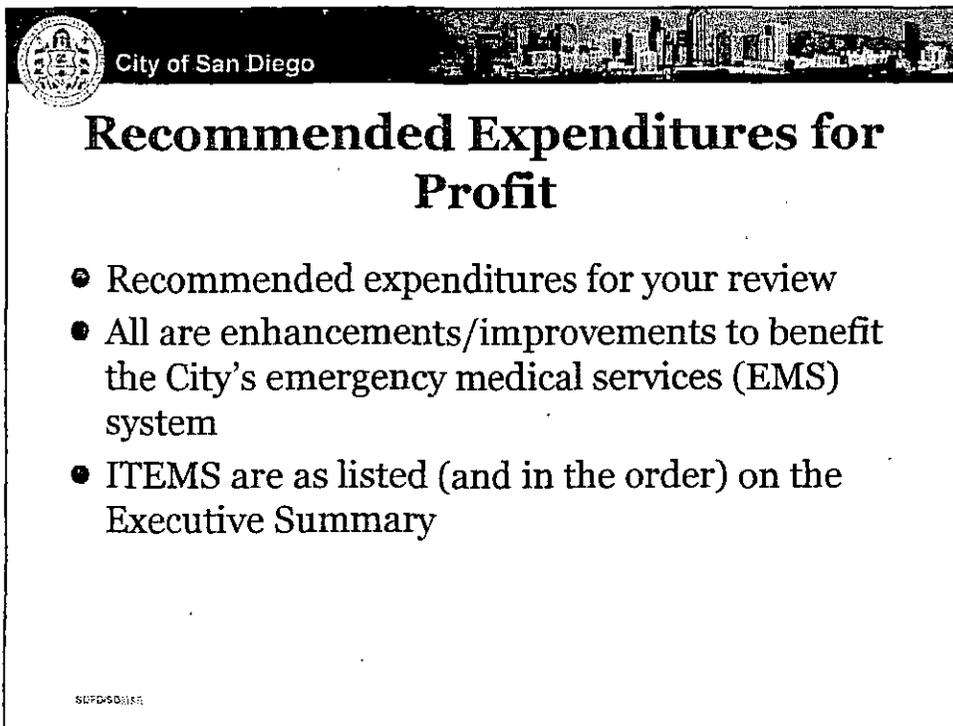
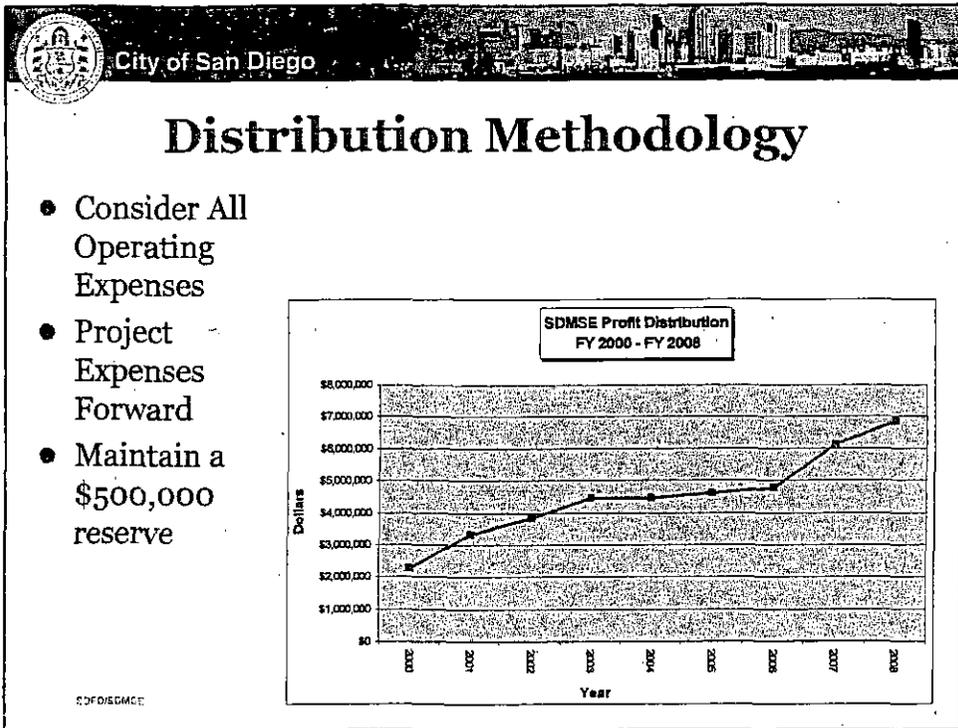


City of San Diego

An EMS Partnership

- San Diego Medical Services Enterprise, LLC (SDMSE)
- 50% City of San Diego
- 50% Rural/Metro of San Diego
- Profit (or Retained Earnings) is split 50-50
- Distribution Policy approved by Resolution R-302155

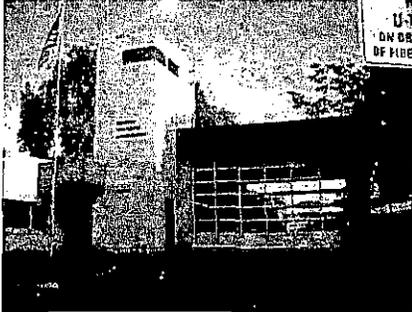
SDMSE/DMSE



 City of San Diego

ITEM #1: Mira Mesa (Fire Station 38) Ambulance Quarters

- Mira Mesa (Fire Station 38) Ambulance Crew Quarters Build Out to Replace 10-year old trailer
- \$400,000

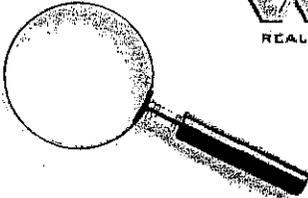


80FHC015E

 City of San Diego

ITEM #2: Quality Assurance Analysis and Reporting Tools

- FirstWatch Biosurveillance and Quality Assurance
- \$30,000

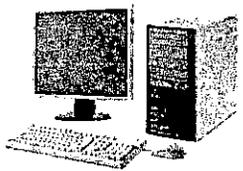


20FHC015E

 City of San Diego

ITEM #3: Online EMS Education Program

- Online Learning Management System
- Content development, video and other learning tools
- \$35,000

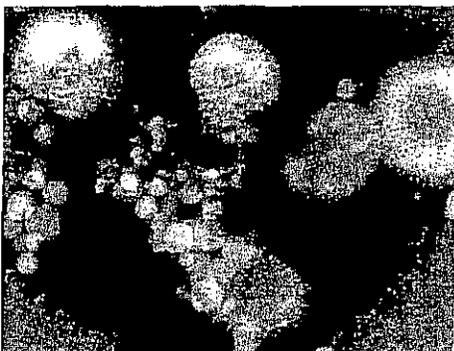


SDFD/COMSE

 City of San Diego

ITEM #4: Equipment for Mass Decontamination of EMS Resources and Facilities

- Computer aided aerosolized decontamination systems
- \$40,000



SDFD/COMSE

City of San Diego

ITEM #5: Mobile Gateways for Data Transmission

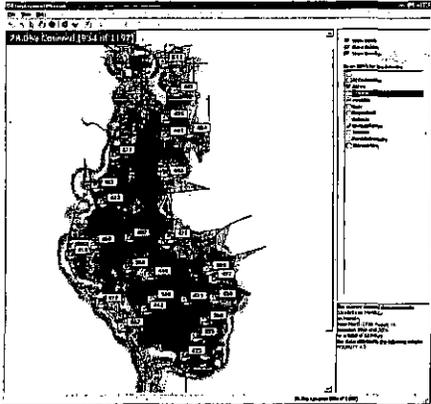
- Redundant communications for Fire and Ambulance data (WiFi, cellular, bluetooth)
- Existing hardware already on units
 - Mobile Data Computers
 - Palm Treo Smartphones for Patient Documentation
 - Cardiac/Monitors
- \$200,000

CDPO/SDM/GE

City of San Diego

ITEM #6: New Dynamic System Status Management Utility

- New technology to map and route units based on traffic patterns (live) and historical patterns
- Learns the system, uses probability/statistics to predict calls
- \$295,000

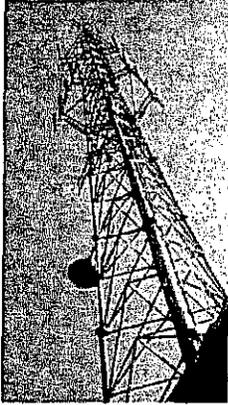


CDPO/SDM/GE

 City of San Diego 

ITEM #7: Improved Station Alerting Systems for EMS

- Purchase unit(s) to test feasibility of improved station alerting systems
- \$28,000



SDFO/SDMSE

 City of San Diego 

ITEM #8: Communications Operability with Lifeguards

- Citrix connection and licensing for Computer Aided Dispatch connection between Lifeguard Dispatch and Fire Communications Center
- \$45,000

SDFO/SDMSE



City of San Diego

ITEM #9: Addition of Automated External Defibrillators (AED) to Staff Vehicles

- Equip any Fire staff vehicle that may encounter a person suffering from sudden cardiac arrest with a lifesaving AED
- \$100,000



SAN DIEGO PROJECT HEART BEAT
PUBLIC ACCESS DEFIBRILLATION
Saving Lives in Your Community

SDPD/SDMSE



City of San Diego

Recommended Expenditures for EMS Savings

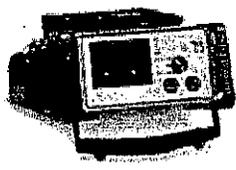
- Additional monies that are to be appropriated and expended on EMS System enhancements
- Different from "Retained Earnings" previously discussed
- Department 121 (Fire Budget Portion of SDMSE) restructured staffing on ambulances
- Resultant personnel savings to be allocated toward EMS system enhancements

SDPD/SDMSE

 City of San Diego 

Cardiac Monitor/Defibrillator for training

- Shortfall of cardiac/monitors during emergency needs (i.e. wildfires)
- Shortfall during training events



SDPD/DAISE

 City of San Diego 

Improvements to Electronic Patient Care Record Program

- SDMSE Developed "TapChart"
- Successful and Nationally Recognized
- Time to be updated



SDPD/DAISE

City of San Diego

Questions ?

Chain of survival

The diagram consists of four overlapping circles arranged in a horizontal line. Each circle contains an icon and text describing a step in the chain of survival:

- Circle 1:** Icon shows two people, one calling the other. Text: "Early recognition and call for help" (top) and "to prevent cardiac arrest" (bottom).
- Circle 2:** Icon shows a person lying on their back with hands on their chest. Text: "Early CPR" (top) and "to buy time" (bottom).
- Circle 3:** Icon shows a person lying on their back with a lightning bolt over their chest. Text: "Early defibrillation" (top) and "to restart the heart" (bottom).
- Circle 4:** Icon shows a person lying on their back with a medical device over their chest. Text: "Early resuscitation care" (top) and "to restore quality of life" (bottom).

MFD/SC/ISE

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT**Date Issued:** November 30, 2006**IBA Report Number:** 06-61**City Council Agenda Date:** December 4, 2006**Item Number:** 205 & 206**Item:** San Diego Medical Service Enterprise LLC (SDMSE): Proposed Contract Amendments to the Third Amended and Restated Operating Agreement**OVERVIEW**

There are two proposed contract amendments to the Third Amended and Restated Operating Agreement with SDMSE. The first amendment involves two proposed changes to the SDMSE profit distribution policy. This item was previously scheduled for the City Council dockets of September 25, 2006 and October 24, 2006, but subsequently withdrawn to allow staff to further clarify the requested action. The second amendment would extend the term of the SDMSE Limited Liability Company (LLC) by five years. This report attempts to clarify the requested actions and also presents recommendations that are related to those actions.

FISCAL/POLICY DISCUSSIONBackground

SDMSE is a public/private partnership (formed as a LLC) between the City and Rural/Metro of San Diego (Rural Metro). The terms and conditions of the partnership are currently set forth in a Third Amendment and Restated Operating Agreement of SDMSE (Operating Agreement) which will expire on June 30, 2008. The City previously extended the original 1997 Operating Agreement in 2002 and 2005 and will need to re-bid the contract before it expires in June 2008.

SDMSE was created in 1997 pursuant to a City request for proposal process for the provision of 911 paramedic and non-emergency medical transportation throughout San Diego County. In addition to providing emergency medical services (EMS) for the City,

SDMSE conducts other business within the County of San Diego by providing both emergency and non-emergency medical transportation services.

Proposed Contract Amendment: Profit Distributions (Item #205)

The SDMSE Operating Agreement specifies that the profits and losses of the LLC shall be shared equally by its members (the City and Rural Metro), with stated limitations for any City losses. Given that the LLC, with City consent, is able to periodically adjust its average patient charges and perform profitable non-City services, their operational revenues have always exceeded operating expenses. Revenues in excess of operating expenses may either be retained by SDMSE as equity or equally distributed as profits to the LLC members in accordance with the Operating Agreement. The IBA received information indicating that the LLC had generated approximately \$12.1 million in profits from inception through FY 05, with approximately \$4.6 million of profit distributions to the City from inception through August 2005.

As a matter of practice, profit distributions have been governed by a profit distribution policy adopted by the LLC's Board of Managers. The current profit distribution policy has five conditions that must be satisfied prior to a distribution of profits. These conditions are listed in the Report to the City Council (No. 06-184). If the conditions are satisfied, the decision to distribute profits is then made by the Board of Managers in accordance with the Operating Agreement. The Operating Agreement specifies that the Board of Managers be comprised of three City staff and two Rural Metro staff.

There are two proposed changes related to the SDMSE profit distribution policy. The first involves replacing what is referred to as the 120% requirement (whereby SDMSE must have cash reserves that are 20% greater than projected operating expenses over a three month period) with a new requirement that profit distributions can be made so long as there is a \$500,000 cash reserve. The current 120% requirement is specified within the Operating Agreement. The proposal effectively changes 120% requirement to a less restrictive requirement so that retained profits can be more easily shared with the LLC members.

The new requirement makes sense to the IBA provided that it is a prudent substitute requirement considering SDMSE's operating history and historical cash flow experience. We discussed the new \$500,000 cash reserve requirement with the City Auditor (who processes Fire-Rescue bills to SDMSE, tracks City profit distributions and receives SDMSE's annual independent audit) and they have opined that a \$500,000 reserve is adequate. As an additional check, the IBA tested the new requirement using SDMSE monthly cash flows from FY 04 through FY 06. We assumed that maximum profit distributions were made whenever the new requirement would have allowed for it (which we believe is a very conservative test as maximum distributions at every opportunity are unlikely) and found that the new requirement resulted in five relatively small negative

month end cash balances. In every instance, these hypothetical negative month end cash balances were more than covered by revenues received in the following month.

The Report to the City Council states, "As a mature enterprise, SDMSE has very stable and predictable cash expenditures and collections." The CFO of SDMSE has informed the IBA that SDMSE has not drawn on its line of credit since February of 1999 and that they will continue to avoid *utilization* of the line of credit as a matter of operating policy (accessing the line of credit could result from aggressive profit taking thereby resulting in additional interest expense for the LLC). Given these representations, the City Auditor's opinion, the other profit distribution requirements and our own cash flow testing, the IBA recommends supporting the requested change to a \$500,000 cash reserve requirement.

A second requested change related to the profit distribution policy would delegate the authority to declare a profit distribution from the Board of Managers (with a 3-2 City majority) to the officers of SDMSE (with a 2-1 Rural Metro majority). The revised Report to the City Council now recommends adding another requirement to the SDMSE profit distribution policy that would require unanimous support from the three SDMSE officers in order to make a profit distribution. The reason given for the requested change is that it would then be easier to expeditiously facilitate profit distribution decisions without the challenges of convening (or waiting for) a meeting of the Board of Managers. The IBA believes that this is a policy decision that should be guided by the City Council's comfort with the City's oversight of SDMSE operations.

Proposed Contract Amendment: Expiration Language (Item #206)

As noted above, the SDMSE Operating Agreement will terminate on or before June 30, 2008. Citing increased liability exposure for the City and the potential for lost business opportunities for the LLC, the Fire-Rescue Department is recommending a third extension of the Operating Agreement for an additional five years. The Report to the City Council mentions that the activities and operations of the SDMSE are subject to general, professional and contractual liability claims for up to four years from the time the liability accrues. If the Operating Agreement terminates, the City loses the liability protections accorded to a limited liability company. A five-year extension puts the City comfortably past the applicable four-year limitations period for claims. The Office of the City Attorney has confirmed for the IBA that there would be increased liability exposure for the City and that they support the five-year extension of the Operating Agreement as an effective means of mitigating it.

The IBA agrees that the City is a partner in the LLC and that we do not want to hinder their business opportunities (providing needed services within the County) for the remainder of the contract period. However, we are concerned that new business contracts extending beyond June 2008 could become problematic should the City ultimately select a new EMS service partner in the RFP process that may begin next fall. The Office of

the City Attorney has assured us that the draft amended Operating Agreement will have adequate protections for the City. The draft amended Operating Agreement enables the City to withdraw from the LLC at its sole discretion. It would further compel Rural Metro to assume outstanding non-City service contracts and indemnify the City for all liabilities associated with those contracts. Given the increased liability considerations and the above mentioned assurances from the Office of the City Attorney, the IBA supports the recommend five-year extension of the Operating Agreement.

Related IBA Recommendations

In researching the proposed amendments to the SDMSE Operating agreement, the IBA made some noteworthy observations. Based on those observations, we have developed the following recommendations for City Council consideration:

- 1) Several of the existing profit distribution criteria are not in the current Operating Agreement. The 120% requirement is in the Operating Agreement, but it is unclear. If the City Council adopts the recommendations in the Report to the City Council, it would be the IBA's recommendation that all of the new profit distribution criteria replace the old in the amended Operating Agreement.
- 2) The City has a budgeted position for an EMS Program Manager that has been vacant since May 2006. The EMS Program Manager position is responsible for the City's oversight of all aspects of the SDMSE operation including: response times, customer complaints, financial oversight, contract compliance, evaluation of average patient charges, etc. The IBA believes that this critical oversight responsibility requires dedicated coverage, preferably independent of Fire-Rescue to maintain objectivity, and recommends that the Mayor consider filling this position.
- 3) The City receives half of all SDMSE distributed profits. The IBA has been informed that the City's share of the profits are dedicated to "EMS enhancements" (equipment, software, paramedic certification, dispatchers, etc.); however, there is currently no policy or codified language as to how those monies are to be expended. We have been told that EMS enhancement priority may have been referenced in the City's appropriation ordinance several years ago. The IBA recommends that a thoughtful policy for the expenditure of SDMSE profits be developed and returned to the Council for adoption. A Council Policy is necessary for expenditure direction and accountability.

CONCLUSION

The IBA recommends support for the two proposed contract amendments to the SDMSE Operating Agreement for the reasons specified within this report; however, we are not

000497

providing a policy recommendation on requested delegation of profit distribution authority from the Board of Managers. We encourage the City Council to consider the related IBA recommendations (above) that we developed in preparing this report.

[SIGNED]

Jeff Kavar
Fiscal & Policy Analyst

[SIGNED]

APPROVED: Andrea Tevlin
Independent Budget Analyst

000499
Ismail, Mike

From: Purcell, Christopher
Sent: Tuesday, June 03, 2008 8:42 AM
To: Ismail, Mike
Subject: RE: 1472

Mike,

They do have the funds. While they have only received \$500,000 so far this year (another \$200,000 is expected to be received in the next day or two) the rest of the \$1,174,199.25 has been received in prior years and fallen to fund balance. The \$225,489.51 will be a small portion of a transfer of \$1,389,369 from Dept 270 to the EMS fund that will be done in the next week or so as a result of City Manager's Report 04-219.

Chris

-----Original Message-----

From: Ismail, Mike
Sent: Tuesday, June 03, 2008 7:59 AM
To: Purcell, Christopher
Subject: 1472

Good Morning,

Attached is the 1472 that I told you about. Please let me know if they have the funds.

Regards,

000501

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER 330
(FOR AUDITOR'S USE C) 03/03

TO: CITY ATTORNEY
2. FROM (ORIGINATING DEPARTMENT): Fire-Rescue
3. DATE: 5/29/08

4. SUBJECT: Appropriation of San Diego Medical Services Enterprise Retained Earnings and System Savings

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Tracy Jarman, Fire Chief, 619-533-4301, MS604
6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Rod Ballard, Deputy Chief EMS, 619-533-4306, MS603
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	10246	10246		9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	121	121		San Diego Medical Services Enterprise (SDMSE), a public/private partnership between the City and Rural/Metro of San Diego, provides medical transportation services. Earnings are distributed equally between the partners. Approval for appropriation from the City share (fund balance) is required.
ORGANIZATION	2001	2001		
OBJECT ACCOUNT	76330*	NA	*Special Rev Acct	
JOB ORDER	NA	NA		
C.I.P. NUMBER				
AMOUNT	\$1,174,199.25	\$225,489.51		

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>Case for Tracy Jarman</i>	5/30/08	8	DEPUTY CHIEF	<i>[Signature]</i>	6-2-08
2	FM	<i>Prina Kunitz</i>	6/3/08	9	COO	<i>[Signature]</i>	6/10/08
3	AUDITORS	<i>Christopher Russell</i>	6/4/08	10	CITY ATTORNEY	<i>[Signature]</i>	10/30/08
4	LIAISON OFFICE	<i>SC</i>	6/11/08	11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	10/21/08
5				DOCKET COORD: <i>[Signature]</i> COUNCIL LIAISON: <i>[Signature]</i>			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> REFER TO: _____ <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION			
7					COUNCIL DATE: 2-24-09		

11. PREPARATION OF: RESOLUTION(S) ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Authorize the Comptroller to appropriate and expend up to \$1,174,199.25 from Fund 10246, Dept 121, Special Revenue Account # 76330 and Fund Balance for the items outlined within the report.
2. Authorize the Comptroller to appropriate and expend up to \$225,489.51 from Fund 10246, Dept 121 Fund Balance for the items outlined within the report.

11A. STAFF RECOMMENDATIONS:

1. Approve the recommendation to appropriate and expend funds as outlined within the report.

12 SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): 000502

COMMUNITY AREA(S):

ENVIRONMENTAL IMPACT:

HOUSING IMPACT:

OTHER ISSUES:

000503

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: _____ REPORT NO: _____
ATTENTION: _____
ORIGINATING DEPARTMENT: Fire-Rescue
SUBJECT: Appropriation of San Diego Medical Services Enterprise
(SDMSE) Retained Earnings and System Savings
COUNCIL DISTRICT(S): All
CONTACT/PHONE NUMBER: Rod Ballard, Deputy Chief, Director Emergency Medical
Services

REQUESTED ACTION: (1) Authorize the Auditor/Comptroller to appropriate funds in Department 121 (SDMSE-Fire) identified as retained earnings (EMS Special Revenue Fund #76330) generated from the EMS system as outlined in this report. (2) Authorize the Auditor/Comptroller to appropriate fund balance in Department 121 (SDMSE-Fire) identified as system savings as outlined in this report.

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000504

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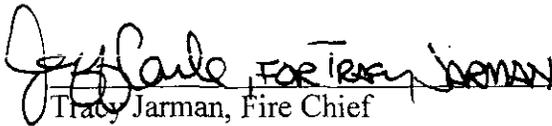
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FISCAL CONSIDERATIONS: No impact to the general fund. This report discusses appropriation of retained earnings and savings.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: RESOLUTION R-302155: Profit Distribution Methodology for SDMSE; RESOLUTION R-292161; IBA Report #06-61. Heard at Public Safety and Neighborhood Services on June 19, 2008; referred to City Council to authorize appropriation of funds as outlined within the report with a 4-0 vote.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: NA

KEY STAKEHOLDERS AND PROJECTED IMPACTS: NA


Tracy Jarman, Fire Chief
Originating Department


Jill Olen
Deputy Chief/Chief Operating Officer

ORDINANCE NUMBER O-_____ (NEW SERIES)

330
03/03

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING ORDINANCE NO. O-19774 (NEW SERIES) ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 2009 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AUTHORIZING THE APPROPRIATION OF UP \$1,399,688.76 FROM FUND 10246, DEPT 121, FUND BALANCE, FOR THE PURPOSE OF FUNDING ENHANCEMENTS TO THE CITY'S EMS SYSTEM AND AUTHORIZING SUCH EXPENDITURES.

WHEREAS, on July 28, 2008, the City Council adopted Ordinance No. O-19774 entitled An Ordinance Adopting The Annual Budget For The Fiscal Year 2009 And Appropriating The Necessary Money To Operate The City Of San Diego For Said Fiscal Year [Appropriation Ordinance]; and

WHEREAS, Fund 10246, Dept 121, Fund Balance, contains revenue generated by the City's membership in SDMSE, the City's EMS service provider, and savings realized by the EMS System; and

WHEREAS, on December 4, 2006, the City Council adopted resolution R-302155 to change the SDMSE profit distribution policy and requested that staff return with recommendations on uses for such profit; and

WHEREAS, the Fire-Rescue Department has identified EMS system needs, as described in the accompanying executive summary;

WHEREAS, the Mayor has no veto power over this ordinance pursuant to Section 280(a)(4) of the City Charter; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

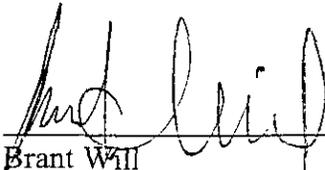
Section 1. That the Appropriation Ordinance is hereby amended to appropriate up to \$1,399,688.76 from Fund 10246, Dept 121, Fund Balance.

Section 2. That the Comptroller is authorized to expend up to \$1,399,688.76 for the purpose of funding EMS system enhancements, as describe in the executive summary which is on file with the Clerk's office as document no. OO-_____.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 4. This ordinance is declared to take effect and be in force immediately upon its final passage after two public hearings pursuant to the authority contained in sections 71, 275 and 295 of the Charter of the City of San Diego.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Brant Will
Deputy City Attorney

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10/30/08
02/23/09 COR.COPY
Or.Dept:Fire-Rescue
O-2009-70

RESOLUTION NUMBER R-302155

DATE OF FINAL PASSAGE DECEMBER 15, 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING THE THIRD AMENDED AND RESTATED OPERATING AGREEMENT OF SAN DIEGO MEDICAL SERVICES ENTERPRISE, LLC TO CHANGE THE PROFIT DISTRIBUTION POLICY OF THE COMPANY.

WHEREAS, San Diego Medical Services Enterprise, LLC [SDMSE] is the EMS system 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 in the office of the City Clerk as Resolution No. R-299840, authorizing and directing the Mayor 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 in the office of the City Clerk as Document No. RR.229840.1, on November 30, 2004; and

WHEREAS, the officers of SDMSE recommended and the Board of Managers of SDMSE approved the modification of the profit distribution policy of SDMSE contained in the Operating Agreement in the manner described in Staff report; and

WHEREAS, the president of Rural Metro of San Diego has approved the modification of the profit distribution policy of SDMSE contained in the Operating Agreement in the manner 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.

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 change the profit distribution of SDMSE, the form of which is on file in the office of the City Clerk as Document No.

RR-302155.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Brant C. Will
Deputy City Attorney

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Or.Dept:SDMSE
R-2007-258

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of December 4, 2006.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor