

RESOLUTION NUMBER R- 315092DATE OF FINAL PASSAGE AUG 08 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE RETENTION OF WRIGHT,
L'ESTRANGE & ERGASTOLO AS OUTSIDE COUNSEL TO
PROVIDE LEGAL SERVICES RELATING TO EMERGENCY
MEDICAL SERVICES AND AMBULANCE SERVICES.

WHEREAS, the City of San Diego (City) seeks legal advice and counsel related to its
Emergency Medical Services (EMS) and the delivery of ambulance services within its municipal
boundary; and

WHEREAS, the City currently provides Advanced Life Support (ALS) emergency
ambulance services within the City's municipal boundary through a contract with Falck Mobile
Health Corporation (Falck); and

WHEREAS, the City awarded Falck the contract pursuant to a competitive procurement
process on April 29, 2021; and

WHEREAS, San Diego Fire-Rescue (Fire-Rescue) oversees the Falck contract; and

WHEREAS, due to deficient ALS unit hour staffing by Falck, Fire-Rescue is in the
process of approving its second of two contract amendments to transition to an Alliance service
delivery model which will allow the City to stabilize the ambulance transport services provided
by Falck as an immediate remedy, while also pursuing and evaluating long-term legal options for
operation of its EMS system and ambulance services; and

WHEREAS, as the City moves into an Alliance service delivery model and evaluates its options for the delivery of ambulance services, the Fire-Rescue Department requires navigation of a complex set of statutes and other authorities, best evaluated by industry legal experts; and

WHEREAS, operation of the EMS system is dictated by California's Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, codified in California Health and Safety Code (Health and Safety Code) section 1797 *et. al.* (EMS Act); and

WHEREAS, for the City to best understand the scope of its EMS rights, as well as the terms and conditions under which EMS is provided, it must consider all relevant portions of the City Charter power, the EMS Act, including sections 1797.85, 1797.201 and 1797.224, California Government Code section 38794, recent statewide EMS legislation, and the City's contracts with San Diego County Medical Services; and

WHEREAS, due to the legal complexities surrounding the City's EMS rights, an expert in the EMS legal field is required for the City to understand its options under the Health and Safety Code and recent EMS legislation to optimize the delivery of EMS services to the City of San Diego; and

WHEREAS, comprehensive analysis and legal advice related to Health and Safety Code, particularly as it relates to the City's EMS system, is a specialized area of the law requiring specific expertise and experience; and

WHEREAS, Wright, L'Estrange & Ergastolo (WLE) has significant expertise advising and representing California fire agencies and associations on emergency medical services and ambulance law, including service rights under the EMS Act; and

WHEREAS, WLE has represented and advised more than 35 city, county, and district fire agencies, fire agency associations, and other local agencies in California on matters related to EMS and ambulance services; and

WHEREAS, WLE is able to perform the requested services at an hourly rate typically billed by the law firm; and

WHEREAS, the Purchasing and Contracting Director has executed a sole source certification memo to proceed with retention of WLE based on its unique qualifications; and

WHEREAS, pursuant to San Diego City Charter Article 5, section 40, the City Council is empowered to employ outside counsel when such assistance or advice is necessary; and

WHEREAS, the amount of the contract with WLE (Legal Services Agreement) is for an amount not to exceed \$50,000 and for a term of up to one year or upon completion of the scope of services, whichever occurs first; and


WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the City Attorney's Office is authorized to retain WLE as outside counsel to provide legal services to the City related to City's EMS and ambulance services under a contract with an amount not to exceed \$50,000 for a term of up to one year or upon completion of the scope of services, whichever occurs first.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$50,000 from the General Fund No. 100000 G/L Account No. 512028, Cost Center 121111111, to provide funds for the contract, contingent

upon the adoption of the Appropriation Ordinance for the applicable Fiscal Year, and contingent upon the Chief Financial Officer first furnishing one or more certificates that the funds necessary are, or will be, on deposit in the City Treasury.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Daniel S. Orloff
Deputy City Attorney

DO1:jdf:cm
June 7, 2023
Or.Dept: City Attorney
Doc. No. 3308728

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 01 2023.

DIANA FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 8/8/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on AUG 01 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUG 08 2023

Date of final passage _____.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By *Kristell Medina*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 315092