



SANTEE-LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY

COMMISSION REGULAR MEETING AGENDA

May 11, 2023 – 4:00 P.M.

Meeting Information

Board Chambers
Lakeside Fire Protection District, Station 2
12216 Lakeside Avenue, Lakeside, CA 92040

Public Virtual Option

To join virtually click the link: <https://meet.google.com/hpn-qsyh-qfq?authuser=0>
By phone call: 1-402-588-0223 A pin number will be required, please enter 362 772 387#

1. CALL MEETING TO ORDER

2. ROLL CALL

3. AB-2449 APPROVE BOARD MEMBERS REQUEST

If a request is submitted, consider approval of the Commissioner's request to participate remotely and utilize Just Cause or Emergency Circumstance per AB 2449.

4. PLEDGE OF ALLEGIANCE

5. CONSENT CALENDAR

5A. FEBRUARY 09, 2023 COMMISSION MEETING MINUTES

6. PUBLIC COMMENT - Any person may address the Commission upon any subject not appearing on the posted agenda, which is within the subject matter jurisdiction of the Authority. Any person may also address the Commission on any items on the posted agenda at the time that matter is discussed, prior to Commission action. Speakers are asked to submit a Speaker Slip form and submit it to the Commission Secretary at the beginning of the Commission meeting or no later than five minutes before the item is to be heard. Speakers are asked to state their name and address and observe a time limit of three **(3) minutes**.

7. NEW BUSINESS

7A. CONFLICT OF INTEREST CODE (COI) FOR THE JPA (ACTION) -

Review and consider adoption of the Conflict of Interest Code for SLEMSA.

7B. SANTEE LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY INTERIM BUDGET (ACTION)

The Interim Budget is for initial review, discussion, and approval. The purpose of the Interim budget is to establish an approved budget in which to operate the SLEMSA through.

7C. THE FIRST AMENDMENT TO THE SANTEE – LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY JOINT EXERCISE OF POWER AGREEMENT (ACTION)

The First Amendment addresses and clarifies indemnification and insurance coverage related to Authority's administration and governance.

8. OLD BUSINESS

9. FUTURE AGENDA ITEMS

10. REPORTS

10A. COMMISSIONERS

10B. BOARD OF CHIEFS

10C. OPERATIONAL UPDATES

11. ADJOURNMENT

The next Commission will be held on August 10, 2023

All meetings are open and public and meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof. If you need special assistance to participate in this meeting, please contact the Commission's Secretary at info@santeelakesideemsa.org. Please contact the office 48 hours prior to the meeting to allow the Authority time to make reasonable accommodations to ensure accessibility to this meeting.

SANTEE-LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY
REGULAR MEETING MINUTES

Commission

February 9, 2023 – 4:00 P.M.

Meeting Information

Board Chambers

Lakeside Fire Protection District, Station 2

12216 Lakeside Avenue, Lakeside, CA 92040

1. CALL MEETING TO ORDER

The meeting was called to order at 4:00 pm.

2. ROLL CALL

Present:

Mark Baker, Lakeside Fire Protection District

James Bingham, Lakeside Fire Protection District

Laura Koval, City of Santee

Dustin Trotter, City of Santee

Steve Boehmer, Authority Attorney

Janise Bocskovits, Commission Secretary

Also present:

Justin Matsushita , Fire Chief of the Santee Fire Department

3. PLEDGE OF ALLEGIANCE

Laura Koval led the Pledge of Allegiance.

4. CONSENT CALENDAR

4A. November 17, 2022 Commission Meeting Minutes

4B. December 20, 2022 Special Commission Meeting Minutes

Motion to approve the consent calendar.

Moved by Jim Bingham, seconded by Mark Baker

Ayes: Mark Baker, Jim Bingham, Laura Koval, Dustin Trotter

Noes: None.

Abstain: None.

Absent: None.

5. PUBLIC COMMENT –

Dustin Garhartt representing the Santee firefighters Association spoke regarding item #6D Operational Updates.

6. NEW BUSINESS

6A. LOGO (INFORMATIONAL ONLY)

Presentation SLEMSA Logos approved by the Board of Chiefs.

The Logos were displayed and reviewed by the commission.

6B. ADMINISTRATIVE SERVICES PROVIDER FEE (ACTION)

The City of Santee has taken the role of the Administrative Services Provider (ASP) for the Santee-Lakeside Emergency Medical Services Authority (SLEMSA). As outlined in the JPA Agreement (Section 9.G(2)(b)) the Fee for Services must be approved by the Commission.

The proposed fee was presented to the Commissioners. The Commission reviewed the breakout of fees shown in the 6B attachment "Administrative Services Provider Calculation"

Motion to approve the Administrative Services Provider Fee.

Moved by Jim Bingham, seconded by Dustin Trotter

Ayes: Mark Baker, Jim Bingham, Laura Koval, Dustin Trotter

Noes: None.

Abstain: None.

Absent: None.

6C. SANTEE LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY INTERIM BUDGET (ACTION)

The Interim Budget is for initial review, discussion, and approval. The proposal of the Interim budget is to establish an approved budget in which to operate the SLEMSA through June 30, 2023. After this date SLEMSA will operate under a traditional Operating Budget.

The SLEMSA Interim Budget totals \$1,282,360. A portion of this budget is the PP GEMT IGT payment of \$839,300. The remain operating expenditures are \$443,060. Estimated revenue through January 2023 to June 2023 is \$6,338,300 with the PP GEMT IGT portion to be \$1,089,300. The JPA will receive a distribution on February 1, 2023 from the County representing ninety percent (90%) of the CSA 69's current fund balance. The JPA will receive additional distributions of remaining funds in June 2023, February 2024 and a final distribution in June 2024.

It was requested of staff to send the next budget for approval to the Commissioners at least 2 week ahead of the meeting which the items is being taken for approval.

Motion to approve the Santee-Lakeside Emergency Medical Services (SLEMSA) Interim Budget

Moved by Dustin Trotter, seconded by Laura Koval

Ayes: Mark Baker, Jim Bingham, Laura Koval, Dustin Trotter

Noes: None.

Abstain: None.

Absent: None.

6D. OPERATIONAL UPDATES (ACTION)

Staff has developed and is recommending operational changes are necessary to maintain the delivery of emergency medical services while focusing on; fiscal responsibility, operational efficiency, and system enhancements for internal and external customer service.

A PowerPoint slide show was shown to outline the recommended operation changes and supporting data as well as financial effects of the proposed changes. The commission would like for the SLEMSA financial team to bring to the Commission what a proper reserve maximum should be.

Motion to approve the operational recommendations to enhance emergency medical services provided by SLEMSA.

Moved by Dustin Trotter, seconded by Laura Koval

Ayes: Mark Baker, Jim Bingham, Laura Koval, Dustin Trotter

Noes: None.

Abstain: None.

Absent: None.

7. OLD BUSINESS

It was discussed that the formal recording of SLEMSA as a JPA is January 27, 2023. The operational control started on January 1, 2023.

8. FUTURE AGENDA ITEMS

No future agenda items to discuss.

9. COMMISSION AND STAFF REPORTS

No reports given.

10. ADJOURNMENT

Meeting adjourned at 5:10 PM

Commission Secretary, Janise Bocskovits

Date



SANTEE-LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY

Meeting Date: May 11, 2023

Item No: 7A

Agenda Item Title: CONFLICT OF INTEREST CODE (COI) FOR THE JPA

Recommended Action: It is recommended that the Commission review and adopt Resolution # 23-001 approving the Conflict of Interest Code.

Discussion: One of the purposes of the Political Reform Act of 1974, as codified in Government Code Section 87100 et seq. (the "Act"), is to require that local government agencies serve the needs and respond to the wishes of all citizens equally, without regard to their wealth. Another purpose of the Act is to assure that public officials and employees perform their duties in an impartial manner free from bias caused by their own financial interests or the financial interests of those who have supported them.

As a local government agency, the Santee-Lakeside Emergency Medical Services Authority ("SLEMSA") is required to adopt and promulgate a Conflict of Interest Code (the "Code") in accordance with the Political Reform Act (Government Code Section 8100, et seq.). Government Code Section 87302 requires SLEMSA to adopt and promulgate a Conflict of Interest Code (the "Code") to implement the purposes of the Act with respect to certain designated employees and consultants of SLEMSA. In addition, SLEMSA's Code incorporates the requirement that the JPA abide by the provisions of the Political Reform Act as it exists or may be amended from time to time by the Fair Political Practices Commission ("FPPC").

The Code must contain an enumeration of the positions within SLEMSA which involve the making or the participating in making of decisions which may be foreseeable and have a material effect on any financial interest. The Code must also contain a requirement that certain designated employees and consultants file at a specified time statements of economic interests disclosing reportable investments, interests in real property and income.

In addition, the Code must contain specific provisions setting forth any circumstances under which specified designated employees and consultants must disqualify themselves from making, participating in the making or using their official position to influence the making of any decision when the designated employee or consultant has a financial interest wherein it is reasonably foreseeable may be affected materially by the decision. The positions designated in the Code as required to file statements of economic interests are in addition to those positions listed in Government Code section 87200, which are statutorily required to file statements of economic interest under Government Code sections 87201, *et seq.*

As a new agency, SLEMSA is initially adopting and approving the Code as required by the Act. Following SLEMSA's initial approval and adoption of the Code, the FPPC requires that all local government agencies review their codes biennially.

Upon approval, SLEMSA's Code will be submitted to SLEMSA's Code Reviewing Body, the San Diego County Board of Supervisors, for review and approval, pursuant to Government Code section 87303. Upon review and approval of the Code by the San Diego County Board of Supervisors, the Code shall become effective.

Attachment: Resolution # 23-001

RESOLUTION NO. 23-001

RESOLUTION OF THE COMMISSON FOR THE SANTEE-LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY APPROVING ITS CONFLICT OF INTEREST CODE

WHEREAS, one of the purposes of the Political Reform Act of 1974, as codified in Government Code Section 87100 et seq. (the "Act"), is to require that local governments serve the needs and respond to the wishes of all citizens equally, without regard to their wealth; and

WHEREAS, another purpose of the Act is to assure that public officials and employees perform their duties in an impartial manner free from bias caused by their own financial interests or the financial interests of those who have supported them; and

WHEREAS, as a local government agency, the Santee-Lakeside Emergency Medical Services Authority ("SLEMSA") is required to adopt and promulgate a Conflict of Interest Code (the "Code") in accordance with the Political Reform Act (Government Code Section 8100, et seq.); and

WHEREAS, Government Code Section 87302 requires SLEMSA to adopt and promulgate a Conflict of Interest Code (the "Code"), attached hereto as Exhibit "A," to implement the purposes of the Act with respect to certain designated employees and consultants of SLEMSA; and

WHEREAS, in addition, SLEMSA's Code incorporates the requirement that the District abide by the provisions of the Political Reform Act as it exists or may be amended from time to time by the Fair Political Practices Commission ("FPPC"); and

WHEREAS, the Code must contain an enumeration of the positions within SLEMSA which involve the making or the participating in making of decisions which may be foreseeable and have a material effect on any financial interest; and

WHEREAS, the Code must contain a requirement that certain designated employees and consultants file at a specified time statements of economic interests disclosing reportable investments, interests in real property and income; and

WHEREAS, the Code must contain specific provisions setting forth any circumstances under which specified designated employees and consultants must disqualify themselves from making, participating in the making or using their official position to influence the making of any decision when the designated employee or consultant has a financial interest wherein it is reasonably foreseeable may be affected materially by the decision; and

WHEREAS, the positions designated in the Code as required to file statements of economic interests are in addition to those positions listed in Government Code section 87200, which are statutorily required to file statements of economic interest under Government Code sections 87201, et seq.; and

WHEREAS, as a new agency, SLEMSA is adopting and approving the Code as required

by the Act; and

WHEREAS, following SLEMSA’s initial approval and adoption of the Code, the FPPC requires that all local government agencies review their codes biennially; and

WHEREAS, SLEMSA’s Code will be submitted to SLEMSA’s Code Reviewing Body, the San Diego County Board of Supervisors, for review and approval pursuant to Government Code section 87303, at which point the Code will become effective.

NOW, THEREFORE, BE IT RESOLVED, the Santee-Lakeside Emergency Medical Services Authority hereby resolves, determines, and orders as follows:

SECTION 1: That the Conflict of Interest Code of the Santee-Lakeside Emergency Medical Services Authority, a Public Agency, attached hereto as Exhibit “A”, is hereby approved and adopted.

SECTION 2: Upon approval, the Conflict of Interest Code, attached hereto as Exhibit “A,” will thereafter be submitted to Santee-Lakeside Emergency Medical Services Authority’s Code reviewing body, the San Diego County Board of Supervisors, for review and approval pursuant to Government Code section 87303.

SECTION 3: Upon review and approval by the Santee-Lakeside Emergency Medical Services Authority’s Code reviewing body, the San Diego County Board of Supervisors, the Code shall become effective.

***PASSED and ADOPTED** by the Commission of the Santee-Lakeside Emergency Medical Services Authority, County of San Diego, State of California, on the 11th Day of May 2023, by the following vote:*

AYES:

NOES:

ABSTAIN:

ABSENT:

Laura Koval
Chairperson

Janise Bocskovits
Secretary of the Commission

SANTEE-LAKESIDE
EMERGENCY MEDICAL SERVICES AUTHORITY
CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix "A" and Appendix "B", designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Santee-Lakeside Emergency Medical Services Authority ("SLEMSA").

Individuals holding designated positions shall file their statements of economic interests with SLEMSA, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by SLEMSA.

DESIGNATED POSITIONS

<u>Titles</u>	Assigned Disclosure Category
Commissioner	1
Board Member	1
Staff of the Administrative Services Provider, <i>including but not limited to</i>	
.....	
Director of Finance	1
Management Analyst	1
Transitional Manager	1

**OTHER REPORTING
REQUIREMENTS**

Consultants (Defined in FPPC Regulation 18701(a)(2) The positions of the following consultants presently Retained by the Authority: Attorney(s).....	1
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APPENDIX B

DISCLOSURE CATEGORIES OF REPORTABLE ECONOMIC INTERESTS

1. FULL DISCLOSURE

What to report? All investments and business positions in business entities, sources of income including gifts, loans and travel payments, and interests in real property.

What Form 700 schedules? All Schedules. (A through E)

2. AUTHORITY RELATED INCOME

What to report? All investments and business positions in business entities and sources of income including gifts, loans and travel payments if the source is of a type which provides, manufactures, or supplies services, supplies, materials, machinery or equipment of the type utilized by or subject to the review or approval of the Authority.

What Form 700 schedules? A, C, D, E

3. AUTHORITY-RELATED INCOME, REAL PROPERTY

What to report? All investments and business positions in business entities and sources of income including gifts, loans and travel payments if the source is of a type which provides, manufactures, or supplies services, supplies, materials, machinery or equipment of the type utilized by or subject to the review or approval of the Authority and all interests in real property.

What Form 700 schedules? All Schedules (A through E)

4. DIVISION-RELATED INCOME (Administration, Operations)

What to report? All investments and business positions in business entities and sources of income including gifts, loans and travel payments if the source is of a type if the source is of a type which provides, manufactures or supplies equipment, supplies, material, services or machinery of the type utilized by or subject to the review or approval of the department in which that person is employed.

What Form 700 schedules? A, C, D, E

FORM 700 SCHEDULES - DESCRIPTION

Form 700

- Schedules A-1 Investments (Stocks, Bonds, and Other Interests (Ownership Interest is less than 10%))
- Schedules A-2 Investments, Income and Assets of Business Entities/Trusts (Ownership Interest is 10% or Greater)
- Schedule B Interests in Real Property (Including Rental Income)
- Schedule C Income, Loans and Business Positions (Other than Gifts and Travel Payments)
- Schedule D Income-Gifts
- Schedule E Travel Payments, Advances and Reimbursements



SANTEE-LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY

Meeting Date: May 11, 2023

Item No: 7B

Agenda Item Title: SLEMSA PRELIMINARY OPERATING BUDGET

Recommended Action: Adopt Resolution 23-002 approving the SLEMSA Preliminary Operating Budget

Discussion:

The Preliminary Operating Budget is presented to the SLEMSA Commission and public for review, discussion, and adoption. The purpose of the Preliminary Operating Budget is to establish an approved budget in which to operate the SLEMSA until the Final Operating Budget is developed.

With the dissolution of CSA 69, the SLEMSA is now managing the ambulance billing, collecting and distributing billing revenue, reconciling Fire Benefit Fee and Property Tax revenues, and allocating all revenues to the City of Santee and the Lakeside Fire Protection District on an equal basis. The Preliminary Operating Budget accounts for the revenues received and the expenditures necessary to support the JPA and its activities.

The JPA's expenditures are primarily tied to the costs associated with collecting, distributing, and reconciling the Authority's revenues. The JPA is responsible for the following expenditures; billing contractor, Administrative Service Provider (ASP) fee, SLEMSA attorney fees, bank fees, audit fees, special tax consultant, and other necessary items. The Preliminary Operating Budget includes a payment amount for participation in the Public Provider Ground Emergency Transport Intergovernmental Transfer (PP GEMT IGT) program. This program has been set up to assist ambulance carriers in collecting an add-on increase to the fee-for-services fee schedule. The program requires an upfront payment.

Fiscal Impact:

The SLEMSA Preliminary Operating Budget totals \$1,928,890. A significant portion of this budget is the PP GEMT IGT payment of \$1,396,500. The remaining operating expenditures are \$532,390. Estimated revenue for Fiscal Year 2023-24 is \$11,757,200 with the PP GEMT IGT portion expected to be \$1,896,500. The JPA continues to receive distributions from the County of San Diego for collected CSA 69 revenues, such as older ambulance billings (prior to January 1, 2023), GEMT, property tax and special assessment taxes. The JPA will receive distributions from the County of San Diego of remaining funds in June 2023, February 2024 and a final distribution in June 2024

Attachments:

Resolution # 23-002

Exhibit "A" - SLEMSA Interim Budget

RESOLUTION NO. 23-002

**RESOLUTION OF THE COMMISSION FOR THE SANTEE-LAKESIDE
EMERGENCY MEDICAL SERVICES AUTHORITY ADOPTING
PRELIMINARY BUDGET FOR FISCAL YEAR 2023/2024**

WHEREAS, the Santee-Lakeside Emergency Medical Services Authority (hereinafter referred to as “SLEMSA”) is required to adopt a preliminary budget, on or before June 1 of each year, as required by section 13890 of the Health & Safety Code; and

WHEREAS, SLEMSA has made recommendations and submitted the proposed preliminary budget, attached hereto as Exhibit “A,” for review and adoption at a publicly noticed meeting; and

WHEREAS, SLEMSA has determined that there will be enough revenue and fund balance to adequately meet total expenditures for Fiscal Year 2023/2024.

NOW, THEREFORE, BE IT RESOLVED, the Commission for the Santee-Lakeside Emergency Medical Services Authority does hereby adopt the preliminary budget for the Fiscal Year 2023/2024 with a total expenditure and operating fund transfer requirement of \$9,662,910, attached hereto as Exhibit “A,”; and

BE IT FURTHER RESOLVED by the Commission for the Santee-Lakeside Emergency Medical Services Authority that the means of financing the expenditure requirement will be by monies derived from all revenue sources, available fund balance, and designated reserve fund balances; and

BE IT FURTHER RESOLVED that the Final Budget will be adopted prior to October 1, 2023, in accordance with Section 13895 of the Health & Safety Code.

***PASSED and ADOPTED** by the Commission of the Santee-Lakeside Emergency Medical Services Authority, County of San Diego, State of California, on the 11th Day of May 2023, by the following vote:*

AYES:

NOES:

ABSTAIN:

ABSENT:

Laura Koval
Chairperson

Janise Bocskovits
Clerk of the Commission

Santee-Lakeside Emergency Medical Services Authority
Fiscal Year 2023-24 Preliminary Budget
May 11, 2023

	FY 2022-23 (Interim Budget)		FY 2023-24
	Adopted	Estimated	Preliminary Budget
BEGINNING BALANCE	\$ -	\$ -	\$ 316,800
OPERATING REVENUE			
Ambulance Fees	2,798,000	2,700,000	5,819,800
Fire Benefit Fee	1,500,000	1,500,000	3,186,000
Property Tax	415,000	415,000	854,900
GEMT (old program)	536,000	533,720	-
PP GEMT IGT	1,089,300	649,000	1,896,500
Revenue Totals	6,338,300	5,797,720	11,757,200
OPERATING EXPENDITURES			
Billing Contractor	184,600	159,080	366,520
Administrative Service Provider (ASP)	101,530	101,530	101,530
Attorney Fees	60,000	70,000	25,000
Special Tax Consultant	8,000	12,500	7,140
Bank Fees	3,000	3,000	7,200
Audit Fees	5,000	5,000	5,000
Insurance	-	5,000	5,000
Other As-Needed Professional Services	15,000	-	15,000
PP GEMT IGT Buy In	839,300	399,000	1,396,500
Transition Manager	41,430	41,430	-
Expenditure Totals	1,257,860	796,540	1,928,890
JPA Reserve (25% of total expenditures)	316,800	316,800	482,200
Total Net Revenue (available for distribution)	\$ 4,763,640	\$ 4,684,380	\$ 9,662,910
DISTRIBUTION			
City of Santee	\$ 2,381,820	\$ 2,342,190	\$ 4,831,455
Lakeside Fire Protection District	\$ 2,381,820	\$ 2,342,190	\$ 4,831,455



SANTEE-LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY

Meeting Date: May 11, 2023

Item No: 7C

Agenda Item Title: THE FIRST AMENDMENT TO THE SANTEE – LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY JOINT EXERCISE OF POWER AGREEMENT

Recommended Action: It is recommended that the Commission review and approve the first amendment to the JPA agreement.

Discussion:

The purpose of the original Agreement is to (1) create the Santee-Lakeside Emergency Medical Services Joint Powers Authority; (2) to provide for the administration of the Authority; and (3) to jointly through the Authority exercise the common powers of the Parties by administering, funding, managing and overseeing coordination of ALS ambulance transport services by the member agencies.

The Agreement may be amended by a majority vote of the Commission only after approval of two-thirds vote of the member agencies. The Commission shall initiate any proposed amendment by requesting a formal recommendation from the Board of Chiefs, if applicable. The Commission shall then forward the proposed amendment with its recommendation to the governing body of each member agency to the Agreement. The proposal shall be accompanied by a copy of the proposed amendment to the Agreement, which shall be adopted, properly executed, and returned to the Commission if the member agencies concur with the amendment.

The First Amendment addresses and clarifies indemnification and insurance coverage related to Authority's administration and governance.

Attachment: Resolution 23-003 with Exhibit A - Revised First Amendment Agreement

RESOLUTION NO. 23-003

RESOLUTION OF THE COMMISSION FOR THE SANTEE-LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY TO APPROVE FIRST AMENDMENT TO SANTEE-LAKESIDE EMERGENCY MEDICAL SERVICES AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT

WHEREAS, on or about August 23, 2022, the Parties entered into the Santee-Lakeside Emergency Medical Services Authority Joint Exercise of Powers Agreement (“Agreement”) pursuant to Articles 1 through 4, Chapter 5, Division 7, Title 1 of the Government Code of the State of California (commencing with Section 6500) relating to the joint exercise of powers common to public agencies by the Parties to permit the joint exercise of certain powers both have in common; and

WHEREAS, the Parties are authorized to jointly exercise their powers pursuant to the provisions of Article 2, Chapter 4; Part 2, Division 2, Title 5, Sections 55631 through 55634, and Articles 1 through 4, Chapter 5, Division 7, Title 1 (commencing with Section 6500), of the Government Code of the State of California; and

WHEREAS, the purpose of the Agreement is to (1) create the Santee-Lakeside Emergency Medical Services Joint Powers Authority; (2) to provide for the administration of the Authority; and (3) to jointly through the Authority exercise the common powers of the Parties by administering, funding, managing and overseeing coordination of ALS ambulance transport services by said Member Agencies. Such purpose is accomplished and common powers exercised in the manner set forth in the Agreement; and

WHEREAS, the Agreement stated above may be amended by a majority vote of the Commission only after approval of two-thirds vote of the Member Agencies. The Commission shall initiate any proposed amendment by requesting a formal recommendation from the Board of Chiefs, if applicable. The Commission shall then forward the proposed amendment with its recommendation to the governing body of each Party to the Agreement. The proposal shall be accompanied by a copy of the proposed amendment to the Agreement, which shall be adopted, properly executed, and returned to the Commission if the Party concurs with the amendment. The Secretary shall notify each Party of the resultant action; and

WHEREAS, the Member Agencies wish for this First Amended Agreement to amend the terms of the Agreement stated above regarding the subject matters contained herein, and for the new terms to be effective on the last signature date on the First Amended Agreement; and

WHEREAS, the Member Agencies desire for all terms of the previous Agreement referenced above to remain effective to the extent they are not amended by this First Amended Agreement.

NOW, THEREFORE, BE IT RESOLVED, the Commission of the Santee-Lakeside Emergency Medical Services Authority hereby resolves, determines, and orders as follows:

SECTION 1: The above recitals are true and correct and are deemed to be findings by the Commission.

SECTION 2: Section 17 of the Agreement shall be amended as set forth in the First Amended Agreement attached to this Resolution as Exhibit “A.”

***PASSED and ADOPTED** by the Commission of the Santee-Lakeside Emergency Medical Services Authority, County of San Diego, State of California, on the 11th Day of May 2023, by the following vote:*

AYES:

NOES:

ABSTAIN:

ABSENT:

Laura Koval
Chairperson

Janise Bocskovits
Secretary of the Commission

Attachments: Exhibit “A”

**FIRST AMENDMENT TO
SANTEE-LAKESIDE
EMERGENCY MEDICAL SERVICES AUTHORITY
JOINT EXERCISE OF POWERS AGREEMENT**

THIS FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT (~~“(First Amended Agreement)”~~Amendment”) is made and entered into this 13th day of ~~December 2022~~ 2023, by and between the City of Santee (~~“(Santee)”~~), a California charter city and municipal corporation, and the Lakeside Fire Protection District (~~“(LFPD)”~~ ~~(collectively, “Parties”)~~), organized and existing under the Fire Protection District Law of 1987, Health and Safety Code section 13800 *et seq.* ~~(collectively, “Parties”)~~.

RECITALS

WHEREAS, the Parties are authorized to jointly exercise their powers pursuant to the provisions of Article 2, Chapter 4; Part 2, Division 2, Title 5, Sections 55631 through 55634, and Articles 1 through 4, Chapter 5, Division 7, Title 1 (commencing with Section 6500), of the Government Code of the State of California; and

WHEREAS, on or about August 23, 2022, the Parties entered into the Santee-Lakeside Emergency Medical Services Authority Joint Exercise of Powers Agreement (~~“(Agreement)”~~) pursuant to Articles 1 through 4, Chapter 5, Division 7, Title 1 of the Government Code of the State of California (commencing with Section 6500) relating to the joint exercise of powers common to public agencies by the Parties to permit the joint exercise of certain powers both have in common; and

WHEREAS, the purpose of the Agreement is to (1) create the Santee-Lakeside Emergency Medical Services Joint Powers Authority; (2) to provide for the administration of the Authority; and (3) to jointly through the Authority exercise the common powers of the Parties by administering, funding, managing and overseeing coordination of ALS advanced life support ambulance transport services by said Member Agencies. Such purpose is accomplished and common powers exercised in the manner set forth in the Agreement; and

WHEREAS, the Agreement ~~stated above~~ may be amended by a majority vote of the Commission only after approval of two-thirds vote of the Member Agencies. The Commission shall initiate any proposed amendment by requesting a formal recommendation from the Board of Chiefs, if applicable. The Commission shall then forward the proposed amendment with its recommendation to the governing body of each Party to the Agreement. The proposal shall be accompanied by a copy of the proposed amendment to the Agreement, which shall be adopted, properly executed, and returned to the Commission if the Party concurs with the amendment. The Secretary shall notify each Party of the resultant action; and

WHEREAS, the Parties wish for this First Amended Agreement Amendment to amend the terms of the Agreement ~~stated above~~ regarding the subject matters contained herein, and for the new terms to be effective on the last signature date set forth below (~~“(Effective Date)”~~); and

WHEREAS, the Parties desire for all terms of the ~~previous Agreement~~ referenced above to remain effective to the extent they are not amended by this First Amended

Agreement Amendment.

NOW, THEREFORE, the Parties, for and in consideration of the mutual benefits, promises, and agreements set forth herein, agree as follows:

AGREEMENT

Section 1. The foregoing recitals are true and correct.

Section 2. Section 17 of the Agreement is hereby revised to read as follows:

SECTION 17. Hold Harmless.

Each Member Agency agrees to defend, indemnify, and hold harmless the other individual Member Agencyies (including its~~their~~ officers, elected or appointed officials, employees, agents, and volunteers) and the Authority (including its officers, elected or appointed officials, employees, agents, and volunteers) from and against any and all claims, damages, losses, expenses, fines, penalties, judgments, demands and defense costs (including, without limitation, actual, direct, out-of-pocket costs and expenses and amounts paid in compromise or settlement and reasonable outside legal fees arising from litigation of every nature or liability of any kind or nature including civil, criminal, administrative or investigative) arising out of or in connection with ~~the~~that individual Member Agency's (including its officers, elected or appointed officials, employees, agents and volunteers) negligent or reckless performance of duties or activities arising under this Agreement or as a result of the management by and operations of the Member Agency providing Emergency Medical Services pursuant to the Agreement. ~~The provisions of this Section 17 shall survive the termination or expiration of this Agreement.~~

The Authority shall defend, indemnify, and hold harmless each Member Agency (including the Member Agency's officers, elected or appointed officials, employees, agents, and volunteers) from any and all claims, damages, losses, expenses, fines, penalties, judgments, demands and defense costs (including, without limitation, actual, direct, out-of-pocket costs and expenses and amounts paid in compromise or settlement and reasonable outside legal fees arising from litigation of every nature or liability of any kind or nature including civil, criminal, administrative or investigative) arising out of or in connection with the negligent acts, errors, or omissions of the Commission or Board of Chiefs, while acting within the scope of their authority under this Agreement, including but not limited to, claims arising under the Ralph M. Brown Act (Gov. Code § 54950 et seq.), the Political Reform Act (Gov. Code § 81000 et seq.), or Government Code section 1090. This duty to defend, indemnify, and hold harmless only

applies to the limited governance functions performed by the Commission or Board of Chiefs. It expressly does not apply to any operational issues that are performed by the Member Agencies, who are solely responsible for operational activities.

The provisions of this Section 17 shall survive the termination or expiration of this Agreement.

Section 3. Subsection (G)(2)(g) of Section 9 of the Agreement is deleted in its entirety.

IN WITNESS THEREOF, the Parties hereto have caused this First Amended Agreement Amendment to be executed and attested by their proper officers thereunto duly authorized, and their official seals to be hereto affixed as of the day and year first above written. _____

CITY OF SANTEE _____ **LAKESIDE FIRE PROTECTION DISTRICT**

By: _____ By: _____
Marlene Best, City Manager _____ nald H. Butz, Fire hief

Date: _____ Date: 12-11-2022

APPROVED AS TO FORM: _____ **APPROVED AS TO FORM:**
BEST & KRIEGER LLP _____ **MCDUGAL LOVE BOEHMER FOLEY**
LYON & MITCHELL /)

By: _____ By: _____
Steve Boehmer, General Counsel

Date: _____ Date:

CITY OF SANTEE _____ **LAKESIDE FIRE PROTECTION DISTRICT**

By: _____ By: _____
Marlene D. Best, City Manager _____ Donald H. Butz, Fire Chief

APPROVED AS TO FORM: _____ **APPROVED AS TO FORM:**
BEST & KRIEGER LLP _____ **MCDUGAL LOVE BOEHMER FOLEY**
LYON & MITCHELL

By: _____ By: _____
Shawn Hagerty, City Attorney _____ Steve Boehmer, General Counsel

Date: _____

Date: _____