



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Robert Sapien, Jr.

SUBJECT: SEE BELOW

DATE: March 26, 2021

Approved

Date

03/26/21

**SUBJECT: FIRST AMENDMENT TO THE 2020 EMS TRUST FUND AGREEMENT
WITH THE COUNTY OF SANTA CLARA FOR REIMBURSEMENT OF
FIRST RESPONDER CATEGORY C – BENEFIT TO EMS SYSTEMS
USERS FUNDS**

RECOMMENDATION

Adopt a resolution authorizing the City Manager to negotiate and execute a first amendment to the 2020 EMS Trust Fund Agreement with Santa Clara County for Reimbursement of First Responder Category C – Benefit to EMS Systems Users Funds that will increase the reimbursement amount to the City by \$152,561 for the purchase of a LUCAS chest compression device system and extending the term of the Agreement through December 31, 2021.

OUTCOME

Amending this Agreement will provide reimbursement to the City for the purchase of LUCAS chest compression system devices for the benefit of the Santa Clara County Emergency Medical Services (EMS) system.

BACKGROUND

In October of 2001, the County entered into an agreement with American Medical Response for the provision of 911 emergency ambulance services in the County Exclusive Operating Area (all areas of the County except for the City of Palo Alto and Stanford Lands Parcels). The agreement included the assessment of fines and penalties when the ambulance provider failed to meet standards contained in the agreement such as response times. The EMS Trust Fund was established as an independent account to separate fine and penalty revenue collected from the ambulance service from EMS Agency general operating funds. The established EMS Trust Fund

account has been continued by the County through successor 911 ambulance providers agreements.

Fines and penalties deposited to the EMS Trust fund were to be used for projects that would provide for:

- (1) Enhancements to the Santa Clara County EMS System; and
- (2) must provide a countywide benefit to the Santa Clara County EMS System.

The intended beneficiaries of the EMS Trust Fund were the County and those providing EMS services within the County Service Area, excluding the 911 ambulance service provider from which the revenue was collected.

Expenditures from the Trust Fund are authorized by the Board of Supervisors. Annually, the County Emergency Medical Services Director makes recommendations to the Board through the EMS Committee and Health and Hospital Committee. Prior to 2011, EMS Trust Fund revenue was used to off-set the budget of the EMS Agency within the Public Health Department. The new County Exclusive Operating Area Agreement, which became effective in July of 2011, included a new County EOA Franchise Fee that eliminated the need to use Trust Fund revenue to offset Public Health Department costs. Prior to the execution of the July 2011 agreement, the Board approved a revision to the EMS Trust Fund process so that expenditures would be classified in various categories that would benefit the entire EMS System with the exception of instances when the County may be in an extreme financial hardship. The revised process also required that a percentage of annual revenue be retained as a System Reserve should the EMS System be impacted by unforeseen financial burden.

In July 2011, fire departments, excluding the City of Palo Alto, executed agreements with the County to become EMS System Providers. Fire departments that executed agreements with the County were also provided with the opportunity to voluntarily participate in accessing available first responder funding that was acquired by the County through the County Service Area EOA agreement for meeting criteria such as response times, use of emergency medical dispatch, and participation in countywide EMS efforts.

ANALYSIS

On June 30, 2020, the City Council authorized the City Manager to negotiate and execute an agreement with Santa Clara County for reimbursement of \$387,804 to fund the purchase of hardware and CPR training equipment. That agreement was fully executed and effective on October 20, 2020.

An additional \$152,561 has been made available to the City by the Santa Clara County EMS Program through the Category C Funding for the purchase of LUCAS chest compression device

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systems. Staff recommends amending the October 20, 2020 agreement to increase the reimbursement amount by \$152,561 with an effective date of May 4, 2021 and extending the term through December 31, 2021. Actions to recognize and appropriate the grant funding will be brought forward for City Council approval as part of the 2021-2022 Adopted Budget process as it's anticipated that the devices will be purchased in 2021-2022.

CONCLUSION

Amending the Agreement will provide the Fire Department with funding to enhance its EMS inventory and provide countywide benefit to the Santa Clara County EMS System.

EVALUATION AND FOLLOW-UP

This item does not require evaluation or follow-up although, the City may be subject to audit of records pertaining to this agreement by the County or its representatives.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

This memorandum will be posted on the City's website for the April 6, 2021 City Council meeting.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

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COST SUMMARY/IMPLICATIONS

The maximum financial obligation for all products or services provided under this Agreement shall not exceed \$540,365 for the term of the Agreement. The term of the Agreement ends December 31, 2021. It is estimated that the additional \$152,561 in grant funding will be expended and reimbursed in 2021-2022 and corresponding appropriation actions to recognize these funds will be brought forward as part of the 2021-2022 Adopted Budget process. Ongoing maintenance and operations expenses for the hardware and equipment are expected to be minimal and will be considered for inclusion in the 2022-2023 Base Budget process as appropriate.

CEQA

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

/s/
ROBERT SAPIEN, JR.
Fire Chief, Fire Department

For questions, please contact Athena Trede, Administrative Officer, at (408) 794-6953.