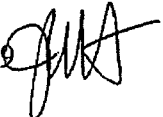


MEMORANDUM  
CITY OF ST. PETERSBURG

TO: The Honorable Chair and City Council Members

FROM: Jeanne Hoffmann, Assistant City Attorney

DATE: July 22, 2009 

RE: Emergency Medical Services

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The Pinellas County Emergency Services Medical Authority has agreed to fund the City's emergency medical services in the amount of \$11,903,769.00 for Fiscal Year 2010. The Authority plans to provide a draft of an agreement to the City in the next few weeks. The negotiated version of the agreement will then be provided to City Council for consideration.

In order to resolve the pending lawsuits, counsel for the Authority and the City have agreed to file a joint motion requesting entry of an order by the Court. If the Court approves the proposed order, the Court would find that the legal defenses of laches and statute of limitations do not apply to the Final Judgment and that enforcement of the Final Judgment is not time barred. After the time for rehearing and/or appeal has passed, the City will withdraw its pending motion seeking enforcement of the Final Judgment in the 1989 case and voluntarily dismiss without prejudice the 2009 complaint which also sought enforcement of the Final Judgment.

This resolution will be on the July 23, 2009 agenda for consideration. The City Attorney's Office recommends approval of the attached resolution.



**REVISED**

CITY OF ST. PETERSBURG

**CITY OF ST. PETERSBURG**  
Office of the Mayor

**Rick Baker, Mayor**

Mr. James Dates  
Assistant County Administrator  
Pinellas County  
315 Court Street – Room 601  
Clearwater, FL 33756

July 22, 2009

RE: 2010 EMS Funding

Dear James:

Because several things have evolved since our July 9, 2009 correspondence, I would like to reconfirm the terms of our agreement on the 2010 EMS budget from Pinellas County to the City of St. Petersburg, to be memorialized within the next several weeks in a one-year service agreement. In particular, I would like to confirm the funding to be paid to the City from 2010 EMS funds of \$11,903,769. This amount was recomputed and agreed upon by both County Fire Administration staff and City Fire/Rescue staff in e-mails dated 7/10/09 and further confirmed by you and me on that date.

The \$11,903,769 reflects reductions of one public education technician position and two rescue lieutenant positions along with \$357,000 in capital outlay funding, and acknowledges the City will spend up to \$450,000 from its EMS fund balance, as specifically outlined in both of our letters of July 9, 2009.

Based on the County Administration's agreement as to funding, as set forth above, and the fact that our attorneys have subsequently reached an agreement on the language of both an order and a motion in the 1989 lawsuit, we will proceed with filing the documents ending activity in the lawsuits. Further, we will be presenting a resolution to the City Council at the July 23, 2009 meeting, which confirms their concurrence with the funding and the order and motion. We would request the County Commissioners do the same at their next meeting.

I am attaching the final spreadsheet summary containing the budget referenced above. If you will acknowledge your concurrence with the facts outlined above, I will provide both my letter and yours as supporting documentation for Council's action on Thursday.

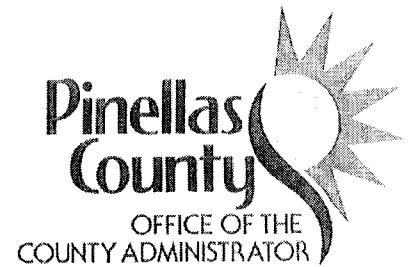
Sincerely,

Tish Elston  
First Deputy Mayor

Attachment: Budget Spreadsheet (Summary page)

**BOARD OF COUNTY  
COMMISSIONERS**

Nancy Boslock  
Neil Brickfield  
Calvin D. Harris  
Susan Latvala  
John Morroni  
Karen Williams Seel  
Kenneth T. Welch



Robert S. LaSala  
County Administrator

July 22, 2009

Ms. Tish Elston, First Deputy Mayor  
City of St. Petersburg  
P.O. Box 2842  
St. Petersburg, FL 33731

RE: 2010 EMS Funding

Dear Tish:

I am in receipt of your letter dated July 22, 2009. The purpose of my letter is to confirm our concurrence with the facts that you have outlined.

It is the intention of the County to enter into a one year agreement with the City of St. Petersburg for EMS services. We intend to pay the City of St. Petersburg \$11,903,769 for the provision of EMS services for the next fiscal year. This is the amount negotiated by staff and outlined in our previous letter of July 9, 2009.

The reductions and use of EMS fund balance that you have outlined reflects our previous communication. Our legal staff has acknowledged that there is an agreement on the language and that actions can be taken to dismiss the lawsuits.

We will prepare a resolution confirming our agreement to be presented at the next Board of County Commission meeting.

Sincerely,

A handwritten signature in black ink that reads "James A. Dates". The signature is written in a cursive style with a long horizontal stroke at the end.

James Dates  
Assistant County Administrator

cc: Robert S. LaSala, County Administrator

315 Court Street, Room 601  
Clearwater, Florida 33756  
Phone: (727) 464-3485  
FAX: (727) 464-4384  
Website: [www.pinellascounty.org](http://www.pinellascounty.org)

**ALS First Responder Program**  
**REVENUE AND BUDGET SUMMARY FY09-10**

July 10, 2009

**St. Petersburg Fire & Rescue Including the Gandy Fire District**

REVENUE	FY 08-09	City of St. Petersburg:	City of St. Petersburg:	FY 09-10	Increase (Decrease)	% Increase (Decrease)
	Adopted Budget	Amended EMS Budget Request	Actual EMS Budget Request	Budget Request per Pinellas County Formula		
Sale Proceeds of County EMS Funded Assets	\$0			\$0	\$0	#DIV/0!
Interest Earnings on County EMS Funded Reserves	\$0	\$3,000	\$3,000	\$3,000	\$3,000	#DIV/0!
Special Event Revenues	\$0	\$53,670	\$53,670	\$53,670	\$53,670	#DIV/0!
Other Income	\$0	\$16,920	\$16,920	\$16,920	\$16,920	#DIV/0!
<b>TOTAL REVENUE</b>	<b>\$0</b>	<b>\$73,590</b>	<b>\$73,590</b>	<b>\$73,590</b>	<b>\$73,590</b>	<b>#DIV/0!</b>

BUDGET REQUEST	FY 08-09	City of St. Petersburg:	City of St. Petersburg:	FY 09-10	Increase (Decrease)	% Increase (Decrease)
	Adopted Budget	Amended EMS Budget Request	Actual EMS Budget Request	Budget Request		
Personal Services (Form 2)		\$11,108,346	\$11,544,224	\$13,338,337	\$13,338,337	#DIV/0!
Operating Expenses (Form 3)		\$487,013	\$487,013	\$487,013	\$487,013	#DIV/0!
Capital Outlay (Form 4)		\$0	\$357,000	\$357,000	\$357,000	#DIV/0!
Reserves (Form 5)		\$382,000	\$382,000	\$382,000	\$382,000	#DIV/0!
Station Overhead (Form 6)		\$0	\$429,587	\$429,587	\$429,587	#DIV/0!
<b>TOTAL BUDGET</b>	<b>\$0</b>	<b>\$11,977,359</b>	<b>\$13,199,824</b>	<b>\$14,993,937</b>	<b>\$14,993,937</b>	<b>#DIV/0!</b>

COUNTY EMS BUDGET REQUEST	FY 08-09	City of St. Petersburg:	City of St. Petersburg:	FY 09-10	Increase (Decrease)	% Increase (Decrease)
	Adopted Budget	Amended EMS Budget Request	Actual EMS Budget Request	Budget Request		
County EMS Funding	\$12,515,372	\$11,903,769	\$13,126,234	\$14,920,347	\$610,862	4.88%

Submitted by: \_\_\_\_\_  
 Date: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG APPROVING THE JOINT MOTION AND PROPOSED ORDER FOR THE PURPOSE OF RESOLVING THE PENDING LITIGATION REGARDING FUNDING FOR EMERGENCY MEDICAL SERVICES; PROVIDING FOR THE CONCLUSION OF THE LITIGATION PENDING ENTRY AND EXECUTION OF A COURT ORDER AND EXPIRATION OF TIME FOR REHEARING OR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Pinellas County Medical Services Authority ("Authority") has agreed to fund the City's emergency medical services ("EMS") in the amount of \$11,903,769.00 for fiscal year 2010; and

WHEREAS, the Authority intends to provide the City with an interlocal agreement which will be negotiated between the parties and which memorializes the terms of funding for fiscal year 2010; and

WHEREAS, said agreement will be provided to City Council for consideration after completion of negotiations by the City and Authority; and

WHEREAS, the City of St. Petersburg filed an amended complaint, which has been assigned Pinellas County Circuit Civil No. 09-001839-13, for action on the Final Judgment, a request for injunctive relief and a writ of mandamus for enforcement of the Final Judgment which was rendered in the matter entitled The Pinellas County Emergency Medical Services Authority v. The City of St. Petersburg, Florida, Pinellas County Circuit Civil No. 88-6779-15; and

WHEREAS, the City of St. Petersburg has also filed a motion for an enforcement action of the Final Judgment in Pinellas County Circuit Civil No. 88-6779-15; and

WHEREAS, the City, upon reliance on the Authority's aforementioned agreement as to funding for the City's EMS, and Authority have agreed to file a joint motion requesting entry of a proposed order by the Court, which if approved, would find that the legal defenses of laches and statute of limitations do not apply and that enforcement of the Final Judgment is not time barred; and

WHEREAS, upon entry and execution of the order by the Court and upon expiration of the period for rehearing and/or appeal has passed, the City will withdraw its motion for enforcement of the Final Judgment in Pinellas County Circuit Civil No. 88-6779-15 and will voluntarily dismiss without prejudice the amended complaint in Pinellas County Circuit Civil

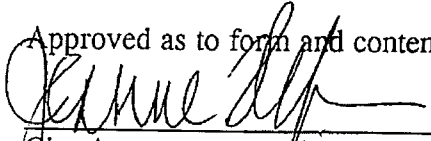
No. 09-001839-13, thereby concluding the pending litigation.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the joint motion between the Authority and the City, which is to be filed in the pending EMS litigation and the proposed order memorializing same, is approved.

BE IT FURTHER RESOLVED by the City Council of the City of St. Petersburg that upon entry and execution of the order by the Court and upon expiration of the period for rehearing and/or appeal, the City will withdraw its motion for enforcement of the Final Judgment in Pinellas County Circuit Civil No. 88-6779-15 and will voluntarily dismiss without prejudice the amended complaint in Pinellas County Circuit Civil No. 09-001839-13, thereby concluding the pending litigation.

This Resolution shall take effect immediately upon adoption.

Approved as to form and content:

  
\_\_\_\_\_  
City Attorney, designee