

RESOLUTION NO. 17-93

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A First Amendment To The Alameda County Fire Department Agreement To Extend Fire And Emergency Response Services

WHEREAS, on June 2010, the City Council directed staff to evaluate methods of streamlining costs and increasing efficiencies in the Fire Department; and

WHEREAS, on June 2011, staff presented the City Council with the Citygate Associates report on the functioning, effectiveness and efficiency of the Emeryville Fire Department and including a recommendation to request proposals from the City of Berkeley, City of Oakland and the Alameda County Fire District (ACFD); and

WHEREAS, staff received proposals from the City of Oakland and ACFD, with the ACFD proposal representing the most comprehensive and efficient full-service turnkey operation; and

WHEREAS, on February 7, 2012, the ACFD proposal was presented in an open session to the City Council, with full support of the ACFD proposal voiced by the members of the Fire Services Task Force and the leadership of the Emeryville Local 55-IAFF bargaining unit; and

WHEREAS, Council directed staff to negotiate a contract for fire and emergency response services with ACFD; and

WHEREAS, on June 5, 2012, the City of Emeryville and the ACFD entered into a five-year Agreement Regarding Fire and Emergency Response Services ("Agreement") effective July 1, 2012 through June 31, 2017 (Resolution No. 12-79); and

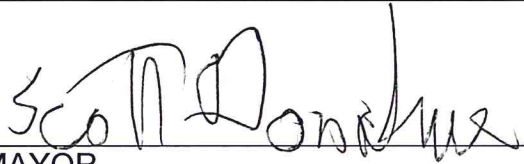
WHEREAS, the ACFD possesses the unique set of knowledge, expertise and a proven track record of providing exceptional fire and emergency services to the City of Emeryville and desires to continue to provide such services; and

WHEREAS, the public interest will be served by this First Amendment; now, therefore be it

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute a First Amendment to the Agreement between the City of Emeryville and the Alameda County Fire Department regarding fire and emergency response services, to extend the term for one year, to June 30, 2018.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held Tuesday, June 20, 2017 by the following vote:

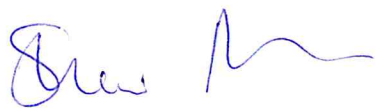
AYES:	<u>5</u>	Mayor Donahue, Vice Mayor Bauters and Council Members Martinez, Medina and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	



MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK



CITY ATTORNEY

**AMENDMENT NO. 1 TO AGREEMENT BETWEEN
THE CITY OF EMERYVILLE AND
THE ALAMEDA COUNTY FIRE DEPARTMENT
REGARDING FIRE AND EMERGENCY RESPONSE SERVICES**

This Amendment No. 1 is made and entered into this 20th day of June 2017, by and between the ALAMEDA COUNTY FIRE DEPARTMENT, a dependent fire district formed under the Fire Protection District Law of 1987 (Health and Safety Code Sections 13800, *et seq.*) and governed by the Board of Directors of the County of Alameda as its Board of Directors, hereinafter referred to as "ACFD", and the CITY OF EMERYVILLE ("City"), a municipal corporation, collectively referred to as the "Parties."

RECITALS

WHEREAS, ACFD has provided services to City since 2012 pursuant to the Agreement Between the City of Emeryville and the Alameda County Fire District Regarding Fire and Emergency Response Services, entered into on or about June 5, 2012 (the "2012 Fire Services Agreement"); and

WHEREAS, the term of the 2012 Fire Services Agreement expires on June 30, 2017; and

WHEREAS, the Parties intend to enter into a new Fire Services Agreement to replace the 2012 Fire Services Agreement; and

WHEREAS, the Parties require additional time to reach mutually agreeable terms for a new Fire Services Agreement; and

WHEREAS, the Parties desire to extend the term of the 2012 Fire Services Agreement in order to prevent service interruption in the event that the 2012 Fire Services Agreement expires and the City has not made alternative arrangements for fire and emergency response services;

THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ACFD and City agree as follows:

AGREEMENT

1. The foregoing recitals are true and correct.
2. Section 9.a. of the 2012 Fire Services Agreement City is amended as follows:

Delete: "This Agreement is for a term of five years. It shall continue in force from 12:00 a.m. on July 1, 2012 ("Effective Date") until 11:59 p.m. on June 30, 2017, unless sooner terminated in accordance with the provisions herein."

Insert: "This Agreement is for a term of six years. It shall continue in force from 12:00 a.m. on July 1, 2012 ("Effective Date") until 11:59 p.m. on June 30, 2018, unless

sooner terminated in accordance with the provisions herein or replaced with a successor agreement by mutual written agreement of the Parties.”

All other provisions of the 2012 Fire Services Agreement remain unchanged.

3. Signatory. By signing this Amendment No. 1, signatory warrants and represents that he/she executed this Amendment No. 1 in his/her authorized capacity and that by his/her signature on this Amendment No. 1, he/she or the entity upon behalf of which he/she acted, executed this Amendment No. 1.
4. Counterparts. This Amendment No. 1 may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

ALAMEDA COUNTY FIRE DEPARTMENT

By: _____
WILMA CHAN
President, Board of Directors

Date: _____

Approved as to form
DONNA R. ZIEGLER, County Counsel:

By: _____
Heather Littlejohn
Deputy County Counsel

CITY OF EMERYVILLE

By: _____

Carolyn Lehr, City Manager

Date: _____

Attest: _____
Sheri Hartz, City Clerk

Approved as to form:

By: Michael Guina
Michael Guina, City Attorney