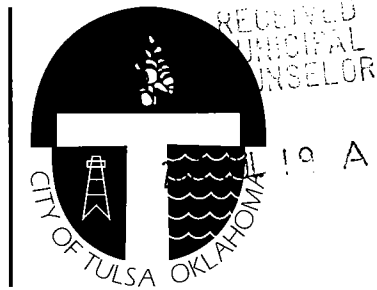


LEGAL DEPARTMENT  
(918) 596-7717  
FAX (918) 596-9700



OFFICE OF THE CITY ATTORNEY

200 CIVIC CENTER • THIRD FLOOR • TULSA, OKLAHOMA • 74103-3827

July 18, 2007

Ms. Amy G. Douglas  
Assistant Municipal Counselor  
200 North Walker, Fourth Floor  
Oklahoma City, Oklahoma 73102

Re: Certified Copy of Amendment Number Six to Amended and Restated Trust Indenture Dated March 23, 1990 for Emergency Medical Services Authority.

Dear Amy:

Thank you for talking with me Tuesday on the matter of the Sixth Amendment to the Emergency Medical Services Authority (EMSA) Trust. As I advised, the Tulsa County Clerk accepted and recorded a certified copy of the Sixth Amendment and did not demand an original. (A copy of the recorded certified copy is enclosed.) As you know, we have only been able to locate one fully executed original of this Sixth Amendment and that original is on file with our City Clerk's Office.

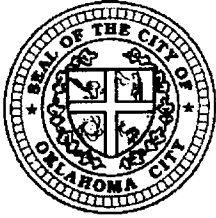
For your records and presentation to the Oklahoma County Clerk's Office, I enclose a certified copy of Amendment Number Six to Amended and Restated Trust Indenture Dated March 23, 1990 for Emergency Medical Services Authority. I am hopeful that your County Clerk will accept this certified copy for recording, in view of the fact that no duplicate originals are available and there are no real properties involved. If this is not acceptable to your County Clerk, please advise.

Thank you!

Sincerely,

Patrick Boulden  
Sr. Assistant City Attorney  
Real Property and Zoning Division Manager  
Tulsa City Attorney's Office

R#316-06



# MEMORANDUM

The City of  
**OKLAHOMA CITY**

Council Agenda  
Item No. VIII. G.  
10/24/06

TO: Mayor and City Council

FROM: James D. Couch, City Manager

Resolution approving Amendment Number Six to the Amended and Restated Trust Indenture dated March 23, 1990, for the Emergency Medical Services Authority.

**Background** The Emergency Medical Services Authority (EMSA) Trust Indenture provides a "window of opportunity" every five years, during which the City can withdraw from the Trust. The current "window of opportunity" is the one-month period that began October 1, 2006, and ends on October 30, 2006.

EMSA has initiated Amendment Number Six to the Emergency Medical Service Authority Trust Indenture that provides for a four-month extension of the "window of opportunity" from October 1, 2006, through January 31, 2007. The purpose of this extension is to allow time for the further study of emergency medical service delivery options in the Eastern and Western Divisions.

Amendment Number Six allows the Beneficiary Jurisdictions to nullify the automatic extension of the EMSA Trust by exercising the "window of opportunity" by January 31, 2007. If "the window of opportunity" is not exercised by January 31, 2007, on February 1, 2007, the duration of the EMSA Trust is automatically extended by five additional years. The Amendment does not change the duration of the "window of opportunity" for any applicable years other than 2006 (the current window of opportunity).

Ratification of the amendment requires the approval of the Trustor, all Trustees, and the Governing Bodies of Oklahoma City and Tulsa.

**Review** Oklahoma City Fire Department, Office of Management & Budget, Finance and Municipal Counselor's Office.

Recommendation: Resolution be adopted.

**AMENDMENT NUMBER FOUR TO  
AMENDED AND RESTATED TRUST INDENTURE  
DATED MARCH 23, 1990 FOR  
EMERGENCY MEDICAL SERVICES AUTHORITY**

DOC NUMBER 97121395  
BOOK 7151  
PAGES 1676 - 1681  
TIME 4:22:50  
FEE 18.00  
09/12/1997  
Carolynn Caudill  
Oklahoma County Clerk  
RECORDED AND FILED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the original Trustor, Francis F. Campbell, created a Trust named the EMERGENCY MEDICAL SERVICES AUTHORITY for the use and benefit of the City of Tulsa, Oklahoma, a Municipal Corporation, under Trust Indenture dated December 1, 1977, between the said Trustor and NORMA EAGLETON, MICHAEL E. KERPAN, GERALD E. GUSTAFSON, M.D., BERT BERGLAND, D.O., CHARLES A. FARMER, M.D., PHIL GOODWIN, RICHARD HORKEY, JAMES H. TODD, II, and MRS. CARL (PHYLLIS) EDMONDS, referred to therein as Trustees; and

WHEREAS, on February 18, 1987, said Trust was amended by Amendment to the Trust Indenture in which the purposes of the Trust were amended; and

WHEREAS, on March 23, 1990, said Trust was amended expanding the Trust for the use and benefit of the cities of Tulsa, Oklahoma and Oklahoma City, Oklahoma, as beneficiaries; and

WHEREAS, on April 17, 1996, said Trust was amended allowing the Beneficiary Jurisdictions a six (6) month "window of opportunity" to exercise their option to nullify the automatic extension of the duration of the Trust; and

WHEREAS, on Sept. 24, 1996, said Trust was amended allowing the Beneficiary Jurisdictions a eight (8) month "window of opportunity" to exercise their option to nullify the automatic extension of the duration of the Trust; and

WHEREAS, on Nov. 26, 1996, said Trust was amended allowing the Beneficiary Jurisdictions a nine (9) month "window of opportunity" to exercise their option to nullify the automatic extension of the duration of the Trust; and

WHEREAS, the successor Trustor, Philip W. Wood, desires to amend the Trust by as to setting and adjusting ambulance fees upon the consideration of certain facts and to require affirmative approval of the governing bodies of the beneficiaries before any increase becomes effective; and

WHEREAS, the successor Trustor, Philip W. Wood, desires to amend the Trust by allowing the Beneficiary Jurisdictions an eight (8) month "window of opportunity" to exercise their option to nullify the automatic extension of the duration of the Trust; and

WHEREAS, the Amended and Restated Trust Indenture can be amended only by the Trustor with the consent of the cities of Tulsa, Oklahoma and Oklahoma City, Oklahoma as beneficiaries and the consent of the successor Trustees.

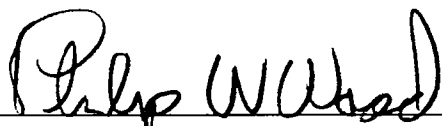
NOW, THEREFORE, I, the undersigned Trustor, Philip W. Wood, under Amended and Restated Trust Indenture for Emergency Medical Services Authority dated March 23, 1990, between Philip W. Wood as City Auditor and Trustor and Gary Watts, Robert Dick, John Sacra, M.D., Paul Koro, D.O., Charles A. Farmer, M.D., W. Richard Horkey, Steve Austin, Ira Schlezinger and Phyllis Edmonds, as Trustees, do hereby amend said Amended and Restated Trust Indenture subject to the approval of a sufficient number of the members of the governing bodies of the City of Tulsa, Oklahoma and Oklahoma City, Oklahoma and further subject to the approval of the successor Trustees Elise Dunitz Brennan, Kim Holland, Harry C. Wolohon, Robert G. Lemons, Ron Bradshaw, Huston Huffman, Jr., James A. Hyde, Susan Nicewander, Zach Taylor, John Gerkin and Peter Maningas, M.D.

Article IV of said Amended and Restated Trust Indenture, entitled "Duration of Trust" is hereby amended in its entirety to read as follows:

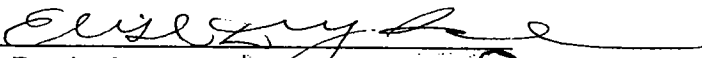
#### ARTICLE IV. DURATION OF TRUST

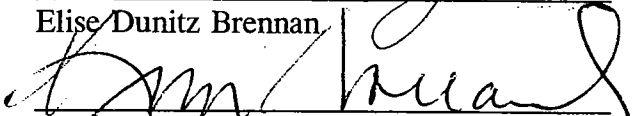
Unless otherwise terminated as provided for herein, the duration of this Trust shall be for a period ending October 31, 2003. Provided, however, that on October 31, 2001, and every five (5) years thereafter, the then-remaining two (2) year duration of the Trust shall be automatically extended by five (5) additional years, unless either Beneficiary Jurisdiction nullifies such automatic extension by exercising its option to nullify the automatic extension during the "window of opportunity," which "window of opportunity" is hereby defined as the one (1) month period beginning the first day of October occurring during every fifth year beginning with and including October 2001. In the event such automatic extension is so nullified, the Trust shall terminate upon the expiration of its then-remaining term in accordance with the provisions set forth in Subsection 5 of Article XI, hereof.


IN WITNESS WHEREOF, this Agreement to the Amended and Restated Trust Indenture has been duly executed on this 21 day of November, 1996, and shall be effective on the date of execution.


  
Philip W. Wood, Trustor

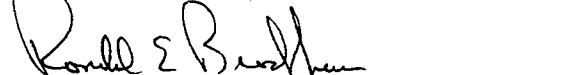
APPROVAL OF TRUSTEES:


  
Elise Dunitz Brennan

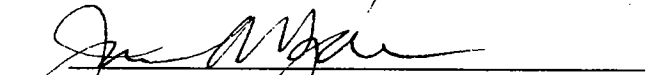
  
Kim Holland

  
Harry C. Wolohon


  
Robert G. Lemons


  
Ron Bradshaw


  
Huston Huffman, Jr.

  
James A. Hyde

  
Susan Nicewander

  
Zach Taylor

  
John Gerkin

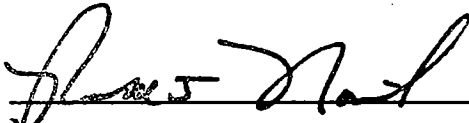
  
Peter Maningas, M.D.

**APPROVAL BY THE CITY OF OKLAHOMA CITY**

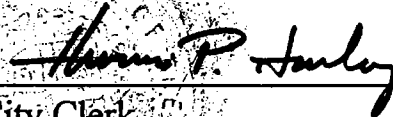
KNOW ALL MEN BY THESE PRESENTS:

The City Council of the City of Oklahoma City, a municipal corporation, as beneficiary, hereby authorizes, approves and consents to the within and foregoing amendment number four to the amended and restated trust indenture as beneficiary of said trust.

WITNESS my hand as Mayor of the City of Oklahoma City, Oklahoma, attested by City Clerk of the City of Oklahoma City, Oklahoma, pursuant to direction of said Council, this 20 day of December, 1996.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

  
\_\_\_\_\_  
Assistant Municipal Counselor