

AMENDMENT TO MAY 2, 2002 AGREEMENT

THIS AMENDMENT TO AGREEMENT, made and entered into on this ____ day of _____, 2003, by and between the City of Overland Park, Kansas, hereinafter referred to as "City," and the Board of County Commissioners of Johnson County, Kansas, hereinafter referred to as "County," is an amendment to the Agreement previously entered into by the parties and dated the 2nd day of May, 2002 (a copy of which is included as Attachment 1 for reference purposes).

WHEREAS, Section 2 of the May 2, 2002 Agreement between the parties provides for the responsibilities of the parties; and

WHEREAS, the parties agree that Section 2 D of the City's responsibilities should be changed to reflect the appropriate amount of shared user fees.

NOW THEREFORE, in consideration of the promises and covenants of this Amendment to Agreement, and for other good and valuable consideration the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The existing language of Subsection D of the City's responsibilities under Section 2, titled "**Responsibilities of the Parties**," of the May 2, 2002 Agreement between the parties shall be amended as follows:

Bill all patients transported by the Partnership units from within the City. The City will share the user fees collected by OPFD with Med-Act on a monthly basis. This monthly payment will be made to Med-Act at the end of each month. The City will keep all other user fees collected by OPFD for EMS services provided by the Partnership ambulances. The shared amount will be determined on December 31 for the prospective year. The shared

amount will be figured by multiplying the total number of billable partnership transports from the previous year by Fifty-five and 60/100 Dollars (\$55.60) and dividing that total by 12. The numbers will be rounded to the nearest dollar. For example, in 2002, the total billable transports were 4,591. The monthly amount for 2003 is calculated to be Twenty One Thousand Two Hundred Seventy Two and 00/100 Dollars ($4,591 \times \$55.60 = \$255,260.00 \div 12 = \$21,272.00$). Med-Act agrees to reimburse the City in the amount of Seventy One Thousand Two Hundred Fifteen and 00/100 Dollars (\$71,215.00) for over payments the City has made to Med-Act through May of 2003. In the event that there is a material change in user fee revenue or a material change in system design that impacts expenses or revenues, it is understood and agreed that the monthly amount will be re-negotiated between the parties.

2. The parties agree that all the remaining provisions of the original May 2, 2002 Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to Agreement to be executed in quadruplicate by their duly authorized officials on the day and year first above written.

BOARD OF COUNTY
COMMISSIONERS OF
JOHNSON COUNTY, KANSAS

By _____
Annabeth Surbaugh,
Chairman

ATTEST:

John A. Bartolac, County Clerk

APPROVED AS TO FORM:

Nicholas Saldan
Deputy County Counselor

CITY OF OVERLAND PARK,
KANSAS

By _____
Ed Eilert, Mayor

ATTEST:

Marian Cook, City Clerk

APPROVED AS TO FORM:

Tammy M. Owens
Assistant City Attorney