

**AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT
AMONG
ADAMS COUNTY, COLORADO
AND
ARAPAHOE COUNTY, COLORADO
AND
CITY AND COUNTY OF BROOMFIELD, COLORADO
AND
CITY AND COUNTY OF DENVER, COLORADO
AND
DOUGLAS COUNTY, COLORADO
AND
ELBERT COUNTY, COLORADO
TO
ESTABLISH A MULTICOUNTY REGIONAL EMERGENCY MEDICAL AND TRAUMA
ADVISORY COUNCIL**

THIS AGREEMENT is entered into this _____ day of _____, 2002, by and among the Board of County Commissioners of the County of Adams, Colorado (hereinafter “Adams”), the Board of County Commissioners of the County of Arapahoe, Colorado (hereinafter “Arapahoe”), the City Council of the City and County of Broomfield, Colorado (hereinafter “Broomfield”), the City Council of the City and County of Denver, Colorado (hereinafter “Denver”), the Board of County Commissioners of the County of Douglas, Colorado (hereinafter “Douglas”) and the Board of County Commissioners of the County of Elbert, Colorado (hereinafter “Elbert”).

WHEREAS, pursuant to the provisions of Section 18 of Article XIV of the Colorado Constitution and Section 29-1-203, C.R.S., as amended, Adams, Arapahoe, Broomfield, Denver, Douglas, and Elbert may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each county or city and county; and

WHEREAS, the General Assembly of the State of Colorado enacted the Statewide Trauma Care System Act, Sections 25-3.5-701, et seq., C.R.S., as amended; and

WHEREAS, said Act requires that the governing body of each County or City and County establish a Regional Emergency Medical and Trauma Advisory Council (hereinafter “RETAC”) within each County or City and County; and

WHEREAS, said Act allows the governing body of a county or city and county to agree with the governing body of other counties to form a multicounty RETAC; and

WHEREAS, said Act allows funding for established RETAC's, the distribution of funds will be in accordance with Sections 25-3.5-605, et seq., C.R.S., as amended, for planning and, to the extent possible, coordination of emergency medical and trauma services in the county, city and counties, and between counties when such coordination would provide for better service geographically; and

WHEREAS, Adams, Arapahoe, Broomfield, Denver, Douglas, and Elbert recognize that appropriate care for those persons experiencing a traumatic injury or medical emergency is immediately necessary and that much of the infrastructure and cooperative spirit needed to create such a multicounty organization including shared resources, equipment, and facilities that provide trauma service and medical service already exist; and

WHEREAS, the Board of County Commissioners of Adams, Arapahoe, Douglas, and Elbert and the City Council's of the City and Counties of Denver and Broomfield recognize the benefits and advantages obtained by working together to develop a statewide emergency medical and trauma system are greater than participating as individual counties or city and counties and therefore desire to participate with one another in a multicounty RETAC.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and obligations hereinafter set forth, Adams, Arapahoe, Broomfield, Denver, Douglas, and Elbert agree as follows:

1. Adams, Arapahoe, Broomfield, Denver, Douglas, and Elbert agree to jointly establish in cooperation with each other, a multicounty Regional Emergency Medical and Trauma Advisory Council. The purpose of this RETAC is to satisfy all requirements and obligations for Adams, Arapahoe, Broomfield, Denver, Douglas, and Elbert regarding the creation and development of a RETAC and provide for the inclusion and participation of each County or City and County in the Statewide Trauma System as directed under Sections 25-3.5-701, et seq., C.R.S., as amended.
2. This multicounty RETAC shall represent equitably the interests of Adams, Arapahoe, Broomfield, Denver, Douglas, and Elbert counties and city and counties.
3. The Adams, Arapahoe, Broomfield, Denver, Douglas, and Elbert multicounty RETAC shall be known to all interested parties as the "Mile-High Regional Emergency Medical and Trauma Advisory Council," or "Mile-High RETAC."
4. In accordance with Sections 25-3.5-701, et seq., C.R.S., as amended, and the desires of the participating counties and city and counties, the Mile-High RETAC membership will be composed of three representatives from each county or city and county who collectively represent government, pre-hospital, facility, urban and rural interests as equally as possible. Counties or city and counties may appoint a representative outside of their respective geographical area if they so choose.

5. The Board of County Commissioners for each participating County and the City Council for the City and Counties of Broomfield and Denver, shall approve, under separate county resolution or ordinance, each member to serve as an official voting member for the Mile-High RETAC. The initial terms for voting members shall be staggered equally between one and three years by the appointing body. After the initial appointments, the length of term for all member appointments shall be two years.

6. The members of the Mile-High RETAC shall determine a regular frequency of meeting times as necessary for all work to be accomplished. However, the Mile-High RETAC shall schedule meetings no less than every two months. Two-thirds majority and one representative from each county or city and county must be present for official business to be conducted. Proxy votes must be addressed in the by-laws, and if allowed, must be in writing.

7. Annually, the Mile-High RETAC shall submit a report to the Board of County Commissioners or City Council for each participating County. This report shall indicate the accomplishments for the prior year and shall state the goals of the Mile-High RETAC for the coming year. This report may or may not be similar to the one that is due to the State Emergency Medical and Trauma Services Advisory Council.

8. The Mile-High RETAC, as directed under state statute and this Intergovernmental Agreement is, at a minimum, charged with accomplishing the following activities:

(A) The provision of minimum services and care at the most appropriate facilities in response to the following factors: facility-established triage and transport plans; interfacility transfer agreements; geographical barriers; population density; emergency medical services and trauma care resources; and accessibility to designated facilities;

(B) The level of commitment of counties and cities and counties under a regional emergency medical and trauma system plan to cooperate in the development and implementation of a statewide communications system and the statewide emergency medical and trauma care system;

(C) The methods for ensuring facility and county or city and county adherence to the regional emergency medical and trauma system plan, compliance with board rules and procedures, and commitment to the continuing quality improvement system;

(D) A description of public information, education, and prevention programs to be provided for the area;

(E) A description of the functions that will be contracted services; and

(F) The identification of regional emergency medical and trauma system needs through the use of a needs assessment instrument developed by the Colorado Department of Public Health and Environment; except that the use of such instrument shall be subject to the approval by the counties or city and counties included in the Mile-High RETAC.

9. Bylaws stating all necessary rules and regulations concerning the operation of the Mile-High RETAC, shall be approved by each county and city and county representative. Any modifications or changes to the bylaws which govern the Mile-High RETAC must be approved by each county or city and county representative prior to taking effect. Proposed amendments must be distributed to the membership, read at least once at a regular meeting of the Mile-High RETAC, and voted upon at the next meeting of the Mile-High RETAC.

10. Any party to this agreement may terminate its participation in this Mile-High RETAC with or without reason upon thirty days prior written notice to the other parties to this agreement and the Colorado State Emergency Medical and Trauma Services Advisory Council located at the Colorado Department of Public Health and Environment.

11. Nothing herein contained shall make or be construed to make the Mile-High RETAC, Adams, Arapahoe, Broomfield, Denver, Douglas, or Elbert a partner of any other or the others, nor is this Agreement intended to create a separate governmental entity as the term is defined in Part: 2, Article 1, Title 29, C.R.S.

12. This agreement shall be deemed to be made, shall be subject to, and shall be construed in accordance with the laws of the State of Colorado.

13. Should any one or more paragraphs or provisions of this Agreement be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

14. In the event this Mile-High RETAC were to be dissolved for any reason, all remaining funds and capitalized equipment, if any, received for the specific use by the Mile-High RETAC shall be returned to their source.

15. This Agreement embodies the entire agreement among the parties and supersedes all prior agreements and understandings, if any, and may be amended or supplemented only by an instrument in writing executed by all parties to this agreement.

ATTEST:

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ADAMS

Deputy Clerk

BY: _____
Chair

APPROVED AS TO FORM:

DATE:

County Attorney

ATTEST:

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ARAPAHOE

Deputy Clerk and Recorder

BY: _____
Chair

DATE: _____

ATTEST:

THE CITY COUNCIL FOR THE CITY AND
COUNTY OF BROOMFIELD

PASSED BY THE COUNCIL _____, 2002.

APPROVED: _____ MAYOR _____, 2002.

ATTEST: _____

CLERK AND RECORDER
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF BROOMFIELD

ATTEST:

THE CITY COUNCIL FOR THE CITY
AND COUNTY OF DENVER

PASSED BY THE COUNCIL _____, 2002.

_____, PRESIDENT

APPROVED: _____ MAYOR _____, 2002.

ATTEST: _____ CLERK AND RECORDER
EX- OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

PUBLISHED IN THE ROCKY MOUNTAIN NEWS _____, 2002.

PREPARED BY: _____, ASSISTANT CITY ATTORNEY,
_____, 2002.

REVIEWED BY: _____, CITY ATTORNEY, _____
_____, 2002.

ATTEST:

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS

Clerk and Recorder

BY: _____
Chair

DATE: _____

ATTEST:

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ELBERT

Clerk and Recorder

BY: _____
Chair

DATE: _____