

RESOLUTION NO. _____ - 15

A RESOLUTION AUTHORIZING A TRANSFER NOT TO EXCEED \$4,500,000 FROM THE MEMORIAL HEALTH SYSTEM ENTERPRISE FUND TO THE COLORADO SPRINGS HEALTH FOUNDATION IN ACCORDANCE WITH THE HEALTH SYSTEM OPERATING LEASE AND INTEGRATION AND AFFILIATION AGREEMENT

WHEREAS, in Resolution No. 92-12, City Council authorized the formation of the Colorado Springs Health Foundation (the "City Health Foundation"), with the express purpose "to receive, hold and manage in perpetuity all funds and monies received" pursuant to the agreements and transactions approved by City Council and by vote of the citizens of the City of Colorado Springs concerning the lease of the City's Memorial Health System and as set forth in Resolution No. 89-12; and

WHEREAS, pursuant to Resolution No. 92-12 City Council directed that all funds and monies received pursuant to the Health System Operating Lease and the Affiliation and Integration Agreement "shall be placed directly into the City Health Foundation"; and

WHEREAS, a lawsuit filed by the City of Colorado Springs against the Public Employees' Retirement Association prevented the immediate placement of funds received from the transaction and agreements with the City Health Foundation; and

WHEREAS, on September 23, 2014, the City and the Public Employees' Retirement Association executed a settlement agreement resolving this litigation; and

WHEREAS, on October 14, 2014, City Council adopted Resolution No. 99-14 authorizing the transfer of \$10,000,000 from the Memorial Health System Enterprise Fund to the City Health Foundation; and

WHEREAS, the current Memorial Health System Enterprise Fund balance of approximately \$7,800,000 will be sufficient to fund a transfer not to exceed \$4,500,000 to the City Health Foundation and to satisfy any remaining financial obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The City's Chief Financial Officer is authorized to transfer an amount not to exceed \$4,500,000 from the Memorial Health System Enterprise

Fund to the Colorado Springs Health Foundation in accordance with the Health System Operating Lease and Integration and Affiliation Agreement, and to execute all documents necessary to complete this transaction.

Dated at Colorado Springs, CO, this ____ day of _____, 2015.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk