

ORDINANCE NO. 15-\_\_\_\_\_

AN ORDINANCE AMENDING PART 18 (ACQUISITION AND DISPOSITION OF REAL PROPERTY INTERESTS) OF ARTICLE 7 (SUBDIVISION REGULATIONS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE MEMORIAL HEALTH SYSTEM AFFILIATION AS APPROVED BY THE ELECTORS

WHEREAS, since 1949, the City of Colorado Springs (the "City") has owned Memorial Health System (then known as Memorial Hospital) and was the licensed operator of Memorial Health System facilities from 1949 to 2012; and

WHEREAS, Memorial Health System was established as an enterprise of the City (the "MHS Enterprise") governed through a Board of Trustees; and

WHEREAS, in order to ensure the continued provision of the highest quality of care to the greater Colorado Springs community, careful consideration was given by the Board of Trustees, the City Council, and the citizens of the City to various options for the ownership, governance, and control of Memorial Health System, including the option of leasing the assets of Memorial Health System to an outside independent operator; and

WHEREAS, after determining it to be in the best interest of the public health, safety, and general welfare of the City and its residents, the City Council approved the City's entry into (i) the Health System Operating Lease Agreement dated July 2, 2012 (which contemplated transfer of Memorial Health System assets and the long-term lease of Memorial Health System facilities to a lessee (first Poudre Valley Health Care, Inc., then UCH-MHS)), and (ii) the Integration and Affiliation Agreement, dated July 2, 2012, by and among the City, University of Colorado Health, Poudre Valley Health Care, Inc., and UCH-MHS (such agreements, collectively, the "Memorial Health System Affiliation"); and

WHEREAS, the voters of the City, upon referral by the City Council and through the special election held August 28, 2012, approved the terms of the Memorial Health System Affiliation, and the transactions and actions contemplated thereby (the "Voter Referendum"), and the Memorial Health System Affiliation became effective on October 1, 2012; and

WHEREAS, the MHS Enterprise remains an enterprise of the City, with responsibilities relating to, among other matters, administering and monitoring the Memorial Health System Affiliation, preparing to address and resolve any

issues or concerns arising under the Memorial Health System Affiliation or related agreements, evaluating potential future health care services and affiliations or ventures, and managing residual liabilities from the MHS Enterprise's direct operation of health care facilities prior to the Memorial Health System Affiliation; and

WHEREAS, the City Council deems it in the best interests of the City to make various clarifying and conforming modifications to applicable sections of the City Code in recognition of the Memorial Health System Affiliation, as contemplated by the Voter Referendum, including without limitation, to more clearly distinguish between the MHS Enterprise and UCH-MHS or any future operator of leased facilities under the Memorial Health System Affiliation, and thereby conform the City Code to the evident purposes of the electorate.

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

Section 1. Section 1803 (Compliance With Manual) of Part 18 (Acquisition and Disposition of Real Property Interests) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.7.1803: COMPLIANCE WITH MANUAL:

The City and its Colorado Springs Utilities, ~~Memorial Health System~~ **MHS Enterprise (other than with respect to any real property transaction under or arising out of the Memorial Health System Affiliation)**, the municipal enterprises and purchasers of City owned real property interests shall follow the procedures set forth in the "Procedure Manual For The Acquisition And Disposition Of Real Property Interests" (the "manual") for the acquisition or disposition of real property interests by deed or other conveyancing document.

Section 2. Section 1807 (Rules, Regulations and Procedures) of Part 18 (Acquisition and Disposition of Real Property Interests) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.7.1807: RULES, REGULATIONS AND PROCEDURES:

\* \* \*

C. The City and its Colorado Springs Utilities, ~~Memorial Health System~~ **MHS Enterprise (other than with respect to any real property transaction under or arising out of the Memorial Health System Affiliation)**, the municipal enterprises, the general public and purchasers and sellers of City owned real property interests shall abide by all rules and regulations promulgated by the Real Estate Services Manager or approved by City Council resolution.

D. The Mayor, the Chief Executive Officer of ~~Memorial Health System~~ **MHS Enterprise** and the Chief Executive Officer of Colorado Springs Utilities may choose to establish supplemental administrative procedures, but those supplemental administrative procedures shall not supersede or substitute for the procedures and practices contained in the manual. Real Estate Services will support and comply with any supplemental administrative procedures to the extent those supplemental administrative procedures do not conflict with the provisions of the manual.

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2015.

**Finally passed:** \_\_\_\_\_  
Merv Bennett, Council President

Delivered to Mayor on \_\_\_\_\_.

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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John W. Suthers, Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Merv Bennett, Council President

ATTEST:

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Sarah B. Johnson, City Clerk