

City Code Provisions Referencing MHS

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
1.1.106 – add definition of “Memorial Health System Affiliation”	Add provision	MEMORIAL HEALTH SYSTEM AFFILIATION: Includes (i) the Health System Operating Lease Agreement by and among the City of Colorado Springs, UCH-MHS and Poudre Valley Health Care, Inc., dated July 2, 2012, and (ii) the Integration and Affiliation Agreement by and among the City of Colorado Springs, University of Colorado Health, UCH-MHS and Poudre Valley Health Care, Inc., dated July 2, 2012.
1.1.106 – “Council Appointees”	Amend solely to standardize terminology	COUNCIL APPOINTEES: The City Auditor, Utilities Executive Director, Memorial Health System MHS Enterprise Board of Trustees, and all Council appointed board, commission or committee members.
1.1.106 – “Enterprises”	Amend solely to standardize terminology	ENTERPRISES: Colorado Springs Utilities, Memorial Health System MHS Enterprise and any other enterprise activity of the City. Unless specifically excluded, all City enterprises shall include Colorado Springs Utilities and Memorial Health System MHS Enterprise, as well as municipal enterprises.
1.1.106 – “Memorial Chief Executive Officer, or Memorial CEO”	Amend	MEMORIAL MHS ENTERPRISE CHIEF EXECUTIVE OFFICER, OR MEMORIAL CEO: The chief executive and administrative officer of Memorial Health System MHS Enterprise appointed by the Memorial Health System MHS Enterprise Board of Trustees, and in the absence of such an appointee, the Chair of the MHS Enterprise Board of Trustees. In the interest of clarity, the “MHS Enterprise Chief Executive Officer” does not refer to the chief executive and administrative officer of any current or future operator of leased facilities under the Memorial Health System Affiliation.
1.1.106 – “Memorial Hospital or Memorial Health System”	Amend	MEMORIAL HOSPITAL OR MEMORIAL HEALTH SYSTEM MHS ENTERPRISE: The hospital health system enterprise of the City, formerly referenced as Memorial Hospital or Memorial Health System. In the interest of clarity, “MHS Enterprise” does not refer to any current or future operator of leased facilities under the Memorial Health System Affiliation.
1.1.106 – “Municipal”	Amend solely to standardize terminology	MUNICIPAL: General activities and operations of the City, not including Colorado Springs Utilities and Memorial Health System MHS Enterprise.
1.1.106 – “Municipal Enterprises”	Amend solely to standardize terminology	MUNICIPAL ENTERPRISES: Enterprise activities of the City, not including Colorado Springs Utilities and Memorial Health System MHS Enterprise.

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
1.2.108(B)	Amend solely to standardize terminology	<p>Mayoral Veto Power; Limitations:</p> <ol style="list-style-type: none"> 1. The Mayor shall have the power to review and approve or disapprove by veto ordinances finally passed on second reading by the City Council subject to the provisions of Charter section 3-70 and this section. 2. The Mayor shall have the power to disprove specific line items without disapproving in its entirety any ordinance appropriating funds. 3. The Mayor shall not have the power or authority to disapprove by veto the following types of ordinances: <ol style="list-style-type: none"> a. Ordinances pertaining to quasi-judicial decisions or acts. b. An ordinance approving bonds to be issued by the City on behalf of Colorado Springs Utilities, Memorial Health System MHS Enterprise or any municipal enterprise. c. An ordinance pertaining to any act permitted by article VI (Utilities) of the Charter. d. An ordinance submitting a Charter amendment, referring an initiated ordinance or Charter amendment, or referring a Charter convention question to the qualified electors.
1.2.201(A)	Amend solely to standardize terminology	As provided by Charter, the following officers shall be appointed by the City Council: a City Auditor and a Utilities Executive Director. In addition, City Council shall appoint Memorial Health System MHS Enterprise trustees and may appoint advisory and decision making board, commission and committee members.
1.2.407	Amend	The City Attorney shall immediately report to City Council, the Mayor, and as appropriate, the chief executive officers of Utilities and or Memorial Health System MHS Enterprise , and any other interested staff, the outcome of any litigation and similar legal matters in which the City, Utilities or MHS Enterprise has an interest and shall submit recommendations as to appeal, payment or other disposition in the event of judgment adverse to the City. From time to time, the City Attorney shall report all litigation and similar legal matters in which the City has an interest and the status of the litigation.
1.2.705	Amend solely to standardize terminology.	The City Auditor shall determine the extent to which legislative policies are being efficiently and effectively implemented by administrative officials. The City Auditor shall determine whether City programs are achieving desired objectives. The City Auditor shall review the administrative control systems established by the enterprises, department, division, office or agency directors or managers and by the Mayor, Utilities Executive Director and Memorial MHS Enterprise Chief Executive Officer and determine whether these control systems are adequate and effective in accomplishing their objectives.

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
1.3.101(A)	Amend solely to standardize terminology	There is hereby adopted by the City Council “The City of Colorado Springs Code of Ethics” which shall apply to the Mayor and Council Members, all their appointed boards, committees and commissions, the Utilities Chief Executive Officer, Memorial Health System MHS Enterprise Chief Executive Officer, City Attorney, City Clerk, City Auditor, Municipal Court Judges, department, division, office and agency heads appointed by the Mayor and all employees of the City’s municipal government and its enterprises, including Colorado Springs Utilities and Memorial Health System MHS Enterprise .
1.3.101(C)	Amend solely to standardize terminology	Public service and public employment is a public trust. The Mayor and Council Members, all their appointed boards, committees and commissions, the Utilities Chief Executive Officer, Memorial Health System MHS Enterprise Chief Executive Officer, City Attorney, City Clerk, City Auditor, Municipal Court Judges, department, division, office and agency heads appointed by the Mayor and all employees of the City’s municipal government and its enterprises, including Colorado Springs Utilities and Memorial Health System MHS Enterprise should employ independent objective judgment in performing their duties and should assure that businesses, operations and services are conducted openly to safeguard public confidence in the integrity of the City by avoiding any conduct creating the appearance of impropriety.
1.3.101(D)	Amend solely to standardize terminology	The City of Colorado Springs, through its municipal government and all its enterprises including Colorado Springs Utilities and Memorial Health System MHS Enterprise , exists for the purpose of serving the community through its businesses, operations and services.
1.3.102 – “Appointees”	Amend solely to standardize terminology	APPOINTEES: Are “administrative officers” and shall mean and include all persons appointed by the Mayor and/or members of City Council pursuant to the City Charter and this City Code, to include the City Attorney, City Auditor, City Clerk, Municipal Court Judges and Utilities Chief Executive Officer and all members of boards, committees and commissions appointed by the Mayor and/or City Council. For purposes of this Code, the term “appointee” shall also include the Memorial Health System MHS Enterprise Chief Executive Officer.
1.3.102 – “City”	Amend	CITY: The municipal government and all its enterprises as defined by the Colorado Constitution, article X, section 20 and City Charter article VII, section 7-90, including, but not limited to, Colorado Springs Utilities and Memorial Health System MHS Enterprise . The City’s municipal government and the municipal enterprises are subject to the management and control of the Mayor. The City’s Colorado Springs Utilities enterprise is subject to the management and control of City Council’s appointed Chief Executive Officer. Subject to the terms and conditions of the Memorial Health System Affiliation during its duration , the City’s Memorial Health System enterprise MHS Enterprise : (i) is subject to the general supervision and control of City Council, and (ii) is subject to the daily management and control of City Council’s appointed Board of Trustees, which appoints a Chief Executive Officer.

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
1.3.102 – “Direct Official Action”	Amend solely to standardize terminology	<p>DIRECT OFFICIAL ACTION: Any action that involves:</p> <p>(A) Negotiating, approving, disapproving, administering, enforcing or recommending for or against a contract, purchase order, lease, concession, franchise, grant, vendor, concessionaire, land use or any other matter to which the City is a party. “Recommending” shall mean someone in the formal line of decision making for the matter.</p> <p>(B) Enforcing laws or regulations or issuing, enforcing or regulating permits and licenses.</p> <p>(C) Appointing and terminating employees, temporary workers, volunteers and independent contractors as defined by the Internal Revenue Code.</p> <p>(D) Doing research for, representing, or scheduling appointments for an officer, official, or employee, provided that these activities are conducted in connection with that person’s job performance.</p> <p>(E) “Direct official action” does not include acts that are purely ministerial. It also does not include signatures by the Mayor, City Council, City Auditor, City Attorney, City Clerk, Utilities Chief Executive Officer or Memorial Health System MHS Enterprise Chief Executive Officer unless these individuals initiate the contract or are involved in the selection of the contractor or the negotiation or administration of the contract. A person who abstains from a vote is not exercising direct official action.</p>
1.3.103(K)	Amend solely to standardize terminology	<p>Complaints; Inquiries: Any person may file a written complaint or an inquiry for consideration by the Independent Ethics Commission through the City Attorney regarding a matter involving an elected official, an appointee including members of boards, committees and commissions appointed by City Council, the President of Council or the Mayor, or an independent contractor. Any written complaint or inquiry shall be filed confidentially and processed in accord with the Independent Ethics Commission Rules of Procedure. The written complaint or inquiry may only be considered for matters occurring within the last twelve (12) months. Any person may file a written complaint or inquiry for consideration directly with the Mayor, Utilities Chief Executive Officer, Memorial Health System MHS Enterprise Chief Executive Officer, City Attorney, City Auditor, City Clerk or Presiding Municipal Judge for covered persons within those organizations or for covered persons who work for the City in a volunteer capacity, not including members of boards, committees and commissions appointed by City Council or the Mayor.</p>
1.3.108	Amend solely to standardize terminology	<p>Nothing in this Code of Ethics shall prohibit the Mayor, City Attorney, City Auditor, City Clerk, Utilities Chief Executive Officer or Memorial Health System MHS Enterprise Board of Trustees or Chief Executive Officer, or Presiding Judge of the Municipal Court from enacting further ethics rules and regulations pertaining to those who report to them that may be as strict or more strict than this Code of Ethics.</p>

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
1.4.102(A)	Amend solely to standardize terminology	In accord with Charter subsection 3-10(f), the City Council shall review and approve by ordinance personnel policies and procedures for all City employees, including civil service employees, but specifically excluding employees of the Utilities and Memorial Health System MHS Enterprise . The Executive Director of Utilities and the Memorial Hospital MHS Enterprise Board of Trustees shall promulgate personnel policies and procedures and make any changes as deemed necessary for employees of those enterprises. Unless otherwise provided, these policies and procedures shall apply to employees as designated by their respective organization. The policies and procedures are not intended to be an express or implied contract. It shall be the responsibility of each employee to be familiar with these policies and procedures.
1.4.108	Amend solely to standardize terminology	In the course of any disciplinary hearing, a person acting as a hearing officer or a facilitator for a disciplinary review board as set forth in the policies and procedures promulgated by the City Council, Utilities Executive Director, the City’s Civil Service Commission for the municipal police and fire forces or the Memorial Hospital MHS Enterprise Board of Trustees shall have the power to subpoena and require the attendance of witnesses and production by them of any written material in relation to any matters properly involved in the proceedings. Compliance with any subpoena issued pursuant to this section shall be in accord with chapter 11 of this Code.
1.4.301(A)	Amend solely to standardize terminology	<p>Defense Provided: Whenever a criminal action has been brought against any City employee, including municipal employees and employees of Colorado Springs Utilities and Memorial Health System MHS Enterprise, or the employee has been involved in an incident which is being investigated by a law enforcement agency with a view toward the filing of criminal charges or the submission of the facts surrounding the incident to a grand jury for review, and the employee requests in writing without delay that the cost of defense and/or fine for the employee be borne by the City, that cost, including reasonable counsel fees and expenses, shall be borne by the City if the City Council first finds and determines that:</p> <ol style="list-style-type: none"> <li data-bbox="653 915 1583 948">(1) The act or omission arose out of and in the course of the employee’s duties; <li data-bbox="653 987 1442 1019">(2) The employee was acting in good faith and without malice; and <li data-bbox="653 1058 1474 1091">(3) The cost of defending the employee serves the interest of the City.
1.4.302 (C)	Amend	Civil Action Investigation Committee: To assist the City Council in making such findings and determinations, a committee consisting of the City Attorney, the Risk Manager, and the head of the affected employee’s department, division, office, enterprise or agency for the City (or the Mayor, Utilities Executive Director or Memorial Hospital MHS Enterprise Chief Executive Officer if the employee charged is a department, division, office or agency director or manager) shall cause an investigation to be made of any civil action, and make a recommendation to the City Council whether the above criteria for paying the costs of defending the employee or the cost of payment of any judgment or settlement are required pursuant to the requirements of this section. In the interest of clarity, “MHS Enterprise” does not refer to any current or future operator of leased facilities under the Memorial Health System Affiliation or encompass such operator’s employees.

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
1.5.403	Amend	<p>Gifts, devises and bequests may be made to the City, the City Council, to any officer, agency or employee of the City either by personal name or official title, Memorial Health System MHS Enterprise or to any division, department, office, agency or board of the City regardless of how described. All gifts, devises and bequests shall be valid and effective as if made directly to the City and shall be administered by the City for the benefit of the division, department, office, agency or board of the City in accord with the terms of the gift, devise or bequest. Gifts, devises and bequests made to or for the benefit of Memorial Health System MHS Enterprise or any department shall be administered by the Board of Trustees of Memorial Health System MHS Enterprise. In the interest of clarity, “MHS Enterprise” does not refer to any current or future operator of leased facilities under the Memorial Health System Affiliation or encompass such operator’s employees.</p>
1.5.601	Amend	<p>The City Council hereby recognizes that the City is required to provide workers’ compensation coverage for the City due to personal injuries or death sustained by any employee, pursuant to Colorado Revised Statutes title 8, articles 40 to 47 and 55. For purposes of this article, reference to the “City” shall be deemed to include the general fund, to also include all enterprise and internal service fund activities, Utilities, Memorial Health System MHS Enterprise, regional building, housing authority, joint ventures, authorities, and others. In the interest of clarity, “MHS Enterprise” does not refer to any current or future operator of leased facilities under the Memorial Health System Affiliation or encompass such operator’s employees.</p> <p>The City Council recognizes the need to respond to meritorious claims of employees in a timely fashion. An appropriate remedy is to create reserve funds for the purpose of self-insurance to the extent that insurance coverage has not been obtained. The City Council declares that the purpose of this article is to create claim reserve funds, provide a mechanism for claims adjustment, investigation, and defense, and to authorize the settlement and payment of claims due to personal injuries or death sustained by any employee pursuant to Colorado Revised Statutes title 8, articles 40 to 47 and 55.</p>

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
1.5.602(A)	Amend	<p>There are hereby created funds to be known as the workers' compensation claim reserve fund, which will consist of all monies which may be appropriated to the fund by the City Council or which may be otherwise made available to it by the City Council. This fund is created for the purpose of enabling the city to meet its statutory workers' compensation obligations to its employees and Executive Director of the Department of Labor and Employment under rules governing the issuance of self-insurance permits, Code of Colorado Regulations 1101.4.</p> <p>The terms and conditions of the employer's coverages and benefits are particularly described in Colorado Revised Statutes title 8, articles 40 to 47 and 55 and the City's excess insurance policy. The monies "otherwise made available" shall be deemed to include transfers of monies to the funds authorized in any given annual budget ordinance. All interest earned from the investment of monies in the workers' compensation claim reserve fund shall be credited to those funds and become a part. The monies in the funds are hereby continuously appropriated for purposes of this article. The City's Chief Financial Officer shall account for all independent fund categories within the workers' compensation claim reserve fund including Utilities, Memorial Health System MHS Enterprise (in the interest of clarity, "MHS Enterprise" does not refer to any current or future operator of leased facilities under the Memorial Health System Affiliation or encompass such operator's employees), authorities, ventures and enterprise funds if any are so appropriated. The accounting of these funds shall be in a manner consistent with the applicable governmental accounting standards. At the end of any fiscal year, all unexpended and unencumbered monies in the workers' compensation claim reserve funds shall remain in the fund, shall not be credited or transferred to any other fund, and shall not be construed to be an asset of the City.</p>
1.5.702 – "Director"	Amend solely to standardize terminology	<p>DIRECTOR: For all unclaimed property that is held by or under the control of the City but is not held by or under the control of Utilities or Memorial Health System MHS Enterprise, Director shall mean the Mayor, or the Mayor's designee. For unclaimed property held by or under the control of Utilities, Director shall mean the Executive Director of Utilities. For property held by or under the control of Memorial Health System MHS Enterprise, Director shall be the Chief Executive Officer of Memorial Health System MHS Enterprise.</p>
1.5.703(A)	Amend solely to standardize terminology	<p>Prior to the disposition of any unclaimed property, the Director shall send a written notice by regular mail to the last known address, if any, of any owned of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the City group, department or agency holding the property, Utilities or Memorial Health System MHS Enterprise. The notice shall include a description of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the City, Utilities or Memorial Health System MHS Enterprise and any claim of the owner to the property shall be forfeited.</p>
1.5.703(B)	Amend solely to standardize terminology	<p>If the Director receives no written claim within the above sixty (60) day claim period, the property shall become the sole property of the City, Utilities or Memorial Health System MHS Enterprise and any claim of the owner to the property shall be forfeited.</p>

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
1.5.703(E)	Amend solely to standardize terminology	If all claims filed are denied, the property shall become the sole property of the City, Utilities or Memorial Health System MHS Enterprise and any claim of the owner shall be forfeited.
1.6.102(C)	Amend	Investment of Monies Received by Memorial Health System MHS Enterprise : All monies received by Memorial Health System MHS Enterprise by donation and not otherwise restricted as to investments (subject to MHS Enterprise’s obligations under the Memorial Health System Affiliation), may be invested by the Board of Trustees as the Board deems advisable subject only to the provisions of Colorado Revised Statutes 1973, title 15, article 1, section 3 (prudent investor rule).
1.6.102(D)	Amend	Investment of Monies in Memorial Health System’s MHS Enterprise’s Capital Improvement Fund: The Memorial Health System’s MHS Enterprise’s capital improvement fund (to the extent that such fund is utilized) shall be invested in accord with the Colorado Springs Memorial Health System MHS Enterprise capital improvement fund investment policy statement as approved by the Memorial Health System MHS Enterprise Board of Trustees. Up to fifty percent (50%) of the market value of the Memorial Health System MHS Enterprise capital improvement fund may be invested in equity securities and up to fifty percent (50%) may be invested in corporate bonds, or other fixed income securities. All investments made pursuant to the policy statement shall be subject to the Uniform Prudent Investor Act, Colorado Revised Statutes section 15-1.1-101 et seq., and other applicable laws.
1.6.904	Amend solely to standardize terminology	The Chief Financial Officer shall be responsible for maintaining an accounting of funds contributed by and amounts paid out on behalf of City Utilities, Memorial Hospital MHS Enterprise and all enterprise activities so that annual contributions to the claims reserve fund can be based on claims experience.
3.2.301 – “Manager”	Amend	MANAGER: The person or persons who have administrative or supervisory authority over any facility. This term includes, but is not limited to, the Mayor, Utilities Director, City Attorney, City Clerk, City Auditor, Municipal Court Administrator, Presiding Judge of the Municipal Court, Memorial Hospital MHS Enterprise Board of Trustees (subject to the terms and conditions of the Memorial Health System Affiliation during its duration) and their designees.

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
6.13.104(B)	Amend solely to standardize terminology	<p>Final Administrative Appeal: An appellant aggrieved by the decision of the written determination resulting from an administrative appeal may appeal that decision to a final administrative appeal panel (the “panel”) by filing a written notice of appeal with the Administrator of the City’s real estate assets within ten (10) days of the date of mailing of the written determination resulting from the administrative appeal hearing. The City shall consider the written notice of appeal regardless of form.</p> <ol style="list-style-type: none"> 1. The Administrator shall forward the notice to the panel which shall set a hearing not less than thirty (30) days nor more than sixty (60) days from the date of the appeal. The panel shall consist of the Mayor, the Executive Director of Utilities and the Chief Executive Officer of Memorial Health System MHS Enterprise or their designees, none of whom shall have had any prior involvement in the relocation. 2. The appellant may, at the appellant’s expense, be represented by legal counsel or another person at the final administrative appeal hearing. 3. The panel shall review the relocation file, the justification and material presented at the administrative hearing and the resulting written determination. The panel, in its sole discretion, may receive additional information, documents or other material necessary to ensure a fair and full review of the appeal or to assist the panel in determining whether the City failed to properly consider the application for assistance under section 6.13.102 of this article, including, but not limited to, eligibility for, or the amount of, a required relocation payment. The final administrative appeal hearing shall be recorded and the appellant, at the appellant’s option and expense, may request a transcript of the recorded hearing. 4. Within ten (10) days of the conclusion of the final appeal hearing, the panel shall issue a final written determination on the appeal, including an explanation of the basis on which the decision was made, and provide a copy to the appellant. If the full relief requested is not granted, the written determination shall advise the appellant of the right to seek judicial review of the panel’s decision.
7.7.1803	Amend	<p>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.</p>
7.7.1807(C)	Amend	<p>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.</p>

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
7.7.1807(D)	Amend solely to standardize terminology	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.
9.7.105(D)	Amend solely to standardize terminology	It shall be an exception to the allegation of a violation of any section of this part that the act was committed by an employee of the City or any of its enterprises, or by a contractor under the direct supervision of an employee, who is authorized by the Mayor, the Chief Executive Officer of Colorado Springs Utilities, or the Chief Executive Officer for Memorial Health System MHS Enterprise to discharge a firearm in the performance of that person's duties, and who was, in fact, engaged in the performance of those duties.
9.7.107(B)	Amend solely to standardize terminology	The person or persons reporting directly to City Council who have administrative or supervisory authority over any building or specific area owned or leased by the City, including the Mayor, Chief Executive Officer of Colorado Springs Utilities, City Attorney, City Clerk, City Auditor, Municipal Court Administrator, Presiding Judge of the Municipal Court, Memorial Hospital MHS Enterprise Board of Trustees and their designees, are hereby authorized to post signs at public entrances to City owned or leased buildings informing the public that the open carrying of firearms is prohibited.
9.7.107(D)	Amend solely to standardize terminology	This section shall not apply to an employee of the City or any of its enterprises who is authorized by the Mayor, the Chief Executive Officer of Colorado Springs Utilities, or the Chief Executive Officer for Memorial Health System MHS Enterprise to carry a firearm in the performance of that person's duties and who was, in fact, engaged in the performance of those duties.
9.7.202(B)	Amend solely to standardize terminology	Nothing in this section or section 9.7.201 of this part shall be construed to prohibit the use of the devices by peace officers and mailmen in the discharge of the person's duties, nor by employees of the City or any of its enterprises who have obtained the approval of the Mayor, the Chief Executive Officer of Colorado Springs Utilities, or the Chief Executive Officer for Memorial Health System MHS Enterprise to use the devices in the performance of the person's duties.

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
13.1.101	Amend Also, revise name of Chapter 13 from “Memorial Hospital” to “MHS Enterprise”	<p>On September 20, 1949, the citizens of Colorado Springs approved electoral ordinances 1854 and 1856, which: a) approved Municipal ownership of Memorial Hospital (now MHS Enterprise), b) created a Board of Trustees and detailed its operational duties and responsibilities, and c) established a tax levy for the operation and maintenance of Memorial Hospital. Today, Memorial Hospital is an enterprise of the City of Colorado Springs and is a regional leader in providing high quality healthcare services to all citizens. 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 Hospital, including the option of leasing the assets of Memorial Hospital to an outside independent operator. 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 ultimately approved the City’s entry into the Memorial Health System Affiliation dated July 2, 2012, which contemplated transfer of Memorial Hospital assets and the long-term lease of Memorial Hospital facilities to a lessee (first Poudre Valley Health Care, Inc., d/b/a Poudre Valley Health System, an affiliate of University of Colorado Health, then UCH-MHS, also an affiliate of University of Colorado Health). The Attorney General of the State of Colorado approved the Memorial Health System Affiliation, and the transactions and actions contemplated thereby, as required by Colorado law. The voters of the City by referendum approved the Memorial Health System Affiliation, and the transactions and actions contemplated thereby. The Memorial Health System Affiliation became effective on October 1, 2012. Today, MHS Enterprise remains an enterprise of the City of Colorado Springs. City Council hereby finds and determines that it is essential to the health, safety and welfare of the citizens of Colorado Springs and the Pikes Peak Region that City owned Memorial Hospital MHS Enterprise continue to operate and be maintained as a self-sustaining government owned business which issues its own revenue bonds, receives over seventy five percent (75%) of its annual nondebt revenue from nongovernment sources and receives under ten percent (10%) of its annual revenues in grants from all Colorado State and local governments combined.</p> <p>The City Council hereby finds, determines and declares that it is in the interest of the public health, safety and general welfare for the City to own, operate and maintain a Municipal hospital, “Memorial Health System,” and the City may own, operate and maintain the Hospital. (and that the City may own, operate and maintain) MHS Enterprise.</p>
13.1.102 – “Chief Executive Officer, or the Officer’s Designee”	Amend	<p>MHS ENTERPRISE CHIEF EXECUTIVE OFFICER OR THE OFFICER’S DESIGNEE: The person selected and employed by the Board of Trustees to act as the Chief Administrative Officer for the operation, management and development of Memorial Hospital The chief executive and administrative officer of MHS Enterprise appointed by the MHS Enterprise Board of Trustees, and in the absence of such an appointee, the Chair of the MHS Enterprise Board of Trustees. In the interest of clarity, the “MHS Enterprise Chief Executive Officer” does not refer to the chief executive and administrative officer of any current or future operator of leased facilities under the Memorial Health System Affiliation.</p>

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
13.1.102 – “Employees”	Amend	EMPLOYEES: Shall include all persons employed by Memorial Hospital MHS Enterprise . In the interest of clarity, “employees” shall not include employees of any current or future operator of leased facilities under the Memorial Health System Affiliation.
13.1.102 – “Medical Staff”	Amend	MHS ENTERPRISE MEDICAL STAFF: To the extent in operation , shall include all practitioners who have met the qualifications of medical, dental and podiatric staff membership and affiliated doctors, as established by the MHS Enterprise Board of Trustees. In the interest of clarity, the “MHS Enterprise Medical Staff” does not refer to the medical staff of any current or future operator of leased facilities under the Memorial Health System Affiliation.
13.1.10 – “Memorial Hospital or Hospital”	Amend	MEMORIAL HOSPITAL OR HOSPITAL MHS ENTERPRISE : Shall include all City owned central and satellite facilities and offices dedicated to the provision of health and medical services and operating under the name of Memorial Hospital or Memorial Health System . The health system enterprise of the City, formerly referenced as Memorial Hospital or Memorial Health System. In the interest of clarity, “MHS Enterprise” does not refer to any current or future operator of leased facilities under the Memorial Health System Affiliation.
13.1.102 – “Municipal”	Keep intact, no amendment necessary	MUNICIPAL: City government related operations.
13.1.103(A):	Amend	Memorial Hospital MHS Enterprise shall operate as a City owned enterprise and shall ensure: 1. Memorial Hospital MHS Enterprise remains a self-sustaining government owned business which may issue its own revenue bonds (subject to the terms and conditions of the Memorial Health System Affiliation during its duration); and 2. Memorial Hospital MHS Enterprise continues to receive over seventy five percent (75%) of its annual nondebt revenue from nongovernment sources; and 3. Memorial Hospital MHS Enterprise continues to receive under ten percent (10%) of its annual revenues in grants from all Colorado State and local governments combined.
13.1.103(B)	Amend	Pursuant to Colorado Revised Statutes section 24-10-104, City Council has waived the limits of sovereign immunity as those limits relate to the operation of Memorial Hospital. The Board of Trustees shall maintain adequate insurance or other funds for this limited waiver of sovereign immunity. Absent private insurance protection, all claims on behalf of or against Memorial Hospital MHS Enterprise shall be in accord with chapter 1 of this Code.
13.1.103(C)	Amend	In accord with the provisions of chapter 1 of this Code, and subject to the terms and conditions of the Memorial Health System Affiliation during its duration , the City Auditor shall have those duties and responsibilities imposed by City Council to ensure the public accountability of Memorial Hospital MHS Enterprise .

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
13.1.104(A)	Amend	<p>Subject to the terms and conditions of the Memorial Health System Affiliation during its duration, City Council hereby delegates the responsibility for daily operation and management of Memorial Hospital MHS Enterprise to the Board of Trustees.</p> <p>1. Subject to the terms and conditions of the Memorial Health System Affiliation during its duration, and subject to the general supervision and control of City Council, the Board of Trustees shall exercise complete control over the operation, expenditures, personnel and employee matters, betterments, improvements, repairs, equipment, fiscal and other policies of Memorial Hospital MHS Enterprise.</p> <p>2. Subject to the terms and conditions of the Memorial Health System Affiliation during its duration, the Board of Trustees shall generally be empowered and authorized to do all things, not in conflict with the City Charter or this Code, for the operation, maintenance and development of Memorial Hospital MHS Enterprise.</p>
13.1.104(B)	Amend	<p>The Board of Trustees shall select and employ a Chief Executive Officer who shall be the Chief Administrative Officer of the Hospital. Subject to the authorization of the MHS Enterprise Board of Trustees, and to the general supervision and control of the City Council, as applicable, and subject to the terms and conditions of the Memorial Health System Affiliation during its duration, the MHS Enterprise Chief Executive Officer shall, where appropriate:</p> <ol style="list-style-type: none"> 1. Develop Memorial Hospital MHS Enterprise services; 2. Develop other services as necessary to benefit citizens and other persons served by Memorial Hospital MHS Enterprise; 3. Develop community health and education services to enable people served by Memorial Hospital MHS Enterprise to maintain and enhance their health; 4. Develop strategic and operating plans to guide Memorial Hospital's MHS Enterprise's long term and short term decision making; 5. Review annually organizational bylaws, development, education and training programs for Board members, Hospital MHS Enterprise staff, physicians and their staffs; and 6. Perform other duties as assigned by the MHS Enterprise Board of Trustees. <p>In the interest of clarity, "MHS Enterprise" does not refer to any current or future operator of leased facilities under the Memorial Health System Affiliation.</p>

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
13.1.104(C)	Amend	Subject to the terms and conditions of the Memorial Health System Affiliation during its duration, City Council shall retain all responsibility for land use decisions including the exercise of eminent domain, authorization for bond issuance and repayment, Board appointment, and approval of the annual budget and appropriation for Memorial Hospital MHS Enterprise, and may grant on the City's behalf any approvals or consents related to the Memorial Health System Affiliation.
13.1.104(D)	Amend solely to standardize terminology	In accord with the provisions of the City Charter and chapter 1 of this Code, the City Attorney shall be responsible for the legal affairs of Memorial Hospital MHS Enterprise and may, as necessary, employ assistants or other counsel.
13.1.105(A)	Amend solely to standardize terminology	Created: There is hereby created a Memorial Hospital MHS Enterprise Board of Trustees. The Board of Trustees shall be subject to and comply with the provisions of City Charter subsection 3-60(d) and section 9-10, all applicable provisions of this Code, and the rules and procedures of Council.
13.1.105(B)(1)	Amend	B. Board Members: 1. The regular members of the Board of Trustees of Memorial Hospital MHS Enterprise shall be appointed by the City Council for terms of three (3) years. Regular Board of Trustees members may, at Council's discretion, serve up to three (3) consecutive three (3) year terms. The Council shall by ordinance determine the number of members of the Board which shall not exceed fifteen (15) and may provide for the qualifications of members. Pursuant to the authority granted to the City Council in Ord. No. 3131, adopted by vote of the electors of the City, the Board of Trustees shall consist of nine (9) members, who may be any individuals deemed qualified by the City Council.
13.1.105(B)(2)	Excise	2. In its discretion, City Council may also appoint ex officio members to the Board of Trustees, including the Memorial Hospital Chief of the Medical Staff. Ex officio members may participate in discussion of matters before the Board, but shall not vote upon any matter before the Board, shall not take the place of an absent regular member of the Board and shall not be counted toward a quorum or the number of regular members. With the exception of the Chief of the Medical Staff, ex officio members shall not attend closed legal sessions of the Board. [Intentionally blank.]
13.1.105(B)(3)	Amend	3. In its discretion, City Council may remove any regular or ex officio Board member at any time.
13.1.105(B)(4)	Excise	4. City Council may appoint alternate members to the Board of Trustees upon the terms and conditions set forth in chapter 1 of this Code. [Intentionally blank.]
13.1.105(C)	Amend	Standing Or Special Committees: The Board of Trustees shall, in accord with its rules of procedure, appoint standing or special committees as needed for the efficient operation and maintenance of the Hospital to carry out its duties.
13.1.105(D)	Keep intact, no amendment necessary	Rules Of Procedure: The Board of Trustees shall adopt and amend rules of procedure for the conduct of its meetings and other business.

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
13.1.106(A)	Amend	<p>Memorial Hospital MHS Enterprise is authorized to execute its business contracts in the name, “Memorial Hospital MHS Enterprise.” Business contracts executed in the name, “Memorial Hospital MHS Enterprise” (or, prior to October 1, 2012, “Memorial Hospital” or “Memorial Health System”) shall be deemed to have been executed by the City of Colorado Springs on behalf of its Hospital Enterprise MHS Enterprise and shall be legally enforceable by the City or Memorial Hospital MHS Enterprise against third parties and by third parties against the City or Memorial Hospital MHS Enterprise to the same extent that would occur if the business contract had been executed by the City of Colorado Springs on behalf of its Hospital Enterprise MHS Enterprise. In addition, all contracts executed in the name of “Memorial Hospital MHS Enterprise” (or, prior to October 1, 2012, “Memorial Hospital” or “Memorial Health System”) shall be interpreted or construed by any reviewing court as having been executed by the City of Colorado Springs on behalf of its Hospital MHS Enterprise. In the interest of clarity, “MHS Enterprise” does not refer to any current or future operator of leased facilities under the Memorial Health System Affiliation.</p>
13.1.106(B)	Amend	<p>Subject to the terms and conditions of the Memorial Health System Affiliation during its duration, the Chief Executive Officer is authorized to execute all business contracts entered into by Memorial Hospital MHS Enterprise and all other Hospital MHS Enterprise contracts and agreements except those which require approval by the Board of Trustees under any applicable Board policy or which the City Charter, this Code or other controlling law require or requires to be executed by a municipal officer of the City. The Chief Executive Officer may designate this signatory authority by administrative regulation to staff reporting to the Chief Executive Officer and may provide by administrative regulation for the further delegation of this signatory authority.</p>
13.1.106(C)	Amend	<p>Subject to the terms and conditions of the Memorial Health System Affiliation during its duration, real and personal property donated to or acquired by Memorial Hospital MHS Enterprise shall be held in the name of the City of Colorado Springs.</p>
13.1.107(A)	Amend	<p>A. Subject to the terms and conditions of the Memorial Health System Affiliation during its duration, and subject to the approval of the Board of Trustees, the MHS Enterprise Chief Executive Officer shall adopt and promulgate administrative regulations consistent with the provisions of the City Charter, this Code or the policies of the Board of Trustees concerning matters that are applicable to all operations and finances of Memorial Hospital MHS Enterprise including:</p> <ol style="list-style-type: none"> 1. Administrative organizational structure; 2. Institutional fiscal responsibility; 3. Operational effectiveness, effectiveness, efficiency and evaluation.
13.1.107(B)	Amend	<p>All other rules and regulations, including MHS Enterprise medical staff bylaws, personnel policies and procedures and regulatory compliance shall be subject to the approval of the Board of Trustees. In the interest of clarity, “MHS Enterprise” does not refer to any current or future operator of leased facilities under the Memorial Health System Affiliation.</p>

Provision	Status (add, amend, keep intact, excise)	Proposed Changes (where applicable)
13.1.108	Amend	<p>Subject to the terms and conditions of the Memorial Health System Affiliation during its duration, the City shall continue the operation and maintenance of Memorial Hospital MHS Enterprise, now owned by the City, and the City Council shall have the power annually, commencing with the annual tax and appropriation ordinance for the year 1950, to levy a separate tax and appropriate its proceeds solely for the use of the Hospital MHS Enterprise as necessary. The tax shall be sufficient to pay the estimated deficit in all expenses incurred in conducting, maintaining and improving the Hospital MHS Enterprise in the next ensuing fiscal year, including payment of bonds and related interest, repairs, upkeep, betterments, equipment, supplies, depreciation, insurance, employees' salaries and all other expenses incident to the operation and maintenance of the Hospital MHS Enterprise. In the interest of clarity, "MHS Enterprise" does not refer to any current or future operator of leased facilities under the Memorial Health System Affiliation.</p>
14.9.103 – "Enterprise"	Amend solely to standardize terminology	<p>ENTERPRISE: A business function that: a) qualifies as an "enterprise" under Colorado Constitution article X, section 20(2)(d), b) qualifies as an "enterprise" under Charter subsection 7-90(b)(5), and c) is classified as an enterprise by the City. Enterprise includes the municipal enterprises, Colorado Springs Utilities, and the Memorial Health System MHS Enterprise.</p>
14.9.104(A)	Amend solely to standardize terminology	<p>This article applies to the City, all municipal enterprises, Colorado Springs Utilities, and Memorial Health System MHS Enterprise.</p>