

ORDINANCE NO. 15-_____

AN ORDINANCE AMENDING PART 1 (DANGEROUS AND DEADLY WEAPONS) AND PART 2 (OTHER DANGEROUS WEAPONS AND SUBSTANCES) OF ARTICLE 7 (DANGEROUS WEAPONS AND SUBSTANCES) OF CHAPTER 9 (PUBLIC OFFENSES) 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 105 (Exceptions to the Prohibitions) of Part 1 (Dangerous and Deadly Weapons) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

9.7.105: EXCEPTIONS TO THE PROHIBITIONS:

* * *

D. 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.

Section 2. Section 107 (Open Carrying of Firearms) of Part 1 (Dangerous and Deadly Weapons) of Article 7 (Dangerous Weapons and Substances) of

Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

9.7.107: OPEN CARRYING OF FIREARMS:

* * *

B. 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 the public entrances to City owned or leased buildings informing the public that the open carrying of firearms is prohibited.

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D. 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.

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Section 3. Section 202 (Use of Certain Chemicals Prohibited) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

9.7.202: USE OF CERTAIN CHEMICALS PROHIBITED:

* * *

B. 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.

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Section 4. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 5. 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:

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:

Sarah B. Johnson, City Clerk