



MEETING DATE: February 10, 2014

TO: Members of City Council
FROM: City Council President Keith King
SUBJECT: WORK SESSION AGENDA

The Work Session meeting of the City Council of Colorado Springs is scheduled to commence on Monday, February 10, 2014, at 1:00 p.m. at City Hall, 107 N. Nevada Avenue, in Council Chambers.

1. CALL TO ORDER

2. CHANGES TO THE WORK SESSION AGENDA

3. REGULAR MEETING COMMENTS

4. JANUARY 27, 2013 WORK SESSION MINUTES

5. EXECUTIVE SESSION

A. Open Executive Session

1. Phillip David Haskett v. Officer Dominick Luna, Colorado Springs Police Department, et al., Case No. 13-cv-03392-RBJ

Recommendation of the Civil Action Investigation Committee: authorize the City to represent Officer Luna as required by the Colorado Governmental Immunity Act and the Peace Officers Liability Act.

6. STAFF AND APPOINTEE REPORTS

A. Agenda Planner Review – Eileen Gonzalez, Council Administrator

7. PRESENTATIONS FOR GENERAL INFORMATION

- A. Memorial Hospital Update Relating to Lease and Integration Affiliation Agreement Reporting Requirements – George Hayes, CEO

8. ITEMS FOR INTRODUCTION

- A. Requests By First & Main And First & Main No. 2 Business Improvement Districts for Approval of Ordinances to Allow Conversion From Council-Appointed To Elected Boards Of Directors – Peter Wysocki, Planning & Development Director and Carl Schueler, Planning Manager – Comprehensive Planner
- B. ESA wind-up Agreement – Frederick Stein, Senior Public Safety Attorney, City's Attorney's Office
- C. ESA 2014 Budget – Jim Reid, ESA Chair
- D. An Ordinance Pertaining to Possession of Marijuana at Indoor City Facilities, and Providing Penalties for the Violation thereof – Bitt Haley, Division Chief, City Attorney's Office
- E. An Ordinance Pertaining to Possession of Marijuana at the Colorado Springs Municipal Airport, and Providing Penalties for the Violation thereof – Bitt Haley, Division Chief, City Attorney's Office
- F. A Resolution Approving amendments to the Rules of the Colorado Springs Civil Service Commission for the Municipal Police and Fire Forces – Michael Sullivan, Human Resources Director

9. ITEMS UNDER STUDY

- A. An Ordinance Amending Ordinance No. 07-113 Pertaining to the Art Commission of the Pikes Peak Region – Councilmember Helen Collins & Eileen Gonzales Council Administrator

10. COUNCILMEMBER REPORTS AND OPEN DISCUSSION

11. ADJOURN

CITY COUNCIL WORK SESSION MEETING
CITY OF COLORADO SPRINGS
JANUARY 27, 2014

Present: President King, President Pro Tem Bennett, Councilmembers Collins, Gaebler, Knight, Martin, Miller, Pico, and Snider. Also present, Chief of Staff Neumann and Deputy City Attorney Florczak.

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1. **CALL TO ORDER**

Deputy City Clerk Powell called the roll. All Councilmembers were present.

2. **CHANGES TO THE AGENDA**

No changes.

3. **REGULAR MEETING COMMENTS FOR JANUARY 31, 2014**

Colorado Springs Utilities' ("CSU") CEO Jerry Forte requested that Item 19, Added Item Agenda be moved up to be presented under Item 9, Utilities Business

4. **REVIEW OF JANUARY 13, 2014 WORK SESSION MINUTES**

No changes were requested.

5. **EXECUTIVE SESSION (estimated time will be a minimum of one hour)**

There was no Executive Session requested.

6. **STAFF AND APPOINTEE REPORTS**

A. Agenda Planner – Council Administrator Eileen Gonzalez

Councilmember Martin described the LART committee's appropriations request that will be introduced at Council's Work Session on February 10th and scheduled for first reading at the Regular Council session on February 11th.

Councilmember Knight asked about an anticipated February update on designated smoking areas in parks. Consensus of Council approved the request to have the update placed on a February agenda.

Councilmember Snider asked to confirm whether the 2014 Water Shortage Tariff to be presented in two weeks will include the updated requests from the prior CSU Board Meeting. CFO Forte confirmed that it will include those items.

B. Memorial Health System Enterprise Update

Kara Skinner, CFO, described the monthly financial report included in Council's packet. She also presented a report on the reconciliation of the networking capital calculations. She indicated expenditures should be winding down but will update Council on any changes that may occur.

7. **PRESENTATIONS FOR GENERAL INFORMATION**

A. Memorial Hospital/University of Colorado Health Lease Agreement Briefing

Councilmember Bennett briefed Council on components of the Memorial Health System ("MHS")/University of Colorado Health ("UCH") agreement as related to any potential future developments of a UCH Children's Hospital or other new hospital. He described what Council's role, if any, would be should UCH make any such announcement. He described that he and Councilmember Gaebler will be engaged in any such discussions and have reached out to outside counsel, Jim Wiehl, of Fulbright & Jaworski, who worked on the Affiliation and Integration Agreement for further guidance should the developments take place.

8. **ITEMS FOR INTRODUCTION**

A. A Request by the Colorado Springs Urban Renewal Authority for a Major Amendment to the North Nevada Avenue Urban Renewal Plan

Peter Wysocki, Director of Planning and Development, described the background and request for Council's approval of the design guidelines requested by the North Nevada Urban Renewal Authority ("NNURA"). He stated that design guidelines are not ratified in City Code and that the City currently has no authority to enforce the guidelines, yet can request the applicant(s) comply through the Urban Renewal Authority ("URA") process. They requested the URA seek a broader area of impact from which to obtain constituent input.

Councilmembers discussed positive aspects of the issue that could help provide consistency for future development, elimination of slums and blight, and potential improvement to property values.

Jim Rees, URA Director, answered questions relative to the public process that was conducted relative to the proposed design guidelines that included representation from the public, UCCS, City Planning and the developers of University Village. He explained the primary concern expressed was that the uses and design guidelines would not force current property owners to revamp their property as existing today.

- B. An Ordinance Pertaining to Possession of Marijuana at Indoor City Facilities and providing Penalties for the Violation thereof

Council Administrator Gonzalez described the background that produced the two draft ordinances included in the Council packets and also as updated earlier this morning. The two ordinances addressed both the possession of marijuana at indoor City facilities and also for airport facilities. Britt Haley, City Attorney – Corporate Division Chief, provided further explanation of the draft ordinances and additional recommendations that she received.

Extensive discussion ensued among the Councilmembers relative to the penalty described in the draft ordinances and the potential impact and residual effects of an offense.

9. **ITEMS UNDER STUDY**

- A. Discussion of Scope for First Phase of Comprehensive Plan Update

Peter Wyscoki, Planning and Development Director, and Carl Schueler, Planning Manager – Comprehensive Planning, briefed Council on the scope and anticipated process for the first phase of the Comprehensive Plan update. Mr. Schueler and Mr. Wysocki will serve as the project managers and plan to include the expertise of steering and technical committees to review and audit all of the 200 plus documents involved. It was suggested Council assign two of their members to participate in the process; Councilmembers Gaebler and Pico were recommended. It is estimated the process will take up to three years to complete. An RFP process will be conducted to secure a consultant for the project.

10. **COUNCILMEMBER REPORTS AND OPEN DISCUSSION**

- A. Councilmember Gaebler requested Council's approval to travel to Reno, Nevada, next week to review their efforts to stimulate economic development. Consensus of Council approved her travel request.
- B. Councilmember Knight updated Council on a variety of work in which he is involved including: working on budget definition of programs and the level of detail Council can expect to see during the next budget cycle; a recent breakfast he had with Chancellor Shockley; and, the status of the resolution for Council's mayoral appointment procedures.
- C. President King reported on scheduling a meeting with Richard Westfall regarding Council's request to obtain outside counsel and how to handle situations when the Mayor and Council have differences of opinion and conflicts of interest. He also reported on plans for the Council retreat to be held Wednesday, January 29th.
- D. Councilmember Miller reported that there will be a Utilities Finance Committee meeting the following morning, Tuesday, January 28th.

11. **ADJOURN**

City Council adjourned at 4:04 p.m.



DATE: January 31, 2014
TO: Keith King, City Council President
FROM: Wynetta Massey, Interim City Attorney
RE: February 10, 2014, Executive Session Agenda

Please schedule the following legal matter for **Open Executive Session:**

Phillip David Haskett v. Officer Dominick Luna, Colorado Springs Police Department, et al., Case No. 13-cv-03392-RBJ

Recommendation of the Civil Action Investigation Committee: authorize the City to represent Officer Luna as required by the Colorado Governmental Immunity Act and the Peace Officers Liability Act.

Currently, there are no matters to schedule for **Closed Executive Session:**

Wynetta Massey
Interim City Attorney

C: Steve Bach, Mayor
Laura Neumann, Chief of Staff
Denny Nester, City Auditor
Sarah B. Johnson, City Clerk
Eileen Gonzalez, City Council Administrator



WORK SESSION ITEM

COUNCIL MEETING DATE: February 10, 2014

TO: President and Members of City Council

FROM: Eileen Lynch Gonzalez, City Council Administrator

SUBJECT: Agenda Planner Review

The following agenda items have been proposed for the Work Session and Regular Meetings on February 24 and 25 and March 10 and 11, 2014.

Work Session Meeting – February 24

Staff and Appointee Reports

1. Memorial Health System Enterprise Update – Kara Skinner, Chief Financial Officer
2. Update on No Smoking Ordinance – Karen Palus, Director, Parks, Recreation & Cultural Services

Presentations for General Information

1. Quality of Life Indicators Briefing – Lisa Bachman, Dave Munger, Executive Committee members, Quality of Life Indicators for the Pikes Peak Region
2. Military Affairs Council (MAC) Briefing on Base Realignment and Closure (BRAC) Activity – Steve Dant, Chairman, Military Affairs Council

Items for Introduction

1. An ordinance regarding the City's use of the power of Eminent Domain – Councilmember Joel Miller

Items Under Study

1. Proposed Ordinance Relating to Licenses/Permits for private companies to provide funeral escorts within the City – Councilmember Jan Martin

Regular Meeting – February 25

Consent Calendar

1. Request by First & Main Business Improvement District for approval of ordinance to allow conversion from Council-appointed to elected board of directors – Peter Wysocki, Planning & Development Director; Carl Schueler, Senior Planner
2. Request by First & Main No. 2 Business Improvement District for approval of ordinance to allow conversion from Council-appointed to elected board of directors – Peter Wysocki, Planning & Development Director; Carl Schueler, Senior Planner
3. Request by Colorado Springs School District 11 for the vacation of the 20-foot wide alley that extends from Polk Street on the north to Tyler Street on the south and is located

between Cascade Avenue and Tejon Street – Peter Wysocki, Planning & Development Director; Steve Tuck, Senior Planner

4. A Resolution Supporting a Paths to Parks Trail Grant Application to Great Outdoors Colorado for the Legacy Loop Trail and Park Development Project – Karen Palus, Parks, Recreation & Cultural Services Director
5. A Resolution Supporting a Local Government Parks and Recreation Grant Application to Great Outdoors Colorado for the Outdoor Fitness Zone Park Development Project – Karen Palus, Parks, Recreation & Cultural Services Director
6. A Resolution Approving Amendments to the Rules of the Colorado Springs Civil Service Commission for the Municipal Police and Fire Forces – Mike Sullivan, Human Resources Director and Secretary to the Civil Service Commission
7. Security Lease Agreement Addendum – Gary Bostrom, Chief Water Services Officer, Colorado Springs Utilities
8. Aurora/Colorado Springs Joint Water Authority Revised Service Contract – Gary Bostrom, Chief Water Services Officer, Colorado Springs Utilities
9. Pikes Peak Geospatial Alliance IGA – Gary Bostrom, Chief Water Services Officer, Colorado Springs Utilities
10. Resolution Appointing Tyler Allison and Brett Gracely to Homestake/A-CS JWA – Gary Bostrom, Chief Water Services Officer, Colorado Springs Utilities

Recognitions

1. A Resolution of Appreciation for the Friends of Ute Valley Park for their support for the Parks Department – Karen Palus, Parks, Recreation & Cultural Services Director

Utilities Business

1. 2014 Water Shortage Ordinance 1st Reading – Gary Bostrom, Chief Water Services Officer, Colorado Springs Utilities
2. Resolution Requesting Permission to Close on Consensual Land Transactions for the Southern Delivery System – Gary Bostrom, Chief Water Services Officer, Colorado Springs Utilities

New Business

1. A Resolution Approving the Intergovernmental Agreement (“IGA”) for the Wind-Up and Liquidation of the El Paso County Emergency Service Agency (“ESA”) Between the City of Colorado Springs and El Paso County, Colorado – Frederick Stein, City Attorney’s Office
2. A Resolution Approving the Budget for 2014 for the El Paso County Emergency Services Agency – Jim Reid, Chair, El Paso County Emergency Services Agency

Public Hearings

1. Public hearing on appeal by G.W. Flanders and Angus and Gail Morrison regarding the Planning Commission action of January 16, 2014 approving the Whistling Pines Gun Club West, LLC for a conditional use to allow an Indoor Sports and Recreation use in a PIP-2/HS (Planned Industrial Park with Hillside Overlay)-zoned property at 4750 Peace Palace Point – Peter Wysocki, Planning & Development Director; Erin McCauley, Planner II
2. Public hearing on appeal by Bruce Wright on behalf of 1150 Kelly Johnson LLC regarding the Planning Commission action of January 16, 2014 for approval of a conditional use for the Majestic Mountain Range, an Indoor Sports and Recreation shooting range facility

(requested to be postponed from February 25 to March 11) – Peter Wysocki, Planning & Development Director; Larry Larsen, Senior Planner

Regular Meeting – March 11

Consent Calendar

1. A request by the Colorado Spring Urban Renewal Authority for a major amendment to the North Nevada Avenue Urban Renewal Plan – Peter Wysocki, Planning & Development Director
2. Public hearing on appeal by Bruce Wright on behalf of 1150 Kelly Johnson LLC regarding the Planning Commission action of January 16, 2014 for approval of a conditional use for the Majestic Mountain Range, an Indoor Sports and Recreation shooting range facility. (Postponed from February 25 meeting) – Peter Wysocki, Planning & Development Director; Larry Larsen, Senior Planner
3. Resolution Supporting Appointments to the Southeastern District – Gary Bostrom, Chief Water Services Officer, Colorado Springs Utilities

Recognitions

1. Recognition of Mathcounts Regional Competition Winners – Mike Bartusek, Title?fs

Improving Lives:

**Annual Memorial Hospital Update to
City Council**

George Hayes, Anthony DeFurio & Greg Raymond

February 10, 2014



UNIVERSITY
of COLORADO HEALTH



Celebrating our successes

Celebrating Memorial's Successes

Designing the health system of the future and creating an engaged workforce

Since becoming part of University of Colorado Health, Memorial has integrated/collaborated across multiple disciplines, including Finance, Information Technology, Human Resources, Clinical Services & Administration:

- Epic and Lawson implementation, restoring volume and physician recruitment, integrated benefits structure and sharing of clinical best practices across the system.

Cultivating collaborative physician partnerships

Memorial Hospital has doubled the number of physicians in its medical group.

Ensuring a quality, patient-centered experience

Memorial achieved Primary Stroke Center Accreditation and Chest Pain Center Accreditation with PCI, two distinguished designations of quality.

Strengthening financial sustainability and investing in patient safety

In addition to the \$41.1 million Epic/Lawson EMR investment, \$37 million has been spent on new technology, repairs and other improvements at Memorial:

- State-of-the-art technology including an O-Arm multi-dimensional surgical imaging system and a Discovery 619 PET/CT, air handler and boiler replacements, patient quality and safety improvements including infusion pumps, anesthesia machines, beds, monitors, surgical equipment trays.

Memorial Governance

Composition of the 11-member Memorial Board

- El Paso candidates were recommended for appointment to the new Memorial Board through a Joint Nominating Committee consisting of equal representation from the City of Colorado Springs and University of Colorado Health.
- Seven of the Directors reside in El Paso County. This process of selecting the 7 El Paso Appointees for appointment to the Board is designed to have a broad representation of the community.
- Four of the Directors were appointed directly to the new Board by UCHealth.

Memorial Board Members

- Frank Caris, Richard Celeste, Anthony DeFurio, Karla Grazier, Steve Hess, Robin Johnson, MD, Fred Michael, MD, William Neff, MD, Victor Renart, Ret. General, Jim Shmerling, Michael Welch, DO

Exceptional Quality, Safety & Efficiency

Initiatives, Assurances and Methods

- Implemented National Surgical Quality Improvement Program (NSQIP)
- Began participating in system-wide trauma consortium, stroke quality consortium and the Quality Oncology Program Initiative (QOPI)
- Our journey to become a Magnet nursing hospital, a designation that only 5% of hospitals nationally hold, is underway.
- New Joint Commission requirements related to National Patient Safety Goals require our employees to continually focus on improving patient safety and concentrate on continual patient well-being.

Quality Metric Improvements

- Improved aggregate CMS core measures, a key indicator, from 88% to 96%
- Our fall rate, an important safety indicator, is a third of what it was before the transition.
- Readmission rates for heart failure, acute myocardial infarction and pneumonia are among the lowest in the country.
- Improved serious safety event ratio from 1.79 to 1.26
- Reduced pressure ulcers by 49%
- Reduced Central Line Associated Blood Stream Infections (CLASBI) by 36%
- Reduced catheter-associated urinary tract infection (CAUTI) by 38%

Outstanding Patient and Family Experience

Patient Experience Quality Initiatives

- Launched system-wide quality improvement focused programs including: AIDET program for effective communication, Service Excellence standards and training, leadership rounding standards, responding to concerns or complaints training, Service Excellence ambassadors, service campaign, discharge care call protocols, Emergency Department throughput, department specific Priority Index focus
- Patient Satisfaction Scores have increased over the last 18 months:

	Oct 2011 – Sept 2012 Mean Score	Oct 2012 – Sept 2013 Mean Score
Inpatient	86.8	86.9
Emergency	81.6	82.4
Urgent Care	83.5	83.8
Outpatient	92.7	93.3
Ambulatory	93.6	94.6
Medical Practice	93.0	92.9
Weighted Mean Score	88.8	89.2

Engaged Employees and Physicians

Transforming our Culture

- Memorial remains one of the largest employers in El Paso County outside of the military.
- Initiatives in motion to drive focus, accountability, discipline and trust through the Leadership Academy and employee recognition programs.
- Employees on-boarded to new benefit plan and new incentive plan.
- Participation dramatically improved in our employee engagement survey to more than 80 percent.

Restoring and Building Relationships with Physicians

- Our system's medical group in El Paso County, Colorado Health Medical Group, has doubled in size in the past year with three dozen additional doctors. They include cardiologists, oncologists, trauma surgeons, primary care physicians and several specialized surgeons.
- We are making life easier for physicians through our electronic medical record implementation.
- We have re-established trust and rapport with key private practices in the community through a committee of physician leaders, physician groups and senior leaders.
- We have frequent and honest communication with physicians to identify and evaluate systemic priorities and align with physician leadership initiatives.
- Physician engagement increased from the 6th percentile to the 38th percentile and the participation rate increased from 40% to 50%.

Enhancing Care for the Community

A Service to the Community

- Memorial offers community education programs, such as:
 - HealthLink: classes related to childbirth, parenting, health and wellness;
 - Life Support Courses: Basic Life Support, Advanced Life Support, Pediatric Life Support, and a Neonatal Resuscitation Program;
 - Neonatal Intensive Care Unit Courses for Parents: A Parent Infant CPR program, Health Saver CPR, Heart Saver First Aid;
 - Post-resuscitation/pre-transport Stabilization Care of the Sick Infant, a Trauma Nursing Core Course, an Emergency Nursing Pediatric Course and a Medical Terminology course.

- Memorial Hospital continues to provide all medically necessary services for charity care patients, as shown below:

Indigent Care and Bad Debt Write Offs		
	FY12	FY13
Charity	\$ 33,815,485.36	\$ 46,411,767.97
Bad Debt	\$ 55,783,430.79	\$ 74,417,987.83
Bad Debt Recovery	\$ (6,875,780.88)	\$ (7,198,836.29)
Total	\$ 82,723,135.27	\$ 113,630,919.51

Community Partnerships

Reaching out to the Community

- Memorial Hospital is the official hospital of:
 - The U.S. Olympic Training Center in Colorado Springs
 - Sky Sox baseball
 - Colorado College Athletics
- Other significant partnerships:
 - University of Colorado at Colorado Springs
 - Air Force Academy athletics
 - Colorado Springs Conservatory
 - KOAA
 - World Arena
- Memorial spent more than \$194,000 on charitable contributions and sponsorships to a host of nonprofit organizations. These include Newborn Hope, Peak Vista, the Regional Business Alliance and many others.
- Memorial has partnered with physician groups through the electronic medical record, employment, joint ventures, IPA, etc., and we have a transfer agreement with First Choice ER.
- UCHealth launched a TPA which will benefit businesses in providing health coverage for employees

Serving the Community

- **Community Health Needs Assessment**

- A requirement of the Affordable Care Act is to conduct this assessment every three years, with our first assessment due summer 2014. The CHNA describes the health status of our community and is to be used by the hospital and other collaborators when it develops an implementation plan that addresses one or more community needs that have been identified.
- We are excited to have the opportunity to report these findings to you at our next annual update.

- **System-wide Electronic Health Record**

- The implementation of Epic at Memorial directly addresses the changes in healthcare.
- A system-wide electronic health record benefits the community in a variety of ways including: improves the quality and convenience of patient care, increases patient participation in their care, improves the accuracy of diagnoses and health outcomes, improves care coordination, increases practice efficiencies and cost savings and seamlessly integrates a patient's medical records up and down the Front Range.

- **Primary Care Physicians and Services Added to the Community**

- Memorial has hired about half a dozen primary care physicians and advanced practice providers and expects to hire many more in the year to come.
- Colorado Health Medical Group in the Colorado Springs community has welcomed the addition of several specialists: cardiology, oncology, thoracic surgery, neuroscience, trauma breast surgery and surgical specialists.

Expanding on a Proud Legacy of Pediatric Care at Memorial

Presenter: Greg Raymond



Children's Hospital Colorado
Colorado Springs

Enhancing Care for Children

- **Extensive Pediatric Services for the Community**
 - 3 Children's Hospital Colorado locations:
 - Children's Hospital Colorado with Outpatient Specialty Care at Briargate
 - Children's Hospital Colorado at Memorial Hospital Central
 - Children's Hospital Colorado Therapy Care at Printers Park
 - 22 pediatric specialties are offered in Colorado Springs, 8 of which were added in the past year, including: Adolescent Health, Audiology, Center for Cancer and Blood Disorders, Cardiology, Diabetes Education, EEG, Endocrinology, ENT-Otolaryngology, Gastroenterology, Genetics, Metabolics, Neurology, Orthopedics, Laboratory, Pharmacy, Physical and Occupational Therapy, Pulmonology and Cystic Fibrosis Clinic, Radiology: Radiology, Fluoroscopy, X-ray, Ultrasound, Rehabilitation, Rheumatology, Speech Therapy, Urology
- **Improving Access and Increasing Specialty Services in Colorado Springs**
 - 17 Pediatric Specialists have been recruited to practice in Colorado Springs including in Hematology/Oncology, Cardiology, ENT-Otolaryngology, Pediatric Surgery, Pulmonology, Neurology, Developmental Pediatrics, Diabetes, Gastroenterology
 - Increased resources to ensure 24/7 pediatric pharmacy and respiratory therapy

A Focus on Caring for the Pediatric Community

We're Continuing to Grow

- Since October 2012, we have added more than 45 more jobs at Children's Hospital Colorado in Colorado Springs
- Through HealthTeacher, we provide teachers in El Paso, Park and Teller counties with access to K-12 online health education curriculum
- The Teddy Bear Clinic celebrated its 25th year and with more than 60 employee volunteers impacting over 9,000 people
- Since October 2012, community volunteers to Children's Hospital Colorado have increased from 40 to over 90

Community Pediatric Partnerships

- March of Dimes
- Newborn Hope
- Peak Vista Foundation
- Colorado Youth Ballet
- Starlight Foundation
- Ronald McDonald House Charities of Southern Colorado
- Ella Mae Bransom Sickle Cell Association
- Join Initiatives for Youth and Families
- Air Force Academy
- Cheyenne Mountain Zoo
- HealthTeacher

Community Benefit Activities

Financial Assistance/Charitable Care

- Includes unreimbursed costs from providing care to patients enrolled in Medicaid, State Child Health plan, and other government programs
- \$8,800,789 (10/12 - 06/13) for specific care provided by Children's at Memorial Hospital Central

Cash and In-kind Contributions

- Includes cash and in-kind donations such as sponsorship of other nonprofit events, donation of meeting space, donation of health/safety educational materials
- Over \$102,000 contributed in sponsorship support to other organizations in the Colorado Springs community in 2013

Organization-wide Community Benefit Activities

- **Community Health Improvement**
 - Includes activities such as immunization fairs, dental screenings, parent education
- **Health Professions Education**
 - Includes Graduate Medical Education for 8906 residents and fellows, nursing students, and other health professionals such as community pediatricians and trauma providers
- **Subsidized Health Services**
 - Includes unreimbursed costs from operating programs that meet a community need, such as behavioral health/psych services for patients in need of service
- **Research**
 - Includes laboratory science and applied research which advances the best care for kids
- **Community Building Activities**
 - Not included in community benefit total and includes environmental improvements, workforce development, and community health improvement advocacy efforts

Outstanding Quality and Patient Safety

Target Zero Initiatives

- Adverse Drug Event (ADE), Catheter-Associated Urinary Tract Infection (CAUTI), Central Line-Associated Bloodstream Infection (CLABSI), Preventable Code Outside ICU, Falls, Patient ID, Pressure Ulcers, Surgical Site Infections

Children's at Memorial Hospital Central 2013 Monthly at-a-glance Scorecard	
	2013 Year-to-Date Achievement
Quality and Patient Safety: Reducing preventable harm by 10% (Year-end: 32% reduction)	●
Service: Achieving referring physician satisfaction of 4.05 (Year end: 4.09)	●
Service: Achieving patient/family satisfaction to a weighted average score of 73.5% excellent (Year end: 74.3% of patient surveys scored "excellent")	●
People: Achieve Employee Engagement of 4.01 (Year end: 4.01 Employee Opinion Survey Score)	●

● On or Above Target ● Near Target ● Below Target ● Metrics Not Yet Available



On the horizon...

On the Horizon

Community Investments

- Investing in Memorial's potential Level 1 Trauma Center designation to care for the most critically injured patients
- Pursuing Magnet designation for nursing, a distinction held by only five percent of hospitals nationally
- Developing partnership between UCHHealth and Children's Hospital Colorado to advance both pediatric and adult care in Colorado Springs and Southern Colorado through:
 - The potential construction of a stand-alone dedicated pediatric hospital adjacent to Memorial Hospital North
 - Analysis and master planning of pediatric and adult services at Memorial Hospital Central, Memorial Hospital North and ambulatory/urgent care facilities throughout El Paso County
 - Expand access capacity through addition of ambulatory and urgent care and elevate patient care for children, teens and adults in the community
 - Develop state-of-the-art pediatric facilities, re-purpose Memorial Central to enhance adult services, create additional jobs for healthcare and ancillary professionals
 - Drive economic development through construction and related investments

On the Horizon (cont.)

- Planning is in progress for the University of Colorado School of Medicine Branch Medical Campus
 - **June 2013:** The School of Medicine accrediting body agreed there were adequate resources to extend a branch campus in Colorado Springs.
 - **January 21, 2014:** Erik Wallace, MD officially started his duties as Associate Dean for Colorado Springs Branch. His initial efforts will be to recruit medical students and teaching faculty for the educational programs that will be developed at Colorado Springs.
 - **February 19, 2014:** The Lane Center for Academic Health Sciences on the University of Colorado, Colorado Springs campus, which will house the branch campus medical education administrative offices, will open.
 - **August 6, 2014:** Twenty-four University of Colorado medical students who are committed to the Colorado Springs Branch begin their first year at the Anschutz Medical Campus. These students will be taking their core third year clinical clerkships in Colorado Springs, effective April 2016.

Discussion & Questions



Work Session Agenda Item

COUNCIL MEETING DATE: February 10, 2014

To: President and Members of City Council

cc: Mayor Steve Bach

Via: Laura Neumann, Chief of Staff/Chief Administrative Officer

From: Peter Wysocki, Planning and Development Director
Carl Schueler, Planning Manager- Comprehensive Planning

Subject Title: **FIRST & MAIN and FIRST & MAIN BUSINESS IMPROVEMENT DISTRICT
REQUESTS FOR CHANGE IN GOVERNANCE STRUCTURE**

SUMMARY:

The First & Main and First & Main No. 2 Business Improvement Districts (the BIDs) are requesting City Council consideration of a change in governance structure from Council-appointed to elected boards of directors, as allowed by Colorado Revised Statutes.

PREVIOUS COUNCIL ACTION:

City Council approved formation of the First & Main BID in 2003 (Ordinance No. 03-37) and the First & Main BID No. 2 in 2008 (Ordinance No. 08-144) has approved each BID's Budget and Operating Plans annually since their formation. City Council has also approved the First & Main BID's issuance of its 2009 and 2011 bonds as well as a boundary modification associated with formation of the First and Main Business Improvement No. 2 District in 2008. For the No.2 BID, Council has approved issuance of bonds in 2009 and 2010, as well as a minor property inclusion in 2012.

BACKGROUND:

Colorado Revised Statutes §31-25-1209(1) (d) allows for persons owning fifty percent (50%) or more of the property and representing at least 50% of the assessed valuation, to petition for conversion from an appointed to an elected board governance structure. The applicable statutory language is included as an attachment. These two petitions meet that requirement. For the First & Main BID, the petitioning owners represent 90% of the acreage and 95% of the valuation. For the First & Main No. 2 BID they represent 65% of the acreage and 63% of the valuation. Of the total of ten existing BIDs in the City, these two are the only development-specific BIDs that have appointed and not elected boards. The more broadly based Downtown BID also has a City Council- appointed board.

The way this statutory language operates, the discretion of Council is limited because these petitions must be approved if due process is followed and standards are met. However, Council does have the option of adopting greater acreage ownership thresholds, via ordinance if this was desired.

Staff notes that in these cases, the current Council-appointed boards consist entirely of representatives of the majority owners within these BIDs. Conversion to elected boards would potentially confer minority

owners an opportunity to qualify electors and therefore more actively participate in the affairs of these districts. However, the appointed board structure also allows for this broader representation.

These actions have been proposed as part of the City Council-approved 2014 Budgets and Operating Plans for these BIDs.

Required legal notices will be coordinated with the petitioners and the City Clerk's Office.

Copies of draft ordinances will be provided with the formal agenda items. These will include language addressing the terms of board member (staggered) and other standard requirements, all in accordance with State statute.

FINANCIAL IMPLICATIONS:

With this potential change in governance there are no direct financial implications to the City.

ALTERNATIVES:

Following this process, City Council is obligated to approve these requests, unless it were to choose to implement greater proportional ownership requirements as allowed for by Statute.

BOARD/COMMISSION RECOMMENDATION:

The Bids' Boards of Directors recommend City Council's approval of this change. These requests have been provided to the City's Special District Committee. As of the date of this staff report, there have been no substantive outstanding comments or concerns. The City Clerk and Attorney's Offices have been coordinating with this request. The City's Committee "consultant", Colorado Springs Utilities, City Finance and City Public Works all state no comments or concerns.

RECOMMENDATION:

Staff recommends approval of the requested change, to include drafting and approval of ordinances establishing this form of governance and specifying the terms of member of the board in accordance with statute.

Next Steps

These agenda items are proposed to be scheduled for first reading as New Business items for the February 25, 2014 City Council meeting. The predominantly standard form Ordinances will be provided with those agenda packets.

Attachments:

- PowerPoint Slides
- Excerpt from Colorado Revised Statutes
- Copies of the Petitions

Attachment ---

Excerpt from Colorado Revised Statutes §31-25-1209(1) (d)

(d) If the petition initiating the organization of the district or any subsequent petition signed by persons who own real or personal property in the service area of the proposed district having a valuation for assessment of not less than fifty percent, or such greater amount as the governing body may provide by ordinance, of the valuation for assessment of all real and personal property in the service area of the proposed district and who own at least fifty percent, or such greater amount as the governing body may provide by ordinance, of the acreage in the proposed district so specifies, the members of the board of the district shall be elected by the electors of the district. If such a petition is approved, the terms of members of the board shall be specified by ordinance of the governing body and shall be the same as the terms of directors of special districts pursuant to article 1 of title 32, C.R.S. The initial election for members of the board shall be held within sixty days after approval of the ordinance organizing the district or the filing of any subsequent petition. All subsequent elections for members of the board shall be on the regular election date specified in article 1 of title 32, C.R.S., for special districts. The number of directors, the quorum requirements, and the oaths of office shall be the same as those provided for directors of special districts pursuant to article 1 of title 32, C.R.S. Any vacancy on the board shall be filled in the same manner as provided in paragraph (b) of this subsection (1). Until the members of the board are elected and qualified, the governing body shall serve as the board of the district. Elections pursuant to this paragraph (d) shall be held in accordance with the provisions of part 8 of article 1 of title 32, C.R.S. The cost of any election held pursuant to this paragraph (d) shall be borne by the district.



First & Main BID Governance Changes

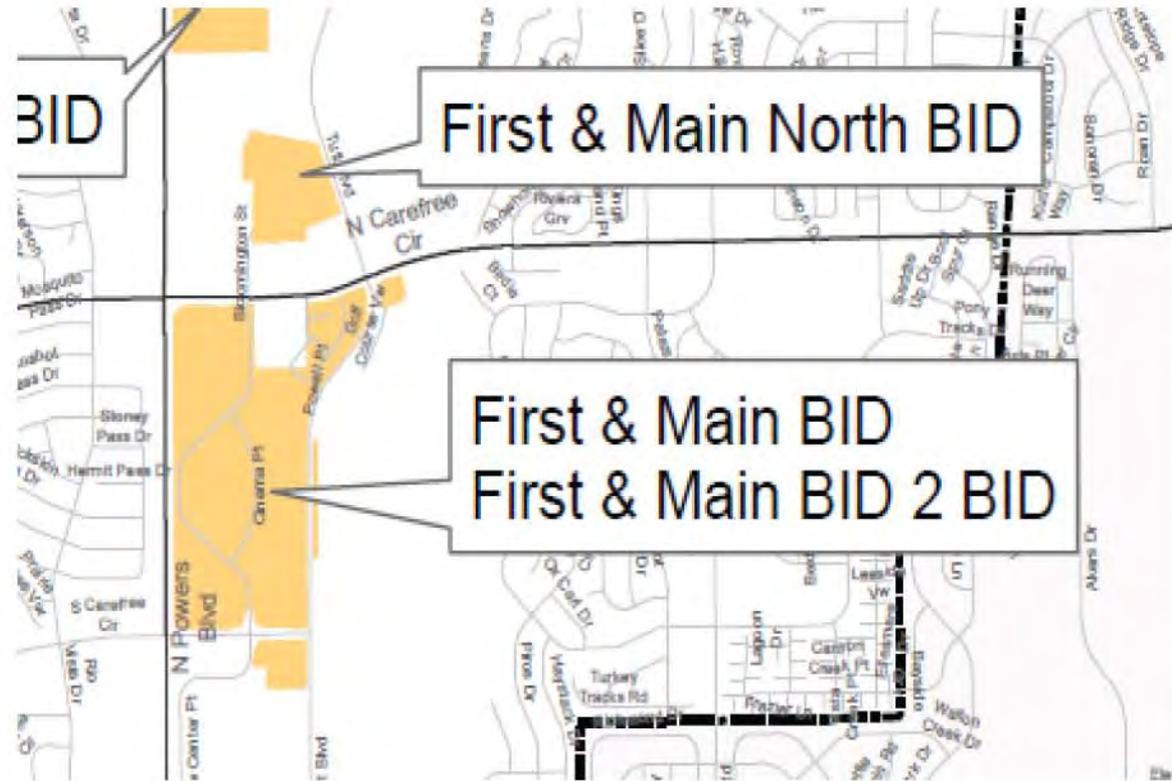
City Council Work Session
February 10, 2014

Peter Wysocki, Planning and Development Director
Carl Schueler, Comprehensive Planning Manager

Summary

- **First & Main and First & Main No. 2 BIDs created in 2003 and 2008 respectively with Council- appointed boards**
- **Now requesting conversion to elected boards consistent with all other City BIDs except Downtown BID**

Vicinity Map



Statutes Allow and Contemplate

- Both petitions have required 50% or more of:
 - Acreage
 - Valuation
- Process is by Ordinance

Staff Recommendations/ Comments

- Approval
- Conversion would allow potential for minority owners to participate in boards
 - If any eligible electors

Next Steps

- New business items for February 25, 2014
 - Ordinances to be provided
- Second reading on March 11, 2014
- May 2014 elections (mail ballot)



Questions?

SPENCER FANE
& GRIMSHAW^{LLP}
ATTORNEYS & COUNSELORS AT LAW

MARY L. CARTER, PARALEGAL
DIRECT DIAL: (303) 839-3871
mcarter@spencerfane.com

File No. 5114015-0014

January 21, 2014

Bill Powell
Deputy City Clerk
City of Colorado Springs
30 S. Nevada
Colorado Springs, CO 80903

Re: First and Main Business Improvement District

Dear Mr. Powell:

Enclosed please find the original Petition of First and Main LLC, the owner of ninety-five percent (95%) of the valuation for assessment of all real and personal property in the service area and ninety percent (90%) of the acreage in the First and Main Business Improvement District.

Kindly advise the undersigned of the date of the public hearing and we will prepare and publish the Notice of Public Hearing accordingly and provide you with the proof of publication.

If you require anything further, please advise me.

Very truly yours,

SPENCER FANE & GRIMSHAW LLP



Mary L. Carter, Paralegal

MLC/idi
Cc: Carl Schueler
Enclosure

1700 Lincoln Street, Suite 3800
Denver, Colorado 80203-4538

DN 948641.1

(303) 839-3800 www.spencerfane.com Fax (303) 839-3838

PETITION
TO
CITY COUNCIL
CITY OF COLORADO SPRINGS, COLORADO

Pursuant to Section 31-25-1209, C.R.S., the undersigned, representing ninety-five percent (95%) of the valuation for assessment of all real and personal property in the service area and ninety percent (90%) of the acreage in the First and Main Business Improvement District hereby requests approval of the City Council of the City of Colorado Springs, Colorado for the members of the board of directors of the District to be hereinafter elected by the eligible electors of the District.

Attached is a copy of the property owners list provided by the El Paso County Assessor detailing the owners of real and personal property within the District and the assessed values and acreage of the parcels within the District, as verification of the claim of the Petitioner.

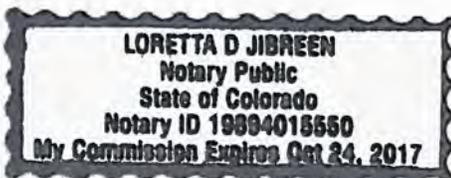
First and Main LLC

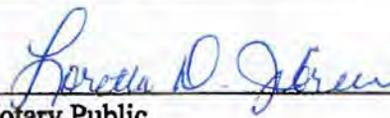
By  _____
Christopher S. Jenkins, Manager

Subscribed and sworn to before me this 10TH day of October, 2013 by Christopher S. Jenkins as Manager of First and Main LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 10-24-2017.



 _____
Notary Public

Parcel/Schedule Number	Property Type	Property Location	Primary Land Use	Acreage	Market Value	Assessed Value	Owner's Name 1	Owner's Name
5331202006	Vacant	NEW CENTER PT	VACANT COMMERCIAL LOTS	0.92	1,000	290	FIRST & MAIN LLC	
5331202031	Vacant	NEW CENTER PT	VACANT COMMERCIAL LOTS	1.49	1,000	290	FIRST & MAIN LLC	
5331202044	Commercial	3316 CINEMA PT	SPECIAL PURPOSE	0.31	1,511,175	438,240	FIRST & MAIN LLC	
5331202012	Commercial	3190 NEW CENTER PT	SPECIAL PURPOSE	2.47	1,645,726	477,260	FIRST & MAIN LLC	
5331202021	Commercial	3150 NEW CENTER PT	MERCHANDISING	4.64	4,275,047	1,239,760	FIRST & MAIN LLC	
5331202032	Commercial	3130 CINEMA PT	WAREHOUSE/STORAGE	3.91	651,065	188,810	FIRST & MAIN LLC	
5331202020	Commercial	3120 NEW CENTER PT	SPECIAL PURPOSE	0.75	996,863	289,090	FIRST & MAIN LLC	
5331202023	Commercial	3101 NEW CENTER PT	SPECIAL PURPOSE	1.99	1,305,705	378,650	FIRST & MAIN LLC	
5331200024	Exempt	31-13-65	POLITICAL SUBDIVISION	0.92	500	0	COLORADO SPRINGS CITY OF	
0000020038 0000	Personal Property				345,958	100,330	BEST BUY STORES LP	NO 021200
0000031255 0000	Personal Property				41,167	11,940	MENS WEARHOUSE	NO 1307
0000066713 0056	Personal Property				25,630	7,430	CISCO SYSTEMS CAPITAL CORP	C/O PROPERTY TAX ALLI/
0000091396 0053	Personal Property				1,075	310	CARDTRONICS USA INC	C/O HARDING & CARBONE
0000096763 0000	Personal Property				387,704	112,440	OLD CHICAGO	C/O ROCK BOTTOM REST.
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0000101596 0000	Personal Property				121,464	35,220	FOX & HOUND PUB & GRILLE	C/O SAVAGE SAVAGE & B
0000107436 0045	Personal Property				2,229	650	MACQUARIE EQUIP FINANCE LLC	& SUBSIDIARY
0000111812 0050	Personal Property				3,888	1,130	PEPSICO SALES INC	C/O GEORGE MCELROY &
0000175836 0206	Personal Property				6,399	1,860	COCA COLA COMPANY THE	ATTN PROPERTY TAX DEF
0000195785 0280	Personal Property				74	20	MUZAK LLC	ATTN TAX DEPARTMENT
0000263960 0397	Personal Property				1,207	350	WABASHA LEASING LLC	C/O TAX DEPT
0000413975 0981	Personal Property				2,386	690	I B M CREDIT LLC	150 KETTLETOWN RD MS 3
				17.40	11,483,876			

Owner's Name 3**Mailing Address**

	111 S TEJON ST STE 222	COLORADO SPRINGS	CO	80903-2246
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C/O MARVIN F POER & CO	PO BOX 802206	DALLAS	TX	75380-2206
	6380 ROGERDALE RD	HOUSTON	TX	77072-1646
	PO BOX 311746	NEW BRAUNFELS	TX	78131-1746
	3903 BELLAIRE BLVD	HOUSTON	TX	77025-1119
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D/B/A BREADS OF THE WORLD LLC	2433 S HANLEY RD	SAINT LOUIS	MO	63144-1504
	PO BOX 22845	OKLAHOMA CITY	OK	73123-1845
PO BOX 2017	2285 FRANKLIN RD	BLOOMFIELD HILLS	MI	48302-0364
	PO BOX 565048	DALLAS	TX	75356-5048
	PO BOX 4440	BRANDON	FL	33509-4440
	3318 LAKEMONT BLVD	FORT MILL	SC	29708-8309
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SPENCER FANE
& GRIMSHAW^{LLP}
ATTORNEYS & COUNSELORS AT LAW

MARY L. CARTER, PARALEGAL
DIRECT DIAL: (303) 839-3871
mcarter@spencerfane.com

File No. 5114015-0014

January 21, 2014

Bill Powell
Deputy City Clerk
City of Colorado Springs
30 S. Nevada
Colorado Springs, CO 80903

Re: First and Main Business Improvement District

Dear Mr. Powell:

Enclosed please find the original Petition of First and Main LLC, the owner of ninety-five percent (95%) of the valuation for assessment of all real and personal property in the service area and ninety percent (90%) of the acreage in the First and Main Business Improvement District.

Kindly advise the undersigned of the date of the public hearing and we will prepare and publish the Notice of Public Hearing accordingly and provide you with the proof of publication.

If you require anything further, please advise me.

Very truly yours,

SPENCER FANE & GRIMSHAW LLP



Mary L. Carter, Paralegal

MLC/idi
Cc: Carl Schueler
Enclosure

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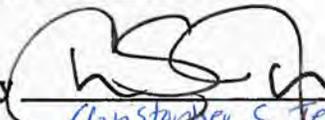
PETITION
TO
CITY COUNCIL
CITY OF COLORADO SPRINGS, COLORADO

Pursuant to Section 31-25-1209, C.R.S., the undersigned, representing ninety-five percent (95%) of the valuation for assessment of all real and personal property in the service area and ninety percent (90%) of the acreage in the First and Main Business Improvement District hereby requests approval of the City Council of the City of Colorado Springs, Colorado for the members of the board of directors of the District to be hereinafter elected by the eligible electors of the District.

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First and Main LLC

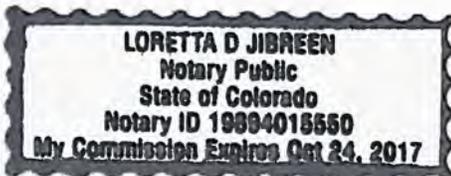
By


Christopher S. Jenkins, Manager

Subscribed and sworn to before me this 10TH day of October, 2013 by Christopher S. Jenkins as Manager of First and Main LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 10-24-2017.




Notary Public

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	PO BOX 4440	BRANDON	FL	33509-4440
	3318 LAKEMONT BLVD	FORT MILL	SC	29708-8309
	386 WABASHA ST N	SAINT PAUL	MN	55102-1312
	PO BOX 1159	SOUTHBURY	CT	06488-8159



Work Session Agenda Item

Council Meeting Date: February 10, 2014

To: President and Members of City Council

cc: Mayor Steve Bach

From: Wynetta Massey, Interim City Attorney

Subject Title: A Resolution Approving the Intergovernmental Agreement (“IGA”) for the Wind-Up and Liquidation of the El Paso County Emergency Service Agency (“ESA”) Between the City of Colorado Springs and El Paso County, Colorado

Summary: The ESA wind-up IGA formally wind-ups the ESA’s activities and liquidates the assets of the ESA as required by the original and subsequently amended ESA IGA.

Previous Council Action: Council approved the ESA IGA on October 12, 1995. The ESA IGA was most recently amended and readopted by the City and El Paso County on November 10, 2011. Subsequently Council passed a resolution providing El Paso County with written notice of termination of the ESA IGA on June 25, 2013.

Background: The City and El Paso County created the ESA, a separate public entity, for purposes of ensuring a coordinated, effective and efficient emergency management system, including the provision of ground emergency ambulance services through a contract with AMR. After a recommendation from the Fire Department, the Council decided to terminate ESA IGA because of increased savings the City could achieve by directly contracting with an ambulance services company. The ESA wind-up IGA is required because the termination provisions of the original ESA IGA provide that the City and El Paso County will negotiate a division of assets of the ESA. In addition, the ESA wind-up IGA is required to comply with ESA’s contract with American Medical Response (“AMR”) which does not end until March 31, 2014.

Financial Implications: The IGA states that the City and the El Paso County will equally split any remaining cash after all ESA expenses are paid when the ESA terminates on March 31, 2014. The City and El Paso County will also equally split any money paid by AMR as a result of a compliance review conducted on their contract response performance during March 2014.

Board/Commission Recommendation: Not applicable.

Stakeholder Process: Not applicable.

Alternatives: City Council may choose to approve, deny or modify the attached IGA.

Recommendation: Recommend approval of attached IGA to finalize the wind-up and liquidation of assets of the ESA.

c: Laura Neumann, Chief of Staff
Christopher Riley, Fire Chief

Attachments:

- A Resolution Approving the Intergovernmental Agreement (“IGA”) for the Wind-Up and Liquidation of the El Paso County Emergency Service Agency (“ESA”) Between the City of Colorado Springs and El Paso County, Colorado
- Intergovernmental Agreement Regarding Wind-Up and Liquidation of the El Paso County Emergency Services Agency

**A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT
FOR THE WIND-UP AND LIQUIDATION OF THE EL PASO COUNTY
EMERGENCY SERVICES AGENCY BETWEEN THE CITY OF COLORADO
SPRINGS AND EL PASO COUNTY, COLORADO**

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

Section 1. The Intergovernmental Agreement for the Wind-up and Liquidation of the El Paso County Emergency Services Agency between the City of Colorado Springs and El Paso County, Colorado, attached and made part of this resolution ("Agreement"), is approved.

Section 2. The Mayor is authorized to execute and administer the Agreement for and on behalf of the City, and the City Clerk is directed to attest the Mayor's signature and affix the seal of the City.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2014.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

**IGA REGARDING WIND-UP AND LIQUIDATION OF THE EL PASO COUNTY
EMERGENCY SERVICES AGENCY**

WHEREAS, the Board of County Commissioners of El Paso County, Colorado (“County”) and the City of Colorado Springs, a Colorado home rule city (“City”), entered into an Intergovernmental Agreement (“IGA”) on October 12, 1995 which created a separate public entity, the El Paso County Emergency Services Agency (“ESA”), for purposes of ensuring a coordinated effective and efficient emergency management system, including the provision of ground emergency ambulance services through a contract; and

WHEREAS, the ESA IGA was most recently amended and readopted on November 10, 2011. Article 7 of the IGA allows for the County or the City to terminate the IGA upon providing a minimum of six (6) months’ notice to the other party. City Council passed a resolution providing the County with written notice of termination of the IGA on June 25, 2013. The notice of termination was served upon the County on June 28, 2013 and recorded with the El Paso County Clerk and Recorder on July 2, 2013. Per the terms of the IGA and the City’s Notice, the ESA will cease to exist on December 31, 2013, subject to any extension necessary to comply with terms of the IGA and the ESA’s contracts with third parties; and

WHEREAS, the ESA’s contract for the exclusive provision of ground emergency ambulance services with American Medical Response (“AMR”) does not expire until March 31, 2014 and remains an outstanding obligation of the ESA until that time; and

WHEREAS, Article 7.1(B) of the ESA IGA requires that the ESA “may not be terminated so long as the Agency has financial indebtedness or other obligations outstanding, unless provision for full payment thereof by escrow or otherwise has been made pursuant to the terms of such financial indebtedness or obligations;” and

WHEREAS, Article 7.4 of the ESA IGA requires that, in the event of termination, the ESA must wind-up and liquidate its assets; and

WHEREAS, Article 7.3 of the ESA IGA provides that the Parties will negotiate a division of assets to ensure, to the extent possible, that both the County and City retain viable and adequate emergency service capabilities; and

WHEREAS, Article XIV, Section 18 of the Colorado Constitution and C.R.S. § 29-1-201, *et seq.* provides for and encourages political subdivisions of the State of Colorado to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with each other. The County and City deem it an efficient and effective use of their powers to enter this IGA for wind-up and liquidation of the ESA.

NOW THEREFORE, in consideration of the foregoing recitals, the County and City agree to the following:

ARTICLE ONE

EXTENSION FOR ESA/AMR CONTRACT

1.1 Purpose. Termination of the ESA IGA, and winding-up the ESA as an entity cannot be accomplished until the ESA's obligations under the ESA/AMR contract are satisfied. The purpose of this Article One is to extend the ESA IGA through March 31, 2014 in order for the ESA to fulfill that obligation.

1.2 Terms of the ESA IGA control. All terms contained in the currently operational ESA IGA and any bylaws, rules, or regulations created under that Agreement shall continue to control the ESA's affairs through March 31, 2014, after which point the termination will be effective and the ESA will dissolve. The extension is not intended to modify the way ESA conducts business.

ARTICLE TWO

WIND-UP AND LIQUIDATION

2.1 Division of Assets Guidelines. Article 7.3 of the ESA IGA requires the parties to negotiate division of assets based on the following guidelines:

A. The Parties intend that such division of assets, to the extent possible, will ensure that each Party retains viable and adequate emergency service capabilities and will return each Party to the position such Party would have been in had the Agency not been created.

B. Upon termination, those assets which were contributed by the Parties shall be returned to the contributing Party unless provided for differently in this Agreement or other written agreement by the Parties.

C. Any other assets remaining upon termination of the Agency, after the payment of lawful debts and other encumbrances on the assets, shall be apportioned to the Parties in the quantity and to the extent of the percentage share of each of the Parties' contributions for the preceding fiscal year.

2.2 Division of Assets. The County and City do not anticipate substantial funds remaining with the ESA on the effective termination date. Neither the County nor the City contributed money to the ESA during the preceding fiscal year. Assets of the ESA include remaining money held by ESA and a small amount of computer equipment and office furniture, none of which was contributed by the County or City.

Considering the intent of Article 7.3 of the ESA IGA to place the County and City in the position they would have been in had the ESA not been created, it is agreed that County and City will equally split any remaining ESA money and the County will receive all other remaining assets when the ESA terminates.

2.3 Audit of AMR's Performance during March 2014. Pursuant to its contract with the ESA, a compliance report for AMR's monthly performance for March 2014 shall be completed by the former ESA Administrator, who is currently employed by the City. The City shall forward the compliance report, along with any supporting documents, to the County for review and concurrence. Upon the County's concurrence, the City shall submit an invoice to AMR for any assessments arising from the compliance report in conformance with the terms of AMR's contract with ESA. Any fees assessed against AMR for contract performance in March 2014 shall be equally split between the County and City.

ARTICLE THREE

MISCELLANEOUS PROVISIONS

3.1 Amendments. Neither this IGA, nor any term hereof, can be changed, modified, or abandoned, in whole or in part, unless amended in writing and signed by the County and City.

3.2 Severability. If any clause or provision herein contained shall be adjudged to be insubstantial and invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the IGA as a whole and all other clauses or provisions shall be given full force and effect.

3.3 No Third Party Beneficiaries. Nothing in this IGA, expressed or implied, is intended or shall be construed to confer upon any person other than the County and the City, any right, remedy or claim under or by reason of this IGA, this IGA being intended to be for the sole and exclusive benefit of the County and City. This IGA shall not be construed to create a duty for the provision of emergency services by either the County or the City, nor shall this IGA be construed as creating a benefit enforceable for any person. Nor shall this IGA be construed to create a duty for the County or City to assume any liability for injury, property damage, or any other damage that may occur by any action or non-action taken, or service provided to the public or any person, as result of this Resolution.

3.4 Governing Law. This IGA shall be subject to and shall be interpreted under the laws of the State of Colorado. Court jurisdiction shall be exclusively in the District Court for El Paso County, Colorado.

3.5 Paragraph Headings. The paragraph headings are inserted only as a matter of convenience and for reference and in no way are intended to be a part of this IGA or to define, limit or describe the scope or intent of this IGA or the particular paragraphs to which they refer.

3.6 Singular and Plural. Whenever the context shall so require, the singular shall include the plural and the plural shall include the singular.

FOR EL PASO COUNTY:

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO**

By: _____
County Clerk and Recorder

By: _____
Dennis Hisey, Chair

Approved as to Form:

County Attorney's Office

FOR THE CITY OF COLORADO SPRINGS:

ATTEST:

COLORADO SPRINGS CITY COUNCIL

By: _____
City Clerk

By: _____
Keith King, Council President

Approved as to Form:

City Attorney's Office



Work Session Agenda Item

Council Meeting Date: February 10, 2014

To: President and Members of City Council

cc: Mayor Steve Bach

From: Jim Reid, Chair, El Paso County Emergency Services Agency

Subject Title: A Resolution Approving the Budget for 2014 for the El Paso County Emergency Services Agency

Summary: The El Paso County Emergency Services Agency (ESA) hereby submits a proposed budget for 2014 for Council's review and approval as specified in the Intergovernmental Agreement Concerning the El Paso County Emergency Services Agency between the City of Colorado Springs and El Paso County signed November 10, 2011, Article Five, §5.1.

Previous Council Action: City Council reviewed and approved the ESA's 2013 budget on October 9, 2012, and approved an amendment to the 2013 budget on February 26, 2013.

Background: The ESA's operating expenses are funded entirely from contract administration fees paid by the ground emergency ambulance contractor, which are negotiated with and agreed to by the contractor each year. Other ESA revenue includes assessments paid by the contractor as liquidated damages for violation of response time and other standards contained in the contract. In part, these assessments fund a grant program that provides vital EMS equipment, supplies and training to fire departments and other EMS-related agencies within the ESA system.

In June 2013, the City of Colorado Springs notified El Paso County that it intended to withdraw from the ESA and contract on its own for ground emergency ambulance service within the City. Thus, the ESA will cease to exist as of March 31, 2014. The attached budget, therefore, is only for the first three months of the year, after which the ESA will cease operations.

Financial Implications: None.

Board/Commission Recommendation: The 2014 proposed budget was discussed and approved by the ESA Board at their public meeting of December 4, 2013.

Stakeholder Process: None.

Alternatives: The alternatives are:

1. Approve the resolution approving the budget for 2014 for the El Paso County Emergency Services Agency; or
2. Not approve the resolution.

Recommendation: Council review and approval.

Attachments:

- A Resolution Approving the Budget for 2014 for the El Paso County Emergency Services Agency
- Exhibit A: 2014 Budget, El Paso County Emergency Services Agency (ESA)

RESOLUTION NO. _____-14

**A RESOLUTION APPROVING THE BUDGET FOR 2014 FOR THE EL PASO
COUNTY EMERGENCY SERVICES AGENCY**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The City Council approves the 2014 Budget for the El Paso County Emergency Services Agency, which is attached hereto and hereby made part of this resolution as Exhibit A.

Section 2. The El Paso County Emergency Services Agency 2014 Budget shall be deemed approved in accordance with the Intergovernmental Agreement Concerning the El Paso County Emergency Services Agency only when approved by both the City Council and the Board of County Commissioners of El Paso County, Colorado.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2014.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

**2014 BUDGET
EL PASO COUNTY EMERGENCY SERVICES AGENCY (ESA)**

	2012 Budget	2012 Actual	2013 Budget AMENDED	2014 Budget
<u>OPERATING REVENUES</u>				
Contract Administration (Per Agreement)				
ESA Administration	\$ 200,000	\$ 200,000	\$ 200,000	\$ -
Appropriation from Unassigned Fund Balance	10,000	-	13,500	42,000
Appropriation from Assigned Fund Balance - RFP Fund	-	-	105,629	-
Operating Revenues Subtotal (Contract Administration)	210,000	200,000	319,129	42,000
Other Operational Revenue				
Interest	4,500	276	550	125
Compliance Assessments (Allocated to Grants Fund)	40,000	56,536	45,000	15,000
Operating Revenues Subtotal (Other)	44,500	56,812	45,550	15,125
TOTAL OPERATING REVENUES (All Sources)	254,500	256,812	364,679	57,125
<u>OPERATING EXPENDITURES</u>				
Contract Administration (Per Agreement)				
City of Colorado Springs Business Administration	109,000	107,507	112,000	-
El Paso County Compliance Administration	51,000	52,433	53,000	24,625
Office Space	24,000	24,000	24,000	6,000
Legal Fees	10,000	14,655	10,000	2,500
Contracting Process Expenses	-	-	105,629	-
Financial Audit / Accounting	7,000	-	7,000	7,000
Insurance	3,500	3,060	3,500	1,000
Office Expenses	3,000	1,458	3,000	500
Information Services	500	-	500	500
Staff Training / Skills Development	500	-	500	-
Operating Expenses Subtotal (Contract Administration)	208,500	203,113	319,129	42,125
Other Operational Expenses				
Grants (From Actual / Available Compliance Penalties Only)	44,500	71,012	45,550	15,000
Operating Expenses Subtotal (Other)	44,500	71,012	45,550	15,000
TOTAL OPERATING EXPENDITURES (All Sources)	253,000	274,125	364,679	57,125
VARIANCE: REVENUES OVER EXPENDITURES — Surplus / (Deficit)	1,500	(17,313)	-	-
<u>2013 Beginning Fund Balances:</u>				
Assigned - Grants	\$ 49,839			
Assigned - Future RFP Expenses	\$ 105,629			
Unassigned Fund Balance	\$ 52,575			
Total All Funds	\$ 208,043			



WORK SESSION AGENDA ITEM

COUNCIL MEETING DATE:

TO: President and Members of City Council
VIA: Mayor Steve Bach
FROM: Office of the City Attorney

Subject Title: Draft Ordinance pertaining to prohibiting possession of marijuana at all indoor City facilities

Strategic Goal(s) this item supports: **Continuous improvement of customer service.** The Office of the City Attorney produced requested changes to a draft ordinance that was previously submitted for Council consideration.

SUMMARY:

At its work sessions dated January 13, 2014 and January 27, 2014 City Council considered the concept and a draft ordinance prohibiting the possession of marijuana at all indoor City facilities. City Council debated the issue and requested that the Office of the City Attorney produce a different version of the draft ordinance to address a number of concerns discussed by Council during its work sessions.

PREVIOUS COUNCIL ACTION:

At its January 27, 2014 work session, City Council requested that the City Attorney's Office draft an ordinance prohibiting the possession of marijuana at all indoor City facilities with the following features:

- 1.) The offense shall not be a drug related offense that would appear on a person's criminal history as such.
- 2.) There shall be no jail possible for the offense.
- 3.) The possible penalty shall be graduated.
- 4.) The penalty for a first time conviction shall include confiscation of the marijuana possessed and a fine of not more than 100 dollars.
- 5.) A second or subsequent conviction shall not revert to the general penalty identified in the City Code.

BACKGROUND:

The attached draft ordinance provides for a prohibition on possession of marijuana at indoor City facilities. To address Council's requests, this draft locates the offense under the Public Facility Security (and Regulation¹) area of City Code. This means the offense will be a facility violation rather than a drug possession violation. The predicate for the facility violation will be that a person may not possess marijuana while in the defined indoor City facilities and may not remain after being found in possession of marijuana and informed that marijuana is prohibited in or upon the indoor City facilities. It will be a trespass if a person persists with the possession or refuses to leave the property with the marijuana.

¹ This draft anticipates amendment to the title of the Facility Security Code to add Regulation to its title.

This draft also requires the posting of signs informing the public that they may not possess marijuana at the indoor City facilities. A definition for this term was added at the appropriate definition section of the City Code for Facility violations. "Indoor City facility" is defined as any enclosed building, structure, or facility owned or leased by the City of Colorado Springs that is used for City purposes.

Like other trespass cases, to prosecute a violation of any of the City facility provisions, City prosecutors will prosecute the act of remaining on or refusing to leave the facility once a person is found to have marijuana in their possession or is found to have attempted to bring it past the notice signs as contraband and then refuses to return it to their vehicles or remove it from the premises. This will happen just as the City prosecutes other trespass cases. It will be the person's act of refusing to leave or trying to secretly possess the marijuana on the facility property after being informed that they can't possess it on that property.

Like the Airport property specific draft produced for Council, this draft ordinance places the penalty for a violation in the section of the Code for offenses that do not have any jail time as a penalty. You will see the list of those "non-jailable" offenses identified under City Code 11.4.104, which pertains to the exceptions to a right to trial by jury.

In the penalty section the provision provides for confiscation of the marijuana possessed and a fine of not more than \$100. On a second or subsequent offense, the provision provides for confiscation of the marijuana and a fine of not more than \$500. Five hundred dollars is the maximum possible fine for any of the "non-jailable" offenses. City Council can set a lower maximum fine but if you set a higher maximum fine the offense may not be located in this portion of the Code.

FINANCIAL IMPLICATIONS:

The required posting of notices and signs will likely produce a financial impact on the City. The Office of the City Attorney is not familiar with whether the cost of that impact has or has not been researched for all City indoor facilities.

BOARD/COMMISSION RECOMMENDATION:

N/A

RECOMMENDATION:

The City Attorney's Office has produced the present draft at Council's request. As the ordinance drafters, the Office has no recommendation with regard to this approach other than to represent that it is a legally permissible structure pursuant to the City Code.

PROPOSED MOTION:

c:

Attachments:



WORK SESSION AGENDA ITEM

COUNCIL MEETING DATE:

TO: President and Members of City Council

VIA: Mayor Steve Bach

FROM: Office of the City Attorney

Subject Title: Draft Ordinance pertaining to prohibiting possession of marijuana at the Colorado Springs Municipal Airport

Strategic Goal(s) this item supports: **Continuous improvement of customer service.** The Office of the City Attorney produced requested changes to a draft ordinance that was previously submitted for Council consideration.

SUMMARY:

At its work sessions dated January 13, 2014 and January 27, 2014 City Council considered the concept and a draft ordinance prohibiting the possession of marijuana at the Colorado Springs Municipal Airport. Although generally in agreement that it was important to the Colorado Springs Airport's continued operation and certification under federal law and regulations to prohibit the possession of marijuana at the airport on any person and in checked or carry-on luggage, Council reached a consensus at its January 27, 2014 work session concerning an approach through ordinance drafting it would like to see at its next work session and regular agenda.

PREVIOUS COUNCIL ACTION:

At its January 27, 2014 work session, City Council requested that the City Attorney's Office draft an ordinance prohibiting the possession of marijuana at the Municipal Airport with the following features:

- 1.) The offense shall not be a drug related offense that would appear on a person's criminal history as such.
- 2.) There shall be no jail possible for the offense.
- 3.) The possible penalty shall be graduated.
- 4.) The penalty for a first time conviction shall include confiscation of the marijuana possessed and a fine of not more than 100 dollars.
- 5.) A second or subsequent conviction shall not revert to the general penalty identified in the City Code.

BACKGROUND:

The attached draft ordinance provides for a prohibition on possession of marijuana at the Colorado Springs Municipal Airport. Unlike the prior draft considered by Council, this version locates the offense under the Public Facility Security (and Regulation¹) area of City Code. This means the offense will be a facility violation rather than a drug possession violation. The predicate for the facility violation will be that a person may not possess marijuana while in the defined areas of the Municipal Airport property and may not remain

¹ This draft anticipates amendment to the title of the Facility Security Code to add Regulation to its title.

after being informed that marijuana is prohibited on the Municipal Airport property. It will be a trespass if a person persists with the possession or refuses to leave the property with the marijuana.

This draft also requires the posting of signs informing the public that they may not possess marijuana at the Municipal Airport, the Airport Operations Area and in the terminal facility and its associated overhang. Definitions for each of these terms were added at the appropriate areas of the City Code for Facility violations.

Like other trespass cases, to prosecute a violation of any of the City facility provisions, City prosecutors will prosecute the act of remaining on or refusing to leave the facility once a person is found to have marijuana in their possession or is found to have attempted to bring it past the notice signs as contraband and then refuses to return it to their vehicles or remove it from the premises. This will happen just as the City prosecutes other trespass cases. It will be the person's act of refusing to leave or trying to secretly possess the marijuana on the facility property after being informed that they can't possess it on that property.

This draft ordinance places the penalty for violation in the section of the Code for offenses that do not have any jail time as a penalty. You will see the list of those "non-jailable" offenses identified under City Code 11.4.104, which pertains to the exceptions to a right to trial by jury.

In the penalty section the provision provides for confiscation of the marijuana possessed and a fine of not more than \$100. On a second or subsequent offense, the provision provides for confiscation of the marijuana and a fine of not more than \$500. Five hundred dollars is the maximum possible fine for any of the "non-jailable" offenses. City Council can set a lower maximum fine but if you set a higher maximum fine the offense may not be located in this portion of the Code.

FINANCIAL IMPLICATIONS:

In the case of this ordinance only, the airport has already invested in and placed the required notices at all exterior entrances to the terminal as well as on the gate to the Airport Operations Area. The Airport has also invested in amnesty boxes in which a person can deposit their marijuana prior to entering an area where the possession of it is prohibited. The boxes were \$700 without an anchor and \$900 with an anchor. To clarify, the outside box is placed on the lower level of the airport.

BOARD/COMMISSION RECOMMENDATION:

N/A

RECOMMENDATION:

The City Attorneys' Office has produced the present draft at Council's request. As the ordinance drafters, the Office has no recommendation with regard to this approach other than to represent that it is a legally permissible structure pursuant to the City Code.

PROPOSED MOTION:

C:

Attachments:



Work Session Agenda Item

Council Meeting Date: February 10, 2014

To: President and Members of City Council
cc: Mayor Steve Bach
Via: Laura Neumann, Chief of Staff/Chief Administrative Officer
From: Michael Sullivan, Human Resources Director and Secretary to the Civil Service Commission

Subject Title: Changes to Civil Service Rules 1.3, 1.4, 8.7, 8.10, 10.1

Summary:

The Civil Service Commission approved the attached changes to the Civil Service Rules by a vote of 4-0 (Commissioner Manuszak absent) on January 7, 2014, after receiving no objections to the proposed changes. The changes: (1) conform the Civil Service Rules to the Council-Mayor form of government; (2) clarify references to "D.C.;" (3) implement exclusive rights to appeal to the Deputy Chief not in the employee's chain of command (a full due process appeal) or the Police/Fire Chief in circumstances involving sustained complaints of unlawful discrimination, fitness for duty, or failure to meet minimum qualifications of the position; and (4) clarify that appeals to the Police/Fire Chief must be accompanied by a knowing and voluntary waiver of due process rights. The rule changes also implement a procedure for second and third physician opinions in a fitness for duty situation.

Previous Council Action:

No previous action with regard to the requested amendments.

Background:

Civil Service Rules 1.3, 1.4, 10.1, and the Table of Contents contain references to the City Manager. The amendments to Rules 1.3, 1.4, 10.1, and the Table of Contents replace the term City Manager with Mayor, consistent with City Charter, Article XV, § 15-30.

Civil Service Rule 8.10 currently refers to the "D.C.," which is an abbreviation for the Deputy Chief. The amendment to this Rule clarifies that the reference is to the Deputy Chief.

Civil Service Rule 8.7 currently permits suspensions without pay, reductions in rank/grade or compensation, and termination to be appealed to the Deputy Chief not in the employee's chain of command, to the Board of Rights/Peer Review Panel, or to the Police/Fire Chief at the employee's election. As amended, Rule 8.7 carves out appeals involving sustained complaints of unlawful discrimination, fitness for duty, and failure to meet minimum qualifications of the position as appealable only to the Deputy Chief not in the employee's chain of command or the Police/Fire Chief. Thus, subsequent to amendment, Rule 8.7 will not permit Board of Rights/Peer Review Panel appeal of

discipline matters involving sustained complaints of unlawful discrimination, fitness for duty, or failure to meet minimum qualifications of the position. Rule 8.7 retains the employee's right to elect appeal of suspensions without pay, reductions in rank/grade or compensation, and termination to the Board of Rights/Peer Review Panel in all but the specifically excepted circumstances. This change recognizes the degree of risk to the City associated with sustained complaints of unlawful discrimination, fitness for duty, and failures to meet minimum qualifications of the position and appropriately places appeal of such matters within the final decision-making authority of a Deputy Chief or the Police/Fire Chief.

Rule 8.7.B permits discipline appeals to the Police/Fire Chief. However, if an employee elects to appeal to the Police/Fire Chief, he or she is required to waive due process rights. Rule 8.7.B is amended to clarify that an employee electing a Police/Fire Chief appeal must *voluntarily* waive due process rights.

Financial Implications:

There are no financial implications.

Board/Commission Recommendation:

The Civil Service Commission discussed and unanimously agreed (Commissioner Manuszak absent) to the rule changes on January 7, 2014.

Stakeholder Process:

The Police Protective Association (PPA) and the International Association of Fire Fighters Local 5 (IAFF) have stated no objections to the proposed changes. Civil Service Rule 11.8 requires the posting of proposed rule changes for 10 business days prior to the effective date of the rule change. The proposed changes were posted on November 22, 2013 in compliance with the Rule 11.8 and were posted again on December 31, 2013.

Alternative:

City Council can deny the proposed changes to the Civil Service Rules.

Recommendation:

It is recommended by the Civil Service Commission that the City Council approve the changes to Civil Service Rules 1.3, 1.4, 8.7, 8.10, and 10.1.

Proposed Motion:

Approval of a resolution to amend Civil Service Rules 1.3, 1.4, 8.7, 8.10, and 10.1.

c: PPA % Robin Rodgers, IAFF % Richard Radabaugh

Attachments:

- Resolution for changes to Civil Service Rules 1.3, 1.4, 8.7, 8.10, and 10.1
- Rule Changes Redline Version - Exhibit A
- Final Rule Changes – Exhibit B

**A RESOLUTION APPROVING AMENDMENTS TO THE RULES OF THE
COLORADO SPRINGS CIVIL SERVICE COMMISSION FOR THE
MUNICIPAL POLICE AND FIRE FORCES.**

WHEREAS, City Charter, Art. XIV, § 14-10 establishes a Civil Service Commission and City Charter, Art. XIV, § 14-20 empowers the Civil Service Commission, with the approval of City Council, to make such rules and regulations for the proper conduct of its business as it shall find necessary or expedient;

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

Section 1. That the amendments to Rules 1, 8 and 10, Sections 1.3, 1.4, 8.7, 8.10, 10.1, and the Table of Contents of the Rules of the Colorado Springs Civil Service Commission for the Municipal Police and Fire Forces, approved by the Civil Service Commission on January 7, 2014 and attached hereto as Exhibits A and B are hereby approved.

DATED at Colorado Springs, Colorado, this _____ day of _____
2014.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

1.3 Office Facilities and Payment of Expenses (2014)

The ~~City Manager~~ Mayor shall provide a suitable and properly furnished meeting place for the Civil Service Commission. An estimate of the anticipated expense of the Commission for the ensuing fiscal year shall be prepared by the Commission and presented to the ~~City Manager~~ Mayor at the appropriate time for inclusion in the ~~Manager's~~ Mayor's annual budgetary request. The Controller shall, from time to time, pay the expenses of the Commission.

1.4 Reports to City Council and City Manager ~~the~~ Mayor (2014)

The Commission shall in January of each year make an annual report to the ~~City Manager~~ for Mayor and transmission to the City Council showing its own actions, the number of examinations held, the number of persons placed on employment lists, and other like information; and setting forth any suggestions it may approve for the more effectual enforcement and carrying out of the principles of sound personnel administration. Special reports shall be submitted as requested by the Mayor or City Council.

8.7 Appeal Of Suspension Without Pay, Reduction In Rank/Grade Or Compensation, Or Termination (1998, 1999, 2004, 2007, 2014)

- A. **Except for appeals governed by Rule 8.7.C,** An employee may: ~~1) accept the disciplinary action~~ ~~2) request that a Deputy Chief not in the employee's chain of command hear the appeal of the action or~~ ~~3) request that the Board of Rights/Peer Review Panel be impaneled to hear the appeal or~~ **3) appeal to the Police/Fire Chief as set forth in Rule 8.7.B.** The make-up of the review panel shall be consistent with Police/Fire policy. Disciplinary action, pending appeal pursuant to this Rule, shall be stayed subject to the limitations set forth in Rule 8.8 E.
- B. **Appeal to the Police or Fire Chief.** An employee may ~~bypass the appeal options outlined in Rule 8.7.A by~~ appealing the level of discipline imposed to the Police/Fire Chief. This review is solely limited to whether the amount of discipline imposed is appropriate. The employee must admit to the underlying policy violation(s) and the conduct that supported the violation(s). Such appeal will be comprised of a review of the investigatory file, employee's personnel file and oral argument by the employee as to why the imposed discipline should be reduced. The Police Department Commanding Officer of Internal Affairs or Fire Department Human Resources Manager or designee, will be present during the meeting between the ~~e~~Chief and subject employee. At the conclusion of the hearing, the Police/Fire Chief may affirm or decrease the discipline. The Police/Fire Chief's findings will be final, with no right to appeal to the Commission. An employee electing this appeal option will be required to knowingly ~~waive~~ and voluntarily waive certain rights including appeal to District Court pursuant to C.R.C.P. Rule 106 (a) (4) certiorari review, any rights to bring forward a lawsuit in a court of law based to the Chief's action, any rights set forth in these rules and the City Charter, the right to be represented by counsel, right to discovery, present witnesses, cross examine witness, present evidence, and appeal to the Civil Service Commission (as set forth in Rule IX). Upon the employee electing to appeal to the Chief, he/she must execute a waiver which outlines the rights that the employee must knowingly and voluntarily waive prior to proceeding under this subsection. The employee will be afforded five business days as defined in 8.16 to seek legal counsel and ~~sign~~ sign the waiver. Failure to timely sign and submit the waiver will result in the employee having to elect an alternate appeal option outlined in Rule 8.7.A. Such election shall occur within one business day of the waiver review period expiring.
- C. **Appeals Involving Discrimination, Fitness for Duty, or Minimum Qualifications.** Appeals involving one of the following: 1) sustained complaints of unlawful discrimination, harassment, or retaliation; 2) fitness for duty; or 3) failure to meet minimum qualifications of the position. An employee may: 1) request that a Deputy Chief not in the employee's chain of command hear the appeal of the action; or 2) appeal to the Police Chief or Fire Chief as set forth in Rule 8.7.B. Disciplinary action, pending appeal pursuant to this Rule, shall be stayed subject to the limitations set forth in Rule 8.8.E. Appeals involving termination based on a fitness for duty will proceed as set forth in Rule 8.7.D.
- D. **Appeals Involving Fitness for Duty.** An employee appealing a termination based upon a finding by the Police/Fire Department that the employee is not fit for duty shall have the option to obtain a second medical opinion by a licensed physician selected by the employee at the employee's expense. If the second medical opinion results in a conclusion that the employee is fit

for duty, then the Police/Fire Department shall have the option to: 1) accept the second medical opinion; or 2) obtain a third medical opinion from a licensed physician selected by the Police/Fire Department at the Department's expense. If two of the three medical opinions find the employee fit for duty, the employee will be found fit for duty. If two of the three medical opinions find the employee not fit for duty, the employee will be found not fit for duty. An employee found not fit for duty shall have the appeal options set forth in Rule 8.7.C. The procedures for fitness for duty and second and third medical opinions will be determined by Police/Fire policy. The Police/Fire Departments comply with all requirements of the Americans with Disabilities Act.

8.10 Conduct Of Appeal Hearings To Review Panel/~~D-C~~ Deputy Chief. (1998, 1999, 2004, 2007, 2014)

The employee appealing discipline pursuant to Rule 8.7, shall have the right to counsel of the employee's choice at employee's expense, shall have the right to cross-examine all witnesses, and shall have the right to call witnesses on the employee's behalf. Any witness requested on behalf of the employee who is an employee of the City shall be required to be available to give testimony at the Hearing. If the employee appealing fails to attend the Hearing, the Review Panel/~~D-C~~ Deputy Chief shall proceed to hear the evidence and render a decision. A full and complete verbatim record shall be kept of the proceedings before the Review Panel/Deputy Chief.

10.1 Layoffs (2010, 2014)

The ~~City Manager~~ Mayor may authorize the lay off of an employee, reduce an employee in grade/rank or reduce the employee's compensation when it is deemed necessary by reason of shortage of funds, the abolition of the position, other material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate classes/ranks. No regular employee shall be laid off while another person in a classified position is employed on a temporary basis in the class/rank in that department. No temporary or permanent separation of an employee from the service as a penalty or disciplinary action shall be considered as a layoff.

1.3 Office Facilities and Payment of Expenses (2014)

The Mayor shall provide a suitable and properly furnished meeting place for the Civil Service Commission. An estimate of the anticipated expense of the Commission for the ensuing fiscal year shall be prepared by the Commission and presented to the Mayor at the appropriate time for inclusion in the Mayor's annual budgetary request. The Controller shall, from time to time, pay the expenses of the Commission.

1.4 Reports to City Council and the Mayor (2014)

The Commission shall in January of each year make an annual report to the Mayor and City Council showing its own actions, the number of examinations held, the number of persons placed on employment lists, and other like information; and setting forth any suggestions it may approve for the more effectual enforcement and carrying out of the principles of sound personnel administration. Special reports shall be submitted as requested by the Mayor or City Council.

8.7 Appeal Of Suspension Without Pay, Reduction In Rank/Grade Or Compensation, Or Termination (1998, 1999, 2004, 2007, 2014)

- A. Except for appeals governed by Rule 8.7.C, an employee may request that a Deputy Chief not in the employee's chain of command hear the appeal of the action or 2) request that the Board of Rights/Peer Review Panel be impaneled to hear the appeal or 3) appeal to the Police/Fire Chief as set forth in Rule 8.7.B. The make-up of the review panel shall be consistent with Police/Fire policy. Disciplinary action, pending appeal pursuant to this Rule, shall be stayed subject to the limitations set forth in Rule 8.8 E.
- B. **Appeal to the Police or Fire Chief.** An employee may appeal the level of discipline imposed to the Police/Fire Chief. This review is solely limited to whether the amount of discipline imposed is appropriate. The employee must admit to the underlying policy violation(s) and the conduct that supported the violation(s). Such appeal will be comprised of a review of the investigatory file, employee's personnel file and oral argument by the employee as to why the imposed discipline should be reduced. The Police Department Commanding Officer of Internal Affairs or Fire Department Human Resources Manager or designee, will be present during the meeting between the Chief and subject employee. At the conclusion of the hearing, the Police/Fire Chief may affirm or decrease the discipline. The Police/Fire Chief's findings will be final, with no right to appeal to the Commission. An employee electing this appeal option will be required to knowingly and voluntarily waive certain rights including appeal to District Court pursuant to C.R.C.P. Rule 106 (a) (4) certiorari review, any rights to bring forward a lawsuit in a court of law based to the Chief's action, any rights set forth in these rules and the City Charter, the right to be represented by counsel, right to discovery, present witnesses, cross examine witness, present evidence, and appeal to the Civil Service Commission (as set forth in Rule IX). Upon the employee electing to appeal to the Chief, he/she must execute a waiver which outlines the rights that the employee must knowingly and voluntarily waive prior to proceeding under this subsection. The employee will be afforded five business days as defined in 8.16 to seek legal counsel and sign the waiver. Failure to timely sign and submit the waiver will result in the employee having to elect an alternate appeal option outlined in Rule 8.7.A. Such election shall occur within one business day of the waiver review period expiring.
- C. **Appeals Involving Discrimination, Fitness for Duty, or Minimum Qualifications.** Appeals involving one of the following: 1) sustained complaints of unlawful discrimination, harassment, or retaliation; 2) fitness for duty; or 3) failure to meet minimum qualifications of the position. An employee may: 1) request that a Deputy Chief not in the employee's chain of command hear the appeal of the action; or 2) appeal to the Police Chief or Fire Chief as set forth in Rule 8.7.B. Disciplinary action, pending appeal pursuant to this Rule, shall be stayed subject to the limitations set forth in Rule

8.8.E. Appeals involving termination based on a fitness for duty will proceed as set forth in Rule 8.7.D.

- D. **Appeals Involving Fitness for Duty.** An employee appealing a termination based upon a finding by the Police/Fire Department that the employee is not fit for duty shall have the option to obtain a second medical opinion by a licensed physician selected by the employee at the employee's expense. If the second medical opinion results in a conclusion that the employee is fit for duty, then the Police/Fire Department shall have the option to: 1) accept the second medical opinion; or 2) obtain a third medical opinion from a licensed physician selected by the Police/Fire Department at the Department's expense. If two of the three medical opinions find the employee fit for duty, the employee will be found fit for duty. If two of the three medical opinions find the employee not fit for duty, the employee will be found not fit for duty. An employee found not fit for duty shall have the appeal options set forth in Rule 8.7.C. The procedures for fitness for duty and second and third medical opinions will be determined by Police/Fire policy. The Police/Fire Departments comply with all requirements of the Americans with Disabilities Act.

8.10 Conduct Of Appeal Hearings To Review Panel/Deputy Chief. (1998, 1999, 2004, 2007, 2014)

The employee appealing discipline pursuant to Rule 8.7, shall have the right to counsel of the employee's choice at employee's expense, shall have the right to cross-examine all witnesses, and shall have the right to call witnesses on the employee's behalf. Any witness requested on behalf of the employee who is an employee of the City shall be required to be available to give testimony at the Hearing. If the employee appealing fails to attend the Hearing, the Review Panel/Deputy Chief shall proceed to hear the evidence and render a decision. A full and complete verbatim record shall be kept of the proceedings before the Review Panel/Deputy Chief.

10.1 Layoffs (2010, 2014)

The Mayor may authorize the lay off of an employee, reduce an employee in grade/rank or reduce the employee's compensation when it is deemed necessary by reason of shortage of funds, the abolition of the position, other material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate classes/ranks. No regular employee shall be laid off while another person in a classified position is employed on a temporary basis in the class/rank in that department. No temporary or permanent separation of an employee from the service as a penalty or disciplinary action shall be considered as a layoff.



WORK SESSION AGENDA ITEM

Council Meeting Date: February 10, 2014

To: President and Members of City Council

cc: Mayor Steve Bach

From: Eileen Lynch Gonzalez, City Council Administrator

Subject Title: Proposed Ordinance Amending Ordinance No. 07-113 Pertaining to the Art Commission of the Pikes Peak Region

Summary: The Art Commission of the Pikes Peak Region seeks to change its name to the Public Art Commission of the Pikes Peak Region. Councilmember Collins, who serves as the City Council representative to the Art Commission, is sponsoring the proposed ordinance.

Background: The Art Commission was established in 1982 by the City of Colorado Springs and El Paso County to act in an advisory capacity to evaluate, advocate, stimulate and facilitate matters of public art and culture. The twelve member all volunteer board includes two elected officials serving as liaisons from Colorado Springs City Council and El Paso County Board of Commissioners.

In 2011, the Art Commission held a facilitated goal setting session and through a review of the Cultural Plan and surveys of local arts and community leaders, identified public art as a top concern for the community. The Commission is currently focusing on public art in two ways:

1. promoting the more than 50 pieces currently in the Art in Public Places collection and located throughout the City of Colorado Springs and El Paso County, and
2. working to get more art into public spaces and buildings, especially those outside of downtown.

The Art Commission recommends changing their name to the **Public Art Commission of the Pikes Peak Region** to better reflect their mission.

The City Council plans to review the work of the City's boards and commissions to ensure their purposes are appropriate in the Council-Mayor form of government. The Art Commission will be part of that review.

Financial Implications: None.

Alternatives:

1. Direct staff to bring forward an amended ordinance for council action.
2. Postpone the name change until the commission can be reviewed.

Recommendation: Direct staff to bring the ordinance to first reading on February 25, 2014. Approving the name change now does not prevent further study of the commission in the future.

Attachments:

- An Ordinance Amending Ordinance No. 07-113 Pertaining to the Art Commission of the Pikes Peak Region
- Exhibit A: Ordinance No. 07-113

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING ORDINANCE NO. 07-113
PERTAINING TO THE ART COMMISSION OF THE PIKES
PEAK REGION

WHEREAS, in 2007 City Council recognized the Art Commission of the Pikes Peak Region as an advisory board to City Council; and

WHEREAS, the mission of the Art Commission of the Pikes Peak Region is to advise City Council on matters concerning art in public places and to advise City Council on ways to integrate public art and culture of the highest quality in all aspects of community life; and

WHEREAS, the Art Commission of the Pikes Peak Region has advised City Council that this mission would be better reflected by renaming the Art Commission the "Public Art Commission of the Pikes Peak Region."

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

Section 1. Ordinance No. 07-113 is amended by adding "Public" to the name of the Commission so that it reads "Public Art Commission of the Pikes Peak Region" and is abbreviated as "PACPPR".

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall 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 _____, 2014.

Finally passed: _____
Keith King, Council President

Delivered to Mayor on _____.

Mayor's Action:

- Approved: _____
- Disapproved: _____, based on the following objections:

Steve Bach, 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.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

ORDINANCE NO. 07- 113

AN ORDINANCE RECOGNIZING THE ART COMMISSION OF THE PIKES PEAK REGION AS AN ADVISORY BOARD TO CITY COUNCIL

WHEREAS, the City Council of the City of Colorado Springs recognizes the value of our community's diverse arts and cultural heritage; and

WHEREAS, the Art Commission of the Pikes Peak Region has worked for many years to preserve and promote the arts in this community; and

WHEREAS, City Council wishes to acknowledge the work of the Art Commission of the Pikes Peak Region and recognize the Commission as an advisory commission to City Council.

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

Section 1. There is hereby created the Art Commission of the Pikes Peak Region (ACPPR) for the purpose of advising City Council on matters concerning art in public places. Through vision, leadership and service, the ACPPR will work in an advisory capacity to integrate public art and culture of the highest quality in all aspects of community life.

Section 2. The ACPPR shall consist of eleven (11) regular members and two (2) ex officio members, representing a cross-section of the community as follows:

One (1) representative from the Pikes Peak Arts Council;

One (1) representative from the Southern Colorado Chapter of the American Institute of Architects;

One (1) representative from the Fine Arts Center;

Three (3) visual artists from the community;

One (1) higher education arts professional;

One (1) Parks, Recreation and Cultural Services representative; and

Three (3) citizens at-large.

One (1) City Councilmember and one (1) member of the El Paso County Board of Commissioners shall be appointed to serve as voting ex officio members of the ACPPR.

Section 3. ACPPR members shall be appointed to a three (3) year term, and may serve up to two (2) consecutive three-year terms. Current appointments to the ACPPR shall be continued. Current members serving less than two (2) years of a current term may be reappointed to no more than one (1) regular three-year term. All members seeking reappointment must apply to City Council. City Council may appoint alternates to the ACPPR in accord with City Code § 1.2.902. Regular and alternate members of the ACPPR shall serve at the discretion of City Council. The City Councilmember and County Commissioner members shall not be limited in term or reappointment.

Section 4. ACPPR members and alternates, when acting within the scope of their appointments, shall comply with the provisions of City Charter §§ 9-10 and 3-60(d), the City Code and the Rules and Procedures of City Council.

Section 5. The ACPPR shall meet at times and locations convenient to the Board and public. City staff shall provide support to the ACPPR as necessary.

Section 6. Seven regular members shall constitute a quorum.

Section 7. In accord with City Code § 1.2.903, the ACPPR may, with City Council approval, promulgate rules of procedure for its organization and the conduct of its meetings. The ACPPR rules of procedure may include provisions regarding: the election and responsibilities of a chair and vice-chair; calling of special meetings; the

order of business; preparation, approval and distribution of agendas and minutes; and voting methods.

Section 8. This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

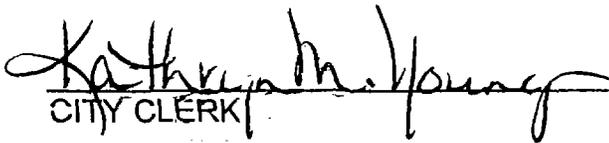
Section 9. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 24th day of July, 2007.



MAYOR

ATTEST:



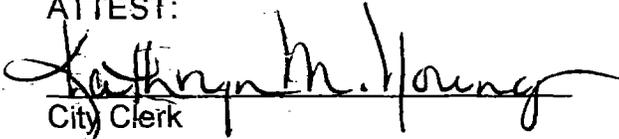
CITY CLERK

Amended and passed on second presentation and ordered published this 14th day of August, 2007.



Mayor

ATTEST:



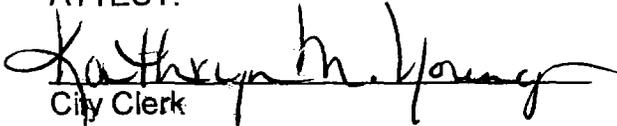
City Clerk

Finally passed, adopted and approved this 28th day of August, 2007.



Mayor

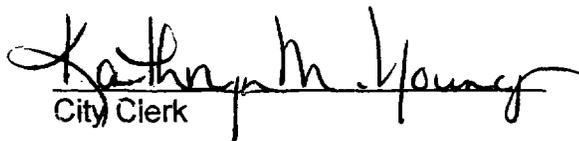
ATTEST:



City Clerk

I HEREBY CERTIFY, that the foregoing ordinance entitled "AN ORDINANCE RECOGNIZING THE ART COMMISSION OF THE PIKES PEAK REGION AS AN ADVISORY BOARD TO CITY COUNCIL" was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on July 24, 2007, that said ordinance was amended and passed on second reading at a regular meeting held on August 14, 2007, and finally passed at a regular meeting of the City Council of said City, held on August 28, 2007, and that the same was published by summary, in accordance with Section 3-80 of Article III of the Charter, in the Daily Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 28th day of August, 2007.



City Clerk