



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Budget and Finance Committee

Chairperson Reggie Harris
Vice Chair Jeff Cramerding
Councilmember Mark Jeffreys
Councilmember Scotty Johnson
Vice Mayor Jan-Michele Kearney
Councilmember Liz Keating
Councilmember Meeka Owens
Councilmember Seth Walsh
President Pro Tem Victoria Parks

Monday, June 12, 2023

1:00 PM

Council Chambers, Room 300

AGENDA

FY 2024-2025 BIENNIAL BUDGET

1. [202301599](#)

ORDINANCE (EMERGENCY) dated 6/7/2023, submitted by Mayor Aftab Pureval, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the establishment of capital improvement program project account no. 980x255x242545, "Regional Target Gun Range - GF," to provide resources for the City's contribution to a regional target gun range; **AUTHORIZING** the transfer and return to source Fund 050 of \$8,715,000 from various existing General Capital Budget capital improvement program project accounts in accordance with Schedule A of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$4,000,000 to an existing General Capital Budget capital improvement program project account in accordance with Schedule B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$6,900,000 to various General Capital Budget capital improvement program project accounts in accordance with Schedule C of the attached Schedule of Transfer; **Authorizing** the transfer and appropriation of \$3,815,000 from the unappropriated surplus of General Fund 050 to various operating budget accounts within the General Fund according to Schedule D of the attached Schedule of Transfer; and further **DECLARING** the Regional Target Gun Range - GF project to be for a public purpose, all for the purpose of implementing the Mayor's recommended changes to the FY 2024 Operating Budget and Capital Improvement Program.

Sponsors:

Mayor

Attachments:

[Transmittal](#)

[Emergency Ordinance](#)

[Attachment](#)

2. [202301570](#)

ORDINANCE (EMERGENCY) submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** for the appropriation of funds and authorization of expenditures from General Fund 050 in the amount of \$502,140,750 for the

fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, to provide for the current expenses and other expenses of the City of Cincinnati; AUTHORIZING the transfer of \$3,522,800 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 to pay the City's FY 2024 General Fund debt service obligations of \$2,340,530 related to the Ohio Police and Fire Pension Fund and of \$1,182,270 related to the Early Retirement Incentive Program ("ERIP"); AUTHORIZING the transfer of \$20,467,640 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 to provide for the FY 2024 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department; AUTHORIZING the transfer of \$850,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Citizens Job Fund 308 to provide resources for the Career Pathways Initiative; AUTHORIZING the transfer of \$18,430 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Enterprise Technology Solutions Fund 702 to provide resources for debt service for the ERIP; AMENDING the Sections of Chapter 307, "Classified Compensation Schedules," of the Cincinnati Municipal Code regarding the compensation schedules of employees in Divisions 0, 5, 7 (LAW), 8, and 9 by applying a four percent wage adjustment for non-represented employees in Division 0 as well as classifications LAW186, LAW191, LAW193, LAW217, LAW224, LAW225, LAW930, D9035, and D9036, and a three percent wage adjustment for non-represented employees in Divisions 5 and 8 as well as the remaining classifications in Divisions 7 (LAW) and 9 not receiving the four percent wage adjustment, to collectively constitute the new Classification and Salary Range Schedule for these classifications and to provide for wage adjustments effective June 25, 2023; MODIFYING the Division designation of the Zoning Hearing Examiner in the Law Department by moving the employment classification to Division 7 (LAW), to ensure consistency within the employment classifications in the Law Department; and REVISING the Department of Buildings and Inspections fee schedule to reflect the annual consumer price index adjustment of eight percent applied to fees charged for services related to property permitting and maintenance.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment I](#)
[Attachment II](#)
[Attachment III](#)
[Attachment IV](#)

3. [202301569](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** for the appropriation of funds and authorization of expenditures of \$350,000 from General Fund 050 as leveraged support for the African American Chamber of Commerce for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached

Schedule of Appropriation, Schedule 1, to provide for the current expenses and other expenses of the City of Cincinnati.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

4. [202301581](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** for the appropriation for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati in the total amount of \$507,906,990, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance, and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; the Streetcar Operations Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund, for operating requirements, capital outlay, and debt service for the fiscal year beginning July 1, 2023 and ending June 30, 2024; **AUTHORIZING** the transfer of \$12,620 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$860 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$108,670 from the unappropriated surplus of the Street Construction, Maintenance, and Repair Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$61,100 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$47,570 for bonds related to the Early Retirement Incentive Program ("ERIP"); **AUTHORIZING** the transfer of \$764,060 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$575,900 related to bonds issued to fund Public Building Improvement Bonds and of \$188,160 for bonds related to the ERIP; **AUTHORIZING** the transfer of \$38,530 from the unappropriated surplus of the Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$3,660 related to bonds issued to fund Public Building Improvement Bonds and of \$34,870 to fund bonds related to the ERIP; **AUTHORIZING** the transfer of \$19,450 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund to

pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund the ERIP; AUTHORIZING the transfer of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3441 "U-Square Garage - Reserve for Capital Projects," the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3442 "VP3 Garage - Reserve for Capital Projects," and the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3443 "Hampton Inn Garage - Reserve for Capital Projects," to make contractually obligated payments for repairs for each identified garage; AUTHORIZING the City Manager to apply for, accept, and appropriate a formula grant of up to \$300,000 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507) to provide funding for streetcar operations in FY 2024; and AUTHORIZING the Director of Finance to deposit the Federal Transit Administration formula grant funds into Streetcar Operations Fund 455.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment I](#)
[Attachment II](#)

5. [202301583](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **APPROVING AND ADOPTING** a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating taxes and other revenue and existing funds for the purpose of carrying out certain parts of the Capital Improvement Program, and providing for the transfer and appropriation of Cincinnati Southern Railway lease-supported note proceeds to other parts of said Capital Improvement Program; AUTHORIZING the transfer and return of \$1,500,000 to source the General Fund 050 from existing capital improvement program project account no. 980x101x231034, "Community Budget Requests - GFCO," to provide resources for the FY 2024 Operating Budget and Capital Improvement Program; and further DECLARING certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Sponsors: City Manager

Attachments: [Transmittals](#)
[Ordinance](#)
[Attachment](#)

6. [202301582](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **APPROVING AND ADOPTING** a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating revenue and existing funds to carry out certain parts of the Capital Improvement Program; AUTHORIZING the transfer and appropriation of \$1,223,000 from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, to continue and complete certain capital improvement projects listed in Schedule A; AUTHORIZING the transfer and appropriation of \$25,000,000 from the unappropriated surplus of

Water Works Fund 101 to Water Works Capital Improvement Fund 756 to continue funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development; AUTHORIZING the use and expenditure of \$75,000,000 for Greater Cincinnati Water Works Capital Improvements; and further DECLARING the capital improvement program project, Strategic Housing Initiatives Program (SHIP), to be for a public purpose.

Sponsors: City Manager

Attachments: [Ordinance](#)
[Attachment](#)
[Transmittal](#)

7. [202301598](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the transfer and return of \$4,418,931 to source the General Fund unappropriated surplus in accordance with attached Schedule of Transfer Part A; **AUTHORIZING** the transfer of \$4,418,931 from the General Fund unappropriated surplus to balance sheet reserve account no. 050x3422, "Deferred Appropriations," to preserve resources for commitments made during Fiscal Year 2023; **AUTHORIZING** the transfer and return to source of \$4,418,931 from balance sheet reserve account no. 050x3422, "Deferred Appropriations," to the General Fund unappropriated surplus effective July 1, 2023; and **AUTHORIZING** the transfer and appropriation of \$4,418,931 from the unappropriated surplus of General Fund 050 to various operating budget accounts according to the attached Schedule of Transfer Part B, effective July 1, 2023, to provide resources for leveraged support commitments, the Housing Solutions Summit, the Department of Public Services bonus and retention pilot program, the Emergency Communications Center 311 service line chat bot, the Neighborhood Catalytic Capital Investment Program, and the Cincinnati Fire Department social service outreach pilot program that were previously approved by Council in Fiscal Year 2023.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

FY 2024-2025 BIENNIAL BUDGET- BOND ORDINANCES

8. [202301596](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$14,860,000 FOR THE PURPOSE OF MAKING STREET IMPROVEMENTS.**

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

9. [202301574](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on **6/7/2023**, PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,920,000 FOR THE PURPOSE OF MAKING PUBLIC BUILDING IMPROVEMENTS.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

10. [202301586](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$10,000,000 FOR THE PURPOSE OF MAKING EQUIPMENT IMPROVEMENTS.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

11. [202301587](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$16,452,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

12. [202301588](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,210,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR RECREATION IMPROVEMENTS.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

13. [202301589](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF NOTES IN THE

PRINCIPAL AMOUNT OF \$2,653,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PARK IMPROVEMENTS.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

14. [202301590](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,785,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PUBLIC BUILDING IMPROVEMENTS.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

15. [202301591](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR (I) THE ISSUANCE, SALE AND DELIVERY OF WATER SYSTEM REFUNDING REVENUE BONDS, SERIES 2023A (THE "2023A BONDS") OF THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, IN PRINCIPAL AMOUNT NOT TO EXCEED \$198,000,000 FOR THE PURPOSE OF PROVIDING FOR THE REFUNDING AND/OR (II) THE CASH DEFEASANCE (WITH MONIES AVAILABLE FOR SUCH PURCHASE), OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF THE CITY; (III) **AUTHORIZING** A PLEDGE OF AND LIEN ON WATER SYSTEM REVENUES TO SECURE ANY 2023A BONDS; (IV) **AUTHORIZING** A SUPPLEMENTAL TRUST AGREEMENT; AND ANY OTHER DOCUMENTS REQUIRED TO SECURE ANY 2023A BONDS; AND (V) **AUTHORIZING** ANY DOCUMENTS REQUIRED TO EFFECTUATE ANY DEFEASANCE.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

16. [202301592](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING GENERAL OBLIGATION BONDS LISTED ON EXHIBIT A HERETO, AND PROVIDING FOR A REFUNDING SAVINGS THRESHOLD IN CONNECTION THEREWITH.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

17. [202301593](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$70,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING ECONOMIC DEVELOPMENT BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING ECONOMIC DEVELOPMENT BONDS LISTED ON EXHIBIT A HERETO, AND PROVIDING FOR A REFUNDING SAVINGS THRESHOLD IN CONNECTION THEREWITH.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

18. [202301595](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,020,000 FOR THE PURPOSE OF MAKING PARKS AND RECREATION IMPROVEMENTS.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

19. [202301594](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$6,000,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

COMMUNITY REINVESTMENT AREA AGREEMENTS

20. [202301515](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **APPROVING, AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Cincinnati Northside Community Urban Redevelopment Corporation and the Port of Greater Cincinnati Development Authority, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 4024 Hamilton Avenue in the Northside neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 5,100 square feet of commercial space, at a total construction

cost of approximately \$1,202,560.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

21. [202301584](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with West End Empire, LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 2151 Colerain Avenue in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, at a total construction cost of \$752,844.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

22. [202301585](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 700 Chalfonte Holdings LLC, thereby authorizing a fifteen-year tax exemption for 100% of the value of improvements made to real property located at 700 Chalfonte Place in the Avondale neighborhood of Cincinnati, in connection with the remodeling of an existing building into 23 rental units containing approximately 20,080 square feet of residential space, at a total construction cost of approximately \$1,346,861.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

23. [202301609](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 6/12/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 8K Glenway, LLC and the Port of Greater Cincinnati Development Authority, thereby authorizing a ten-year tax exemption for 100 percent of the value of improvements made to real property located at 4022-4028 Glenway Avenue and 1211-1213 Iliff Avenue in the West Price Hill neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential rental units, at a

total construction cost of approximately \$1,179,802.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

TRANSFERS AND APPROPRIATIONS

24. [202301524](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor Aftab Pureval and Vice Mayor Jan Michele Kearney, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer of the sum of \$10,000 from the balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of the sum of \$10,000 from the unappropriated surplus of the General Fund 050 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing The Mercantile Library with the City's portion of the two-year stipend for the City of Cincinnati's Poet Laureate.

Sponsors: Mayor and Kearney

Attachments: [Transmittal](#)
[Ordinance](#)

25. [202301566](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the transfer and appropriation of the sum of \$126,986 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to existing capital improvement program project account no. 980x203x232032, "DNR Team HQ Renovation," to provide resources for improvements to the former District 5 police station site, including on-site stormwater drainage and widening the driveway, located at 1012 Ludlow Avenue.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

26. [202301571](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the transfer and appropriation of \$75,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to the Department of Community and Economic Development non-personnel operating budget account no. 499x164x7200 to provide resources for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements; and **DECLARING** expenditures related to the remediation of the coal boiler to be a public purpose and constitute a "Public Infrastructure Improvement" (as defined in Section 5709.40(A)(8) of the Ohio Revised Code) that will benefit and/or serve the District 20-Oakley Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

GRANTS AND DONATIONS

27. [202301562](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$60,000, effective FY 2024 pending award timing, from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2023 Violence Against Women Act Grant Program (ALN 16.588) to support the Domestic Violence Law Enforcement Advocate Project, in collaboration with Women Helping Women; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VAWA, effective FY 2024 pending award timing.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

28. [202301568](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to apply for a grant of up to \$2,000,000 from the FY 2023 Community Based Violence Intervention and Prevention Initiative through the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.045) to provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

29. [202301563](#) **ORDINANCE**, submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to apply for grant resources of up to \$4,291,000 from the Ohio Transit Partnership Program, awarded by the Ohio Department of Transportation, to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

30. [202301564](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to accept an in-kind donation of 85 cases of water valued at \$808.35 from the Heidelberg Distributing Company to be used by the Cincinnati Police Department's Special Weapons and Tactics Team.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

31. [202301565](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to accept and appropriate a donation of \$1,000 from the Rotary Club of Cincinnati to be used for operation of the Cincinnati Police Department Public Safety Cadet Program; and **AUTHORIZING** the Director of Finance to deposit the donation into Public Safety Special Projects Fund 456.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

32. [202301575](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to design, install, and maintain artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the artwork; and **AUTHORIZING** the City Manager to accept in-kind donations from one or more persons in order to offset the cost and expense associated with the design, installation, and maintenance of artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

PROPERTY SALE AGREEMENTS

33. [202301567](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to execute a *Property Sale and Development Agreement* with Airecon Properties, LLC, for the sale of City-owned real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati, for construction of a 5,000 square foot expansion of the manufacturing facility located on the adjoining property.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

TAX CREDIT AGREEMENT

34. [202301666](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 6/12/2023, **APPROVING AND AUTHORIZING** the execution of a Job Creation and Retention Tax Credit Agreement with Medpace, Inc., pursuant to

which the company agrees to create 1,500 new jobs and retain 2,099 existing jobs at Medpace, Inc.'s campus located at the southeast corner of Madison Road and Red Bank Expressway in Madisonville neighborhood of Cincinnati, and the City of Cincinnati agrees to provide an income tax credit equal to 55 percent of City income tax revenue from (i) 1,500 new jobs and 1,255 retained jobs for a period of fourteen years, and (ii) 844 retained jobs for a period of four years.

Sponsors: City Manager

Attachments: [Transmittal](#)

[Ordinance](#)

[Attachment](#)

FY 2024 BUDGET MOTIONS

35. [202301601](#) **MOTION**, submitted by Councilmembers Harris, Cramerding, Owens and Jeffreys, WE MOVE that the FY24 and future budgets reallocate \$2,500 within each Council Office's General Fund Budget from the non-personnel operating budget to the personnel operating budget. This is a budget neutral reallocation in the General Fund. (STATEMENT ATTACHED.)

Sponsors: Cramerding, Harris, Jeffreys and Owens

Attachments: [Motion](#)

36. [202301602](#) **MOTION**, submitted by Councilmember Keating, WE MOVE for \$250,000 to be allocated towards increasing staffing, recruiting, and retention for childcare programs within Cincinnati Recreation Commission (CRC)- including, but not limited to signing bonuses, retention bonuses, and training/licensing fees and tuition. This program would replace the proposed Guaranteed Income Pilot. This alternative allocation would immediately impact one of most vulnerable industries-childcare- which is the gateway to employment for Cincinnati families while supporting financial stability and revenue generation for the City. (STATEMENT ATTACHED).

Sponsors: Keating

Attachments: [MOTION](#)

37. [202301604](#) **MOTION**, submitted by Councilmembers Harris, Johnson, Owens, Jeffreys and Walsh, WE MOVE that the following adjustments be made in for the FY24/25 Budget in accordance with the listed budgetary offset sources and an ordinance be produced to reflect these changes before the Council Session on June 14, 2023. (STATEMENT ATTACHED).

Sponsors: Harris, Owens, Johnson, Jeffreys and Walsh

Attachments: [MOTION](#)

38. [202301680](#) **MOTION**, submitted by Councilmember Keating, WE MOVE for the City Administration to publicly release leveraged support applications for any organizations that is in the City Manager's budget proposal, the mayor's budget proposal, and Councilmember's budget motions prior to any City Council budget votes to ensure public transparency and City Council due diligence. WE FURTHER MOVE that the leveraged support application and

review process timeline be adjusted to allow for enough time for all applications submitted to be released publicly prior to the passage of future City budgets. (STATEMENT ATTACHED).

Sponsors: Keating

Attachments: [MOTION](#)

ADJOURNMENT

Date: June 7, 2023

To: Mayor Aftab Pureval

From: Emily Smart Woerner, City Solicitor

EESW

202301599

Subject: **Emergency Ordinance – FY 2024 Budget Adjustments**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the establishment of capital improvement program project account no. 980x255x242545, “Regional Target Gun Range - GF,” to provide resources for the City’s contribution to a regional target gun range; **AUTHORIZING** the transfer and return to source Fund 050 of \$8,715,000 from various existing General Capital Budget capital improvement program project accounts in accordance with Schedule A of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$4,000,000 to an existing General Capital Budget capital improvement program project account in accordance with Schedule B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$6,900,000 to various General Capital Budget capital improvement program project accounts in accordance with Schedule C of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$3,815,000 from the unappropriated surplus of General Fund 050 to various operating budget accounts within the General Fund according to Schedule D of the attached Schedule of Transfer; and further **DECLARING** the Regional Target Gun Range - GF project to be for a public purpose, all for the purpose of implementing the Mayor’s recommended changes to the FY 2024 Operating Budget and Capital Improvement Program.

ESW/CMZ(dmm)
Attachment
384422

EMERGENCY

City of Cincinnati

CMZ

EESW

An Ordinance No. _____ - 2023

AUTHORIZING the establishment of capital improvement program project account no. 980x255x242545, “Regional Target Gun Range - GF,” to provide resources for the City’s contribution to a regional target gun range; **AUTHORIZING** the transfer and return to source Fund 050 of \$8,715,000 from various existing General Capital Budget capital improvement program project accounts in accordance with Schedule A of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$4,000,000 to an existing General Capital Budget capital improvement program project account in accordance with Schedule B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$6,900,000 to various General Capital Budget capital improvement program project accounts in accordance with Schedule C of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$3,815,000 from the unappropriated surplus of General Fund 050 to various operating budget accounts within the General Fund according to Schedule D of the attached Schedule of Transfer; and further **DECLARING** the Regional Target Gun Range - GF project to be for a public purpose, all for the purpose of implementing the Mayor’s recommended changes to the FY 2024 Operating Budget and Capital Improvement Program.

WHEREAS, the Mayor transmitted the City Manager’s Recommended FY 2024 Budget to Council and included supplemental changes for the use of \$6,000,000 in tax credit revenue from the Cincinnati Southern Railway Board and \$4,715,000 in reallocation of existing FY 2023 capital budget resources; and

WHEREAS, the Mayor transmitted the City Manager’s Recommended FY 2024 Budget to Council and included supplemental changes for capital expenditures of \$2,000,000 for street rehabilitation, \$2,000,000 for deferred capital maintenance at City facilities, \$2,225,000 for a regional target gun range, \$250,000 for the Cincinnati Recreation Commission for matching funds for a skate park, and \$400,000 to implement a bike plan; and

WHEREAS, the Mayor transmitted the City Manager’s Recommended FY 2024 Budget to Council and included supplemental changes of \$3,815,000 in General Fund operating budget allocations included herein; and

WHEREAS, the Mayor transmitted the City Manager’s Recommended FY 2024 Budget to Council and included supplemental changes to provide resources for initiatives that drive equitable financial opportunities, including \$1,500,000 for medical debt relief, \$375,000 for child savings accounts, and \$250,000 for a guaranteed income pilot study; and

WHEREAS, the Mayor transmitted the City Manager’s Recommended FY 2024 Budget to Council and included supplemental changes to provide resources for community empowerment initiatives, including \$500,000 for the Boots on the Ground Fund Program, \$500,000 for the Safe & Clean Program, and \$500,000 for Neighborhood Catalytic Capital Improvement Program – Early Action Grants; and

WHEREAS, the Mayor transmitted the City Manager's Recommended FY 2024 Budget to Council and included supplemental changes of an additional \$190,000 in one-time leveraged support resources to provide funding in the amounts of \$25,000 for Elementz, \$25,000 for Q-Kidz, \$40,000 for MORTAR, and \$100,000 for Center for Closing the Health Gap; and

WHEREAS, passage of this ordinance will appropriate funds and authorize expenditures for the fiscal year beginning July 1, 2023 and ending June 30, 2024, pursuant to the Mayor's recommended changes to the FY 2024 Operating Budget and Capital Improvement Program; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Director of Finance is hereby authorized to establish capital improvement program project account no. 980x255x242545, "Regional Target Gun Range - GF," to provide resources for the City's contribution to a regional target gun range.

Section 2. That \$8,715,000 is hereby transferred and returned to source Fund 050 from various existing General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Schedule A of the attached Schedule of Transfer.

Section 3. That \$4,000,000 is hereby transferred and appropriated to an existing project account according to Schedule B of the attached Schedule of Transfer.

Section 4. That \$6,900,000 is hereby transferred and appropriated to various project accounts according to Schedule C of the attached Schedule of Transfer.

Section 5. That \$3,815,000 from the unappropriated surplus of General Fund 050 is hereby transferred and appropriated to various operating budget accounts within the General Fund according to Schedule D of the attached Schedule of Transfer.

Section 6. That the Regional Target Gun Range - GF capital improvement program project is hereby declared to serve a public purpose because the project will foster local improvements and investment and increase neighborhood vitality.

Section 7. That Sections 1 through 6 shall become effective as of July 1, 2023.

Section 8. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to have funding in place to carry out the City's Fiscal Year 2024 Operating Budget and Capital Improvement Program, which begins July 1, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

That the amounts set forth hereinafter are hereby returned to source in the amount of \$8,715,000.00 to the individual funds listed hereinafter:

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM | | PROJECT OR FUND TO BE TRANSFERRED TO | | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED |
|-------------------------------------|---|---------------------------------|---|--------------|----------------------------------|------------|--|
| | NUMBER: | DESCRIPTION | NUMBER: | DESCRIPTION | PRIOR | REVISED | |
| ETS 091 | 230927 | Highspeed/Broadband Access - GF | 050 | General Fund | 5,000,000.00 | 285,000.00 | 4,715,000.00 |
| Transp. & Eng Engineering 233 | 232368 | Street Rehabilitation - GF | 050 | General Fund | 4,000,000.00 | 0.00 | 4,000,000.00 |

That the amounts set forth hereinafter totaling \$4,000,000.00 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED |
|-------------------------------------|--|--|----------------------------------|---------------|--|
| | | | PRIOR | REVISED | |
| Transp. & Eng Engineering 233 | 858 Street Improvement Bond Fund | 232308 Street Rehabilitation | 17,137,000.00 | 21,137,000.00 | 4,000,000.00 |

That the amounts set forth hereinafter are hereby transferred and appropriated in the amount of \$6,900,000.00 for the improvements listed hereinafter:

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM | | PROJECT OR FUND TO BE TRANSFERRED TO | | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED |
|-------------------------------------|---|------------------------------|---|--------------------------------------|----------------------------------|---------------|--|
| | NUMBER: | DESCRIPTION | NUMBER: | DESCRIPTION | PRIOR | REVISED | |
| Recreation Administration 199 | 050 | General Fund | 241900 | Outdoor Facilities Renovation | 367,000.00 | 617,000.00 | 250,000.00 |
| Transp. & Eng Planning 232 | 050 | General Fund | 242357 | Bicycle Transportation Program | 281,000.00 | 681,000.00 | 400,000.00 |
| Transp. & Eng Engineering 233 | 858 | Street Improvement Bond Fund | 242308 | Street Rehabilitation | 17,717,000.00 | 19,717,000.00 | 2,000,000.00 |
| Public Services CFM 255 | 050 | General Fund | 242500 | City Facility Renovation and Repairs | 2,683,000.00 | 4,683,000.00 | 2,000,000.00 |
| | 050 | General Fund | 242545 | Regional Target Gun Range - GF | 0.00 | 2,250,000.00 | 2,250,000.00 |

SCHEDULE OF TRANSFER

SCHEDULE D. FY 2024 BUDGET ORDINANCE - MAYOR OPERATING BUDGET ADJUSTMENTS

| General Fund 050 | | | | | | | | | |
|---|------|--------|--------------------|------------------|---|------|--------|--------------------|------------------|
| <i>REDUCTIONS</i> | | | | <i>INCREASES</i> | | | | | |
| | Fund | Agency | Appropriation Unit | \$ Amount | | Fund | Agency | Appropriation Unit | \$ Amount |
| SUPPLEMENTAL APPROPRIATIONS | | | | | SUPPLEMENTAL APPROPRIATIONS | | | | |
| SOURCE ACCOUNTS | | | | | USE ACCOUNTS | | | | |
| UNAPPROPRIATED SURPLUS | | 050 | | 3,815,000 | CITY MANAGER'S OFFICE | | | | |
| | | | | | OFFICE OF THE CITY MANAGER | 050 | 101 | 7200 | 2,125,000 |
| | | | | | OFFICE OF THE CITY MANAGER | 050 | 101 | 7400 | 1,190,000 |
| | | | | | DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT | | | | |
| | | | | | ECONOMIC DEVELOPMENT | 050 | 164 | 7200 | 500,000 |
| | | | | | Subtotal Supplemental Appropriations | | | | 3,815,000 |
| Subtotal Supplemental Appropriations | | | | 3,815,000 | Subtotal Supplemental Appropriations | | | | 3,815,000 |
| TOTAL FUND REDUCTIONS | | | | | TOTAL FUND INCREASES | | | | 3,815,000 |

June 7, 2023

To: Mayor and Members of City Council 202301570
From: Sheryl M. M. Long, City Manager
Subject: Emergency Ordinance – FY 2024 Budget: General Fund Operating Budget

Attached is an Emergency Ordinance captioned:

PROVIDING for the appropriation of funds and authorization of expenditures from General Fund 050 in the amount of \$502,140,750 for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, to provide for the current expenses and other expenses of the City of Cincinnati; **AUTHORIZING** the transfer of \$3,522,800 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 to pay the City’s FY 2024 General Fund debt service obligations of \$2,340,530 related to the Ohio Police and Fire Pension Fund and of \$1,182,270 related to the Early Retirement Incentive Program (“ERIP”); **AUTHORIZING** the transfer of \$20,467,640 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 to provide for the FY 2024 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department; **AUTHORIZING** the transfer of \$850,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Citizens Job Fund 308 to provide resources for the Career Pathways Initiative; **AUTHORIZING** the transfer of \$18,430 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Enterprise Technology Solutions Fund 702 to provide resources for debt service for the ERIP; **AMENDING** the Sections of Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code regarding the compensation schedules of employees in Divisions 0, 5, 7 (LAW), 8, and 9 by applying a four percent wage adjustment for non-represented employees in Division 0 as well as classifications LAW186, LAW191, LAW193, LAW217, LAW224, LAW225, LAW930, D9035, and D9036, and a three percent wage adjustment for non-represented employees in Divisions 5 and 8 as well as the remaining classifications in Divisions 7 (LAW) and 9 not receiving the four percent wage adjustment, to collectively constitute the new Classification and Salary Range Schedule for these classifications and to provide for wage adjustments effective June 25, 2023; **MODIFYING** the Division designation of the Zoning Hearing Examiner in the Law Department by

moving the employment classification to Division 7 (LAW), to ensure consistency within the employment classifications in the Law Department; and REVISING the Department of Buildings and Inspections fee schedule to reflect the annual consumer price index adjustment of eight percent applied to fees charged for services related to property permitting and maintenance.

The reason for the emergency is to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2024, which begins on July 1, 2023, for the current expenses and other expenses of the City of Cincinnati.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment

EMERGENCY

MSS

- 2023

PROVIDING for the appropriation of funds and authorization of expenditures from General Fund 050 in the amount of \$502,140,750 for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, to provide for the current expenses and other expenses of the City of Cincinnati; **AUTHORIZING** the transfer of \$3,522,800 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 to pay the City's FY 2024 General Fund debt service obligations of \$2,340,530 related to the Ohio Police and Fire Pension Fund and of \$1,182,270 related to the Early Retirement Incentive Program ("ERIP"); **AUTHORIZING** the transfer of \$20,467,640 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 to provide for the FY 2024 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department; **AUTHORIZING** the transfer of \$850,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Citizens Job Fund 308 to provide resources for the Career Pathways Initiative; **AUTHORIZING** the transfer of \$18,430 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Enterprise Technology Solutions Fund 702 to provide resources for debt service for the ERIP; **AMENDING** the sections of Chapter 307, "Classified Compensation Schedules," of the Cincinnati Municipal Code regarding the compensation schedules of employees in Divisions 0, 5, 7 (LAW), 8, and 9 by applying a four percent wage adjustment for non-represented employees in Division 0 as well as classifications LAW186, LAW191, LAW193, LAW217, LAW224, LAW225, LAW930, D9035, and D9036, and a three percent wage adjustment for non-represented employees in Divisions 5 and 8 as well as the remaining classifications in Divisions 7 (LAW) and 9 not receiving the four percent wage adjustment, to collectively constitute the new Classification and Salary Range Schedule for these classifications and to provide for wage adjustments effective June 25, 2023; **MODIFYING** the Division designation of the Zoning Hearing Examiner in the Law Department by moving the employment classification to Division 7 (LAW), to ensure consistency within the employment classifications in the Law Department; and **REVISING** the Department of Buildings and Inspections fee schedule to reflect the annual consumer price index adjustment of eight percent applied to fees charged for services related to property permitting and maintenance.

WHEREAS, it is necessary to appropriate resources from the General Fund for the purposes set forth herein to provide for the usual daily operations of various departments of the City of Cincinnati during the fiscal year beginning July 1, 2023 and ending June 30, 2024; and

WHEREAS, due to the COVID-19 pandemic, one-time resources of \$28,200,000 from American Rescue Plan (ARP) stimulus funds are available to reimburse expenses or provide revenue replacement for the FY 2024 General Fund Operating Budget; and

WHEREAS, the Recommended FY 2024 General Fund Operating Budget includes a four percent wage adjustment for Non-Represented Employees in Division 0 as well as classifications LAW186, LAW191, LAW193, LAW217, LAW224, LAW225, LAW930, D9035, and D9036; and

WHEREAS, the Recommended FY 2024 General Fund Operating Budget includes a three percent wage adjustment for Non-Represented Employees in Divisions 5 and 8 as well as the remaining classifications in Divisions 7 and 9 not receiving the four percent wage adjustment; and

WHEREAS, it is necessary to modify the Division designation of the Zoning Hearing Examiner in the Law Department by moving that employment classification to Division 7 to ensure consistency within the employment classifications in the Law Department, all of which are currently in Division 7 other than the City Solicitor, which position is properly in Division 5 (“Department Head or equivalent”) and the Zoning Hearing Examiner, which position is currently in Division 0 (“Middle Management”); and

WHEREAS, Ordinance No. 152-2017, passed June 21, 2017, authorized the Department of Buildings and Inspections to collect fees for services related to permitting and property maintenance according to an established fee schedule to augment the Department’s ability to ensure the safety and maintenance of buildings, to provide enhanced services, and to improve its technology infrastructure; and

WHEREAS, consistent with the Recommended FY 2024 General Fund Operating Budget, it is necessary to adjust the fees charged by the Department of Buildings and Inspections by eight percent based on the annual consumer price index adjustment for calendar year 2022 to ensure that the fees charged reasonably account for increased costs of service delivery due to inflationary increases and to continue to allow the Department to accomplish the purposes intended; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That, to provide for the current expenses and other expenses of the City of Cincinnati from General Fund 050 during the fiscal year beginning July 1, 2023 and ending June 30, 2024, \$502,140,750 is appropriated out of the monies in the treasury or any accruing revenues of the City available for such purposes as set forth in the attached Schedule of Appropriation, Schedule 1, attached hereto and made a part hereof, for the purposes therein indicated.

Section 2. That \$3,522,800 is transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 to pay the City’s FY 2024 General Fund debt service obligations of \$2,340,530 related to the Ohio Police and Fire Pension Fund and debt service obligations of \$1,182,270 related to the Early Retirement Incentive Program (“ERIP”).

Section 3. That \$20,467,640 is transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 to provide for the FY 2024 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department.

Section 4. That \$850,000 is transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Citizens Job Fund 308 to provide resources for the Career Pathways Initiative.

Section 5. That \$18,430 is transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Enterprise Technology Solutions Fund 702 to provide resources for debt service for the ERIP.

Section 6. That Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code is amended for employees in Divisions 0, 5, 7 (LAW), 8, and 9 as indicated on the Non-Represented Salary Schedule, attached hereto as Exhibit A and made a part hereof, reflecting a four percent adjustment for each classification in Division 0 as well as classifications LAW186, LAW191, LAW 193, LAW217, LAW224, LAW 225, LAW930, D9035, and D9036, and a three percent adjustment for each classification in Divisions 5 and 8 and the remaining classifications in Division 7 (LAW) and 9 not receiving the four percent adjustment.

Section 7. That the Division designation of the Zoning Hearing Examiner in the Law Department is hereby modified by moving the employment classification to Division 7 to ensure consistency within the employment classifications in the Law Department, as reflected in the attached Exhibit A.

Section 8. That the Department of Buildings and Inspections fee schedule related to property permitting and maintenance, which Council authorized in Ordinance No. 152-2017, is

revised as reflected in the Fee Schedule attached hereto as Exhibit B and made a part hereof, which increases the current fees by eight percent for FY 2024 based on the annual consumer price index adjustment based on calendar year 2022 inflation.

Section 9. That the appropriate City officials are authorized to do all things necessary and proper to implement the provisions of Sections 1 through 8.

Section 10. That the effective date of Sections 6 and 7 shall be June 25, 2023.

Section 11. That the effective date of Sections 1 through 5 and Section 8 shall be July 1, 2023.

Section 12. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2024, which begins on July 1, 2023, for the current expenses and other expenses of the City of Cincinnati.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

**SCHEDULE OF APPROPRIATION
FY 2024 GENERAL FUND OPERATING BUDGET**

SCHEDULE 1. That there be appropriated from the General Fund (050) for the fiscal year 2024, the sums set forth in the columns designated 7100, 7500 Salaries and Benefits, Non-Personnel 7200-7400, Properties 7600, Debt 7700 and Total Appropriation:

| Department and Agency | Fund | Agency | Salaries and Benefits 7100, 7500 | Non-Personnel 7200-7400 | Properties 7600 | Debt Service 7700 | Total Appropriation |
|--|------|--------|-------------------------------------|----------------------------|--------------------|----------------------|------------------------|
| General Fund | | | | | | | |
| City Council | | | | | | | |
| Councilmember L. Keating | 050 | 012 | 130,160 | 5,040 | | | 135,200 |
| Councilmember S. Walsh | 050 | 015 | 130,160 | 5,040 | | | 135,200 |
| Councilmember J. Cramerding | 050 | 018 | 130,160 | 5,040 | | | 135,200 |
| City Councilmembers | 050 | 019 | 1,122,410 | | | | 1,122,410 |
| Councilmember R. Harris | 050 | 021 | 130,160 | 5,040 | | | 135,200 |
| Councilmember M. Jeffreys | 050 | 022 | 130,160 | 5,040 | | | 135,200 |
| Councilmember S. Johnson | 050 | 023 | 130,160 | 5,040 | | | 135,200 |
| Councilmember M. Owens | 050 | 025 | 130,160 | 5,040 | | | 135,200 |
| Councilmember V. Parks | 050 | 027 | 130,160 | 5,040 | | | 135,200 |
| Councilmember J-M Kearney | 050 | 029 | 130,160 | 5,040 | | | 135,200 |
| City Council Total | | | 2,293,850 | 45,360 | | | 2,339,210 |
| Office of the Mayor | | | | | | | |
| Office Of The Mayor | 050 | 031 | 1,030,860 | 16,750 | | | 1,047,610 |
| Clerk of Council | | | | | | | |
| Office Of The Clerk Of Council | 050 | 041 | 616,750 | 207,450 | | | 824,200 |
| Enterprise Technology Solutions | | | | | | | |
| Enterprise Technology Solutions | 050 | 091 | 6,348,720 | 873,190 | | | 7,221,910 |
| City Manager | | | | | | | |
| City Manager's Office | 050 | 101 | 3,610,390 | 17,205,340 | | | 20,815,730 |
| Office Of Budget & Evaluation | 050 | 102 | 944,700 | 87,220 | | | 1,031,920 |
| Emergency Communications Center | 050 | 103 | 14,824,410 | 1,126,020 | | | 15,950,430 |
| Office Of Environment and Sustainability | 050 | 104 | 1,138,600 | 2,267,740 | | | 3,406,340 |
| Office of Procurement | 050 | 107 | 1,302,490 | 300,720 | | | 1,603,210 |
| Performance and Data Analytics | 050 | 108 | 1,682,610 | 175,050 | | | 1,857,660 |
| Internal Audit | 050 | 109 | 497,460 | 14,180 | | | 511,640 |
| City Manager Total | | | 24,000,660 | 21,176,270 | | | 45,176,930 |
| Law | | | | | | | |
| Law - Civil | 050 | 111 | 6,170,630 | 646,120 | | | 6,816,750 |
| Law - Administrative Hearings & Prosecution | 050 | 112 | 3,712,460 | 261,010 | | | 3,973,470 |
| Law Total | | | 9,883,090 | 907,130 | | | 10,790,220 |
| Human Resources | | | | | | | |
| Human Resources | 050 | 121 | 3,802,100 | 530,390 | | | 4,332,490 |
| Finance | | | | | | | |
| Office of The Director | 050 | 131 | 358,520 | 20,330 | | | 378,850 |
| Accounts and Audits | 050 | 133 | 1,685,840 | 137,940 | | | 1,823,780 |
| Treasury | 050 | 134 | 1,005,680 | 362,370 | | | 1,368,050 |
| Risk Management | 050 | 135 | | 442,660 | | | 442,660 |
| Income Tax | 050 | 136 | 3,426,440 | 473,580 | | | 3,900,020 |
| Finance Total | | | 6,476,480 | 1,436,880 | | | 7,913,360 |
| Community & Economic Development | | | | | | | |
| Director's Office and Administration | 050 | 161 | 876,940 | 287,940 | | | 1,164,880 |
| Housing Division | 050 | 162 | 183,880 | 601,160 | | | 785,040 |
| Economic Development and Major/Special Projects Division | 050 | 164 | 1,046,150 | 1,367,350 | | | 2,413,500 |
| Community & Economic Development Total | | | 2,106,970 | 2,256,450 | | | 4,363,420 |
| City Planning and Engagement | | | | | | | |
| City Planning & Zoning | 050 | 171 | 1,515,720 | 84,370 | | | 1,600,090 |

| Department and Agency | Fund | Agency | Salaries and Benefits 7100, 7500 | Non-Personnel 7200-7400 | Properties 7600 | Debt Service 7700 | Total Appropriation |
|---|------|--------|--|----------------------------|--------------------|-------------------------|------------------------|
| Citizen Complaint Authority | | | | | | | |
| Citizen Complaint Authority | 050 | 181 | 1,335,270 | 51,520 | | | 1,386,790 |
| Recreation | | | | | | | |
| West Region | 050 | 191 | 2,550,450 | 454,990 | | | 3,005,440 |
| East Region | 050 | 192 | 2,038,660 | 358,840 | | | 2,397,500 |
| Central Region | 050 | 193 | 2,340,440 | 374,940 | | | 2,715,380 |
| Maintenance | 050 | 194 | 2,867,620 | 1,121,880 | | | 3,989,500 |
| Athletics | 050 | 197 | 2,440,040 | 385,310 | | | 2,825,350 |
| Support Services | 050 | 199 | 3,395,780 | 308,210 | 20,000 | | 3,723,990 |
| Recreation Total | | | 15,632,990 | 3,004,170 | 20,000 | | 18,657,160 |
| Parks | | | | | | | |
| Office of The Director | 050 | 201 | 546,310 | 12,650 | | | 558,960 |
| Operations and Facility Management | 050 | 202 | 4,483,390 | 3,484,410 | | | 7,967,800 |
| Administration and Program Services | 050 | 203 | 1,869,720 | 188,320 | | | 2,058,040 |
| Parks Total | | | 6,899,420 | 3,685,380 | | | 10,584,800 |
| Buildings & Inspections | | | | | | | |
| Buildings & Inspections, Licenses & Permits | 050 | 211 | 10,502,880 | 2,594,930 | | | 13,097,810 |
| Property Maintenance Code Enforcement | 050 | 212 | 238,820 | 74,970 | | | 313,790 |
| Buildings & Inspections Total | | | 10,741,700 | 2,669,900 | | | 13,411,600 |
| Police | | | | | | | |
| Patrol Bureau | 050 | 222 | 107,793,460 | 7,959,800 | | | 115,753,260 |
| Investigations Bureau | 050 | 225 | 19,564,480 | 1,813,260 | | | 21,377,740 |
| Support Bureau | 050 | 226 | 15,378,110 | 8,466,640 | | | 23,844,750 |
| Administration Bureau | 050 | 227 | 14,103,910 | 5,430,910 | | | 19,534,820 |
| Police Total | | | 156,839,960 | 23,670,610 | | | 180,510,570 |
| Transportation & Engineering | | | | | | | |
| Office of The Director | 050 | 231 | 583,890 | 103,630 | | | 687,520 |
| Transportation Planning | 050 | 232 | 378,940 | 247,310 | | | 626,250 |
| Engineering | 050 | 233 | 212,310 | 3,760 | | | 216,070 |
| Traffic Engineering | 050 | 239 | | 1,891,230 | | | 1,891,230 |
| Transportation & Engineering Total | | | 1,175,140 | 2,245,930 | | | 3,421,070 |
| Public Services | | | | | | | |
| Office of The Director | 050 | 251 | 949,990 | 100,830 | | | 1,050,820 |
| Traffic And Road Operations | 050 | 252 | 121,840 | | | | 121,840 |
| Neighborhood Operations | 050 | 253 | 6,967,480 | 5,035,640 | | | 12,003,120 |
| City Facility Management | 050 | 255 | 106,280 | 2,783,680 | | | 2,889,960 |
| Fleet Services | 050 | 256 | 187,410 | 1,050 | | | 188,460 |
| Public Services Total | | | 8,333,000 | 7,921,200 | | | 16,254,200 |
| Fire | | | | | | | |
| Fire - Response | 050 | 271 | 121,487,650 | 9,654,190 | | | 131,141,840 |
| Fire - Support Services | 050 | 272 | 15,151,620 | 1,782,370 | | | 16,933,990 |
| Fire Total | | | 136,639,270 | 11,436,560 | | | 148,075,830 |
| Economic Inclusion | | | | | | | |
| Economic Inclusion | 050 | 281 | 1,315,990 | 120,230 | | | 1,436,220 |

| Department and Agency | Fund | Agency | Salaries and | Non-Personnel | Properties | Debt | Total |
|---|------|--------|--------------------|-------------------|---------------|---------|--------------------|
| | | | Benefits | 7200-7400 | 7600 | Service | Appropriation |
| | | | 7100, 7500 | | | 7700 | |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 050 | 911 | 875,380 | | | | 875,380 |
| Contribution to Total Benefit Arrangement (CRS) | 050 | 915 | 1,050 | | | | 1,050 |
| Public Employees Assistance Program (PEAP) | 050 | 919 | 600,410 | | | | 600,410 |
| Workers' Compensation Insurance | 050 | 921 | 4,720,140 | | | | 4,720,140 |
| Police & Fire Fighters' Insurance | 050 | 922 | | 316,130 | | | 316,130 |
| State Unemployment Compensation | 050 | 923 | 150,000 | | | | 150,000 |
| Lump Sum Payments | 050 | 924 | 1,193,290 | | | | 1,193,290 |
| Tuition Reimbursement | 050 | 928 | | 100,000 | | | 100,000 |
| Audit And Examiner's Fees | 050 | 941 | | 461,500 | | | 461,500 |
| Hamilton County Auditor & Treasurer Fees | 050 | 942 | | 500,000 | | | 500,000 |
| General Fund Overhead | 050 | 944 | 89,840 | | | | 89,840 |
| Election Expense | 050 | 946 | | 551,510 | | | 551,510 |
| CRA Application Fees | 050 | 947 | | 15,000 | | | 15,000 |
| Judgments Against The City | 050 | 951 | | 900,000 | | | 900,000 |
| Enterprise Software and Licenses | 050 | 952 | | 10,711,260 | | | 10,711,260 |
| Memberships & Publications | 050 | 953 | | 267,010 | | | 267,010 |
| Other City Obligations | 050 | 959 | | 280,550 | | | 280,550 |
| Downtown Special Improvement District | 050 | 963 | | 10,000 | | | 10,000 |
| The Port (Greater Cincinnati Redevelopment Authority) | 050 | 968 | | 700,000 | | | 700,000 |
| Reserve For Contingencies | 050 | 990 | | 350,000 | | | 350,000 |
| Non-Departmental Accounts Total | | | 7,630,110 | 15,162,960 | | | 22,793,070 |
| Total General Fund | | | 404,618,050 | 97,502,700 | 20,000 | | 502,140,750 |

**SCHEDULE OF APPROPRIATION
FY 2024 GENERAL FUND OPERATING BUDGET**

SCHEDULE 1 - PART II. Estimated receipts, surplus, and expenditures of the General Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024.

| <u>RECEIPTS AND SURPLUS</u> | <u>AMOUNT</u> | <u>EXPENDITURES & BALANCES</u> | <u>AMOUNT</u> |
|--------------------------------------|-----------------------------|---|----------------------|
| Taxes | | Total Salary and Benefits..... | \$404,618,050 |
| Real and Tangible Property | \$36,364,390 | | |
| City Earnings | \$344,000,000 | Other Expenses | |
| Other Taxes | <u>\$10,175,500</u> | Departmental | \$82,339,740 |
| Total Taxes..... | \$390,539,890 | Non-Departmental | \$14,812,960 |
| | | Reserve for Contingencies | \$350,000 |
| Other Receipts | | Properties | \$20,000 |
| Licenses and Permits | \$27,161,040 | Debt Service | <u>\$0</u> |
| Courts and Use of Money and Property | \$12,468,680 | Total Other Expenses, Properties, and Debt..... | <u>\$97,522,700</u> |
| Revenue from Other Agencies | \$16,251,440 | TOTAL EXPENDITURES..... | \$502,140,750 |
| Charges for Current Service | \$37,622,140 | TRANSFERS OUT..... | \$24,858,870 |
| Casino Revenue | \$10,000,000 | Estimated Balance June 30, 2024 | <u>\$18,314,560</u> |
| Miscellaneous Revenue | <u>\$33,106,430</u> | TOTAL EXPENDITURES AND BALANCE | <u>\$545,314,180</u> |
| Total Other Receipts..... | <u>\$136,609,730</u> | | |
| TOTAL RECEIPTS..... | \$527,149,620 | | |
| TRANSFERS IN | \$200,000 | | |
| Estimated Balance July 1, 2023 | <u>\$17,964,560</u> | | |
| TOTAL RECEIPTS AND SURPLUS | <u>\$545,314,180</u> | | |

Exhibit A: Non-Represented Salary Schedule with Wage Adjustment

| CMC Section | Division | Grade | Title | Existing Minimum | Existing Maximum | New Minimum | New Maximum |
|-------------|----------|-------|-----------------------------------|------------------|------------------|-------------|-------------|
| | | | | Hourly Rate | Hourly Rate | Hourly Rate | Hourly Rate |
| 307-001 | D0 | 001 | Administrative Specialist | 26.589208 | 40.423981 | 27.652776 | 42.040940 |
| 307-008 | D0 | 008 | Administrative Technician | 20.138474 | 30.616832 | 20.944013 | 31.841506 |
| 307-009 | D0 | 009 | Investigator | 31.663270 | 47.954440 | 32.929800 | 49.872618 |
| 307-013 | D0 | 013 | Senior Administrative Splclst | 31.541961 | 47.954440 | 32.803639 | 49.872618 |
| 307-042 | D0 | 042 | Computer Programmer/Analyst | 20.927059 | 28.816563 | 21.764142 | 29.969225 |
| 307-043 | D0 | 043 | Senior Comptr Programmer/Anlys | 31.541961 | 47.954440 | 32.803639 | 49.872618 |
| 307-058 | D0 | 058 | Community Dvlpmnt & Plan Anal-EXM | 26.589208 | 40.423981 | 27.652776 | 42.040940 |
| 307-066 | D0 | 066 | Development Officer | 26.589208 | 36.613329 | 27.652776 | 38.077862 |
| 307-080 | D0 | 080 | Graphic Designer | 26.589208 | 40.423981 | 27.652776 | 42.040940 |
| 307-089 | D0 | 089 | Human Resources Analyst | 26.589208 | 40.423981 | 27.652776 | 42.040940 |
| 307-092 | D0 | 092 | Internal Auditor | 26.589208 | 40.423981 | 27.652776 | 42.040940 |
| 307-094 | D0 | 094 | Management Analyst | 26.589208 | 40.423981 | 27.652776 | 42.040940 |
| 307-146 | D0 | 146 | Comm Econ Development Analyst | 20.858361 | 40.423981 | 21.692695 | 42.040940 |
| 307-148 | D0 | 148 | Comm Econ Develop Sr Analyst | 25.813266 | 47.954440 | 26.845796 | 49.872618 |
| 307-149 | D0 | 149 | Senior Human Resources Analyst | 31.542426 | 47.954440 | 32.804123 | 49.872618 |
| 307-150 | D0 | 150 | Senior Internal Auditor | 31.542426 | 47.954440 | 32.804123 | 49.872618 |
| 307-151 | D0 | 151 | Supvr of Prk/Rec Maint & Const | 31.542426 | 47.954440 | 32.804123 | 49.872618 |
| 307-152 | D0 | 152 | Senior City Planner | 31.542426 | 47.954440 | 32.804123 | 49.872618 |
| 307-154 | D0 | 154 | Senior CommDev & Plan Anl-EXM | 31.542426 | 47.954440 | 32.804123 | 49.872618 |
| 307-156 | D0 | 156 | Senior Development Officer | 31.542426 | 47.954440 | 32.804123 | 49.872618 |
| 307-162 | D0 | 162 | Human Resources Info Sys Anal | 31.538166 | 47.957239 | 32.799692 | 49.875529 |
| 307-177 | D0 | 177 | Senior Management Analyst | 31.542426 | 47.954439 | 32.804123 | 49.872617 |
| 307-190 | D0 | 190 | Zoning Hearing Examiner | 46.808494 | 63.191474 | 48.680834 | 65.719133 |
| 307-200 | D0 | 200 | Dietitian | 23.683087 | 32.611610 | 24.630410 | 33.916075 |
| 307-219 | D0 | 219 | PEAP Coordinator | 45.638892 | 63.504762 | 47.464448 | 66.044952 |
| 307-220 | D0 | 220 | Psychologist | 31.955767 | 44.003095 | 33.233998 | 45.763219 |
| 307-222 | D0 | 222 | Intelligence Analyst | 24.223501 | 32.970001 | 25.192441 | 34.288801 |
| 307-228 | D0 | 228 | Assistant Dental Director | 31.542426 | 43.433914 | 32.804123 | 45.171270 |
| 307-232 | D0 | 232 | Intelligence Analyst Supervisor | 26.586001 | 36.738693 | 27.649441 | 38.208241 |
| 307-247 | D0 | 247 | PEAP Counselor | 28.738501 | 46.546501 | 29.888041 | 48.408361 |
| 307-248 | D0 | 248 | Physician Assistant | 33.387588 | 44.870116 | 34.723091 | 46.664921 |
| 307-258 | D0 | 258 | Accountant | 26.589208 | 40.423981 | 27.652776 | 42.040940 |
| 307-265 | D0 | 265 | City Planner | 26.589208 | 40.423981 | 27.652776 | 42.040940 |
| 307-271 | D0 | 271 | Physical Therapist | 24.927736 | 34.325497 | 25.924845 | 35.698517 |
| 307-299 | D0 | 299 | Asst Health Laboratory Mgr | 31.542426 | 43.433914 | 32.804123 | 45.171270 |
| 307-322 | D0 | 322 | Recycling Operations Tech | 18.978120 | 25.307731 | 19.737245 | 26.320040 |
| 307-323 | D0 | 323 | Training Coordinator | 31.542426 | 47.954440 | 32.804123 | 49.872618 |
| 307-336 | D0 | 336 | Housing Services Coordinator | 21.856638 | 22.619726 | 22.730904 | 23.524516 |
| 307-438 | D0 | 438 | Supervisor of Building Permits | 26.173548 | 36.040973 | 27.220490 | 37.482611 |
| 307-443 | D0 | 443 | Zoning Supervisor | 29.891344 | 41.160383 | 31.086997 | 42.806799 |
| 307-575 | D0 | 575 | Development Officer 4 | 34.015571 | 47.954440 | 35.376194 | 49.872618 |
| 307-761 | D0 | 761 | Water Security Supervisor | 28.827090 | 42.227828 | 29.980174 | 43.916941 |
| 307-763 | D0 | 763 | Security Supervisor | 20.138474 | 27.730679 | 20.944013 | 28.839906 |
| 307-824 | D0 | 824 | Information Technology Coor | 20.927059 | 28.816563 | 21.764142 | 29.969225 |
| 307-864 | D0 | 864 | Landscape Architect | 27.003702 | 37.184098 | 28.083850 | 38.671462 |
| 307-963 | D0 | 963 | Park Planner | 34.015571 | 46.839436 | 35.376194 | 48.713013 |
| 307-004 | D5 | 004 | ETS Director | 56.029598 | 84.501246 | 57.710486 | 87.036284 |
| 307-012 | D5 | 012 | Director of Communications | 46.711467 | 66.483056 | 48.112811 | 68.477548 |
| 307-014 | D5 | 014 | Executive Mgr of Police Relatns | 46.412801 | 62.657412 | 47.805185 | 64.537134 |
| 307-016 | D5 | 016 | Assistant to the City Manger | 43.047672 | 62.295145 | 44.339102 | 64.163999 |
| 307-019 | D5 | 019 | Assistant Safety Director | 46.412812 | 62.657293 | 47.805197 | 64.537012 |
| 307-020 | D5 | 020 | City Manager | 127.539617 | 162.116265 | 131.365805 | 166.979752 |
| 307-022 | D5 | 022 | CommDev & Planning Director | 56.029598 | 75.639961 | 57.710486 | 77.909160 |
| 307-032 | D5 | 032 | Deputy City Manager | 65.465607 | 88.378570 | 67.429575 | 91.029927 |
| 307-033 | D5 | 033 | Environmental Programs Manager | 48.877317 | 66.483056 | 50.343637 | 68.477548 |
| 307-037 | D5 | 037 | Exec Assistant Police Chief | 75.447442 | 77.013077 | 77.710865 | 79.323469 |
| 307-040 | D5 | 040 | Budget Director | 56.029600 | 77.909136 | 57.710488 | 80.246410 |
| 307-059 | D5 | 059 | Dir of Perform & Data Analytic | 56.029598 | 84.501246 | 57.710486 | 87.036284 |
| 307-074 | D5 | 074 | CCA Director | 56.029598 | 77.909136 | 57.710486 | 80.246410 |
| 307-075 | D5 | 075 | Cntrct Cmp & Adm Hrng Off | 43.047672 | 58.114351 | 44.339102 | 59.857782 |
| 307-108 | D5 | 108 | Assistant Finance Director | 51.447455 | 71.194453 | 52.990878 | 73.330286 |

Exhibit A: Non-Represented Salary Schedule with Wage Adjustment

| CMC Section | Division | Grade | Title | Existing Minimum | Existing Maximum | New Minimum | New Maximum |
|-------------|----------|-------|---------------------------------|------------------|------------------|-------------|-------------|
| | | | | Hourly Rate | Hourly Rate | Hourly Rate | Hourly Rate |
| 307-114 | D5 | 114 | Director of Economic Inclusion | 61.915609 | 77.909136 | 63.773077 | 80.246410 |
| 307-115 | D5 | 115 | Finance Director | 56.029598 | 84.501246 | 57.710486 | 87.036284 |
| 307-120 | D5 | 120 | Retirement Director | 56.029598 | 77.909136 | 57.710486 | 80.246410 |
| 307-153 | D5 | 153 | Dep Dir Perf & Data Analytics | 48.393296 | 65.824807 | 49.845095 | 67.799551 |
| 307-155 | D5 | 155 | Human Resources Director | 56.029598 | 77.909136 | 57.710486 | 80.246410 |
| 307-158 | D5 | 158 | Asst Human Resources Director | 46.412812 | 62.657293 | 47.805197 | 64.537012 |
| 307-170 | D5 | 170 | City Solicitor | 65.465607 | 101.229700 | 67.429575 | 104.266591 |
| 307-204 | D5 | 204 | Assistant Health Commissioner | 48.877317 | 65.984374 | 50.343637 | 67.963905 |
| 307-205 | D5 | 205 | Health Commissioner | 65.465699 | 101.229700 | 67.429670 | 104.266591 |
| 307-365 | D5 | 365 | Fire Chief | 65.465609 | 89.335170 | 67.429577 | 92.015225 |
| 307-389 | D5 | 389 | Police Chief | 65.465609 | 89.335170 | 67.429577 | 92.015225 |
| 307-446 | D5 | 446 | Buildings & Inspections Dir | 67.191960 | 84.501246 | 69.207718 | 87.036284 |
| 307-450 | D5 | 450 | Asst Building & Insp Director | 40.414366 | 54.559394 | 41.626797 | 56.196176 |
| 307-490 | D5 | 490 | City Planning Director | 56.029598 | 84.501245 | 57.710486 | 87.036282 |
| 307-525 | D5 | 525 | Deputy Public Works Director | 48.877317 | 71.194453 | 50.343637 | 73.330286 |
| 307-527 | D5 | 527 | Deputy Sewers Director | 48.877317 | 65.984373 | 50.343637 | 67.963904 |
| 307-530 | D5 | 530 | Sewers Director | 56.029598 | 84.501246 | 57.710486 | 87.036284 |
| 307-534 | D5 | 534 | Dep Dir of Economic Inclusion | 48.877228 | 66.483056 | 50.343545 | 68.477548 |
| 307-535 | D5 | 535 | Deputy Director | 48.877119 | 71.194453 | 50.343433 | 73.330286 |
| 307-554 | D5 | 554 | Asst Neighborhood Svcs Directr | 40.414366 | 54.559394 | 41.626797 | 56.196176 |
| 307-556 | D5 | 556 | Deputy CommDev & Planning Dir | 48.877317 | 65.984375 | 50.343637 | 67.963906 |
| 307-559 | D5 | 559 | Assistant Recreation Director | 45.062395 | 66.483056 | 46.414267 | 68.477548 |
| 307-560 | D5 | 560 | Recreation Director | 56.029598 | 84.501246 | 57.710486 | 87.036284 |
| 307-735 | D5 | 735 | Water Works Director | 68.199838 | 84.501246 | 70.245834 | 87.036284 |
| 307-828 | D5 | 828 | Emergency Comm Center Director | 56.029599 | 84.501248 | 57.710487 | 87.036286 |
| 307-865 | D5 | 865 | Parks Director | 59.813085 | 84.501246 | 61.607477 | 87.036284 |
| 307-888 | D5 | 888 | Public Services Director | 56.029598 | 84.501246 | 57.710486 | 87.036284 |
| 307-891 | D5 | 891 | Assistant City Manager | 65.465608 | 101.229700 | 67.429576 | 104.266591 |
| 307-970 | D5 | 970 | Transportation & Eng Director | 56.029598 | 84.501246 | 57.710486 | 87.036284 |
| 307-981 | D5 | 981 | Employment & Training Manager | 48.877317 | 65.984373 | 50.343637 | 67.963904 |
| 307-982 | D5 | 982 | Director of Water and Sewers | 71.152009 | 106.988496 | 73.286570 | 110.198151 |
| 307-984 | D5 | 984 | Director Community & Econ Dev | 61.915609 | 77.909136 | 63.773077 | 80.246410 |
| 307-985 | D5 | 985 | Deputy Dir Community & Econ De | 48.877317 | 71.194384 | 50.343637 | 73.330216 |
| 307-989 | D5 | 989 | Deputy Director Water & Sewers | 53.566599 | 71.194453 | 55.173597 | 73.330286 |
| 307-991 | D5 | 991 | Executive Project Director | 57.832201 | 103.415063 | 59.567167 | 106.517515 |
| 307-993 | D5 | 993 | Director of Procurement | 56.029598 | 77.909136 | 57.710486 | 57.710486 |
| 307-997 | D5 | 997 | Economic Development Director | 56.029598 | 75.639961 | 57.710486 | 77.909160 |
| 307-015 | D8 | 015 | Regional Computer Center Mgr | 56.575838 | 76.377387 | 58.273113 | 78.668708 |
| 307-041 | D8 | 041 | Supervising Management Analyst | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-045 | D8 | 045 | Info Technology Asst Manager | 39.732885 | 58.107237 | 40.924871 | 59.850454 |
| 307-046 | D8 | 046 | Information Technology Manager | 44.888499 | 62.295145 | 46.235154 | 64.163999 |
| 307-078 | D8 | 078 | Chief Investigator | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-109 | D8 | 109 | Airport Manager | 39.732885 | 58.107237 | 40.924871 | 59.850454 |
| 307-110 | D8 | 110 | Division Manager | 44.888105 | 62.295145 | 46.234748 | 64.163999 |
| 307-113 | D8 | 113 | Risk Manager | 39.732885 | 53.639397 | 40.924871 | 55.248579 |
| 307-131 | D8 | 131 | Supvg Environ/Safety Spec | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-134 | D8 | 134 | Asst Commercial Svcs Supt | 35.090345 | 47.371965 | 36.143056 | 48.793124 |
| 307-135 | D8 | 135 | Commercial Services Supt | 44.888499 | 62.295145 | 46.235154 | 64.163999 |
| 307-141 | D8 | 141 | Supervising Buyer | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-145 | D8 | 145 | City Purchasing Agent | 39.732885 | 53.639397 | 40.924871 | 55.248579 |
| 307-159 | D8 | 159 | Supvg Human Resources Analyst | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-160 | D8 | 160 | Police Academy Manager | 42.030726 | 56.741769 | 43.291648 | 58.444022 |
| 307-168 | D8 | 168 | Asst Treatment Superintendent | 39.732885 | 58.107237 | 40.924871 | 59.850454 |
| 307-178 | D8 | 178 | Medical Director | 78.414285 | 110.876533 | 80.766714 | 114.202829 |
| 307-185 | D8 | 185 | Supvg Comm Dev & Plang Anl-EXM | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-201 | D8 | 201 | Occupational/Safety Hlth Coord | 44.769578 | 62.295145 | 46.112665 | 64.163999 |
| 307-202 | D8 | 202 | Public Wks Opr Asst Supt | 39.732885 | 53.639397 | 40.924871 | 55.248579 |
| 307-208 | D8 | 208 | City Architect | 45.916904 | 66.483056 | 47.294411 | 68.477548 |
| 307-216 | D8 | 216 | Principal Engineer | 42.213287 | 58.107237 | 43.479686 | 59.850454 |
| 307-218 | D8 | 218 | Envrnmntl/Solid Wst Prgrams Crd | 42.030941 | 58.107237 | 43.291869 | 59.850454 |

Exhibit A: Non-Represented Salary Schedule with Wage Adjustment

| CMC Section | Division | Grade | Title | Existing Minimum | Existing Maximum | New Minimum | New Maximum |
|-------------|----------|-------|--------------------------------|------------------|------------------|-------------|-------------|
| | | | | Hourly Rate | Hourly Rate | Hourly Rate | Hourly Rate |
| 307-227 | D8 | 227 | Dental Director | 87.330032 | 104.697724 | 89.949933 | 107.838655 |
| 307-231 | D8 | 231 | Parks/Rec Superintendent | 43.581480 | 62.295145 | 44.888924 | 64.163999 |
| 307-233 | D8 | 233 | Pharmacy Director | 59.826346 | 71.673145 | 61.621136 | 73.823339 |
| 307-236 | D8 | 236 | Supervising Real Property Spec | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-237 | D8 | 237 | Public Information Officer | 33.044636 | 51.222101 | 34.035975 | 52.758764 |
| 307-242 | D8 | 242 | Health Programs Manager | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-249 | D8 | 249 | Public Health Practitioner | 70.064028 | 94.586438 | 72.165948 | 97.424031 |
| 307-252 | D8 | 252 | Dentist | 72.705834 | 93.180973 | 74.887009 | 95.976403 |
| 307-253 | D8 | 253 | Public Wks Opr Superintendent | 44.888499 | 62.295145 | 46.235154 | 64.163999 |
| 307-254 | D8 | 254 | Supervising Accountant | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-255 | D8 | 255 | Supervising Architect | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-256 | D8 | 256 | Treatment Superintendent | 44.888499 | 62.295145 | 46.235154 | 64.163999 |
| 307-257 | D8 | 257 | Public Wrks/Utilities Supt | 44.888499 | 62.295145 | 46.235154 | 64.163999 |
| 307-259 | D8 | 259 | Environmental Services Directr | 35.090345 | 50.254907 | 36.143056 | 51.762554 |
| 307-260 | D8 | 260 | Regional Comp Ctr Asst Mgr | 48.269322 | 65.163582 | 49.717402 | 67.118490 |
| 307-261 | D8 | 261 | Public Health Internist | 70.064028 | 94.586438 | 72.165948 | 97.424031 |
| 307-262 | D8 | 262 | Public Health Pediatrician | 70.064028 | 94.586438 | 72.165948 | 97.424031 |
| 307-263 | D8 | 263 | Public Health Physician | 70.064028 | 94.586438 | 72.165948 | 97.424031 |
| 307-282 | D8 | 282 | Nursing Director | 44.888499 | 62.295145 | 46.235154 | 64.163999 |
| 307-286 | D8 | 286 | Supervising Chemist | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-300 | D8 | 300 | Health Laboratory Director | 35.090345 | 47.371965 | 36.143056 | 48.793124 |
| 307-304 | D8 | 304 | Treatment Supervisor | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-307 | D8 | 307 | Supervising Epidemiologist | 37.221806 | 53.919328 | 38.338460 | 55.536908 |
| 307-308 | D8 | 308 | Pension Fund Manager | 53.711256 | 72.510504 | 55.322594 | 74.685819 |
| 307-321 | D8 | 321 | Finance Manager | 48.269322 | 66.483056 | 49.717402 | 68.477548 |
| 307-435 | D8 | 435 | Supervising Inspector | 36.548546 | 50.254907 | 37.645002 | 51.762554 |
| 307-486 | D8 | 486 | Supervising City Planner | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-487 | D8 | 487 | Urban Conservator | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-509 | D8 | 509 | Geotechnical Engineer | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-515 | D8 | 515 | Supervising Engineer | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-518 | D8 | 518 | Principal Architect | 42.213287 | 58.107237 | 43.479686 | 59.850454 |
| 307-519 | D8 | 519 | City Engineer | 50.069032 | 66.483056 | 51.571103 | 68.477548 |
| 307-529 | D8 | 529 | Supvg Bldg Plans Exam Code Anl | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-531 | D8 | 531 | City Traffic Engineer | 45.916904 | 66.483056 | 47.294411 | 68.477548 |
| 307-539 | D8 | 539 | Water Works Chief Engineer | 45.916904 | 62.295145 | 47.294411 | 64.163999 |
| 307-540 | D8 | 540 | Facilities Maintenance Manager | 39.732885 | 53.639397 | 40.924871 | 55.248579 |
| 307-541 | D8 | 541 | Asst Facilities Mntnce Manager | 35.090345 | 50.254907 | 36.143056 | 51.762554 |
| 307-542 | D8 | 542 | Facilities Manager | 44.888499 | 62.295145 | 46.235154 | 64.163999 |
| 307-544 | D8 | 544 | Sewers Chief Engineer | 45.916904 | 62.295145 | 47.294411 | 64.163999 |
| 307-551 | D8 | 551 | Supvg Parks/Recreation Cordntr | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-558 | D8 | 558 | Supervisor of Golf | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-576 | D8 | 576 | Development Manager | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-646 | D8 | 646 | Traffic Services Manager | 37.079193 | 50.056909 | 38.191569 | 51.558617 |
| 307-683 | D8 | 683 | City Stormwater Management Eng | 45.916904 | 62.295145 | 47.294411 | 64.163999 |
| 307-685 | D8 | 685 | Asst Fleet Services Manager | 35.090345 | 50.254907 | 36.143056 | 51.762554 |
| 307-686 | D8 | 686 | Fleet Services Manager | 42.030941 | 56.741769 | 43.291869 | 58.444022 |
| 307-692 | D8 | 692 | Parking Superintendent | 42.030941 | 58.107237 | 43.291869 | 59.850454 |
| 307-710 | D8 | 710 | Wastewater Collection Supt | 44.888499 | 60.599473 | 46.235154 | 62.417457 |
| 307-729 | D8 | 729 | Industrial Waste Superintendnt | 44.888499 | 60.599473 | 46.235154 | 62.417457 |
| 307-764 | D8 | 764 | Asst Water Distribution Supt | 35.090345 | 47.371965 | 36.143056 | 48.793124 |
| 307-765 | D8 | 765 | Water Distribution Supt | 44.888499 | 60.599473 | 46.235154 | 62.417457 |
| 307-822 | D8 | 822 | Emergency Response Coordinator | 37.079193 | 50.056909 | 38.191569 | 51.558617 |
| 307-826 | D8 | 826 | Emergency Comm Asst Mgr | 37.079192 | 53.919327 | 38.191568 | 55.536907 |
| 307-827 | D8 | 827 | Emergency Communications Mgr | 42.871337 | 57.876604 | 44.157477 | 59.612902 |
| 307-880 | D8 | 880 | Printing Services & Stores Mgr | 35.090345 | 50.254907 | 36.143056 | 51.762554 |
| 307-948 | D8 | 948 | Asst Convention Center Manager | 35.090345 | 47.371965 | 36.143056 | 48.793124 |
| 307-950 | D8 | 950 | Convention Center Manager | 42.030941 | 56.741769 | 43.291869 | 58.444022 |
| 307-983 | D8 | 983 | Employment & Training Supv. | 37.079193 | 53.919328 | 38.191569 | 55.536908 |
| 307-986 | D8 | 986 | Optometrist | 62.195729 | 79.965844 | 64.061601 | 82.364819 |
| 307-999 | D8 | 999 | Internal Audit Manager | 39.732886 | 58.107237 | 40.924872 | 59.850454 |

Exhibit A: Non-Represented Salary Schedule with Wage Adjustment

| CMC Section | Division | Grade | Title | Existing Minimum | Existing Maximum | New Minimum | New Maximum |
|-------------|----------|-------|--------------------------------|------------------|------------------|-------------|-------------|
| | | | | Hourly Rate | Hourly Rate | Hourly Rate | Hourly Rate |
| 307-023 | D9 | 023 | Council Assistant | 11.875900 | 57.699844 | 12.450000 | 59.430840 |
| 307-024 | D9 | 024 | Chief Deputy Clerk of Council | 33.434985 | 50.045480 | 34.438034 | 51.546844 |
| 307-025 | D9 | 025 | Clerk of Council | 42.726810 | 56.638781 | 44.008614 | 58.337945 |
| 307-035 | D9 | 035 | Deputy Clerk | 20.727000 | 31.049261 | 21.556081 | 32.291232 |
| 307-036 | D9 | 036 | Assistant Chief Deputy Clerk | 27.174471 | 37.568941 | 28.261449 | 39.071698 |
| 307-157 | LAW | 157 | Chief Counsel | 45.314014 | 81.140735 | 46.673434 | 83.574957 |
| 307-166 | LAW | 166 | Assistant City Solicitor | 26.082747 | 47.113975 | 26.865229 | 48.527394 |
| 307-167 | LAW | 167 | Senior Asst City Solicitor | 30.741869 | 73.570285 | 31.664125 | 75.777394 |
| 307-169 | LAW | 169 | Deputy City Solicitor | 56.575840 | 88.993066 | 58.273115 | 91.662857 |
| 307-186 | LAW | 186 | Support Services Manager | 31.541959 | 43.433911 | 32.803637 | 45.171267 |
| 307-187 | LAW | 187 | Law Chief of Staff | 56.575840 | 88.993066 | 58.273115 | 91.662857 |
| 307-188 | LAW | 188 | Real Estate Manager | 42.030937 | 62.295145 | 43.291865 | 64.163999 |
| 307-190 | LAW | 190 | Zoning Hearing Examiner | | | 48.212749 | 65.087218 |
| 307-191 | LAW | 191 | Asst to the City Solicitor | 30.334470 | 47.113975 | 31.244504 | 48.527394 |
| 307-193 | LAW | 193 | Support Services Specialist | 19.743599 | 40.423983 | 20.533343 | 42.040942 |
| 307-217 | LAW | 217 | Legal Assistant | 19.743599 | 40.423983 | 20.533343 | 42.040942 |
| 307-223 | LAW | 223 | Chief Appraiser | 37.079195 | 53.919328 | 38.191571 | 55.536908 |
| 307-224 | LAW | 224 | Real Estate Specialist | 26.589210 | 36.613326 | 27.652778 | 38.077859 |
| 307-225 | LAW | 225 | Senior Real Estate Specialist | 34.015572 | 48.028811 | 35.376195 | 49.949963 |
| 307-930 | LAW | 930 | Law Clerk | 12.106500 | 20.173148 | 12.590760 | 20.980074 |
| 307-931 | LAW | 931 | Administrative Hearing Officer | 31.417716 | 73.570285 | 32.360247 | 75.777394 |
| 307-998 | LAW | 998 | Spvg Real Estate Specialist | 37.079194 | 50.056906 | 38.191570 | 51.558613 |



**CITY OF CINCINNATI
DEPARTMENT OF BUILDINGS AND INSPECTIONS
FEE SCHEDULE**

Effective - July 01, 2023
per Ordinance No.

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| BUILDING PERMIT FEES | | | | APPLICATION EXTENSION | |
|---|-----------------------|-------------------------|------------------------|--|--|
| NEW CONSTRUCTION - ADDITION - ALTERATION - REPAIR | | | | RCO Applications | \$144.00 |
| FIRE PROTECTION - RETAINING WALLS - SITE IMPROVEMENT | | | | OBC Applications | \$214.00 |
| Project Valuation | Permits without plans | RCO Project with plans* | OBC Project with plans | ZONING RELATED SERVICES | |
| \$ 2,000.00 | \$ 96.00 | \$ 156.00 | \$ 305.00 | Certificate of Appropriateness | \$136.00 |
| \$ 3,000.00 | \$ 125.00 | \$ 156.00 | \$ 305.00 | Zoning Certificate of Compliance | \$136.00 |
| \$ 4,000.00 | \$ 156.00 | \$ 156.00 | \$ 305.00 | Zoning Verification Letter | \$136.00 |
| \$ 5,000.00 | \$ 184.00 | \$ 184.00 | \$ 305.00 | DeMinimus Variance/Minor Use Permits (FBC) | \$267.00 |
| \$ 6,000.00 | \$ 210.00 | \$ 210.00 | \$ 305.00 | FLOODPLAIN DEVELOPMENT | |
| \$ 7,000.00 | \$ 233.00 | \$ 233.00 | \$ 305.00 | Floodplain Development Permit fee | \$136.00 |
| \$ 8,000.00 | \$ 255.00 | \$ 255.00 | \$ 305.00 | RESIDENTIAL CERTIFICATE OF OCCUPANY/INSPECTION | |
| \$ 9,000.00 | \$ 283.00 | \$ 283.00 | \$ 305.00 | RCO Certificates (first dwelling unit) | \$58.00 |
| \$ 10,000.00 | \$ 305.00 | \$ 305.00 | \$ 305.00 | Each additional unit | \$16.00 |
| \$ 11,000.00 | \$ 323.00 | \$ 323.00 | \$ 323.00 | OBC Certificates (first dwelling unit) | \$79.00 |
| \$ 12,000.00 | \$ 345.00 | \$ 345.00 | \$ 345.00 | Each additional unit | \$17.00 |
| \$ 13,000.00 | \$ 361.00 | \$ 361.00 | \$ 361.00 | Maximum fee | \$181.00 |
| \$ 14,000.00 | \$ 381.00 | \$ 381.00 | \$ 381.00 | NON-RESIDENTIAL & RESIDENTIAL W/O DWELLING UNITS | |
| \$ 15,000.00 | \$ 401.00 | \$ 401.00 | \$ 401.00 | RCO and OBC Certificates (first 5000 sqft) | \$153.00 |
| \$ 16,000.00 | \$ 421.00 | \$ 421.00 | \$ 421.00 | Each additional 5000 sqft | \$18.00 |
| \$ 17,000.00 | \$ 440.00 | \$ 440.00 | \$ 440.00 | Maximum fee | \$514.00 |
| \$ 18,000.00 | \$ 461.00 | \$ 461.00 | \$ 461.00 | TIME LIMITED CERTIFICATE OF OCCUPANCY | |
| \$ 19,000.00 | \$ 479.00 | \$ 479.00 | \$ 479.00 | 5% of building permit fee for first three months plus 5% of building permit fee for each additional month thereafter. | Minimum fee \$115.00 Maximum fee \$736.00 |
| \$ 20,000.00 | \$ 500.00 | \$ 500.00 | \$ 500.00 | ENGINEERING CHANGE (changes to plans following permit issuance) | |
| \$ 21,000.00 | \$ 519.00 | \$ 519.00 | \$ 519.00 | Processing fee | \$64.00 |
| \$ 22,000.00 | \$ 535.00 | \$ 535.00 | \$ 535.00 | Approval fee | \$92.00 |
| \$ 23,000.00 | \$ 558.00 | \$ 558.00 | \$ 558.00 | REVISION FEE (including revisions to plan and revisions to engineering changes) | |
| \$ 24,000.00 | \$ 576.00 | \$ 576.00 | \$ 576.00 | RCO Permits | \$79.00 |
| \$ 25,000.00 | \$ 595.00 | \$ 595.00 | \$ 595.00 | OBC Permits | \$225.00 |
| \$ 26,000.00 | \$ 612.00 | \$ 612.00 | \$ 612.00 | RE-INSPECTION FEE | |
| \$ 27,000.00 | \$ 624.00 | \$ 624.00 | \$ 624.00 | Per inspection following second failed inspection | \$153.00 |
| \$ 28,000.00 | \$ 640.00 | \$ 640.00 | \$ 640.00 | INVESTIGATION FEE (for projects commenced without a permit) | |
| \$ 29,000.00 | \$ 655.00 | \$ 655.00 | \$ 655.00 | The inspection fee is equal to the applicable permit fee and is charged in addition to the permit fee. | Minimum fee \$115.00 Maximum fee \$1,542.00 |
| \$ 30,000.00 | \$ 670.00 | \$ 670.00 | \$ 670.00 | PERMIT REFUNDS | |
| \$ 31,000.00 | \$ 686.00 | \$ 686.00 | \$ 686.00 | One half of a fully paid permit fee is refundable if work has not begun under the permit and the refund is requested prior to permit expiration. All other refunds are subject to approval in the discretion of the director of buildings and inspections and may only be issued for good cause shown. | |
| \$ 32,000.00 | \$ 700.00 | \$ 700.00 | \$ 700.00 | PERMIT RENEWAL | |
| \$ 33,000.00 | \$ 713.00 | \$ 713.00 | \$ 713.00 | Prior to their expiration, permits may be renewed for one-half of the original permit fee. | Minimum fee \$76.00 Maximum fee \$613.00 |
| \$ 34,000.00 | \$ 730.00 | \$ 730.00 | \$ 730.00 | SCANNING FEES | |
| \$ 35,000.00 | \$ 744.00 | \$ 744.00 | \$ 744.00 | Sheets greater than 8 1/2" X 11" | \$10.00 /SHEET |
| \$ 36,000.00 | \$ 760.00 | \$ 760.00 | \$ 760.00 | Sheets no larger than 8 1/2" X 11" | \$3.00 /SHEET |
| \$ 37,000.00 | \$ 776.00 | \$ 776.00 | \$ 776.00 | TENTS | |
| \$ 38,000.00 | \$ 789.00 | \$ 789.00 | \$ 789.00 | Per 10,000 sqft per month | \$153.00 |
| \$ 39,000.00 | \$ 803.00 | \$ 803.00 | \$ 803.00 | REVIEW BY APPOINTMENT | |
| \$ 40,000.00 | \$ 818.00 | \$ 818.00 | \$ 818.00 | RCO Applications | \$110.00 |
| \$ 41,000.00 | \$ 834.00 | \$ 834.00 | \$ 834.00 | OBC Applications | \$590.00 |
| \$ 42,000.00 | \$ 851.00 | \$ 851.00 | \$ 851.00 | PERMIT PROCESSING FEE | |
| \$ 43,000.00 | \$ 863.00 | \$ 863.00 | \$ 863.00 | All permits applications are assessed a one time non-refundable fee that is due at the time of application. | |
| \$ 44,000.00 | \$ 881.00 | \$ 881.00 | \$ 881.00 | RCO Applications | \$43.00 |
| \$ 45,000.00 | \$ 895.00 | \$ 895.00 | \$ 895.00 | OBC Applications | \$120.00 |
| \$ 46,000.00 | \$ 908.00 | \$ 908.00 | \$ 908.00 | This fee does not apply to plumbing and HVAC repair/replacement applications not requiring plans. | |
| \$ 47,000.00 | \$ 922.00 | \$ 922.00 | \$ 922.00 | Premium Services - The fee is in addition to the regular permit fee and any other fees that may accrue | |
| \$ 48,000.00 | \$ 938.00 | \$ 938.00 | \$ 938.00 | RCO AFTER HOURS AND WEEKEND PLANS EXAMINATION | \$110 per application plus (\$144+PE rate)/HR |
| \$ 49,000.00 | \$ 954.00 | \$ 954.00 | \$ 954.00 | OBC AFTER HOURS AND WEEKEND PLANS EXAMINATION | \$619 per application plus (\$153+PE rate)/HR |
| \$ 50,000.00 | \$ 969.00 | \$ 969.00 | \$ 969.00 | EXPRESS PLAN EXAMINATION*** | \$736 per application plus \$1176/HR |
| FOR ALL VALUATIONS OVER \$50,000 = \$969 + \$10.54 x (VALUATION/\$1,000) | | | | SAME DAY PERMIT ISSUANCE FOLLOWING APPROVAL FROM ALL AGENCIES | \$371 per application |

| Project Area and Valuation Calculations For All Permits |
|---|
| 1. Project area and valuation is rounded up to nearest increment. |
| 2. Project valuations shall be evaluated using applicants' estimated value of improvements and costs of construction published by the Engineering News-Record except as follows: |
| a. Retaining Walls: Portions of walls greater than 5' in height above grade shall be valued at \$423/lnft and portions of walls less than 5' in height above grade shall be valued at \$285/lnft. |

| Scheduled Fees are Subject to Additional Surcharges As Indicated |
|--|
| 3% State Surcharge added to OBC permits as required |
| 1% State Surcharge added to RCO permits as required |
| 3% Technology Surcharge added to all scheduled fees excluding Administrative Hearings fees |
| 1% Financial Recovery Fee added to all scheduled fees excluding Administrative Hearings fees |
| 5% Planning Surcharge on all Construction, Plumbing and HVAC permits |
| 1% Training Surcharge added to all scheduled fees excluding Administrative Hearings fees |

| | |
|---|---|
| RCO Applications | \$43.00 |
| OBC Applications | \$120.00 |
| This fee does not apply to plumbing and HVAC repair/replacement applications not requiring plans. | |
| Premium Services - The fee is in addition to the regular permit fee and any other fees that may accrue | |
| RCO AFTER HOURS AND WEEKEND PLANS EXAMINATION | \$110 per application plus (\$144+PE rate)/HR |
| OBC AFTER HOURS AND WEEKEND PLANS EXAMINATION | \$619 per application plus (\$153+PE rate)/HR |
| EXPRESS PLAN EXAMINATION*** | \$736 per application plus \$1176/HR |
| SAME DAY PERMIT ISSUANCE FOLLOWING APPROVAL FROM ALL AGENCIES | \$371 per application |
| SAME DAY INSPECTIONS | \$225 per inspection plus inspector rate/HR |
| AFTER HOURS AND WEEKEND INSPECTIONS | \$115 per inspection plus inspector rate/HR |
| FEES FOR PHASED PERMITTING | \$225 per phase |
| COMMERCIAL COURTESY INSPECTION | \$331 per inspection |

***Except that plans meeting defined walkthrough criteria established by the director of buildings and inspections shall not incur fees in addition to regular permit fees.

*RCO refers throughout to the Residential Code of Ohio
**OBC refers throughout to the Ohio Building Code



**CITY OF CINCINNATI
DEPARTMENT OF BUILDINGS AND INSPECTIONS
FEE SCHEDULE**

Effective - July 01, 2023
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| HVAC FEE SCHEDULE* | | | PLUMBING FEES | | | WRECKING FEES | | EXCAVATION/FILL FEES | |
|---|--|-------------------------|------------------------------|---------------------|-----------------|---------------------------|-------------------|------------------------------------|--|
| Estimated Valuation | OBC Projects without plans and new RCO installations | OBC Projects with plans | Number of Fixtures | Replace Fixture Fee | New Fixture Fee | Wrecking Area (x1000sqft) | Building Demo Fee | Excavation and Fill Area (X1000cy) | |
| \$ 2,000.00 | \$ 92.00 | \$ 313.00 | 1 | \$ 61.00 | \$ 87.00 | 1 | \$ 97.00 | \$ 215.00 | |
| \$ 3,000.00 | \$ 137.00 | \$ 313.00 | 2 | \$ 90.00 | \$ 116.00 | 2 | \$ 149.00 | \$ 277.00 | |
| \$ 4,000.00 | \$ 181.00 | \$ 313.00 | 3 | \$ 119.00 | \$ 145.00 | 3 | \$ 201.00 | \$ 339.00 | |
| \$ 5,000.00 | \$ 225.00 | \$ 313.00 | 4 | \$ 148.00 | \$ 174.00 | 4 | \$ 253.00 | \$ 401.00 | |
| \$ 6,000.00 | \$ 261.00 | \$ 313.00 | 5 | \$ 177.00 | \$ 203.00 | 5 | \$ 305.00 | \$ 463.00 | |
| \$ 7,000.00 | \$ 299.00 | \$ 313.00 | 6 | \$ 206.00 | \$ 232.00 | 6 | \$ 357.00 | \$ 525.00 | |
| \$ 8,000.00 | \$ 335.00 | \$ 352.00 | 7 | \$ 235.00 | \$ 261.00 | 7 | \$ 409.00 | \$ 587.00 | |
| \$ 9,000.00 | \$ 371.00 | \$ 391.00 | 8 | \$ 264.00 | \$ 290.00 | 8 | \$ 461.00 | \$ 649.00 | |
| \$ 10,000.00 | \$ 409.00 | \$ 428.00 | 9 | \$ 293.00 | \$ 319.00 | 9 | \$ 513.00 | \$ 711.00 | |
| \$ 11,000.00 | \$ 437.00 | \$ 462.00 | 10 | \$ 322.00 | \$ 348.00 | 10 | \$ 565.00 | \$ 773.00 | |
| \$ 12,000.00 | \$ 469.00 | \$ 492.00 | 11 | \$ 351.00 | \$ 377.00 | 11 | \$ 617.00 | \$ 835.00 | |
| \$ 13,000.00 | \$ 500.00 | \$ 523.00 | 12 | \$ 380.00 | \$ 406.00 | 12 | \$ 669.00 | \$ 897.00 | |
| \$ 14,000.00 | \$ 529.00 | \$ 556.00 | 13 | \$ 409.00 | \$ 435.00 | 13 | \$ 721.00 | \$ 959.00 | |
| \$ 15,000.00 | \$ 561.00 | \$ 590.00 | 14 | \$ 438.00 | \$ 464.00 | 14 | \$ 773.00 | \$ 1,021.00 | |
| \$ 16,000.00 | \$ 593.00 | \$ 623.00 | 15 | \$ 467.00 | \$ 493.00 | 15 | \$ 825.00 | \$ 1,083.00 | |
| \$ 17,000.00 | \$ 623.00 | \$ 656.00 | 16 | \$ 496.00 | \$ 522.00 | 16 | \$ 877.00 | \$ 1,145.00 | |
| \$ 18,000.00 | \$ 655.00 | \$ 687.00 | 17 | \$ 525.00 | \$ 551.00 | 17 | \$ 929.00 | \$ 1,207.00 | |
| \$ 19,000.00 | \$ 686.00 | \$ 720.00 | 18 | \$ 554.00 | \$ 580.00 | 18 | \$ 981.00 | \$ 1,269.00 | |
| \$ 20,000.00 | \$ 716.00 | \$ 752.00 | 19 | \$ 583.00 | \$ 609.00 | 19 | \$ 1,033.00 | \$ 1,331.00 | |
| \$ 21,000.00 | \$ 745.00 | \$ 785.00 | 20 | \$ 612.00 | \$ 638.00 | 20 | \$ 1,085.00 | \$ 1,393.00 | |
| \$ 22,000.00 | \$ 777.00 | \$ 814.00 | 21 | \$ 641.00 | \$ 667.00 | 21 | \$ 1,137.00 | \$ 1,455.00 | |
| \$ 23,000.00 | \$ 807.00 | \$ 849.00 | 22 | \$ 670.00 | \$ 696.00 | 22 | \$ 1,189.00 | \$ 1,517.00 | |
| \$ 24,000.00 | \$ 836.00 | \$ 881.00 | 23 | \$ 699.00 | \$ 725.00 | 23 | \$ 1,241.00 | \$ 1,579.00 | |
| \$ 25,000.00 | \$ 868.00 | \$ 910.00 | 24 | \$ 728.00 | \$ 754.00 | 24 | \$ 1,293.00 | \$ 1,641.00 | |
| \$ 26,000.00 | \$ 893.00 | \$ 938.00 | 25 | \$ 757.00 | \$ 783.00 | 25 | \$ 1,345.00 | \$ 1,703.00 | |
| \$ 27,000.00 | \$ 918.00 | \$ 962.00 | 26 | \$ 786.00 | \$ 812.00 | 26 | \$ 1,397.00 | \$ 1,765.00 | |
| \$ 28,000.00 | \$ 945.00 | \$ 992.00 | 27 | \$ 815.00 | \$ 841.00 | 27 | \$ 1,449.00 | \$ 1,827.00 | |
| \$ 29,000.00 | \$ 967.00 | \$ 1,015.00 | 28 | \$ 844.00 | \$ 870.00 | 28 | \$ 1,501.00 | \$ 1,889.00 | |
| \$ 30,000.00 | \$ 993.00 | \$ 1,043.00 | 29 | \$ 873.00 | \$ 899.00 | 29 | \$ 1,553.00 | \$ 1,951.00 | |
| \$ 31,000.00 | \$ 1,017.00 | \$ 1,068.00 | 30 | \$ 902.00 | \$ 928.00 | 30 | \$ 1,605.00 | \$ 2,013.00 | |
| \$ 32,000.00 | \$ 1,043.00 | \$ 1,094.00 | 31 | \$ 931.00 | \$ 957.00 | 31 | \$ 1,657.00 | \$ 2,075.00 | |
| \$ 33,000.00 | \$ 1,068.00 | \$ 1,123.00 | 32 | \$ 960.00 | \$ 986.00 | 32 | \$ 1,709.00 | \$ 2,137.00 | |
| \$ 34,000.00 | \$ 1,092.00 | \$ 1,148.00 | 33 | \$ 989.00 | \$ 1,015.00 | 33 | \$ 1,761.00 | \$ 2,199.00 | |
| \$ 35,000.00 | \$ 1,115.00 | \$ 1,171.00 | 34 | \$ 1,018.00 | \$ 1,044.00 | 34 | \$ 1,813.00 | \$ 2,261.00 | |
| \$ 36,000.00 | \$ 1,141.00 | \$ 1,197.00 | 35 | \$ 1,047.00 | \$ 1,073.00 | 35 | \$ 1,865.00 | \$ 2,323.00 | |
| \$ 37,000.00 | \$ 1,166.00 | \$ 1,224.00 | 36 | \$ 1,076.00 | \$ 1,102.00 | 36 | \$ 1,917.00 | \$ 2,385.00 | |
| \$ 38,000.00 | \$ 1,190.00 | \$ 1,250.00 | 37 | \$ 1,105.00 | \$ 1,131.00 | 37 | \$ 1,969.00 | \$ 2,447.00 | |
| \$ 39,000.00 | \$ 1,217.00 | \$ 1,279.00 | 38 | \$ 1,134.00 | \$ 1,160.00 | 38 | \$ 2,021.00 | \$ 2,509.00 | |
| \$ 40,000.00 | \$ 1,242.00 | \$ 1,304.00 | 39 | \$ 1,163.00 | \$ 1,189.00 | 39 | \$ 2,073.00 | \$ 2,571.00 | |
| \$ 41,000.00 | \$ 1,266.00 | \$ 1,332.00 | 40 | \$ 1,192.00 | \$ 1,218.00 | 40 | \$ 2,125.00 | \$ 2,633.00 | |
| \$ 42,000.00 | \$ 1,290.00 | \$ 1,354.00 | 41 | \$ 1,221.00 | \$ 1,247.00 | 41 | \$ 2,177.00 | \$ 2,695.00 | |
| \$ 43,000.00 | \$ 1,315.00 | \$ 1,381.00 | 42 | \$ 1,250.00 | \$ 1,276.00 | 42 | \$ 2,229.00 | \$ 2,757.00 | |
| \$ 44,000.00 | \$ 1,340.00 | \$ 1,407.00 | 43 | \$ 1,279.00 | \$ 1,305.00 | 43 | \$ 2,281.00 | \$ 2,819.00 | |
| \$ 45,000.00 | \$ 1,364.00 | \$ 1,434.00 | 44 | \$ 1,308.00 | \$ 1,334.00 | 44 | \$ 2,333.00 | \$ 2,881.00 | |
| \$ 46,000.00 | \$ 1,390.00 | \$ 1,459.00 | 45 | \$ 1,337.00 | \$ 1,363.00 | 45 | \$ 2,385.00 | \$ 2,943.00 | |
| \$ 47,000.00 | \$ 1,413.00 | \$ 1,486.00 | 46 | \$ 1,366.00 | \$ 1,392.00 | 46 | \$ 2,437.00 | \$ 3,005.00 | |
| \$ 48,000.00 | \$ 1,440.00 | \$ 1,512.00 | 47 | \$ 1,395.00 | \$ 1,421.00 | 47 | \$ 2,489.00 | \$ 3,067.00 | |
| \$ 49,000.00 | \$ 1,463.00 | \$ 1,537.00 | 48 | \$ 1,424.00 | \$ 1,450.00 | 48 | \$ 2,541.00 | \$ 3,129.00 | |
| \$ 50,000.00 | \$ 1,491.00 | \$ 1,566.00 | 49 | \$ 1,453.00 | \$ 1,479.00 | 49 | \$ 2,593.00 | \$ 3,191.00 | |
| | | | 50 | \$ 1,482.00 | \$ 1,508.00 | 50 | \$ 2,645.00 | \$ 3,253.00 | |
| HVAC FEE SCHEDULE (Valuations>\$50,000) | | | PLUMBING FEE SCHEDULE | | | WRECKING FEES | | E/F FEE SCHEDULE | |
| \$50,001 TO \$100,000 = \$1566 + \$20.01/\$1000 | | | Each additional fixture | | | \$ 29.00 | | Each additional 1000 sqft \$52 | |
| \$100,001 TO \$500,000 = \$2567 + \$16.93/\$1000 | | | | | | | | First 100 cy \$153 | |
| \$500,001 OR MORE = \$9339 + \$15.4/\$1000 | | | | | | | | Each additional 1000cy \$62 | |

***HVAC Replacement in RCO Projects**

| | |
|--|--|
| REPLACE EQUIPMENT/CONNECT TO AN EXISTING BRANCH UNIT | \$106 FOR THE FIRST UNIT + \$42 EACH ADDITIONAL UNIT |
| ADD EQUIPMENT CONNECTION TO NEW BRANCH CIRCUIT | \$83 FOR THE FIRST UNIT + \$42 EACH ADDITIONAL UNIT |
| COMBINATION OF ABOVE | \$106 FOR THE FIRST UNIT + \$42 FOR EACH ADDITIONAL UNIT |



**CITY OF CINCINNATI
DEPARTMENT OF BUILDINGS AND INSPECTIONS
FEE SCHEDULE**

Effective - July 01, 2023
per Ordinance No. **PAGE 3 OF 5**

| Elevator Permit Fees | |
|---|------------|
| NEW CONSTRUCTION - ADD - ALT - REPAIRS | |
| Estimated Valuation | Permit Fee |
| \$2,000.00 | \$ 96.00 |
| \$3,000.00 | \$ 125.00 |
| \$4,000.00 | \$ 156.00 |
| \$5,000.00 | \$ 184.00 |
| \$6,000.00 | \$ 210.00 |
| \$7,000.00 | \$ 233.00 |
| \$8,000.00 | \$ 255.00 |
| \$9,000.00 | \$ 283.00 |
| \$10,000.00 | \$ 305.00 |
| \$11,000.00 | \$ 323.00 |
| \$12,000.00 | \$ 345.00 |
| \$13,000.00 | \$ 361.00 |
| \$14,000.00 | \$ 381.00 |
| \$15,000.00 | \$ 401.00 |
| \$16,000.00 | \$ 421.00 |
| \$17,000.00 | \$ 440.00 |
| \$18,000.00 | \$ 461.00 |
| \$19,000.00 | \$ 479.00 |
| \$20,000.00 | \$ 500.00 |
| \$21,000.00 | \$ 519.00 |
| \$22,000.00 | \$ 535.00 |
| \$23,000.00 | \$ 558.00 |
| \$24,000.00 | \$ 576.00 |
| \$25,000.00 | \$ 595.00 |
| \$26,000.00 | \$ 612.00 |
| \$27,000.00 | \$ 624.00 |
| \$28,000.00 | \$ 640.00 |
| \$29,000.00 | \$ 655.00 |
| \$30,000.00 | \$ 670.00 |
| \$31,000.00 | \$ 686.00 |
| \$32,000.00 | \$ 700.00 |
| \$33,000.00 | \$ 713.00 |
| \$34,000.00 | \$ 730.00 |
| \$35,000.00 | \$ 744.00 |
| \$36,000.00 | \$ 760.00 |
| \$37,000.00 | \$ 776.00 |
| \$38,000.00 | \$ 789.00 |
| \$39,000.00 | \$ 803.00 |
| \$40,000.00 | \$ 818.00 |
| \$41,000.00 | \$ 834.00 |
| \$42,000.00 | \$ 851.00 |
| \$43,000.00 | \$ 863.00 |
| \$44,000.00 | \$ 881.00 |
| \$45,000.00 | \$ 895.00 |
| \$46,000.00 | \$ 908.00 |
| \$47,000.00 | \$ 922.00 |
| \$48,000.00 | \$ 938.00 |
| \$49,000.00 | \$ 954.00 |
| \$50,000.00 | \$ 969.00 |
| FOR ALL VALUATIONS OVER \$50,000 = \$969 + \$10.54 x (VALUATION/\$1,000) | |

| Fee Schedule Certificates of Operation | |
|--|--------------|
| Floor | Yearly Total |
| 1 THRU 5 | \$ 250.00 |
| 6 | \$ 280.00 |
| 7 | \$ 310.00 |
| 8 | \$ 340.00 |
| 9 | \$ 370.00 |
| 10 | \$ 400.00 |
| 11 | \$ 430.00 |
| 12 | \$ 460.00 |
| 13 | \$ 490.00 |
| 14 | \$ 520.00 |
| 15 | \$ 550.00 |
| 16 | \$ 580.00 |
| 17 | \$ 610.00 |
| 18 | \$ 640.00 |
| 19 | \$ 670.00 |
| 20 | \$ 700.00 |
| 21 | \$ 730.00 |
| 22 | \$ 760.00 |
| 23 | \$ 790.00 |
| 24 | \$ 820.00 |
| 25 | \$ 850.00 |
| 26 | \$ 880.00 |
| 27 | \$ 910.00 |
| 28 | \$ 940.00 |
| 29 | \$ 970.00 |
| 30 | \$ 1,000.00 |
| 31 | \$ 1,030.00 |
| 32 | \$ 1,060.00 |
| 33 | \$ 1,090.00 |
| 34 | \$ 1,120.00 |
| 35 | \$ 1,150.00 |
| 36 | \$ 1,180.00 |
| 37 | \$ 1,210.00 |
| 38 | \$ 1,240.00 |
| 39 | \$ 1,270.00 |
| 40 | \$ 1,300.00 |
| 41 | \$ 1,330.00 |
| 42 | \$ 1,360.00 |
| 43 | \$ 1,390.00 |
| 44 | \$ 1,420.00 |
| 45 | \$ 1,450.00 |
| 46 | \$ 1,480.00 |
| 47 | \$ 1,510.00 |
| Additional floors = \$30 per floor | |
| Escalators | \$ 348.00 |
| Ash Hoists | \$ 92.00 |
| Manlift | \$ 182.00 |
| Special Purpose Elevator | \$ 209.00 |
| Sidewalk Lifts | \$ 106.00 |
| Stairway Chair Lifts | \$ 78.00 |
| Dumbwaiters (Cart Lift) | \$ 92.00 |
| Moving Walk | \$ 348.00 |
| Pallet Lift | \$ 92.00 |
| Stage Lift | \$ 263.00 |
| Material Lift | \$ 92.00 |
| Wheel Chair Lifts | \$ 78.00 |
| LULA | \$ 101.00 |
| Processing Fees - Commercial | \$ 120.00 |
| Processing Fees - Residential | \$ 43.00 |
| Safety Test Reports | \$ 39.00 |
| Reinspection Fee (after first failed inspection) | \$ 83.00 |
| Non-compliance fee | \$ 83.00 |
| Seal Out of Service | \$ 84.00 |
| Late Fee | \$ 32.00 |



**CITY OF CINCINNATI
DEPARTMENT OF BUILDINGS AND INSPECTIONS
FEE SCHEDULE**

Effective - July 01, 2023
per Ordinance No.

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| Administrative Hearing Fees | |
|---|----------|
| Historic Conservation Board Hearing (Alterations and Demolitions) | \$500.00 |
| Historic Conservation Board Hearing (Postponement or Continuance at Applicant's Request After Mailing Notice) | \$50.00 |
| Zoning Hearing Examiner (Use Variance Applications) | \$900.00 |
| Zoning Hearing Examiner (RCO Project Applications) | \$300.00 |
| Zoning Hearing Examiner (All Other Applications) | \$500.00 |
| Zoning Hearing Examiner (Postponement or Continuance at Applicant's Request After Mailing Notice) | \$50.00 |
| Zoning Board of Appeals (All Appeals) | \$300.00 |
| Board of Housing Appeals (VBML Appeals; Vacant Foreclosed Property Appeals) | \$250.00 |
| Board of Housing Appeals (Property Maintenance and Code Enforcement Appeals; Community Reinvestment Area Tax Exemption Appeals) | \$100.00 |
| Board of Building Appeal (RCO Projects) | \$59.00 |
| Board of Building Appeal (OBC Projects) | \$100.00 |



**CITY OF CINCINNATI
DEPARTMENT OF BUILDINGS AND INSPECTIONS
FEE SCHEDULE**

Effective - July 01, 2023
per Ordinance No. **Page 5 of 5**

| Property Maintenance Fees | |
|---|----------|
| Periodic Inspection Fee For Compliance w/Conditions Of Approval | \$331.00 |
| Façade Examination Report Review Fee | \$132.00 |
| Fire Escape Examination Report Review Fee | \$132.00 |
| Director Determinations for VBML Waiver and Fee Deductions | \$163.00 |

| Quarterly Code Enforcement Monitoring Fee | Days in Non-Compliance | Quarterly Fees |
|--|-------------------------------|-----------------------|
| | 61-150 | \$43.00 |
| | 151-240 | \$60.00 |
| | 241-330 | \$78.00 |
| | 331-420 | \$96.00 |
| | 421-510 | \$113.00 |
| | 511-600 | \$130.00 |
| | 601-690 | \$148.00 |
| | 691-780 | \$165.00 |
| | 781 or > | \$188.00 |

June 7, 2023

To: Mayor and Members of City Council 202301569
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – FY 2024 Budget: General Fund
Appropriation for the African American Chamber of Commerce**

Attached is an Emergency Ordinance captioned:

PROVIDING for the appropriation of funds and authorization of expenditures of \$350,000 from General Fund 050 as leveraged support for the African American Chamber of Commerce for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, Schedule 1, to provide for the current expenses and other expenses of the City of Cincinnati.

This Emergency Ordinance provides leveraged support funding for the African American Chamber of Commerce in the amount of \$350,000 as included in the Recommended FY 2024 General Fund Operating Budget according to the attached Schedule of Appropriation.

The reason for the emergency is to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2024, which begins on July 1, 2023, for the current expenses and other expenses of the City including leveraged support for the African American Chamber of Commerce.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment

EMERGENCY

CNS

- 2023

PROVIDING for the appropriation of funds and authorization of expenditures of \$350,000 from General Fund 050 as leveraged support for the African American Chamber of Commerce for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, Schedule 1, to provide for the current expenses and other expenses of the City of Cincinnati.

WHEREAS, funds must be appropriated from the General Fund for the purposes identified by this ordinance to provide for the usual daily operations of various departments of the City during the fiscal year beginning July 1, 2023 and ending June 30, 2024; and

WHEREAS, leveraged support funding of \$350,000 is being provided to the African American Chamber of Commerce as part of the Recommended FY 2024 General Fund Operating Budget; and

WHEREAS, the leveraged support funding will be appropriated to the City Manager's Office operating budget account no. 050x101x7400; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That, in order to provide for the current expenses and other expenses of the City from the General Fund during the fiscal year beginning July 1, 2023 and ending June 30, 2024, there is appropriated out of the monies in the treasury, or any accruing revenues of the City available for such purposes, \$350,000 as set forth in the attached Schedule of Appropriation, Schedule 1, to provide leveraged support funding for the African American Chamber of Commerce.

Section 2. That the appropriate City officials are authorized to do all things necessary and proper to carry out Section 1.

Section 3. That the effective date of this ordinance shall be July 1, 2023.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2024, which begins on July 1, 2023, for the current expenses and other expenses of the City including leveraged support for the African American Chamber of Commerce.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

**SCHEDULE OF APPROPRIATION (AFRICAN AMERICAN CHAMBER OF COMMERCE LEVERAGED SUPPORT)
FY 2024 GENERAL FUND OPERATING BUDGET**

SCHEDULE 1. That there be appropriated from the General Fund (050) for the fiscal year 2024, the sums set forth in the columns designated 7100, 7500 Salaries and Benefits, Non-Personnel 7200-7400, Properties 7600, Debt 7700 and Total Appropriation:

| Department and Agency | Fund | Agency | Salaries and Benefits 7100, 7500 | Non-Personnel 7200-7400 | Properties 7600 | Debt Service 7700 | Total Appropriation |
|------------------------------|-------------|---------------|---|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| General Fund | | | | | | | |
| City Manager | | | | | | | |
| City Manager's Office | 050 | 101 | | 350,000 | | | 350,000 |
| Total General Fund | | | - | 350,000 | - | - | 350,000 |

June 7, 2023

To: Mayor and Members of City Council

202301581

From: Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – FY 2024 Budget: Restricted Funds
Operating Budget**

Attached is an Emergency Ordinance captioned:

PROVIDING for the appropriation for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati in the total amount of \$507,906,990, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance, and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; the Streetcar Operations Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund, for operating requirements, capital outlay, and debt service for the fiscal year beginning July 1, 2023 and ending June 30, 2024; **AUTHORIZING** the transfer of \$12,620 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$860 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$108,670 from the unappropriated surplus of the Street Construction, Maintenance, and Repair Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$61,100 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$47,570 for bonds related to the Early Retirement Incentive Program ("ERIP"); **AUTHORIZING** the transfer of \$764,060 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund to pay the

City's FY 2024 General Fund Debt Service obligations of \$575,900 related to bonds issued to fund Public Building Improvement Bonds and of \$188,160 for bonds related to the ERIP; AUTHORIZING the transfer of \$38,530 from the unappropriated surplus of the Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$3,660 related to bonds issued to fund Public Building Improvement Bonds and of \$34,870 to fund bonds related to the ERIP; AUTHORIZING the transfer of \$19,450 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund the ERIP; AUTHORIZING the transfer of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3441 "U-Square Garage – Reserve for Capital Projects," the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3442 "VP3 Garage – Reserve for Capital Projects," and the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3443 "Hampton Inn Garage – Reserve for Capital Projects," to make contractually obligated payments for repairs for each identified garage; AUTHORIZING the City Manager to apply for, accept, and appropriate a formula grant of up to \$300,000 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507) to provide funding for streetcar operations in FY 2024; and AUTHORIZING the Director of Finance to deposit the Federal Transit Administration formula grant funds into Streetcar Operations Fund 455.

There is one change reflected in this Emergency Ordinance from the Recommended FY 2024 Restricted Funds Operating Budget:

- This Emergency Ordinance reflects a correction to the General Aviation Fund Transfers Out amount, which decreases by \$880 for debt service, for a total debt service amount of \$860. The transfer out for the capital improvement program remains unchanged at \$340,000. The total Transfer Out amount of \$340,860 is reflected in this Emergency Ordinance.

The reason for the emergency is the immediate need to provide for the current operating expenses of the City of Cincinnati to be consistent with the Fiscal Year 2024 Budget expenses of the City of Cincinnati prior to the beginning of Fiscal Year 2024 on July 1, 2023.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment

EMERGENCY

AKS

-2023

PROVIDING for the appropriation for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati in the total amount of \$507,906,990, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance, and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; the Streetcar Operations Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund, for operating requirements, capital outlay, and debt service for the fiscal year beginning July 1, 2023 and ending June 30, 2024; **AUTHORIZING** the transfer of \$12,620 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$860 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$108,670 from the unappropriated surplus of the Street Construction, Maintenance, and Repair Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$61,100 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$47,570 for bonds related to the Early Retirement Incentive Program ("ERIP"); **AUTHORIZING** the transfer of \$764,060 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$575,900 related to bonds issued to fund Public Building Improvement Bonds and of \$188,160 for bonds related to the ERIP; **AUTHORIZING** the transfer of \$38,530 from the unappropriated surplus of the Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$3,660 related to bonds issued to fund Public Building Improvement Bonds and of \$34,870 to fund bonds related to the ERIP; **AUTHORIZING** the transfer of \$19,450 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund the ERIP; **AUTHORIZING** the transfer of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3441 "U-Square Garage – Reserve for Capital Projects," the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3442 "VP3 Garage – Reserve for Capital Projects," and the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3443 "Hampton Inn Garage – Reserve for Capital Projects," to make contractually obligated payments for repairs for

each identified garage; AUTHORIZING the City Manager to apply for, accept, and appropriate a formula grant of up to \$300,000 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507) to provide funding for streetcar operations in FY 2024; and AUTHORIZING the Director of Finance to deposit the Federal Transit Administration formula grant funds into Streetcar Operations Fund 455.

WHEREAS, it is necessary for funds to be appropriated for the purposes hereinafter set forth, in order to provide for the usual daily operations of various departments of the City of Cincinnati, Ohio, financed from certain Restricted Revenue Funds during the fiscal year 2024; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That, to provide for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance, and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; the Streetcar Operations Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund, for the fiscal year beginning July 1, 2023 and ending June 30, 2024, there is hereby appropriated out of monies in the treasury, or any accruing revenues of the City available for such purposes, the amount of \$507,906,990, as set forth in the schedules attached hereto and incorporated herein for the purposes therein indicated.

Section 2. That the transfer of \$12,620 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the

City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements.

Section 3. That the transfer of \$860 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements.

Section 4. That the transfer of \$108,670 from the unappropriated surplus of the Street Construction, Maintenance, and Repair Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2024 General Fund Debt Service obligations of \$61,100 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$47,570 related to bonds issued to fund the Early Retirement Incentive Program ("ERIP").

Section 5. That the transfer of \$764,060 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2024 General Fund Debt Service obligations of \$575,900 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$188,160 related to bonds issued to fund the ERIP .

Section 6. That the transfer of \$38,530 from the unappropriated surplus of the Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2024 General Fund Debt Service obligations of \$3,660 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$34,870 related to bonds issued to fund the ERIP.

Section 7. That the transfer of \$19,450 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond

Retirement Fund is authorized to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund the ERIP.

Section 8. That the transfer of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to the "U-Square Garage – Reserve for Capital Projects" reserve account 102x3441, the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to the "VP3 Garage – Reserve for Capital Projects" reserve account 102x3442, and the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to the "Hampton Inn Garage – Reserve for Capital Projects" reserve account 102x3443, all within Parking System Facilities Fund 102, is authorized to make contractually obligated payments for repairs for each identified garage.

Section 9. That the City Manager is authorized to apply for, accept, and appropriate a formula grant of up to \$300,000 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507) to provide funding for streetcar operations in FY 2024.

Section 10. That the Director of Finance is hereby authorized to receive and deposit Federal Transit Administration formula grant funds into Streetcar Operations Fund 455.

Section 11. That any sums that shall be expended in accordance with the appropriations set forth in the attached schedules that are a proper charge against any other department or fund, or against any person, firm, or corporation, shall if repaid within the period covered by such appropriations, be credited to the fund from which such payment was made, and be considered as reappropriated for such original purposes, provided that the net total of expenditures under any item of such appropriation shall not exceed the amount of such item.

Section 12. That the Director of Finance of the City is authorized to draw his/her warrant upon the treasury of the City for the amounts appropriated and for the purposes stated in this

ordinance, and upon receiving the proper certificates and vouchers approved by the City Manager or his/her designee, or by City boards or commissions or other officers authorized by law to approve such certificates and vouchers or authorized by an ordinance or resolution of Council to make expenditures, provided that vouchers for payment out of any of the foregoing appropriations by order of a court decree shall be approved by the City Solicitor in addition to any other authority required by law.

Section 13. That Council does hereby authorize the City Manager and the proper board or officials to enter into any contract or contracts involving an expenditure of more than \$3,000 for any or all of the purposes herein provided, and that said board or officials shall execute said contracts in accordance with law, the Charter, and ordinances of the City of Cincinnati.

Section 14. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately, but in no event later than July 1, 2023. The reason for the emergency is the immediate need to provide for the current operating expenses of the City of Cincinnati to be consistent with the Fiscal Year 2024 Budget expenses of the City of Cincinnati prior to the beginning of Fiscal Year 2024 on July 1, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

**SCHEDULE OF APPROPRIATION
FY 2024 WATER WORKS FUND OPERATING BUDGET**

SCHEDULE 1

That there be appropriated from the Water Works (101) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Water Works | | | | | | | |
| Business Services | 101 | 301 | 8,639,490 | 3,046,780 | | | 11,686,270 |
| Commercial Services | 101 | 302 | 9,367,520 | 6,214,340 | | | 15,581,860 |
| Water Supply | 101 | 303 | 13,320,690 | 19,061,560 | | | 32,382,250 |
| Water Distribution | 101 | 304 | 12,681,640 | 8,343,080 | | | 21,024,720 |
| Water Quality and Treatment | 101 | 305 | 4,596,770 | 9,468,390 | | | 14,065,160 |
| Engineering | 101 | 306 | 6,113,250 | 1,360,770 | | | 7,474,020 |
| Information Technology | 101 | 307 | 4,799,020 | 12,752,910 | | | 17,551,930 |
| Water Works Debt Service | 101 | 309 | | | | 46,821,000 | 46,821,000 |
| Water Works Total | | | 59,518,380 | 60,247,830 | 0 | 46,821,000 | 166,587,210 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 101 | 911 | 557,630 | | | 333,020 | 890,650 |
| Public Employees Assistance Program (PEAP) | 101 | 919 | 126,840 | | | | 126,840 |
| Workers' Compensation Insurance | 101 | 921 | 743,340 | | | | 743,340 |
| General Fund Overhead | 101 | 944 | 54,090 | 4,414,980 | | | 4,469,070 |
| Non-Departmental Accounts Total | | | 1,481,900 | 4,414,980 | 0 | 333,020 | 6,229,900 |
| Total Water Works Fund Appropriation | | | 61,000,280 | 64,662,810 | 0 | 47,154,020 | 172,817,110 |

**SCHEDULE OF APPROPRIATION
FY 2024 PARKING SYSTEM FACILITIES FUND OPERATING BUDGET**

SCHEDULE 2

That there be appropriated from the Parking System Facilities Fund (102) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Finance | | | | | | | |
| Treasury | 102 | 134 | 27,540 | 27,780 | | | 55,320 |
| Enterprise Services | | | | | | | |
| Parking Facilities | 102 | 248 | 486,200 | 4,880,710 | | 2,125,300 | 7,492,210 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 102 | 911 | 13,780 | | | 34,900 | 48,680 |
| Public Employees Assistance Program (PEAP) | 102 | 919 | 3,420 | | | | 3,420 |
| Workers' Compensation Insurance | 102 | 921 | 6,440 | | | | 6,440 |
| General Fund Overhead | 102 | 944 | 310 | 38,240 | | | 38,550 |
| Cincinnati Music Hall | 102 | 966 | | 100,000 | | | 100,000 |
| Non-Departmental Accounts Total | | | 23,950 | 138,240 | - | 34,900 | 197,090 |
| Total Parking System Facilities Fund Appropriation | | | 537,690 | 5,046,730 | 0 | 2,160,200 | 7,744,620 |

**SCHEDULE OF APPROPRIATION
FY 2024 CONVENTION CENTER FUND OPERATING BUDGET**

SCHEDULE 3

That there be appropriated from the Convention Center Fund (103) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Enterprise Services | | | | | | | |
| Duke Energy Center | 103 | 243 | 169,510 | 9,728,250 | | 285,600 | 10,183,360 |
| Non-Departmental Accounts | | | | | | | |
| Reserve For Contingencies | 103 | 990 | | 300,000 | | | 300,000 |
| Total Convention Center Fund Appropriation | | | 169,510 | 10,028,250 | 0 | 285,600 | 10,483,360 |

**SCHEDULE OF APPROPRIATION
FY 2024 GENERAL AVIATION FUND OPERATING BUDGET**

SCHEDULE 4

That there be appropriated from the General Aviation Fund (104) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|--|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Transportation & Engineering | | | | | | | |
| Aviation | 104 | 234 | 1,265,230 | 912,400 | | 44,590 | 2,222,220 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 104 | 911 | 8,140 | | | | 8,140 |
| Public Employees Assistance Program (PEAP) | 104 | 919 | 2,840 | | | | 2,840 |
| Workers' Compensation Insurance | 104 | 921 | 15,160 | | | | 15,160 |
| General Fund Overhead | 104 | 944 | 920 | 90,030 | | | 90,950 |
| Non-Departmental Accounts Total | | | 27,060 | 90,030 | 0 | 0 | 117,090 |
| Total General Aviation Fund Appropriation | | | 1,292,290 | 1,002,430 | 0 | 44,590 | 2,339,310 |

**SCHEDULE OF APPROPRIATION
FY 2024 MUNICIPAL GOLF FUND OPERATING BUDGET**

SCHEDULE 5

That there be appropriated from the Municipal Golf Fund (105) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| Department | Fund | Agency | Salaries and Benefits 7100 and 7500 | Non-Personnel 7200-7400 | Properties 7600 | Debt Service 7700 | Total Appropriation |
|--|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Recreation | | | | | | | |
| Golf | 105 | 195 | 264,980 | 5,853,320 | | 615,000 | 6,733,300 |
| Support Services | 105 | 199 | 17,120 | | | | 17,120 |
| Recreation Total | | | 282,100 | 5,853,320 | 0 | 615,000 | 6,750,420 |
| Non-Departmental Accounts | | | | | | | |
| Public Employees Assistance Program (PEAP) | 105 | 919 | 480 | | | | 480 |
| Workers' Compensation Insurance | 105 | 921 | 3,820 | | | | 3,820 |
| General Fund Overhead | 105 | 944 | | 22,670 | | | 22,670 |
| Non-Departmental Accounts Total | | | 4,300 | 22,670 | 0 | 0 | 26,970 |
| Total Municipal Golf Fund Appropriation | | | 286,400 | 5,875,990 | 0 | 615,000 | 6,777,390 |

**SCHEDULE OF APPROPRIATION
FY 2024 STORMWATER MANAGEMENT FUND OPERATING BUDGET**

SCHEDULE 6

That there be appropriated from the Stormwater Management Fund (107) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| City Manager | | | | | | | |
| Office of Environment and Sustainability | 107 | 104 | | 1,198,540 | | | 1,198,540 |
| Recreation | | | | | | | |
| Maintenance | 107 | 194 | 1,043,190 | | | | 1,043,190 |
| Parks | | | | | | | |
| Operations and Facility Management | 107 | 202 | 1,937,390 | 16,450 | | | 1,953,840 |
| Buildings & Inspections | | | | | | | |
| Buildings & Inspections, Licenses & Permits | 107 | 211 | 500,000 | | | | 500,000 |
| Property Maintenance Code Enforcement | 107 | 212 | 563,920 | 588,920 | | | 1,152,840 |
| Buildings & Inspections Total | | | 1,063,920 | 588,920 | 0 | 0 | 1,652,840 |
| Public Services | | | | | | | |
| Neighborhood Operations | 107 | 253 | 5,108,500 | 2,741,840 | | | 7,850,340 |
| Stormwater Management | | | | | | | |
| Stormwater Management Utility | 107 | 311 | 4,497,080 | 7,630,540 | 5,000 | 2,208,070 | 14,340,690 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 107 | 911 | 47,930 | | | 8,300 | 56,230 |
| Public Employees Assistance Program (PEAP) | 107 | 919 | 16,530 | | | | 16,530 |
| Workers' Compensation Insurance | 107 | 921 | 162,280 | | | | 162,280 |
| General Fund Overhead | 107 | 944 | 8,630 | 963,840 | | | 972,470 |
| Non-Departmental Accounts Total | | | 235,370 | 963,840 | 0 | 8,300 | 1,207,510 |
| Total Stormwater Management Fund Appropriation | | | 13,885,450 | 13,140,130 | 5,000 | 2,216,370 | 29,246,950 |

**SCHEDULE OF APPROPRIATION
FY 2024 BOND RETIREMENT FUND OPERATING BUDGET**

SCHEDULE 7

That there be appropriated from the Bond Retirement Fund (151) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Finance | | | | | | | |
| Office of The Director | 151 | 131 | 59,050 | | | | 59,050 |
| Treasury | 151 | 134 | 367,800 | 3,563,620 | | 145,765,610 | 149,697,030 |
| Finance Total | | | 426,850 | 3,563,620 | 0 | 145,765,610 | 149,756,080 |
| Non-Departmental Accounts | | | | | | | |
| Public Employees Assistance Program (PEAP) | 151 | 919 | 620 | | | | 620 |
| Workers' Compensation Insurance | 151 | 921 | 5,070 | | | | 5,070 |
| General Fund Overhead | 151 | 944 | 150 | | | | 150 |
| Non-Departmental Accounts Total | | | 5,840 | 0 | 0 | 0 | 5,840 |
| Total Bond Retirement Fund Appropriation | | | 432,690 | 3,563,620 | 0 | 145,765,610 | 149,761,920 |

**SCHEDULE OF APPROPRIATION
FY 2024 STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND OPERATING BUDGET**

SCHEDULE 8

That there be appropriated from the Street Construction, Maintenance and Repair Fund (301) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Parks | | | | | | | |
| Operations and Facility Management | 301 | 202 | 336,380 | 80,940 | | | 417,320 |
| Transportation & Engineering | | | | | | | |
| Traffic Services | 301 | 238 | 71,280 | 896,370 | | | 967,650 |
| Traffic Engineering | 301 | 239 | 71,280 | 494,300 | | | 494,300 |
| Transportation & Engineering Total | | | 71,280 | 1,390,670 | 0 | 0 | 1,461,950 |
| Public Services | | | | | | | |
| Traffic And Road Operations | 301 | 252 | 5,613,460 | 5,207,350 | | | 10,820,810 |
| Neighborhood Operations | 301 | 253 | 3,157,710 | 741,650 | | | 3,899,360 |
| Public Services Total | | | 8,771,170 | 5,949,000 | 0 | 0 | 14,720,170 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 301 | 911 | 92,290 | | | | 92,290 |
| Public Employees Assistance Program (PEAP) | 301 | 919 | 22,000 | | | | 22,000 |
| Workers' Compensation Insurance | 301 | 921 | 114,770 | | | | 114,770 |
| Non-Departmental Accounts Total | | | 229,060 | 0 | 0 | 0 | 229,060 |
| Total Street Construction, Maintenance and Repair Fund Appropriation | | | 9,407,890 | 7,420,610 | 0 | 0 | 16,828,500 |

**SCHEDULE OF APPROPRIATION
FY 2024 INCOME TAX-INFRASTRUCTURE FUND OPERATING BUDGET**

SCHEDULE 9

That there be appropriated from the Income Tax-Infrastructure Fund (302) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|--|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| City Manager | | | | | | | |
| Office of Budget & Evaluation | 302 | 102 | 189,540 | 6,340 | | | 195,880 |
| Office of Procurement | 302 | 107 | 267,750 | | | | 267,750 |
| Performance and Data Analytics | 302 | 108 | | 922,800 | | | 922,800 |
| City Manager Total | | | 457,290 | 929,140 | - | - | 1,386,430 |
| Law | | | | | | | |
| Law - Civil | 302 | 111 | 120,150.00 | 4,870.00 | | | 125,020 |
| Human Resources | | | | | | | |
| Human Resources | 302 | 121 | 392,740 | | | | 392,740 |
| Finance | | | | | | | |
| Accounts and Audits | 302 | 133 | 141,980 | 3,230 | | | 145,210 |
| Community & Economic Development | | | | | | | |
| Economic Development and Major/Special Projects Division | 302 | 164 | | 370,280 | | | 370,280 |
| Recreation | | | | | | | |
| Maintenance | 302 | 194 | 772,560 | 179,060 | | | 951,620 |
| Parks | | | | | | | |
| Operations and Facility Management | 302 | 202 | 1,772,420 | 870 | | | 1,773,290 |
| Administration and Program Services | 302 | 203 | 130 | | | | 130 |
| Parks Total | | | 1,772,550 | 870 | 0 | 0 | 1,773,420 |
| Buildings & Inspections | | | | | | | |
| Buildings & Inspections, Licenses & Permits | 302 | 211 | 53,030 | | | | 53,030 |

**SCHEDULE OF APPROPRIATION
FY 2024 PARKING METER FUND OPERATING BUDGET**

SCHEDULE 10

That there be appropriated from the Parking Meter Fund (303) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Finance | | | | | | | |
| Treasury | 303 | 134 | 26,320 | | | | 26,320 |
| Enterprise Services | | | | | | | |
| Parking Facilities | 303 | 248 | 2,626,360 | 2,164,510 | | | 4,790,870 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 303 | 911 | 34,740 | | | | 34,740 |
| Public Employees Assistance Program (PEAP) | 303 | 919 | 5,400 | | | | 5,400 |
| Workers' Compensation Insurance | 303 | 921 | 31,080 | | | | 31,080 |
| General Fund Overhead | 303 | 944 | 4,530 | 184,540 | | | 189,070 |
| Non-Departmental Accounts Total | | | 75,750 | 184,540 | 0 | 0 | 260,290 |
| Total Parking Meter Fund Appropriation | | | 2,728,430 | 2,349,050 | 0 | 0 | 5,077,480 |

**SCHEDULE OF APPROPRIATION
FY 2024 MUNICIPAL MOTOR VEHICLE LICENSE TAX FUND OPERATING BUDGET**

SCHEDULE 11

That there be appropriated from the Municipal Motor Vehicle License Tax Fund (306) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Transportation & Engineering | | | | | | | |
| Traffic Services | 306 | 238 | 221,860 | 34,330 | | | 256,190 |
| Public Services | | | | | | | |
| Traffic And Road Operations | 306 | 252 | 2,219,180 | 1,532,660 | | | 3,751,840 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 306 | 911 | 20,940 | | | | 20,940 |
| Public Employees Assistance Program (PEAP) | 306 | 919 | 5,040 | | | | 5,040 |
| Workers' Compensation Insurance | 306 | 921 | 26,810 | | | | 26,810 |
| General Fund Overhead | 306 | 944 | 3,390 | 159,230 | | | 162,620 |
| Non-Departmental Accounts Total | | | 56,180 | 159,230 | 0 | 0 | 215,410 |
| Total Municipal Motor Vehicle License Tax Fund Appropriation | | | 2,497,220 | 1,726,220 | 0 | 0 | 4,223,440 |

**SCHEDULE OF APPROPRIATION
FY 2024 SAWYER POINT FUND OPERATING BUDGET**

SCHEDULE 12

That there be appropriated from the Sawyer Point Fund (318) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|--|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Parks | | | | | | | |
| Operations and Facility Management | 318 | 202 | 541,340 | 513,350 | | | 1,054,690 |
| Administration and Program Services | 318 | 203 | | 16,320 | | | 16,320 |
| Parks Total | | | 541,340 | 529,670 | 0 | 0 | 1,071,010 |
| Non-Departmental Accounts | | | | | | | |
| Public Employees Assistance Program (PEAP) | 318 | 919 | 710 | | | | 710 |
| Workers' Compensation Insurance | 318 | 921 | 6,990 | | | | 6,990 |
| General Fund Overhead | 318 | 944 | | 41,480 | | | 41,480 |
| Non-Departmental Accounts Total | | | 7,700 | 41,480 | 0 | 0 | 49,180 |
| Total Sawyer Point Fund Appropriation | | | 549,040 | 571,150 | 0 | 0 | 1,120,190 |

**SCHEDULE OF APPROPRIATION
FY 2024 RECREATION SPECIAL ACTIVITIES FUND OPERATING BUDGET**

SCHEDULE 13

That there be appropriated from the Recreation Special Activities Fund (323) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Recreation | | | | | | | |
| West Region | 323 | 191 | 818,910 | 266,560 | | | 1,085,470 |
| East Region | 323 | 192 | 1,176,020 | 327,840 | | | 1,503,860 |
| Central Region | 323 | 193 | 1,055,730 | 373,340 | | | 1,429,070 |
| Athletics | 323 | 197 | 444,480 | 496,600 | | | 941,080 |
| Support Services | 323 | 199 | 101,040 | 407,320 | 13,860 | | 522,220 |
| Recreation Total | | | 3,596,180 | 1,871,660 | 13,860 | 0 | 5,481,700 |
| Non-Departmental Accounts | | | | | | | |
| Public Employees Assistance Program (PEAP) | 323 | 919 | 8,700 | | | | 8,700 |
| Workers' Compensation Insurance | 323 | 921 | 62,280 | | | | 62,280 |
| General Fund Overhead | 323 | 944 | | 369,880 | | | 369,880 |
| Non-Departmental Accounts Total | | | 70,980 | 369,880 | 0 | 0 | 440,860 |
| Total Recreation Special Activities Fund Appropriation | | | 3,667,160 | 2,241,540 | 13,860 | 0 | 5,922,560 |

**SCHEDULE OF APPROPRIATION
FY 2024 CINCINNATI RIVERFRONT PARK FUND OPERATING BUDGET**

SCHEDULE 14

That there be appropriated from the Cincinnati Riverfront Park Fund (329) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|--|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Parks | | | | | | | |
| Operations and Facility Management | 329 | 202 | 1,022,130 | 398,310 | | | 1,420,440 |
| Administration and Program Services | 329 | 203 | | 17,340 | | | 17,340 |
| Parks Total | | | 1,022,130 | 415,650 | 0 | 0 | 1,437,780 |
| Non-Departmental Accounts | | | | | | | |
| Public Employees Assistance Program (PEAP) | 329 | 919 | 190 | | | | 190 |
| Workers' Compensation Insurance | 329 | 921 | 11,410 | | | | 11,410 |
| General Fund Overhead | 329 | 944 | | 67,720 | | | 67,720 |
| Non-Departmental Accounts Total | | | 11,600 | 67,720 | 0 | 0 | 79,320 |
| Total Cincinnati Riverfront Park Fund Appropriation | | | 1,033,730 | 483,370 | 0 | 0 | 1,517,100 |

**SCHEDULE OF APPROPRIATION
FY 2024 HAZARD ABATEMENT FUND OPERATING BUDGET**

SCHEDULE 15

That there be appropriated from the Hazard Abatement Fund (347) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|--|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Buildings & Inspections | | | | | | | |
| Property Maintenance Code Enforcement | 347 | 212 | 686,840 | 10,220 | | | 697,060 |
| Non-Departmental Accounts | | | | | | | |
| Public Employees Assistance Program (PEAP) | 347 | 919 | 630 | | | | 630 |
| Total Hazard Abatement Fund Appropriation | | | 687,470 | 10,220 | 0 | 0 | 697,690 |

**SCHEDULE OF APPROPRIATION
 FY 2024 9-1-1 CELL PHONE FEES FUND OPERATING BUDGET**

SCHEDULE 16

That there be appropriated from the 9-1-1 Cell Phone Fees Fund (364) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Enterprise Technology Solutions | | | | | | | |
| Enterprise Technology Solutions | 364 | 091 | | 20,830 | | | 20,830 |
| City Manager | | | | | | | |
| Emergency Communications | 364 | 103 | 817,360 | 631,800 | | | 1,449,160 |
| Total 9-1-1 Cell Phone Fees Fund Appropriation | | | 817,360 | 652,630 | 0 | 0 | 1,469,990 |

**SCHEDULE OF APPROPRIATION
FY 2024 SAFE AND CLEAN FUND OPERATING BUDGET**

SCHEDULE 17

That there be appropriated from the Safe and Clean Fund (377) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|--|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Public Services | | | | | | | |
| Neighborhood Operations | 377 | 253 | | 52,040 | | | 52,040 |
| Total Safe and Clean Fund Appropriation | | | <u>0</u> | <u>52,040</u> | <u>0</u> | <u>0</u> | <u>52,040</u> |

**SCHEDULE OF APPROPRIATION
FY 2024 COMMUNITY HEALTH CENTER ACTIVITIES FUND OPERATING BUDGET**

SCHEDULE 18

That there be appropriated from the Community Health Center Activities Fund (395) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|--|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Health | | | | | | | |
| Primary Health Care - Programs | 395 | 264 | 420,200 | 2,970 | | | 423,170 |
| Primary Health Care - Centers | 395 | 265 | 11,450,320 | 6,451,490 | | | 17,901,810 |
| School & Adolescent Health | 395 | 266 | 7,237,590 | 1,142,540 | | | 8,380,130 |
| Health Total | | | 19,108,110 | 7,597,000 | 0 | 0 | 26,705,110 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 395 | 911 | 120,480 | | | | 120,480 |
| Public Employees Assistance Program (PEAP) | 395 | 919 | 41,580 | | | | 41,580 |
| Workers' Compensation Insurance | 395 | 921 | 221,870 | | | | 221,870 |
| General Fund Overhead | 395 | 944 | 23,520 | 1,317,750 | | | 1,341,270 |
| Non-Departmental Accounts Total | | | 407,450 | 1,317,750 | 0 | 0 | 1,725,200 |
| Total Community Health Center Activities Fund Appropriation | | | 19,515,560 | 8,914,750 | 0 | 0 | 28,430,310 |

**SCHEDULE OF APPROPRIATION
FY 2024 CINCINNATI HEALTH DISTRICT FUND OPERATING BUDGET**

SCHEDULE 19

That there be appropriated from the Cincinnati Health District Fund (416) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|--|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Health | | | | | | | |
| Office Of The Commissioner | 416 | 261 | 2,484,110 | 326,530 | 3,010 | | 2,813,650 |
| Technical Resources | 416 | 262 | 2,760,980 | 483,580 | | | 3,244,560 |
| Community Health Services | 416 | 263 | 4,890,250 | 286,170 | | | 5,176,420 |
| Primary Health Care - Programs | 416 | 264 | 2,184,180 | 139,110 | | | 2,323,290 |
| Primary Health Care - Centers | 416 | 265 | 6,022,350 | 36,470 | | | 6,058,820 |
| School & Adolescent Health | 416 | 266 | 965,520 | 112,600 | | | 1,078,120 |
| Health Total | | | 19,307,390 | 1,384,460 | 3,010 | 0 | 20,694,860 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 416 | 911 | 127,430 | | | | 127,430 |
| Public Employees Assistance Program (PEAP) | 416 | 919 | 23,540 | | | | 23,540 |
| Workers' Compensation Insurance | 416 | 921 | 221,310 | | | | 221,310 |
| Audit And Examiner's Fees | 416 | 941 | | 6,000 | | | 6,000 |
| General Fund Overhead | 416 | 944 | 14,500 | | | | 14,500 |
| Non-Departmental Accounts Total | | | 386,780 | 6,000 | 0 | 0 | 392,780 |
| Total Cincinnati Health District Fund Appropriation | | | 19,694,170 | 1,390,460 | 3,010 | 0 | 21,087,640 |

SCHEDULE OF APPROPRIATION
FY 2024 CINCINNATI AREA GEOGRAPHIC INFORMATION SYSTEM (CAGIS) FUND OPERATING BUDGET

SCHEDULE 20

That there be appropriated from the Cincinnati Area Geographic Information System (CAGIS) Fund (449) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| City Manager | | | | | | | |
| Performance and Data Analytics | 449 | 108 | 2,696,150 | 2,031,070 | | | 4,727,220 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 449 | 911 | 33,570 | | | | 33,570 |
| Public Employees Assistance Program (PEAP) | 449 | 919 | 5,700 | | | | 5,700 |
| Workers' Compensation Insurance | 449 | 921 | 32,900 | | | | 32,900 |
| General Fund Overhead | 449 | 944 | | 195,370 | | | 195,370 |
| Non-Departmental Accounts Total | | | 72,170 | 195,370 | 0 | 0 | 267,540 |
| Total Cincinnati Area Geographic Information System (CAGIS) Fund Appropriation | | | 2,768,320 | 2,226,440 | 0 | 0 | 4,994,760 |

**SCHEDULE OF APPROPRIATION
FY 2024 STREETCAR OPERATIONS FUND OPERATING BUDGET**

SCHEDULE 21

That there be appropriated from the Streetcar Operations Fund (455) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| Department | Fund | Agency | Salaries and Benefits 7100 and 7500 | Non-Personnel 7200-7400 | Properties 7600 | Debt Service 7700 | Total Appropriation |
|--|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Law | | | | | | | |
| Law - Civil | 455 | 111 | 135,460 | | | | 135,460 |
| Transportation & Engineering | | | | | | | |
| Streetcar Operations | 455 | 236 | 502,040 | 5,081,530 | | | 5,583,570 |
| Traffic Services | 455 | 238 | 98,670 | | | | 98,670 |
| Transportation & Engineering Total | | | 600,710 | 5,081,530 | 0 | 0 | 5,682,240 |
| Non-Departmental Accounts | | | | | | | |
| Public Employees Assistance Program (PEAP) | 455 | 919 | 1,090 | | | | 1,090 |
| Workers' Compensation Insurance | 455 | 921 | 10,530 | | | | 10,530 |
| General Fund Overhead | 455 | 944 | | 62,530 | | | 62,530 |
| Non-Departmental Accounts Total | | | 11,620 | 62,530 | 0 | 0 | 74,150 |
| Total Streetcar Fund Appropriation | | | 747,790 | 5,144,060 | 0 | 0 | 5,891,850 |

SCHEDULE OF APPROPRIATION
FY 2024 COUNTY LAW ENFORCEMENT APPLIED REGIONALLY (CLEAR) FUND OPERATING BUDGET

SCHEDULE 22

That there be appropriated from the County Law Enforcement Applied Regionally Fund (457) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

| <u>Department</u> | <u>Fund</u> | <u>Agency</u> | <u>Salaries and Benefits 7100 and 7500</u> | <u>Non-Personnel 7200-7400</u> | <u>Properties 7600</u> | <u>Debt Service 7700</u> | <u>Total Appropriation</u> |
|---|-------------|---------------|--|------------------------------------|----------------------------|----------------------------------|--------------------------------|
| Enterprise Technology Solutions | | | | | | | |
| County Law Enforcement Applied Regionally (CLEAR) | 457 | 093 | 2,096,590 | 3,391,260 | 2,000,000 | | 7,487,850 |
| Non-Departmental Accounts | | | | | | | |
| Contribution To City Pension | 457 | 911 | 14,800 | | | | 14,800 |
| Public Employees Assistance Program (PEAP) | 457 | 919 | 3,260 | | | | 3,260 |
| Workers' Compensation Insurance | 457 | 921 | 26,740 | | | | 26,740 |
| General Fund Overhead | 457 | 944 | | 158,770 | | | 158,770 |
| Non-Departmental Accounts Total | | | 44,800 | 158,770 | 0 | 0 | 203,570 |
| Total County Law Enforcement Applied Regionally (CLEAR) Fund Appropriation | | | 2,141,390 | 3,550,030 | 2,000,000 | 0 | 7,691,420 |

Schedule 23

Estimated receipts, expenditures, and balances of the Restricted Revenue Funds for the fiscal year starting July 1, 2023 and ending June 30, 2024.

Resources and Beginning Balances

Expenditures and Ending Balances

| | | | |
|---|---------------|---|---------------|
| 101 WATER WORKS FUND | | 101 WATER WORKS FUND | |
| Revenue..... | \$201,044,000 | Expenditure..... | \$172,817,110 |
| Transfers In..... | 0 | Transfers Out..... | \$25,000,000 |
| Estimated Balance (7/1/23)..... | \$129,136,300 | Estimated Balance (6/30/24)..... | \$132,363,190 |
| 102 PARKING SYSTEM FACILITIES FUND | | 102 PARKING SYSTEM FACILITIES FUND | |
| Revenue..... | \$6,178,910 | Expenditure..... | \$7,744,620 |
| Transfers In..... | 0 | Transfers Out..... | \$590,000 |
| Estimated Balance (7/1/23)..... | \$7,181,410 | Estimated Balance (6/30/24)..... | \$5,025,700 |
| 103 CONVENTION CENTER FUND | | 103 CONVENTION CENTER FUND | |
| Revenue..... | \$9,300,000 | Expenditure..... | \$10,483,360 |
| Transfers In..... | 0 | Transfers Out..... | \$12,620 |
| Estimated Balance (7/1/23)..... | \$4,528,140 | Estimated Balance (6/30/24)..... | \$3,332,160 |
| 104 GENERAL AVIATION FUND | | 104 GENERAL AVIATION FUND | |
| Revenue..... | \$2,300,000 | Expenditure..... | \$2,339,310 |
| Transfers In..... | 0 | Transfers Out..... | \$340,860 |
| Estimated Balance (7/1/23)..... | \$888,220 | Estimated Balance (6/30/24)..... | \$508,050 |
| 105 MUNICIPAL GOLF FUND | | 105 MUNICIPAL GOLF FUND | |
| Revenue..... | \$7,201,000 | Expenditure..... | \$6,777,390 |
| Transfers In..... | 0 | Transfers Out..... | 0 |
| Estimated Balance (7/1/23)..... | \$2,828,260 | Estimated Balance (6/30/24)..... | \$3,251,870 |
| 107 STORMWATER MANAGEMENT FUND | | 107 STORMWATER MANAGEMENT FUND | |
| Revenue..... | \$29,470,000 | Expenditure..... | \$29,246,950 |
| Transfers In..... | 0 | Transfers Out..... | 0 |
| Estimated Balance (7/1/23)..... | \$11,574,370 | Estimated Balance (6/30/24)..... | \$11,797,420 |
| 151 BOND RETIREMENT FUND | | 151 BOND RETIREMENT FUND | |
| Revenue..... | \$141,289,140 | Expenditure..... | \$149,761,920 |
| Transfers In..... | \$21,650,007 | Transfers Out..... | \$16,134,980 |
| Estimated Balance (7/1/23)..... | \$89,980,550 | Estimated Balance (6/30/24)..... | \$87,022,797 |
| 301 STREET CONSTRUCTION MAINTENANCE & REPAIR FUND | | 301 STREET CONSTRUCTION MAINTENANCE & REPAIR FUND | |
| Revenue..... | \$15,467,300 | Expenditure..... | \$16,828,500 |
| Transfers In..... | 0 | Transfers Out..... | \$108,670 |
| Estimated Balance (7/1/23)..... | \$3,580,610 | Estimated Balance (6/30/24)..... | \$2,110,740 |

Resources and Beginning Balances

| | |
|--|--------------|
| 302 INCOME TAX-INFRASTRUCTURE FUND | |
| Revenue..... | \$22,193,550 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$7,732,230 |
| 303 PARKING METER FUND | |
| Revenue..... | \$3,631,540 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$1,770,960 |
| 306 MUNICIPAL MOTOR VEHICLE LICENSE TAX FUND | |
| Revenue..... | \$4,114,000 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$2,027,180 |
| 318 SAWYER POINT FUND | |
| Revenue..... | \$648,500 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$800,020 |
| 323 RECREATION SPECIAL ACTIVITIES FUND | |
| Revenue..... | \$5,450,000 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$2,928,400 |
| 329 CINCINNATI RIVERFRONT PARK FUND | |
| Revenue..... | \$1,431,000 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$3,046,800 |
| 347 HAZARD ABATEMENT FUND | |
| Revenue..... | \$365,580 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$1,437,870 |

Expenditures and Ending Balances

| | |
|--|--------------|
| 302 INCOME TAX-INFRASTRUCTURE FUND | |
| Expenditure..... | \$23,731,360 |
| Transfers Out..... | \$764,060 |
| Estimated Balance (6/30/24)..... | \$5,430,360 |
| 303 PARKING METER FUND | |
| Expenditure..... | \$5,077,480 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$325,020 |
| 306 MUNICIPAL MOTOR VEHICLE LICENSE TAX FUND | |
| Expenditure..... | \$4,223,440 |
| Transfers Out..... | \$38,530 |
| Estimated Balance (6/30/24)..... | \$1,879,210 |
| 318 SAWYER POINT FUND | |
| Expenditure..... | \$1,120,190 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$328,330 |
| 323 RECREATION SPECIAL ACTIVITIES FUND | |
| Expenditure..... | \$5,922,560 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$2,455,840 |
| 329 CINCINNATI RIVERFRONT PARK FUND | |
| Expenditure..... | \$1,517,100 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$2,960,700 |
| 347 HAZARD ABATEMENT FUND | |
| Expenditure..... | \$697,690 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$1,105,760 |

Resources and Beginning Balances

| | |
|--|---------------|
| 364 9-1-1 CELL PHONE FEES FUND | |
| Revenue..... | \$1,300,000 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$1,439,330 |
| 377 SAFE AND CLEAN FUND | |
| Revenue..... | \$53,300 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$65,550 |
| 395 COMMUNITY HEALTH CENTER ACTIVITIES FUND | |
| Revenue..... | \$30,096,460 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$2,342,790 |
| 416 CINCINNATI HEALTH DISTRICT FUND | |
| Revenue..... | \$620,000 |
| Transfers In..... | \$20,467,640 |
| Estimated Balance (7/1/23)..... | \$172,080 |
| 449 CINCINNATI AREA GEOGRAPHIC INFORMATION SYSTEM (CAGIS) FUND | |
| Revenue..... | \$4,713,220 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$933,470 |
| 455 STREETCAR OPERATIONS FUND | |
| Revenue..... | \$5,140,000 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$1,982,090 |
| 457 COUNTY LAW ENFORCEMENT APPLIED REGIONALLY (CLEAR) FUND | |
| Revenue..... | \$7,437,560 |
| Transfers In..... | 0 |
| Estimated Balance (7/1/23)..... | \$1,033,640 |
| TOTAL RECEIPTS..... | \$499,445,060 |
| TRANSFERS IN..... | \$42,117,647 |
| TOTAL BALANCES..... | \$277,410,270 |
| TOTAL RECEIPTS & SURPLUS | \$818,972,977 |

Expenditures and Ending Balances

| | |
|--|---------------|
| 364 9-1-1 CELL PHONE FEES FUND | |
| Expenditure..... | \$1,469,990 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$1,269,340 |
| 377 SAFE AND CLEAN FUND | |
| Expenditure..... | \$52,040 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$66,810 |
| 395 COMMUNITY HEALTH CENTER ACTIVITIES FUND | |
| Expenditure..... | \$28,430,310 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$4,008,940 |
| 416 CINCINNATI HEALTH DISTRICT FUND | |
| Expenditure..... | \$21,087,640 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$172,080 |
| 449 CINCINNATI AREA GEOGRAPHIC INFORMATION SYSTEM (CAGIS) FUND | |
| Expenditure..... | \$4,994,760 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$651,930 |
| 455 STREETCAR OPERATIONS FUND | |
| Expenditure..... | \$5,891,850 |
| Transfers Out..... | 0 |
| Estimated Balance (6/30/24)..... | \$1,230,240 |
| 457 COUNTY LAW ENFORCEMENT APPLIED REGIONALLY (CLEAR) FUND | |
| Expenditure..... | \$7,691,420 |
| Transfers Out..... | \$19,450 |
| Estimated Balance (6/30/24)..... | \$760,330 |
| TOTAL EXPENDITURES..... | \$507,906,990 |
| TRANSFERS OUT/TO RESERVES..... | \$43,009,170 |
| ESTIMATED BALANCE..... | \$268,056,817 |
| TOTAL EXPENDITURES & BALANCES | \$818,972,977 |

June 7, 2023

To: Mayor and Members of City Council

202301583

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – FY 2024 Budget: General Capital Budget

Attached is an Emergency Ordinance captioned:

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating taxes and other revenue and existing funds for the purpose of carrying out certain parts of the Capital Improvement Program, and providing for the transfer and appropriation of Cincinnati Southern Railway lease-supported note proceeds to other parts of said Capital Improvement Program; **AUTHORIZING** the transfer and return of \$1,500,000 to source the General Fund 050 from existing capital improvement program project account no. 980x101x231034, “Community Budget Requests - GFCO,” to provide resources for the FY 2024 Operating Budget and Capital Improvement Program; and further **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Approving and adopting the City Manager's Recommended FY 2024 General Capital Budget provides funding for the Fiscal Year 2024 General Capital Improvement Program Budget in the amount of \$69,450,000, effective July 1, 2023.

Sections 2 through 8 refer to the capital projects and their funding sources as outlined below:

- Section 2 transfers and returns to source the General Fund 050 the sum of \$1,500,000 from existing capital improvement program project account no. 980x101x231034, “Community Budget Requests - GFCO,” to provide resources for the FY 2024 Operating Budget and Capital Improvement Program.
- Section 3 transfers and appropriates the sum of \$1,300,000 to new capital improvement program project accounts via reprogramming.
- Section 4 distributes \$3,309,000 from income tax permanent improvement funds derived from the 0.15% portion of the City income tax.

- Section 5 distributes \$10,691,000 from income tax permanent improvement funds derived from the 0.15% portion of the City income tax for certain permanent improvements.
- Section 6 distributes \$27,800,000 from various bond sources.
- Section 7 distributes \$26,100,000 from Southern Railway related proceeds.
- Section 8 distributes \$250,000 from the Blue Ash Property sale proceeds.

This Emergency Ordinance also declares the following capital improvement program projects serve a public purpose: Hazard Abatement/Demolition Program; Affordable Housing Trust Funding – Capital; Small Scale Rental Rehab Loan Program; Strategic Housing Initiatives Program (SHIP); Home Enhancement Loan Program (HELP); Business Retention/New Growth; Commercial & Industrial Public Improvements; Community Development Focus District; Neighborhood Business District Improvements; Neighborhood Business Property Holding; Retail/Commercial Opportunities; Viable Small Business Development; Community Facility Improvements – Art Museum; Duke Street Light Installation and Renovation; and Convention Center Improvements. These projects will foster local improvements and investment and increase neighborhood vitality.

The reason for the emergency is the need to have funding in place to carry out the City’s Fiscal Year 2024 Capital Improvement Program, which begins July 1, 2023.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachments

EMERGENCY

CMZ

- 2023

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating taxes and other revenue and existing funds for the purpose of carrying out certain parts of the Capital Improvement Program, and providing for the transfer and appropriation of Cincinnati Southern Railway lease-supported note proceeds to other parts of said Capital Improvement Program; **AUTHORIZING** the transfer and return of \$1,500,000 to source the General Fund 050 from existing capital improvement program project account no. 980x101x231034, “Community Budget Requests - GFCO,” to provide resources for the FY 2024 Operating Budget and Capital Improvement Program; and further **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

WHEREAS, it is necessary that Council approve the expenditure of funds in existence or in collection for certain capital improvements; and

WHEREAS, in order to present a comprehensive program, it is advisable to authorize the transfer and appropriation to certain capital improvement accounts of funds to be raised by the issuance of bonds of the City of Cincinnati and from Cincinnati Southern Railway lease-supported note proceeds; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That there is adopted and approved as the Capital Improvement Program and Budget for the Fiscal Year 2024 (“FY 2024”) the projects included in Sections 3 through 8 to be established and financed in the amounts and from the sources set forth therein.

Section 2. That \$1,500,000 is hereby transferred and returned to source the General Fund 050 from existing capital improvement program project account no. 980x101x231034, “Community Budget Requests - GFCO,” to provide resources for the FY 2024 Operating Budget and Capital Improvement Program.

Section 3. That \$1,300,000 is transferred and appropriated via reprogramming to new capital improvement program project accounts according to Schedule A, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule A.

Section 4. That \$3,309,000 from the 0.15 percent income tax is transferred and appropriated to the individual project accounts listed in Schedule B, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule B.

Section 5. That \$10,691,000 from the 0.15 percent income tax is appropriated to the permanent improvement project accounts listed in Schedule C, attached hereto and by this reference made a part hereof, for the permanent improvements listed in Schedule C.

Section 6. That \$27,800,000 to be raised by the issuance of bonds by the City is transferred and appropriated to existing project accounts according to Schedule D, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule D.

Section 7. That \$26,100,000 in notes and investment earnings from the Cincinnati Southern Railway rollover is transferred and appropriated according to Schedule E, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule E.

Section 8. That \$250,000 from the Blue Ash Airport reserve account 757x3475 is transferred and appropriated to the individual project account listed in Schedule F, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule F.

Section 9. That the Hazard Abatement/Demolition Program; Affordable Housing Trust Funding – Capital; Small Scale Rental Rehab Loan Program; Strategic Housing Initiatives Program (SHIP); Home Enhancement Loan Program (HELP); Business Retention/New Growth; Commercial & Industrial Public Improvements; Community Development Focus District; Neighborhood Business District Improvements; Neighborhood Business Property Holding; Retail/Commercial Opportunities; Viable Small Business Development; Community Facility Improvements – Art Museum; Duke Street Light Installation and Renovation; and Convention Center Improvements capital improvement program projects are hereby declared to serve a public

purpose because the projects will foster local improvements and investment and increase neighborhood vitality.

Section 10. That no expenditure of money from project accounts shall be made, nor shall expenditures thereof be contracted for, unless the money therefore has been received by the City or is in the process of collection.

Section 11. That the Director of Finance is authorized to draw her warrant upon the Treasury of the City for the amounts appropriated and for the purposes stated in this ordinance, upon receiving the proper certificates and vouchers therefore approved by the City Manager or the Manager's designee, the appropriate board, or other officers authorized by law to approve the same, or upon receiving the proper certificates and vouchers therefore authorized by an ordinance or resolution of Council to make the expenditures, provided that vouchers for payment out of any of the foregoing appropriations by order of a court decree shall be approved by the City Solicitor in addition to any other authority required by law.

Section 12. That Council hereby authorizes the proper boards or officials to enter into any contract or contracts for any of the projects or parts thereof set forth in the Sections herein. Said board or official shall execute said contracts in accordance with all applicable law, including the charter and ordinances of the City of Cincinnati.

Section 13. That appropriations and allocations to the various projects remaining unexpended at the end of FY 2024 shall remain in the individual project accounts and may be expended at a later time; provided, however, that money not required in a particular project account, as determined by Council, shall be returned by the Director of Finance to the fund from which it was originally transferred.

Section 14. That nothing in this ordinance shall be construed as intending to supersede or dispense with the procedures or acts required by state or federal laws or regulations relating to matters involving assessments or state or federal assistance projects.

Section 15. That Sections 1 through 14 hereof shall become effective as of July 1, 2023.

Section 16. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to have funding in place to carry out the City's Fiscal Year 2024 Capital Improvement Program, which begins July 1, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

That the amounts set forth hereinafter are hereby transferred and appropriated, reprogramming in the amount of \$1,300,000.00 to the individual project accounts for the improvements listed hereinafter:

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED |
|--|--|--|----------------------------------|------------|--|
| | | | PRIOR | REVISED | |
| Com. & Econ Dev. Housing Dev. 162 | 050 General Fund | 241615 Home Enhancement Loan Program (HELP) | 0.00 | 500,000.00 | 500,000.00 |
| Buildings & Inspections License & Permits 211 | 050 General Fund | 242100 Small Scale Rental Rehab Loan Program | 0.00 | 550,000.00 | 550,000.00 |
| Enterprise Services Convention Ctr. 243 | 050 General Fund | 242419 Convention Center Improvements | 0.00 | 250,000.00 | 250,000.00 |

That the amounts set forth hereinafter totaling \$3,309,000.00 from the 0.15% income tax are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED | | |
|--|--|--|----------------------------------|---|--|------------|------------|
| | | | PRIOR | REVISED | | | |
| Ent. Tech. Solutions 091 | 758 | Income Tax Perm. Improvement Fund | 240903 | Enterprise Networks and Security Enhancements | 0.00 | 86,000.00 | 86,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 240908 | Disaster Recovery / Business Continuity | 0.00 | 81,000.00 | 81,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 240912 | Data Center Infrastructure Replacement | 0.00 | 112,000.00 | 112,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 240913 | Telephone System Upgrades | 0.00 | 1,000.00 | 1,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 240918 | Lifecycle Asset Acquisition and Replacement | 0.00 | 451,000.00 | 451,000.00 |
| Transp. & Eng. Planning 232 | 758 | Income Tax Perm. Improvement Fund | 242305 | Safety Improvements | 0.00 | 109,000.00 | 109,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242313 | Neighborhood Gateways/Greenways Imprvmnt | 0.00 | 143,000.00 | 143,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242336 | Neighborhood Transportation Strategies | 0.00 | 459,000.00 | 459,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242343 | Downtown Infrast. Coord. & Implemtn | 0.00 | 163,000.00 | 163,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242357 | Bicycle Transportation Program | 0.00 | 281,000.00 | 281,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242359 | Gilbert Avenue Complete Street | 0.00 | 939,000.00 | 939,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242388 | Mt. Airy Traffic Calming Major Street - CBR | 0.00 | 280,000.00 | 280,000.00 |
| Public Services City Facility Mgt. 255 | 758 | Income Tax Perm. Improvement Fund | 242504 | Community Facility Improvements - Art Museum | 0.00 | 200,000.00 | 200,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242508 | Obsolete Air Conditioning Systems Replacement | 0.00 | 4,000.00 | 4,000.00 |

That the amounts set forth hereinafter totaling \$10,691,000.00 from the 0.15% income tax are hereby appropriated to the individual project accounts for the permanent improvements listed hereinafter:

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED | | |
|--|--|--|----------------------------------|--|--|--------------|--------------|
| | | | PRIOR | REVISED | | | |
| Ent. Tech. Solutions 091 | 758 | Income Tax Perm. Improvement Fund | 240904 | Cincinnati Financial System Upgrades | 0.00 | 10,000.00 | 10,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 240909 | Digital Services Enhancements | 0.00 | 37,000.00 | 37,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 240910 | Real Time Crime Center Camera Program | 0.00 | 150,000.00 | 150,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 240914 | CHRIS Upgrades and Enhancements | 0.00 | 1,750,000.00 | 1,750,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 240917 | Contract Compliance System Upgrade | 0.00 | 350,000.00 | 350,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 240926 | Route Optimization Software | 0.00 | 250,000.00 | 250,000.00 |
| City Manager Emergency Comm. 103 | 758 | Income Tax Perm. Improvement Fund | 241034 | 911 PC Replacement | 0.00 | 88,000.00 | 88,000.00 |
| City Manager OES 104 | 758 | Income Tax Perm. Improvement Fund | 241002 | Center Hill Gas & Leachate | 0.00 | 51,000.00 | 51,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 241005 | Wheeled Recycling Cart Replacement | 0.00 | 51,000.00 | 51,000.00 |
| City Manager OP & DA 108 | 758 | Income Tax Perm. Improvement Fund | 241016 | Enterprise Data Warehouse | 0.00 | 34,000.00 | 34,000.00 |
| Law - Admin Hearings & Pros. 112 | 758 | Income Tax Perm. Improvement Fund | 241109 | Prosecution Case Management System | 0.00 | 125,000.00 | 125,000.00 |
| Com. & Econ Dev. Housing Dev. 162 | 758 | Income Tax Perm. Improvement Fund | 241602 | Strategic Housing Initiatives Program (SHIP) | 0.00 | 397,000.00 | 397,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 241644 | Affordable Housing Trust Funding - Capital | 0.00 | 1,500,000.00 | 1,500,000.00 |
| Com. & Econ Dev. Economic Dev. 164 | 758 | Income Tax Perm. Improvement Fund | 241601 | Business Retention/New Growth | 0.00 | 153,000.00 | 153,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 241607 | Neighborhood Business District Improvements | 0.00 | 1,100,000.00 | 1,100,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 241608 | Neighborhood Business Property Holding | 0.00 | 51,000.00 | 51,000.00 |

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED | | |
|--|--|--|----------------------------------|---|--|------------|------------|
| | | | PRIOR | REVISED | | | |
| Com. & Econ Dev. Economic Dev. 164 | 758 | Income Tax Perm. Improvement Fund | 241609 | Community Development Focus District | 0.00 | 204,000.00 | 204,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 241610 | Commercial & Industrial Public Improvements | 0.00 | 306,000.00 | 306,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 241611 | Retail/Commercial Opportunities | 0.00 | 426,000.00 | 426,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 241616 | Viable Small Business Development | 0.00 | 153,000.00 | 153,000.00 |
| Buildings & Inspections License & Permits 211 | 758 | Income Tax Perm. Improvement Fund | 242102 | Electronic Document Management System | 0.00 | 100,000.00 | 100,000.00 |
| Buildings & Inspections Code Enforcement 212 | 758 | Income Tax Perm. Improvement Fund | 242103 | Hazard Abatement/Demolition Program | 0.00 | 468,000.00 | 468,000.00 |
| Police - Support 226 | 758 | Income Tax Perm. Improvement Fund | 242210 | Police Equipment | 0.00 | 119,000.00 | 119,000.00 |
| Police - Admin 227 | 758 | Income Tax Perm. Improvement Fund | 242220 | College Hill Safety Cameras - CBR | 0.00 | 20,000.00 | 20,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242221 | Data Storage | 0.00 | 300,000.00 | 300,000.00 |
| Transp. & Eng. Planning 232 | 758 | Income Tax Perm. Improvement Fund | 242302 | Sidewalk Repair Program | 0.00 | 265,000.00 | 265,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242320 | OKI Regional Coordination | 0.00 | 102,000.00 | 102,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242364 | Brent Spence Bridge | 0.00 | 100,000.00 | 100,000.00 |
| Transp. & Eng. Eng. 233 | 758 | Income Tax Perm. Improvement Fund | 242303 | Spot Infrastructure Replacement | 0.00 | 400,000.00 | 400,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242307 | Pavement Management | 0.00 | 306,000.00 | 306,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242390 | Hillside Avenue Spot Infrastructure - CBR | 0.00 | 300,000.00 | 300,000.00 |
| | 758 | Income Tax Perm. Improvement Fund | 242392 | Erie Ave Sidewalk Improvements - CBR | 0.00 | 40,000.00 | 40,000.00 |

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED |
|--|--|--|----------------------------------|------------|--|
| | | | PRIOR | REVISED | |
| Transp. & Eng. Traffic Eng. 239 | 758 Income Tax Perm. Improvement Fund | 242300 Traffic Control Device Installation & Renovation | 0.00 | 124,000.00 | 124,000.00 |
| | 758 Income Tax Perm. Improvement Fund | 242318 Gas Street Light Upgrade and Replacement | 0.00 | 24,000.00 | 24,000.00 |
| | 758 Income Tax Perm. Improvement Fund | 242328 Duke Street Light Installation and Renovation | 0.00 | 239,000.00 | 239,000.00 |
| Public Services Traffic & Road 252 | 758 Income Tax Perm. Improvement Fund | 242503 Sign Replacement | 0.00 | 214,000.00 | 214,000.00 |
| Public Services Neighborhood Operations 253 | 758 Income Tax Perm. Improvement Fund | 242537 Trash Receptacles & Collection Carts | 0.00 | 113,000.00 | 113,000.00 |
| Fire - Response 271 | 758 Income Tax Perm. Improvement Fund | 242700 Firefighter PPE | 0.00 | 215,000.00 | 215,000.00 |
| Fire - Support Services 272 | 758 Income Tax Perm. Improvement Fund | 242720 Administrative Furniture and Equipment | 0.00 | 56,000.00 | 56,000.00 |

That the amounts set forth hereinafter totaling \$27,800,000.00 to be raised by the issuance of bonds of the City of Cincinnati are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED |
|---|--|--|----------------------------------|---------------|--|
| | | | PRIOR | REVISED | |
| Ent. Tech. Solutions 091 | 861 Public Building Improvement Bond Fund | 240906 Radio Communications Equipment | 0.00 | 1,300,000.00 | 1,300,000.00 |
| | 864 Automotive & Other Equipment Bond Fund | 240913 Telephone System Upgrades | 1,000.00 | 206,000.00 | 205,000.00 |
| City Manager Emergency Comm. 103 | 864 Automotive & Other Equipment Bond Fund | 241036 Computer Aided Dispatch Replacement | 0.00 | 132,000.00 | 132,000.00 |
| City Manager OES 104 | 864 Automotive & Other Equipment Bond Fund | 241040 Solar Panel Battery Backup Resiliency Hub | 0.00 | 325,000.00 | 325,000.00 |
| Recreation Administration 199 | 860 Parks and Recreation Improvement Bond Fund | 241907 Recreation Facilities Improvements - CBR | 0.00 | 1,020,000.00 | 1,020,000.00 |
| Transp. & Eng. Planning 232 | 858 Street Improvement Bond Fund | 242354 Minor Street Traffic Calming | 0.00 | 400,000.00 | 400,000.00 |
| | 858 Street Improvement Bond Fund | 242359 Gilbert Avenue Complete Street | 939,000.00 | 2,330,000.00 | 1,391,000.00 |
| | 858 Street Improvement Bond Fund | 242360 Harrison Avenue Right-Sizing | 0.00 | 685,000.00 | 685,000.00 |
| | 858 Street Improvement Bond Fund | 242383 Pedestrian Safety Improvements/Major Street Calming | 0.00 | 765,000.00 | 765,000.00 |
| | 858 Street Improvement Bond Fund | 242306 Street Improvements | 0.00 | 597,000.00 | 597,000.00 |
| Transp. & Eng. Eng. 233 | 858 Street Improvement Bond Fund | 242308 Street Rehabilitation | 0.00 | 10,587,000.00 | 10,587,000.00 |
| | 858 Street Improvement Bond Fund | 242340 Street Light Infrastructure | 0.00 | 435,000.00 | 435,000.00 |
| Enterprise Services Parking Facilities 248 | 864 Automotive & Other Equipment Bond Fund | 242413 Parking Meter Replacement | 0.00 | 125,000.00 | 125,000.00 |
| Public Services City Facility Mgt. 255 | 861 Public Building Improvement Bond Fund | 242508 Obsolete Air Conditioning Systems Replacement | 4,000.00 | 624,000.00 | 620,000.00 |
| Health Office of the Commissioner 261 | 864 Automotive & Other Equipment Bond Fund | 242609 Building Access Control Systems | 0.00 | 125,000.00 | 125,000.00 |

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED |
|-------------------------------------|--|--|----------------------------------|--------------|--|
| | | | PRIOR | REVISED | |
| Fire - Response 271 | 864 Automotive & Other Equipment Bond Fund | 242703 Flashover Simulator | 0.00 | 100,000.00 | 100,000.00 |
| | 864 Automotive & Other Equipment Bond Fund | 242721 Medical Equipment | 0.00 | 100,500.00 | 100,500.00 |
| Fire - Support Services 272 | 864 Automotive & Other Equipment Bond Fund | 242704 Fire Equipment | 0.00 | 151,500.00 | 151,500.00 |
| Motorized & Const. Equip. 981 | 864 Automotive & Other Equipment Bond Fund | 242505 Fleet Replacements | 0.00 | 8,736,000.00 | 8,736,000.00 |

That the amounts set forth hereinafter totaling \$26,100,000.00 to be raised by the issuance of notes and to be repaid from lease proceeds of the Cincinnati Southern Railway is hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED | | |
|--|--|--|---------------------|--|--|---------------|--------------|
| | | | PRIOR | ALL FUNDS REVISED | | | |
| Recreation Administration 199 | 871 | Recreation Improvement Bond Fund | 241900 | Outdoor Facilities Renovation | 0.00 | 367,000.00 | 367,000.00 |
| | 871 | Recreation Improvement Bond Fund | 241901 | Recreation Facilities Renovation | 0.00 | 1,829,000.00 | 1,829,000.00 |
| | 871 | Recreation Improvement Bond Fund | 241902 | Aquatics Facilities Renovation | 0.00 | 436,000.00 | 436,000.00 |
| | 871 | Recreation Improvement Bond Fund | 241903 | Athletics Facilities Renovation | 0.00 | 474,000.00 | 474,000.00 |
| | 871 | Recreation Improvement Bond Fund | 241904 | Compliance with ADA | 0.00 | 104,000.00 | 104,000.00 |
| Parks Admin. & Program Services 203 | 872 | Parks Improvement Bond Fund | 242000 | Park Infrastructure Rehabilitation | 0.00 | 2,653,000.00 | 2,653,000.00 |
| Transp. & Eng. Eng. 233 | 870 | Street Improvement Bond Fund | 242308 | Street Rehabilitation | 10,587,000.00 | 17,717,000.00 | 7,130,000.00 |
| | 870 | Street Improvement Bond Fund | 242312 | Wall Stab. & Landslide Correction | 0.00 | 782,000.00 | 782,000.00 |
| | 870 | Street Improvement Bond Fund | 242338 | Bridge Rehabilitation Program | 0.00 | 781,000.00 | 781,000.00 |
| | 870 | Street Improvement Bond Fund | 242342 | Curb Ramps - Street Rehab | 0.00 | 342,000.00 | 342,000.00 |
| | 870 | Street Improvement Bond Fund | 242377 | Hillside Stairway Rehabilitation Program | 0.00 | 28,000.00 | 28,000.00 |
| | 870 | Street Improvement Bond Fund | 242393 | Paddock Hills Intersection Improvement - CBR | 0.00 | 140,000.00 | 140,000.00 |
| | 870 | Street Improvement Bond Fund | 242394 | CUF Warner Street Steps Replacement - CBR | 0.00 | 500,000.00 | 500,000.00 |
| | 870 | Street Improvement Bond Fund | 242396 | Brighton Approach Bridge | 0.00 | 1,150,000.00 | 1,150,000.00 |
| | 870 | Street Improvement Bond Fund | 242399 | Western Hills Viaduct | 0.00 | 3,485,000.00 | 3,485,000.00 |
| Transp. & Eng. Traffic Eng. 239 | 870 | Street Improvement Bond Fund | 242341 | Computerized Traffic Signal System | 0.00 | 356,000.00 | 356,000.00 |
| | 870 | Street Improvement Bond Fund | 242345 | Traffic Signals Infrastructure | 0.00 | 1,758,000.00 | 1,758,000.00 |
| Public Services City Facility Mgt. 255 | 873 | Public Buildings Improvement Bond Fund | 242500 | City Facility Renovation and Repairs | 0.00 | 2,683,000.00 | 2,683,000.00 |

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED |
|--|--|--|----------------------------------|------------|--|
| | | | PRIOR | REVISED | |
| Health Office of the Commissioner 261 | 873 Public Buildings Improvement Bond Fund | 242600 Facilities Renovation and Repairs | 0.00 | 138,000.00 | 138,000.00 |
| | 873 Public Buildings Improvement Bond Fund | 242603 Health Property Structural Integrity | 0.00 | 964,000.00 | 964,000.00 |

That the amounts set forth hereinafter totaling \$250,000.00 from Miscellaneous Permanent Improvements Fund 757, are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION | PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED |
|-----------------------------------|--|--|----------------------------------|--------------|--|
| | | | PRIOR | REVISED | |
| Transp. & Eng. Planning 232 | 757 Miscellaneous Permanent Improvement Fund | 242359 Gilbert Avenue Complete Street | 2,330,000.00 | 2,580,000.00 | 250,000.00 |

EMERGENCY

IMD

-2023

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating revenue and existing funds to carry out certain parts of the Capital Improvement Program; **AUTHORIZING** the transfer and appropriation of \$1,223,000 from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, to continue and complete certain capital improvement projects listed in Schedule A; **AUTHORIZING** the transfer and appropriation of \$25,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 to continue funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development; **AUTHORIZING** the use and expenditure of \$75,000,000 for Greater Cincinnati Water Works Capital Improvements; and further **DECLARING** the capital improvement program project, Strategic Housing Initiatives Program (SHIP), to be for a public purpose.

WHEREAS, passage of this capital budget ordinance will allow the Administration to provide resources for the FY 2024 Capital Improvement Program, to provide resources for certain capital improvement program projects, and to transfer and appropriate certain funds; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That there is adopted and approved as the Capital Improvement Program and Budget for the Fiscal Year 2024 (“FY 2024”) the projects included in Section 2 to be established and financed in the amounts and from the sources set forth therein.

Section 2. That \$1,223,000 is transferred and appropriated from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, to continue and complete certain capital improvement projects listed in Schedule A.

Section 3. That \$25,000,000 is transferred and appropriated from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 to continue

funding for the current Capital Improvement Program which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development.

Section 4. That the use and expenditure of \$75,000,000 is authorized for Greater Cincinnati Water Works Capital Improvements.

Section 5. That the capital improvement program project account Strategic Housing Initiatives Program (SHIP) is declared to serve a public purpose because the project will foster local improvements and investment and increase neighborhood vitality.

Section 6. That Sections 1 through 5 shall become effective as of July 1, 2023.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to have funding immediately in place to carry out the City's Fiscal Year 2024 Capital Improvement Program, which begins July 1, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

That the amounts set forth hereinafter totaling \$1,223,000.00 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

| DEPT. DIVISION | PROJECT OR FUND TO BE TRANSFERRED FROM | | PROJECT OR FUND TO BE TRANSFERRED TO | | TOTAL BUDGETED COST ALL FUNDS | | AMOUNT TO BE APPROPRIATED OR TRANSFERRED |
|---|---|---|---|--|----------------------------------|------------|--|
| | NUMBER: | DESCRIPTION | NUMBER: | DESCRIPTION | PRIOR | REVISED | |
| Enterprise Tech. Solutions 091 | 336 | Telecommunications Services Fund | 240906 | Radio Communications Equipment | 0.00 | 30,000.00 | 30,000.00 |
| Comm. & Econ. Dev. Housing 162 | 761 | Special Housing Permanent Improvement Fund | 241602 | Strategic Housing Initiatives Program (SHIP) | 397,000.00 | 750,000.00 | 353,000.00 |
| Transp. & Eng. General Aviation 234 | 104 | General Aviation Fund | 242332 | Airport Infrastructure Improvements | 0.00 | 140,000.00 | 140,000.00 |
| | 104 | General Aviation Fund | 242333 | Facility Improvements | 0.00 | 139,000.00 | 139,000.00 |
| | 104 | General Aviation Fund | 242330 | General Aviation Motorized Equipment | 0.00 | 61,000.00 | 61,000.00 |
| Enterprise Services Parking 248 | 102 | Parking System Facilities Fund | 242406 | Structural Maintenance & Repair | 0.00 | 500,000.00 | 500,000.00 |

June 7, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager 

202301582

Subject: **Emergency Ordinance – FY 2024 Budget: Restricted and Special Revenue Funds Capital Budget**

Attached is an Emergency Ordinance captioned:

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating revenue and existing funds to carry out certain parts of the Capital Improvement Program; **AUTHORIZING** the transfer and appropriation of \$1,223,000 from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, to continue and complete certain capital improvement projects listed in Schedule A; **AUTHORIZING** the transfer and appropriation of \$25,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 to continue funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development; **AUTHORIZING** the use and expenditure of \$75,000,000 for Greater Cincinnati Water Works Capital Improvements; and further **DECLARING** the capital improvement program project, Strategic Housing Initiatives Program (SHIP), to be for a public purpose.

This Emergency Ordinance authorizes the funding of Restricted Funds Capital Budget projects in the amount of \$1,223,000 in the following restricted funds as described below:

1. Telecommunications Services Fund: The Radio Communications Equipment capital project allocation of \$30,000 will primarily provide for the maintenance of radio communications equipment.
2. Special Housing Permanent Improvement Fund: The allocation of \$353,000 provides resources for the Strategic Housing Initiatives Program (SHIP) capital project for strategic investment in housing projects throughout the City's neighborhoods. The program will support the rehabilitation or new construction of market rate, workforce, and affordable rental and home ownership units as well as permanent supportive housing.

3. General Aviation Fund: The \$340,000 budget will provide resources for the following capital projects: Airport Infrastructure Improvements, Facility Improvements, and General Aviation Motorized Equipment.
4. Parking System Facilities Fund: \$500,000 from this fund will provide resources for the Structural Maintenance & Repair capital project to maintain, repair, design, and construct improvements to the City's off-street parking assets.

This Emergency Ordinance also authorizes the transfer and appropriation of the sum of \$25,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 for the purpose of continuing funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development. This Emergency Ordinance further authorizes the use and expenditure of \$75,000,000 for Greater Cincinnati Water Works Capital Improvements.

This Emergency Ordinance also declares that the Strategic Housing Initiatives Program (SHIP) serves a public purpose because the project will foster local improvements and investment and increase neighborhood vitality.

The reason for the emergency is the need to have funding immediately in place to carry out the City's Fiscal Year 2024 Capital Improvement Program, which begins July 1, 2023.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachments

June 7, 2023

To: Mayor and Members of City Council

202301598

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – Budget: Deferred FY 2023 General Fund Appropriations

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return of \$4,418,931 to source the General Fund unappropriated surplus in accordance with attached Schedule of Transfer Part A; **AUTHORIZING** the transfer of \$4,418,931 from the General Fund unappropriated surplus to balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to preserve resources for commitments made during Fiscal Year 2023; **AUTHORIZING** the transfer and return to source of \$4,418,931 from balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to the General Fund unappropriated surplus effective July 1, 2023; and **AUTHORIZING** the transfer and appropriation of \$4,418,931 from the unappropriated surplus of General Fund 050 to various operating budget accounts according to the attached Schedule of Transfer Part B, effective July 1, 2023, to provide resources for leveraged support commitments, the Housing Solutions Summit, the Department of Public Services bonus and retention pilot program, the Emergency Communications Center 311 service line chat bot, the Neighborhood Catalytic Capital Investment Program, and the Cincinnati Fire Department social service outreach pilot program that were previously approved by Council in Fiscal Year 2023.

Approval of this Emergency Ordinance authorizes the transfer and return to source of \$4,418,931 to the General Fund unappropriated surplus in accordance with the attached Schedule of Transfer Part A. The Emergency Ordinance further authorizes the transfer of \$4,418,931 from the General Fund unappropriated surplus to balance sheet reserve account no. 050x3422, “Deferred Appropriations,” for the purpose of preserving resources for commitments made during Fiscal Year 2023. The Emergency Ordinance authorizes the transfer and return to source of \$4,418,931 from balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to the General Fund unappropriated surplus effective July 1, 2023. Finally, the Emergency Ordinance authorizes the transfer and appropriation of \$4,418,931 from the unappropriated surplus of General Fund 050 to various operating budget accounts according to the attached Schedule of Transfer Part B, effective July 1, 2023, to provide resources for leveraged support commitments, the Housing Solutions Summit, the Department of Public Services bonus and retention pilot program, the Emergency Communications Center 311 service line chat bot, the Neighborhood Catalytic Capital Investment

Program, and the Cincinnati Fire Department social service outreach pilot program that were previously approved by Council in Fiscal Year 2023.

A total of \$4,418,931 in General Fund resources is required in FY 2024 to meet the commitments outlined below.

Cincinnati Fire Department Social Services Outreach Pilot Program (\$591,000)

Ordinance No. 0171-2022 authorized the appropriation of \$100,000 in donated resources from Hamilton County Public Health to the Cincinnati Fire Department (CFD) for a social service outreach pilot program. Ordinance No. 0029-2023 authorized an additional appropriation of \$500,000 in donated resources from Hamilton County Public Health to CFD for the social service outreach pilot program. Of the total \$600,000 in appropriations, \$591,000 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Childcare Pilot Program (\$1.0 million)

Ordinance No. 0188-2022 authorized the appropriation of \$1,000,000 to the City Manager's Office for a childcare pilot program. However, the contract will not be completed before the end of Fiscal Year 2023, necessitating that \$1,000,000 be provided for this program in Fiscal Year 2024.

Artswave Black and Brown Artists Fund (\$25,000)

Ordinance No. 0188-2022 authorized the appropriation of \$25,000 for the Artswave Black and Brown Artists Fund. However, the contract will not be completed before the end of Fiscal Year 2023, necessitating that \$25,000 be provided for this program in Fiscal Year 2024.

Human Services Fund (\$134,785)

Ordinance No. 0188-2022 authorized the appropriation of \$7,976,930 for the Human Services Fund, and \$134,785 of the \$7,976,930 will not be expended before the end of Fiscal Year 2023 and is needed in Fiscal Year 2024.

Green Cincinnati (\$100,000)

Ordinance No. 0188-2022 authorized the appropriation of \$100,000 to the Office of Environment and Sustainability (OES) for Green Cincinnati, but the resources will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Neighborhood Business Districts (\$3,750)

Ordinance No. 0188-2022 authorized the appropriation of \$120,000 to the Department of Community and Economic Development (DCED) for Neighborhood Business Districts, and \$3,750 of the \$120,000 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Department of Public Services Work Crew Bonus Pilot (\$313,000)

Ordinance No. 0188-2022 authorized the appropriation of \$500,000 to the Department of Public Services for a pilot program to provide signing or retention bonuses to work crews. The Department of Public Services pilot program will be divided between Fiscal Year 2023 and Fiscal Year 2024, and \$313,000 of the \$500,000 appropriation will be provided in Fiscal Year 2024.

311 Service Line Chat Bot (\$55,000)

Ordinance No. 0188-2022 authorized the appropriation of \$55,000 to the Enterprise Software and License Non-Departmental Account for the Emergency Communications Center (ECC) 311 service line chat bot. ECC will be unable to complete the contract for the chat bot before the end of Fiscal Year 2023, and the sum of \$55,000 will be provided in Fiscal Year 2024.

YWCA of Greater Cincinnati (\$12,218)

Ordinance No. 0233-2022 authorized the appropriation of \$12,218 for the YWCA of Greater Cincinnati, but the resources will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Neighborhood Catalytic Capital Investment Program (\$1,944,178)

Ordinance No. 0103-2023 appropriated \$1,944,178 to the Department of Community and Economic Development for various projects as part of the Neighborhood Catalytic Capital Investment Program, but resources will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Neighborhood Catalytic Capital Investment Program – OTR A.D.O.P.T. (\$50,000)

Ordinance No. 0104-2023 appropriated \$50,000 to the Department of Community and Economic Development for OTR A.D.O.P.T. for project management of The Volkhaus Renovation Project as part of the Neighborhood Catalytic Capital Investment Program, but the resources will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

WarmUp Cincy (\$175,000)

The \$175,000 appropriation to the Office of Environment and Sustainability for WarmUp Cincy authorized by Ordinance No. 0136-2023 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Housing Solutions Summit (\$15,000)

Ordinance No. 0166-2023 authorized the appropriation of \$15,000 to the Department of City Planning and Engagement for the Housing Solutions Summit, but the funds will not be expended in Fiscal Year 2023 and will be provided in Fiscal Year 2024.

The reason for the emergency is the immediate need to meet commitments and ensure contracts can be executed as soon as possible.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment

EMERGENCY

LES

-2023

AUTHORIZING the transfer and return of \$4,418,931 to source the General Fund unappropriated surplus in accordance with attached Schedule of Transfer Part A; **AUTHORIZING** the transfer of \$4,418,931 from the General Fund unappropriated surplus to balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to preserve resources for commitments made during Fiscal Year 2023; **AUTHORIZING** the transfer and return to source of \$4,418,931 from balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to the General Fund unappropriated surplus effective July 1, 2023; and **AUTHORIZING** the transfer and appropriation of \$4,418,931 from the unappropriated surplus of General Fund 050 to various operating budget accounts according to the attached Schedule of Transfer Part B, effective July 1, 2023, to provide resources for leveraged support commitments, the Housing Solutions Summit, the Department of Public Services bonus and retention pilot program, the Emergency Communications Center 311 service line chat bot, the Neighborhood Catalytic Capital Investment Program, and the Cincinnati Fire Department social service outreach pilot program that were previously approved by Council in Fiscal Year 2023.

WHEREAS, the \$100,000 donation from Hamilton County Public Health appropriated to the Cincinnati Fire Department (“CFD”) for a social service outreach pilot program authorized by Ordinance No. 171-2022 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, Ordinance No. 188-2022 authorized the appropriation of \$1,000,000 to the City Manager’s Office for a childcare pilot program and \$25,000 for the Artswave Black and Brown Artists Fund; and

WHEREAS, the contracts for the City Manager’s Office childcare pilot program and the Artswave Black and Brown Artists Fund will not be completed before the end of Fiscal Year 2023, necessitating that \$1,025,000 be provided for these programs in Fiscal Year 2024; and

WHEREAS, \$134,785 of the \$7,976,930 appropriation for the City Human Services Fund authorized by Ordinance No. 188-2022 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, the \$100,000 appropriation to the Office of Environment and Sustainability for implementation of the Green Cincinnati Plan authorized by Ordinance No. 188-2022 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, \$3,750 of the \$120,000 appropriation to the Department of Community and Economic Development (“DCED”) for Neighborhood Business Districts authorized by Ordinance No. 188-2022 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, Ordinance No. 188-2022 authorized the appropriation of \$500,000 to the Department of Public Services for a pilot program to provide signing or retention bonuses to work crews; and

WHEREAS, the Department of Public Services pilot program will be divided between Fiscal Year 2023 and Fiscal Year 2024, with \$313,000 of the \$500,000 appropriation provided in Fiscal Year 2024; and

WHEREAS, Ordinance No. 188-2022 authorized the appropriation of \$55,000 to the Enterprise Software and License Non-Departmental Account for the Emergency Communications Center (“ECC”) 311 service line chat bot; and

WHEREAS, ECC will be unable to complete the contract for the chat bot before the end of Fiscal Year 2023, and \$55,000 will be provided for this purpose in Fiscal Year 2024; and

WHEREAS, the \$12,218 appropriation for the YWCA of Greater Cincinnati authorized by Ordinance No. 233-2022 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, \$491,000 of the \$500,000 donation by Hamilton County Public Health appropriated to CFD for a social service outreach pilot program authorized by Ordinance No. 29-2023 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, the \$1,944,178 appropriation to DCED for various projects as part of the Neighborhood Catalytic Capital Investment Program authorized by Ordinance No. 103-2023 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, the \$50,000 appropriation to DCED for OTR A.D.O.P.T. for project management of The Volkhaus Renovation authorized by Ordinance No. 104-2023 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, the \$175,000 appropriation to the Office of Environment and Sustainability for WarmUp Cincy authorized by Ordinance No. 136-2023 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, the appropriation of \$15,000 to the Department of City Planning and Engagement for the Housing Solutions Summit authorized by Ordinance No. 166-2023 will not be expended in Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, \$4,418,931 will be transferred to balance sheet reserve account no. 050x3422, “Deferred Appropriations,” in Fiscal Year 2023, and Council wishes to appropriate the funding for the various commitments identified in this ordinance in Fiscal Year 2024; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That \$4,418,931 is hereby transferred and returned to the unappropriated surplus of the General Fund in accordance with attached Schedule of Transfer Part A.

Section 2. That \$4,418,931 is hereby transferred from the unappropriated surplus of the General Fund to balance sheet reserve account no. 050x3422, "Deferred Appropriations," to preserve resources for commitments made during Fiscal Year 2023.

Section 3. That \$4,418,931 is hereby transferred and returned to the unappropriated surplus of the General Fund from balance sheet reserve account no. 050x3422, "Deferred Appropriations," effective July 1, 2023.

Section 4. That \$4,418,931 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050 to various operating budget accounts according to attached Schedule of Transfer Part B, effective July 1, 2023, to provide resources for leveraged support commitments, the Housing Solutions Summit, the Department of Public Services bonus and retention pilot program, the Emergency Communications Center 311 service line chat bot, the Neighborhood Catalytic Capital Investment Program, and the Cincinnati Fire Department social service outreach pilot program that were previously approved by Council in Fiscal Year 2023.

Section 5. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 through 4 and the attached Schedule of Transfer.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to meet commitments and ensure contracts can be executed as soon as possible.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

SCHEDULE OF TRANSFER

PART A. GENERAL FUND ADJUSTMENTS EFFECTIVE FY 2023

Fund 050 General Fund

| <i>REDUCTIONS</i> | | | | <i>INCREASES</i> | | | | | |
|--|------|--------|--------------------|------------------------------------|-----------------------------|------|--------|--------------------|------------------|
| | Fund | Agency | Appropriation Unit | \$ Amount | | Fund | Agency | Appropriation Unit | \$ Amount |
| SUPPLEMENTAL APPROPRIATIONS | | | | SUPPLEMENTAL APPROPRIATIONS | | | | | |
| SOURCE ACCOUNTS | | | | USE ACCOUNTS | | | | | |
| OFFICE OF THE CITY MANAGER | | | | | UNAPPROPRIATED SURPLUS | 050 | | | 4,418,931 |
| OFFICE OF THE CITY MANAGER | 050 | 101 | 7400 | 1,172,003 | | | | | |
| OFFICE OF ENVIRONMENT & SUSTAINABILITY | 050 | 104 | 7200 | 100,000 | | | | | |
| OFFICE OF ENVIRONMENT & SUSTAINABILITY | 050 | 104 | 7400 | 175,000 | | | | | |
| DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT | | | | | | | | | |
| DIVISION OF HOUSING DEVELOPMENT | 050 | 162 | 7400 | 3,750 | | | | | |
| DIVISION OF ECONOMIC DEVELOPMENT | 050 | 164 | 7100 | 108,435 | | | | | |
| DIVISION OF ECONOMIC DEVELOPMENT | 050 | 164 | 7200 | 1,840,200 | | | | | |
| DIVISION OF ECONOMIC DEVELOPMENT | 050 | 164 | 7500 | 45,543 | | | | | |
| CITY PLANNING & ENGAGEMENT | | | | | | | | | |
| CITY PLANNING | 050 | 171 | 7200 | 15,000 | | | | | |
| DEPARTMENT OF PUBLIC SERVICES | | | | | | | | | |
| NEIGHBORHOOD OPERATIONS | 050 | 253 | 7100 | 313,000 | | | | | |
| CINCINNATI FIRE DEPARTMENT | | | | | | | | | |
| RESPONSE | 050 | 271 | 7200 | 591,000 | | | | | |
| NON-DEPARTMENTAL ACCOUNTS | | | | | | | | | |
| ENTERPRISE SOFTWARE AND LICENSES | 050 | 952 | 7400 | 55,000 | | | | | |
| TOTAL FUND REDUCTIONS | | | | 4,418,931 | TOTAL FUND INCREASES | | | | 4,418,931 |

PART B. GENERAL FUND ADJUSTMENTS EFFECTIVE FY 2024

Fund 050 General Fund

| <i>REDUCTIONS</i> | | | | <i>INCREASES</i> | | | | | |
|------------------------------------|------|--------|--------------------|------------------------------------|--|------|--------|--------------------|------------------|
| | Fund | Agency | Appropriation Unit | \$ Amount | | Fund | Agency | Appropriation Unit | \$ Amount |
| SUPPLEMENTAL APPROPRIATIONS | | | | SUPPLEMENTAL APPROPRIATIONS | | | | | |
| SOURCE ACCOUNTS | | | | USE ACCOUNTS | | | | | |
| UNAPPROPRIATED SURPLUS | 050 | | | 4,418,931 | OFFICE OF THE CITY MANAGER | | | | |
| | | | | | OFFICE OF THE CITY MANAGER | 050 | 101 | 7400 | 1,172,003 |
| | | | | | OFFICE OF ENVIRONMENT & SUSTAINABILITY | 050 | 104 | 7200 | 100,000 |
| | | | | | OFFICE OF ENVIRONMENT & SUSTAINABILITY | 050 | 104 | 7400 | 175,000 |
| | | | | | DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT | | | | |
| | | | | | DIVISION OF HOUSING DEVELOPMENT | 050 | 162 | 7400 | 3,750 |
| | | | | | DIVISION OF ECONOMIC DEVELOPMENT | 050 | 164 | 7100 | 108,435 |
| | | | | | DIVISION OF ECONOMIC DEVELOPMENT | 050 | 164 | 7200 | 1,840,200 |
| | | | | | DIVISION OF ECONOMIC DEVELOPMENT | 050 | 164 | 7500 | 45,543 |
| | | | | | CITY PLANNING & ENGAGEMENT | | | | |
| | | | | | CITY PLANNING | 050 | 171 | 7200 | 15,000 |
| | | | | | DEPARTMENT OF PUBLIC SERVICES | | | | |
| | | | | | NEIGHBORHOOD OPERATIONS | 050 | 253 | 7100 | 313,000 |
| | | | | | CINCINNATI FIRE DEPARTMENT | | | | |
| | | | | | RESPONSE | 050 | 271 | 7200 | 591,000 |
| | | | | | NON-DEPARTMENTAL ACCOUNTS | | | | |
| | | | | | ENTERPRISE SOFTWARE AND LICENSES | 050 | 952 | 7400 | 55,000 |
| TOTAL FUND REDUCTIONS | | | | 4,418,931 | TOTAL FUND INCREASES | | | | 4,418,931 |

June 7, 2023

202301596

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$14,860,000 Street Improvement Bonds**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$14,860,000 FOR THE PURPOSE OF MAKING STREET IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of bonds in the amount of \$14,860,000 to fund street infrastructure improvements. These bonds are twenty-year bonds supported by property tax revenue and the interest rate is expected to be below 6.00%. The proceeds of the bond sale will finance a portion of the FY 2024 Capital Improvement Program, as approved by City Council. An emergency ordinance is necessary to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$14,860,000 FOR THE PURPOSE OF MAKING STREET IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is twenty years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$14,860,000 (property tax supported), for the purpose of providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers, and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and equipment and boulevard lights; and paying legal, advertising, printing, and all expenses incidental to said improvements. Such principal amount may be increased by the amounts necessary to fund a debt service reserve fund (if needed), capitalized interest (if any), costs of issuance, and other necessary and permitted costs, all as determined by the Fiscal Officer.

Section 2. That bonds of the City of Cincinnati, Ohio, be issued in the principal amount of \$14,860,000 for the purpose aforesaid. Said bonds shall be dated as determined by the Director of Finance, of the denomination of \$5,000 each, or any integral multiple thereof, or such other denomination, numbered sequentially as determined by the Director of Finance, and shall bear interest at the rate, or rates, not in excess of six percent per annum, payable December 1, 2024, and semiannually thereafter on June 1 and December 1 of each year, or such other dates as determined by the Director of Finance, until the principal sum is paid. Provided, however, that if said bonds are sold bearing a different rate or rates of interest from that herein before specified, said bonds shall bear such rate, or rates, of interest as may be accepted by the Director of Finance. The property tax supported bonds shall be designated 23-1-G1428, or as otherwise designated by the Director of Finance. Said bonds shall mature or be subject to mandatory sinking fund redemption on December 1, or such other date of each year as determined by the Director of Finance, such maturities and mandatory sinking fund redemption amounts to be determined by the

Director of Finance. The Director of Finance will determine whether the \$14,860,000 street improvement bonds are callable (and associated call features) or non-callable at the time of financing.

Notice of the call for redemption of said bonds, specifying the numbers of the bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent by registered or certified mail to the registered holders thereof, not less than thirty days nor more than sixty days prior to the date of redemption, upon which date all interest upon said bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent, and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

Section 3. That said bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, Chapter 303 of the Cincinnati Municipal Code and Chapter 133 of the Ohio Revised Code. They shall bear the facsimile signature of the Mayor and the facsimile signature of the Director of Finance, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, N. A. (herein the "Bond Registrar and Paying Agent"), Cincinnati, Ohio, which is designated to act as bond registrar, transfer agent and paying agent with respect to the bonds. The bonds shall also bear the corporate seal of the City or a facsimile thereof. The bonds shall be issued in fully registered form. The bonds shall be designated "Street Improvement Bonds." Such bonds shall be payable as to principal, upon the presentment and surrender for cancellation of the bonds, in lawful money of the United States of America at the Bond Registrar and Paying Agent, and payment of the interest thereon shall be made by the Bond Registrar and Paying Agent on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his or her address as it appears on such registration records.

Section 4. That, if the Director of Finance, in the exercise of his or her judgment, determines that it is preferable that notes rather than bonds be issued initially, there are authorized notes in the aggregate principal amount of \$14,860,000, which may be issued in anticipation of the issuance of a like principal amount of said bonds for the purpose described in Section 1 hereof. Such notes shall be designated "Street Improvement Bond Anticipation Notes," as applicable; shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate or rates not in excess of six percent per annum, as shall be approved by the Director of Finance, payable on such dates as are determined by the Director of Finance; shall be dated as of their date of issuance; shall mature on such date or dates as may be selected by the Director of Finance; may be callable in whole or in part at any time prior to maturity as approved by the Director of Finance; may be issued in installments as approved by the Director of Finance; and shall be payable as to principal at the office of the Bond Registrar and Paying Agent or the office of the Treasurer of the City, and the interest thereon shall be paid by the Bond Registrar and Paying Agent or the office of the Treasurer of the City on each interest payment date to the holders of the notes. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 5. That, for the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds or notes promptly when and as the same falls due, and also to provide for

the discharge of said bonds or notes at maturity and for the payment of mandatory sinking fund redemptions, there shall be and is levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually during the period said bonds are to run, outside of the limitations imposed by Article XII, Section 2, of the Ohio Constitution and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter of the City of Cincinnati, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said bonds or notes at maturity and to pay mandatory sinking fund redemptions, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said bonds or notes when and as the same fall due.

Section 6. That said bonds or notes shall be first offered to the City Treasurer as the officer in charge of the Bond Retirement Fund of said City, and if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase, and, if not offered to or taken by such account, the Director of Finance is authorized to award and sell the bonds at public or private sale, in the Director of Finance's sound discretion without further action by this Council, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the bonds from their dates to the date of delivery and payment. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the bonds to, and payment therefore by, the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement (including the certificate of award) for the bonds without further action by this Council. The Director of Finance is expressly authorized to execute a purchase agreement for the bonds provided that the true interest cost for the bonds shall not exceed six percent per annum, and that the true interest cost for the notes shall not exceed six percent per annum.

The Director of Finance, in his or her discretion, is authorized to waive the requirements of Section 303-7 of the Municipal Code and to direct the sale of the bonds or notes in whatever manner he or she deems appropriate.

Section 7. That Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of the bonds or notes authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the bonds or notes is authorized to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds or notes for inclusion in the

transcript of proceedings, setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds or notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 8. That the Director of Finance is authorized to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 7.

Section 9. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code, these bonds or notes may be consolidated into a single issue with other bond or notes which have been authorized by this Council as determined by the Director of Finance.

That these bonds or notes shall be issued in such designations, series, and shall have maturities or principal payments, as are consistent with the aggregate of the series, periodic maturities or principal payments of the separate issues of bonds as set forth in the respective bond ordinances and as provided in the bond purchase agreement (the “Purchase Agreement”) to be entered into by and between the City and an underwriter as determined by the Director of Finance as provided in a certificate of award executed by the Director of Finance.

Section 10. That this Council determines to issue these bonds or notes in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

So long as these bonds or notes are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(a) Definitions

“Beneficial Owner” means the person in whose name a bond or note is recorded as the beneficial owner of such bond or note by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds or notes.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying

Agent and Registrar, to DTC with respect to the bonds or notes, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds or notes shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any bond or note registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(b) Book Entry Bonds

(i) Except as provided herein, the registered owner of all of the bonds or notes shall be DTC and the bond or notes shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds or notes shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds or notes. Upon initial issuance, the ownership of such bonds or notes shall be registered in the City's bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds or notes registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds or notes, selecting the bonds or notes or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of bonds or notes, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds or notes under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, regarding any of the following: the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds or notes; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds or notes; or any consent given or other action taken by DTC as bondholder. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the bonds or notes only to or "upon the order of" DTC (as that term is used in the

Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of, and premium, if any, and interest on the bonds or notes to the extent of the sum or sums so paid. Except as provided herein, no person other than DTC shall receive an authenticated bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of bonds or notes, the word "CEDE & Co" in this ordinance shall refer to such new nominee of DTC.

(c) Delivery of Bond Certificates. In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City's expense, bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds or notes at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds or notes to any DTC Participant having bonds or notes credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds or notes.

Section 11. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 12. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is that the sale of the bonds or notes authorized herein may be required within thirty days of passage

of the ordinance in order to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

**CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND
BOND ANTICIPATION NOTES**

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of street improvement bonds or notes in an amount not to exceed \$14,860,000 for the purpose of (a) providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers, and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and equipment and boulevard lights (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.

2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(B)(5) of the Ohio Revised Code, is twenty years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By: Karen S Alder
Finance Director

Dated: June 1, 2023

June 7, 2023

202301574

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$1,920,000 Public Building Improvement Bonds**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,920,000 FOR THE PURPOSE OF MAKING PUBLIC BUILDING IMPROVEMENTS.

This Emergency Ordinance authorizes the Finance Director to proceed with the sale of bonds in the amount of \$1,920,000 to fund public building improvements. These bonds are fifteen-year bonds supported by property tax revenue and the interest rate is expected to be below 6.00%. The proceeds of the bond sale will finance a portion of the FY 2024 Capital Improvement Program, as approved by City Council. An emergency ordinance is necessary to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for public building improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,920,000 FOR THE PURPOSE OF MAKING PUBLIC BUILDING IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is fifteen years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$1,920,000 (property tax supported), for the purpose of providing funds to pay the cost and expense of constructing, rehabilitating, and equipping public buildings and other structures; acquiring real estate or interests in same; and paying legal, advertising, printing, and all expenses incidental to said improvements. Such principal amount may be increased by the amounts necessary to fund a debt service reserve fund (if needed), capitalized interest (if any), costs of issuance, and other necessary and permitted costs, all as determined by the Fiscal Officer.

Section 2. That bonds of the City of Cincinnati, Ohio, be issued in the principal amount of \$1,920,000 for the purpose aforesaid. Said bonds shall be dated as determined by the Director of Finance, of the denomination of \$5,000 each, or any integral multiple thereof, or such other denomination, numbered sequentially as determined by the Director of Finance, and shall bear interest at the rate, or rates, not in excess of six percent per annum, payable December 1, 2024, and semiannually thereafter on June 1 and December 1 of each year, or such other dates as determined by the Director of Finance, until the principal sum is paid. Provided, however, that if said bonds are sold bearing a different rate or rates of interest from that herein before specified, said bonds shall bear such rate, or rates, of interest as may be accepted by the Director of Finance. The property tax supported bonds shall be designated 23-1-G1429, or as otherwise designated by the Director of Finance. Said bonds shall mature or be subject to mandatory sinking fund redemption on December 1, or such other date of each year as determined by the Director of Finance, such maturities and mandatory sinking fund redemption amounts to be determined by the Director of Finance. The Director of Finance will determine whether the \$1,920,000 public building improvement bonds are callable (and associated call features) or non-callable at the time of financing.

Notice of the call for redemption of said bonds, specifying the numbers of the bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent by registered or certified mail to

the registered holders thereof, not less than thirty days nor more than sixty days prior to the date of redemption, upon which date all interest upon said bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent, and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

Section 3. That said bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, Chapter 303 of the Cincinnati Municipal Code and Chapter 133 of the Ohio Revised Code. They shall bear the facsimile signature of the Mayor and the facsimile signature of the Director of Finance, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, N. A. (herein the "Bond Registrar and Paying Agent"), Cincinnati, Ohio, which is designated to act as bond registrar, transfer agent and paying agent with respect to the bonds. The bonds shall also bear the corporate seal of the City or a facsimile thereof. The bonds shall be issued in fully registered form. The bonds shall be designated "Public Building Improvement Bonds." Such bonds shall be payable as to principal, upon the presentment and surrender for cancellation of the bonds, in lawful money of the United States of America at the Bond Registrar and Paying Agent, and payment of the interest thereon shall be made by the Bond Registrar and Paying Agent on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his or her address as it appears on such registration records.

Section 4. That, if the Director of Finance, in the exercise of his or her judgment, determines that it is preferable that notes rather than bonds be issued initially, there are authorized notes in the aggregate principal amount of \$1,920,000, which may be issued in anticipation of the issuance of a like principal amount of said bonds for the purpose described in Section 1 hereof. Such notes shall be designated "Public Building Improvement Bond Anticipation Notes," as applicable; shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate or rates not in excess of six percent per annum, as shall be approved by the Director of Finance, payable on such dates as are determined by the Director of Finance; shall be dated as of their date of issuance; shall mature on such date or dates as may be selected by the Director of Finance; may be callable in whole or in part at any time prior to maturity as approved by the Director of Finance; may be issued in installments as approved by the Director of Finance; and shall be payable as to principal at the office of the Bond Registrar and Paying Agent or the office of the Treasurer of the City, and the interest thereon shall be paid by the Bond Registrar and Paying Agent or the office of the Treasurer of the City on each interest payment date to the holders of the notes. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 5. That, for the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds or notes promptly when and as the same falls due, and also to provide for the discharge of said bonds or notes at maturity and for the payment of mandatory sinking fund redemptions, there shall be and is levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually during the period said bonds are to run, outside of

the limitations imposed by Article XII, Section 2, of the Ohio Constitution and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter of the City of Cincinnati, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said bonds or notes at maturity and to pay mandatory sinking fund redemptions, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said bonds or notes when and as the same fall due.

Section 6. That said bonds or notes shall be first offered to the City Treasurer as the officer in charge of the Bond Retirement Fund of said City, and if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase, and, if not offered to or taken by such account, the Director of Finance is authorized to award and sell the bonds at public or private sale, in the Director of Finance's sound discretion without further action by this Council, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the bonds from their dates to the date of delivery and payment. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the bonds to, and payment therefore by, the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement (including the certificate of award) for the bonds without further action by this Council. The Director of Finance is expressly authorized to execute a purchase agreement for the bonds provided that the true interest cost for the bonds shall not exceed six percent per annum, and that the true interest cost for the notes shall not exceed six percent per annum.

The Director of Finance, in the Director's, discretion, is authorized to waive the requirements of Section 303-7 of the Municipal Code and to direct the sale of the bonds or notes in whatever manner he or she deems appropriate.

Section 7. That Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of the bonds or notes authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the bonds or notes is authorized to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds or notes for inclusion in the transcript of proceedings, setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds or notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 8. That the Director of Finance is authorized to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 7.

Section 9. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code, these bonds or notes may be consolidated into a single issue with other bond or notes which have been authorized by this Council as determined by the Director of Finance.

That these bonds or notes shall be issued in such designations, series, and shall have maturities or principal payments, as are consistent with the aggregate of the series, periodic maturities or principal payments of the separate issues of bonds as set forth in the respective bond ordinances and as provided in the bond purchase agreement (the “Purchase Agreement”) to be entered into by and between the City and an underwriter as determined by the Director of Finance as provided in a certificate of award executed by the Director of Finance.

Section 10. That this Council determines to issue these bonds or notes in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

So long as these bonds or notes are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(a) Definitions

“Beneficial Owner” means the person in whose name a bond or note is recorded as the beneficial owner of such bond or note by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds or notes.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying Agent and Registrar, to DTC with respect to the bonds or notes, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds or notes shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any bond or note registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(b) Book Entry Bonds

(i) Except as provided herein, the registered owner of all of the bonds or notes shall be DTC and the bond or notes shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds or notes shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds or notes. Upon initial issuance, the ownership of such bonds or notes shall be registered in the City's bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds or notes registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds or notes, selecting the bonds or notes or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of bonds or notes, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds or notes under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, regarding any of the following: the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds or notes; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds or notes; or any consent given or other action taken by DTC as bondholder. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the bonds or notes only to or "upon the order of" DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of, and premium, if any, and interest on the bonds or notes

to the extent of the sum or sums so paid. Except as provided herein, no person other than DTC shall receive an authenticated bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of bonds or notes, the word “CEDE & Co” in this ordinance shall refer to such new nominee of DTC.

(c) Delivery of Bond Certificates. In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City’s expense, bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds or notes at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds or notes to any DTC Participant having bonds or notes credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds or notes.

Section 11. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 12. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is that the sale of the bonds or notes authorized herein may be required within thirty days of passage

of the ordinance in order to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for public building improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

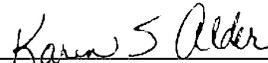
**CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND
BOND ANTICIPATION NOTES**

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the “City”), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of street improvement bonds or notes in an amount not to exceed \$1,920,000 for the purpose of (a) providing funds to pay the cost and expense of constructing, rehabilitating, and equipping public buildings and other structures; acquiring real estate or interests in same (the “Improvements”); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.

2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is fifteen years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:



Finance Director

Dated: June 1, 2023

June 7, 2023

To: Mayor and Members of City Council 202301586
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$10,000,000 Equipment Improvement Bonds**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$10,000,000 FOR THE PURPOSE OF MAKING EQUIPMENT IMPROVEMENTS.

This Emergency Ordinance authorizes the Finance Director to proceed with the sale of bonds in the amount of \$10,000,000 to fund equipment improvements. These bonds are five-year bonds supported by property tax revenue and the interest rate is expected to be below 6.00%. The proceeds of the bond sale will finance a portion of the FY 2024 Capital Improvement Program, as approved by City Council. An emergency ordinance is necessary to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for equipment improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$10,000,000 FOR THE PURPOSE OF MAKING EQUIPMENT IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is five years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$10,000,000 (property tax supported), for the purpose of providing funds to pay the cost and expense of purchasing motor vehicles; acquiring and improving City-wide communication system components and related improvements in connection therewith; acquiring computer related system upgrades and components and other necessary equipment; and paying legal, advertising, printing and all expenses incidental to said improvements. Such principal amount may be increased by the amounts necessary to fund a debt service reserve fund (if needed), capitalized interest (if any), costs of issuance, and other necessary and permitted costs, all as determined by the Fiscal Officer.

Section 2. That bonds of the City of Cincinnati, Ohio, be issued in the principal amount of \$10,000,000 for the purpose aforesaid. Said bonds shall be dated as determined by the Director of Finance, of the denomination of \$5,000 each, or any integral multiple thereof, or such other denomination, numbered sequentially as determined by the Director of Finance, and shall bear interest at the rate, or rates, not in excess of six percent per annum, payable December 1, 2024, and semiannually thereafter on June 1 and December 1 of each year, or such other dates as determined by the Director of Finance, until the principal sum is paid. Provided, however, that if said bonds are sold bearing a different rate or rates of interest from that herein before specified, said bonds shall bear such rate, or rates, of interest as may be accepted by the Director of Finance. The property tax supported bonds shall be designated 23-1-G1430, or as otherwise designated by the Director of Finance. Said bonds shall mature or be subject to mandatory sinking fund redemption on December 1, or such other date of each year as determined by the Director of Finance, such maturities and mandatory sinking fund redemption amounts to be determined by the Director of Finance. The Director of Finance will determine whether the \$10,000,000 equipment improvement bonds are callable (and associated call features) or non-callable at the time of financing.

Notice of the call for redemption of said bonds, specifying the numbers of the bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent by registered or certified mail to the registered holders thereof, not less than thirty days nor more than sixty days prior to the date of redemption, upon which date all interest upon said bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent, and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

Section 3. That said bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, Chapter 303 of the Cincinnati Municipal Code and Chapter 133 of the Ohio Revised Code. They shall bear the facsimile signature of the Mayor and the facsimile signature of the Director of Finance, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, N. A. (herein the "Bond Registrar and Paying Agent"), Cincinnati, Ohio, which is designated to act as bond registrar, transfer agent and paying agent with respect to the bonds. The bonds shall also bear the corporate seal of the City or a facsimile thereof. The bonds shall be issued in fully registered form. The bonds shall be designated "Equipment Improvement Bonds." Such bonds shall be payable as to principal, upon the presentment and surrender for cancellation of the bonds, in lawful money of the United States of America at the Bond Registrar and Paying Agent, and payment of the interest thereon shall be made by the Bond Registrar and Paying Agent on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his or her address as it appears on such registration records.

Section 4. That, if the Director of Finance, in the exercise of his or her judgment, determines that it is preferable that notes rather than bonds be issued initially, there are authorized notes in the aggregate principal amount of \$10,000,000, which may be issued in anticipation of the issuance of a like principal amount of said bonds for the purpose described in Section 1. Such notes shall be designated "Equipment Improvement Bond Anticipation Notes," as applicable; shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate or rates not in excess of six percent per annum, as shall be approved by the Director of Finance, payable on such dates as are determined by the Director of Finance; shall be dated as of their date of issuance; shall mature on such date or dates as may be selected by the Director of Finance; may be callable in whole or in part at any time prior to maturity as approved by the Director of Finance; may be issued in installments as approved by the Director of Finance; and shall be payable as to principal at the office of the Bond Registrar and Paying Agent or the office of the Treasurer of the City, and the interest thereon shall be paid by the Bond Registrar and Paying Agent or the office of the Treasurer of the City on each interest payment date to the holders of the notes. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 5. That, for the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds or notes promptly when and as the same falls due, and also to provide for the discharge of said bonds or notes at maturity and for the payment of mandatory sinking fund redemptions, there shall be and is levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually during the period said bonds are to run, outside of

the limitations imposed by Article XII, Section 2, of the Ohio Constitution and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter of the City of Cincinnati, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said bonds or notes at maturity and to pay mandatory sinking fund redemptions, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said bonds or notes when and as the same fall due.

Section 6. That said bonds or notes shall be first offered to the City Treasurer as the officer in charge of the Bond Retirement Fund of said City, and if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase, and, if not offered to or taken by such account, the Director of Finance is authorized to award and sell the bonds at public or private sale, in the Director of Finance's sound discretion without further action by this Council, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the bonds from their dates to the date of delivery and payment. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the bonds to, and payment therefore by, the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement (including the certificate of award) for the bonds without further action by this Council. The Director of Finance is expressly authorized to execute a purchase agreement for the bonds provided that the true interest cost for the bonds shall not exceed six percent per annum, and that the true interest cost for the notes shall not exceed six percent per annum.

The Director of Finance, in his or her discretion, is authorized to waive the requirements of Section 303-7 of the Municipal Code and to direct the sale of the bonds or notes in whatever manner he or she deems appropriate.

Section 7. That Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of the bonds or notes authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the bonds or notes is authorized to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds or notes for inclusion in the transcript of proceedings, setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds or notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 8. That the Director of Finance is authorized to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 7.

Section 9. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code, these bonds or notes may be consolidated into a single issue with other bond or notes which have been authorized by this Council as determined by the Director of Finance.

That these bonds or notes shall be issued in such designations, series, and shall have maturities or principal payments, as are consistent with the aggregate of the series, periodic maturities or principal payments of the separate issues of bonds as set forth in the respective bond ordinances and as provided in the bond purchase agreement (the “Purchase Agreement”) to be entered into by and between the City and an underwriter as determined by the Director of Finance as provided in a certificate of award executed by the Director of Finance.

Section 10. That this Council determines to issue these bonds or notes in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

So long as these bonds or notes are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(a) Definitions

“Beneficial Owner” means the person in whose name a bond or note is recorded as the beneficial owner of such bond or note by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds or notes.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying Agent and Registrar, to DTC with respect to the bonds or notes, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds or notes shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any bond or note registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(b) Book Entry Bonds

(i) Except as provided herein, the registered owner of all of the bonds or notes shall be DTC and the bond or notes shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds or notes shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds or notes. Upon initial issuance, the ownership of such bonds or notes shall be registered in the City's bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds or notes registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds or notes, selecting the bonds or notes or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of bonds or notes, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds or notes under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, regarding any of the following: the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds or notes; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds or notes; or any consent given or other action taken by DTC as bondholder. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the bonds or notes only to or "upon the order of" DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of, and premium, if any, and interest on the bonds or notes

to the extent of the sum or sums so paid. Except as provided herein, no person other than DTC shall receive an authenticated bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of bonds or notes, the word “CEDE & Co” in this ordinance shall refer to such new nominee of DTC.

(c) Delivery of Bond Certificates. In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City’s expense, bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds or notes at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds or notes to any DTC Participant having bonds or notes credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds or notes.

Section 11. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 12. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is that the sale of the bonds or notes authorized herein may be required within thirty days of passage

of the ordinance in order to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for equipment improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

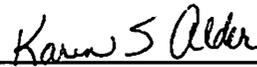
ATTACHMENT A

**CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND
BOND ANTICIPATION NOTES**

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of equipment improvement bonds or notes in an amount not to exceed \$10,000,000 for the purpose of (a) providing funds to pay the cost and expense of purchasing motor vehicles; acquiring and improving City-wide communication system components and related improvements in connection therewith; acquiring computer related system upgrades and components and other necessary equipment (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is five years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:



Finance Director

Dated: June 1, 2023

June 7, 2023

202301587

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$16,452,000 Street Improvement Bond Anticipation Notes**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$16,452,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of notes in the amount of \$16,452,000 to fund street infrastructure improvements. Note sales for street improvements will occur in FY 2024 in connection with lease payments from Cincinnati Southern Railway. The issuance of these notes will finance a portion of the FY 2024 Capital Improvement Program. An emergency ordinance is necessary due to the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$16,452,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is twenty years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$16,452,000 for the purpose of providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, paving, repaving, resurfacing, and constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and appurtenances, traffic lights, and traffic control equipment and boulevard lights; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$16,452,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated “Street Improvements Bond Anticipation Notes”; and shall be payable as to both principal and interest at the City Treasurer’s Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the facsimile or manual impression of the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installments shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain lease pertaining to the Cincinnati Southern Railroad property is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed there under.

These notes are not designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the City have happened, have been done and performed in regular and due

form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

Section 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

**CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND
BOND ANTICIPATION NOTES**

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of street improvement notes in an amount not to exceed \$16,452,000 for the purpose of (a) providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers, and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and appurtenances, traffic lights, and traffic control equipment and boulevard lights (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.

2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(B)(5) of the Ohio Revised Code, is twenty years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By: Karen S Alder
Finance Director

Dated: June 1, 2023

June 7, 2023

202301588

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$3,210,000 Recreation Improvement Bond Anticipation Notes**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,210,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR RECREATION IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of notes in the amount of \$3,210,000 to fund recreation improvements. Note sales for recreation improvements will occur in FY 2024 in connection with lease payments from Cincinnati Southern Railway. The issuance of these notes will finance a portion of the FY 2024 Capital Improvement Program. An emergency ordinance is necessary due to the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for recreation improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,210,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR RECREATION IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is ten years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$3,210,000 for the purpose of providing funds to pay the cost and expense of acquiring real estate, easements, or interests in same for recreation facilities and other areas; improving, equipping, and rehabilitating existing recreation facilities and other areas including but not limited to swimming pools, tennis courts, and playfields; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$3,210,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated “Recreation Improvements Bond Anticipation Notes”; and shall be payable as to both principal and interest at the City Treasurer’s Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the facsimile or manual impression of the corporate seal of the City, and shall

express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installments shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain lease pertaining to the Cincinnati Southern Railroad property is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed there under.

These notes are not designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and

binding obligations of the City have happened, have been done and performed in regular and due form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

Section 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for recreation improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

**CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND
BOND ANTICIPATION NOTES**

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of recreation improvement notes in an amount not to exceed \$3,210,000 for the purpose of (a) providing funds to pay the cost and expense of acquiring real estate, easements, or interests in same for recreation facilities and other areas; improving, equipping, and rehabilitating existing recreation facilities and other areas including but not limited to swimming pools, tennis courts, and playfields (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is ten years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:



Finance Director

Dated: June 1, 2023

June 7, 2023

202301589

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$2,653,000 Park Improvement Bond Anticipation Notes**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$2,653,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PARK IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of notes in the amount of \$2,653,000 to fund park improvements. Note sales for park improvements will occur in FY 2024 in connection with lease payments from Cincinnati Southern Railway. The issuance of these notes will finance a portion of the FY 2024 Capital Improvement Program. An emergency ordinance is necessary due to the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for park improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$2,653,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PARK IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is ten years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$2,653,000 for the purpose of providing funds to pay the cost and expense of acquiring real estate, easements, or interests in same for park facilities, parkways and play grounds; making improvements to park facilities, parkways, and playgrounds, including, but not limited to structures, lighting, and parking; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$2,653,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated “Park Improvements Bond Anticipation Notes”; and shall be payable as to both principal and interest at the City Treasurer’s Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the facsimile or manual impression of the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installment shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain lease pertaining to the Cincinnati Southern Railroad property is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed there under.

These notes are not designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the City have happened, have been done and performed in regular and due

form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

Section 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for park improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

**CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND
BOND ANTICIPATION NOTES**

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of park improvement notes in an amount not to exceed \$2,653,000 for the purpose of (a) providing funds to pay the cost and expense of acquiring real estate, easements, or interests in same for park facilities, parkways and play grounds; making improvements to park facilities, parkways, and playgrounds, including, but not limited to structures, lighting, and parking (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is ten years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By: _____ *Karen S Alder* _____
Finance Director

Dated: June 1, 2023

June 7, 2023

202301590

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$3,785,000 Public Building Improvement Bond Anticipation Notes**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,785,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PUBLIC BUILDING IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of notes in the amount of \$3,785,000 to fund public building improvements. Note sales for public building improvements will occur in FY 2024 in connection with lease payments from Cincinnati Southern Railway. The issuance of these notes will finance a portion of the FY 2024 Capital Improvement Program. An emergency ordinance is necessary due to the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for public building improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,785,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PUBLIC BUILDING IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is fifteen years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$3,785,000 for the purpose of providing funds to pay the cost and expense of constructing, rehabilitating and equipping public buildings and other structures; acquiring real estate or interests in same; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$3,785,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated “Public Buildings Improvements Bond Anticipation Notes”; and shall be payable as to both principal and interest at the City Treasurer’s Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the facsimile or manual impression of the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installment shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain lease pertaining to the Cincinnati Southern Railroad property is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed there under.

These notes are not designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the City have happened, have been done and performed in regular and due

form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

Section 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for public building improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

June 7, 2023

202301591

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Refunding Water System Revenue Bond Issues**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR (I) THE ISSUANCE, SALE AND DELIVERY OF WATER SYSTEM REFUNDING REVENUE BONDS, SERIES 2023A (THE “2023A BONDS”) OF THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, IN PRINCIPAL AMOUNT NOT TO EXCEED \$198,000,000 FOR THE PURPOSE OF PROVIDING FOR THE REFUNDING AND/OR (II) THE CASH DEFEASANCE (WITH MONIES AVAILABLE FOR SUCH PURCHASE), OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF THE CITY; (III) **AUTHORIZING** A PLEDGE OF AND LIEN ON WATER SYSTEM REVENUES TO SECURE ANY 2023A BONDS; (IV) **AUTHORIZING** A SUPPLEMENTAL TRUST AGREEMENT; AND ANY OTHER DOCUMENTS REQUIRED TO SECURE ANY 2023A BONDS; AND (V) **AUTHORIZING** ANY DOCUMENTS REQUIRED TO EFFECTUATE ANY DEFEASANCE.

This ordinance allows for the option of refunding or defeasing bonds that have been previously issued. The purpose of refunding or defeasing the bonds is to take advantage of lower interest rates or avoid additional costs that will result in savings to the City of Cincinnati.

The ordinance includes a threshold that the Finance Director will only move forward with the refunding, if the net present value of the resulting savings of any advance or current refunding is equal to at least three percent (3%) of the principal of the bonds. This savings requirement for a refunding may be waived by the Finance Director upon finding that such a restructuring is in the City’s overall best financial interest. The ordinance includes possible candidates for refunding. Because the refunding is dependent upon interest rates, it will not be known which bonds will be refunded until closer to the date of sale. An emergency ordinance is necessary to take advantage of currently favorable interest rates.

The Administration recommends passage of this Emergency Ordinance.

cc: William “Billy” Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

- 2023

PROVIDING FOR (I) THE ISSUANCE, SALE AND DELIVERY OF WATER SYSTEM REFUNDING REVENUE BONDS, SERIES 2023A (THE “2023A BONDS”) OF THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$198,000,000 FOR THE PURPOSE OF PROVIDING FOR THE REFUNDING AND/OR (II) THE CASH DEFEASANCE (WITH MONIES AVAILABLE FOR SUCH PURPOSE), OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF THE CITY; (III) AUTHORIZING A PLEDGE OF AND LIEN ON WATER SYSTEM REVENUES TO SECURE ANY 2023A BONDS; (IV) AUTHORIZING A SUPPLEMENTAL TRUST AGREEMENT; AND ANY OTHER DOCUMENTS REQUIRED TO SECURE ANY 2023A BONDS; AND (V) AUTHORIZING ANY DOCUMENTS REQUIRED TO EFFECTUATE ANY DEFEASANCE.

WHEREAS, pursuant to authority granted to it by the Ohio Constitution, the City of Cincinnati (“City” or “Issuer”) owns and operates a water supply and distribution system (“Utility”); and

WHEREAS, the City has determined to refund and/or provide for the cash defeasance of all or a portion of the City’s Prior Bonds (as defined below); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. Capitalized terms used in this Ordinance and not otherwise defined shall have the meanings ascribed to them in the Indenture (as defined below). In addition, the following terms shall have the indicated meanings:

“Bond” or “Bonds” means, collectively, the Series 2015 Bonds, the Series 2016 Bonds, the Series 2017A Bonds, the Series 2019 Bonds, the Series 2020A Bonds, the Series 2021 Bonds, the Series 2023A Bonds, and any other additional Bonds.

“Bond Fund” means the City of Cincinnati, Ohio – Water System Bond Fund created by the Indenture, including appropriate subaccounts for the Series 2023A Bonds.

“Bond Legislation” means, when used in connection with the Series 2023A Bonds and/or any cash defeasance of the Defeased Prior Bonds, this Ordinance, including the Fiscal Officer’s Certificate.

“Bond Reserve Fund” means the City of Cincinnati, Ohio – Water System Bond Reserve Fund created by the Indenture, including appropriate subaccounts for the Series 2023A Bonds.

“Credit Support Instrument” means an insurance policy, surety, letter of credit, standby bond purchase agreement, or other credit enhancement, support or liquidity device used to enhance or provide for the security or liquidity of the Series 2023A Bonds.

“Defeased Prior Bonds” means any Prior Bonds to be cash defeased with monies of the City available for such purpose.

“Fiscal Officer” means the Director of Finance of the City.

“Fiscal Officer’s Certificate” means the certificate executed by the Fiscal Officer setting forth any terms relating to the issuance of the Series 2023A Bonds which are not specified in this Bond Legislation.

“Green Bond” means an informational designation of a bond for the benefit of potential investors, to indicate that the proceeds of such bond will be used to fund environment-friendly projects, including but not limited to projects related to clean water, renewable energy, energy efficiency, river/habitat restoration, acquisition of land, or mitigation of climate change.

“Indenture” means the Master Trust Agreement dated as of March 1, 2001 by and between the City and the Trustee securing the Bonds, as the same may be amended, modified or supplemented as provided therein. For purposes of this Bond Legislation, such supplements shall include the First Supplemental Trust Agreement, dated as of March 1, 2001; the Second Supplemental Trust Agreement dated as of March 1, 2003; the Third Supplemental Trust Agreement dated as of May 1, 2005; the Fourth Supplemental Trust Agreement dated as of May 1, 2005; the Fifth Supplemental Trust Agreement dated as of January 4, 2007; the Sixth Supplemental Trust Agreement dated as of May 17, 2007; the Seventh Supplemental Trust Agreement, dated as of May 24, 2007; the Eighth Supplemental Trust Agreement, dated as of August 4, 2009; the Ninth Supplemental Trust Agreement, dated as of August 11, 2011; the Tenth Supplemental Trust Agreement dated as of June 21, 2012; the Eleventh Supplemental Trust Agreement dated as of August 12, 2015; the Twelfth Supplemental Trust Agreement dated as of December 6, 2016; the Thirteenth Supplemental Trust Agreement dated as of June 22, 2017; the Fourteenth Supplemental Trust Agreement dated as of November 26, 2019; the Fifteenth Supplemental Trust Agreement dated as of June 30, 2020; the Sixteenth Supplemental Trust Agreement dated as of November 3, 2021; and the Seventeenth Supplemental Trust Agreement dated as of the date selected by the Fiscal Officer.

“Mayor” means the Mayor of the City.

“Original Purchaser” means, as to the Series 2023A Bonds, such Original Purchasers as approved by the Fiscal Officer pursuant to the Fiscal Officer’s Certificate or in a bond purchase agreement, as applicable.

“Prior Bonds” means, collectively, the Series 2015 Bonds, the Series 2016 Bonds, the Series 2017A Bonds, the Series 2019 Bonds, the Series 2020A Bonds, and the Series 2021 Bonds.

“Rebate Fund” means the City of Cincinnati, Ohio – Water System Revenue Bond Rebate Fund created by the Indenture, including appropriate subaccounts for the Series 2023A Bonds.

“Refunded/Defeased Prior Bonds” means, together, any Refunded Prior Bonds and any Defeased Prior Bonds.

“Refunded Prior Bonds” means any Prior Bonds to be refunded with a portion of the proceeds of the Series 2023A Bonds.

“Senior Bonds” shall mean Bonds secured under the Master Indenture by a pledge of Net Revenues, which pledge is senior and prior in order and preference, with respect to the application of payment in full of Senior Subordinated Debt and Junior Subordinated Debt, including the Series 2023A Bonds, the Prior Bonds, and any Additional Bonds issued on a parity with such senior pledge.

“Senior Subordinated Debt” shall mean notes, bonds or other obligations of the City secured by a pledge of Net Revenues, which pledge is subordinate, junior and subject in right to the prior payment in full of Senior Bonds, but which pledge of Net Revenues is senior and prior in order and preference with respect to the application of payment in full of Junior Subordinated Debt (as defined in the Master Indenture), which no Senior Subordinated Debt is currently outstanding.

“Series 2015 Bonds” means, together, the Series 2015A Bonds and the Series 2015B Bonds.

“Series 2015A Bonds” means the City’s Water System Revenue Bonds, Series 2015A (Tax-Exempt), dated August 12, 2015 and originally issued in the principal amount of \$47,135,000.

“Series 2015B Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2015B (Tax-Exempt), dated August 12, 2015 and originally issued in the principal amount of \$77,375,000.

“Series 2016A Bonds” means the City’s Water System Revenue Bonds, Series 2016A (Tax-Exempt), dated December 6, 2016 and originally issued in the principal amount of \$25,000,000.

“Series 2016B Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2016B (Tax-Exempt), dated December 6, 2016 and originally issued in the principal amount of \$39,745,000.

“Series 2016C Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2016C (2019 Crossover), dated December 6, 2016 and originally issued in the principal amount of \$64,830,000.

“Series 2016 Bonds” means, collectively, the Series 2016A Bonds, the Series 2016B Bonds, and the Series 2016C Bonds.

“Series 2017A Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2017A (Tax-Exempt), dated June 22, 2017 and originally issued in the principal amount of \$75,595,000.

“Series 2019 Bonds” means, together, the Series 2019A Bonds and the Series 2019B Bonds.

“Series 2019A Bonds” means the City’s Water System Revenue Bonds, Series 2019A (Tax-Exempt), dated November 26, 2019 and originally issued in the principal amount of \$50,000,000.

“Series 2019B Bonds” means the City’s \$6,455,000 Water System Refunding Revenue Bonds, Series 2019B (Federally Taxable), dated November 26, 2019 and originally issued in the principal amount of \$6,455,000.

“Series 2020A Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2020A (Federally Taxable), dated June 30, 2020 and originally issued in the principal amount of \$50,830,000.

“Series 2021 Bonds” means, together, the Series 2021A Bonds and the Series 2021B Bonds.

“Series 2021A Bonds” means the City’s Water System Revenue Bonds, Series 2021A (Tax-Exempt), dated November 3, 2021 and originally issued in the principal amount of \$65,000,000.

“Series 2021B Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2021B (Federally Taxable), dated November 3, 2021 and originally issued in the principal amount of \$47,235,000.

“Series 2023A Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2023A, dated as set forth in the Fiscal Officer’s Certificate, to be issued in a principal amount not to exceed \$198,000,000 (except as otherwise permitted in this Ordinance).

“Seventeenth Supplemental Trust Agreement” means the Seventeenth Supplemental Trust Agreement entered into between the City and Trustee in connection with the issuance and delivery of the Series 2023A Bonds.

“Water System Reserve Fund” means the City of Cincinnati, Ohio – Water System Reserve Fund created by the Indenture, including appropriate subaccounts for the Series 2023A Bonds.

Any reference to the City, the Legislative Authority, or to their members, officers or to other public officers, boards, commissions, departments, institutions, agencies, bodies, or entities shall include those which succeed to their functions, duties or responsibilities by operation of law, and also those who at the time may legally act in their place.

References to any act or resolution of the Ohio General Assembly, or to a section, chapter, division, paragraph, or other provision of the Ohio Revised Code or the Ohio Constitution, or the laws of Ohio, shall include that act or resolution, and that section, chapter, division, paragraph, or other provision and those laws as from time to time amended, modified, supplemented, revised, or superseded, unless expressly stated to the contrary, provided that no such amendment, modification, supplementation, revision, or supersession shall alter the obligation to pay the Bond Service Charges on Bonds outstanding, at the time of any such action, in the amount and manner, at the times and from the sources provided in the Bond Legislation and the Indenture, except as otherwise herein permitted.

Unless the context otherwise indicates, words importing the singular number shall include the plural number and words importing the plural number shall include the singular number. The terms “hereof,” “herein,” “hereby,” “hereto,” and “hereunder,” and similar terms, means both the Bond Legislation and the Indenture, except in the case of reference to a stated section number of either.

Section 2. Determinations by Legislative Authority.

The Legislative Authority finds and determines that it is necessary to (a) issue the Series 2023A to provide for the refunding and/or (b) provide for and authorize the cash defeasance, with monies available for such purpose, of all or a portion of the Prior Bonds (together the “Refunded/Defeased Prior Bonds”), which were originally issued to finance water system improvements throughout the City, refund previously outstanding Bonds of the City, and pay legal, advertising, printing, and all expenses incidental to said improvements. Any issuance or defeasance shall proceed in accordance with the terms set forth herein, as supplemented by the Indenture or the Fiscal Officer’s Certificate. This Legislative Authority determines that the refunding and/or cash defeasance of the Refunded/Defeased Prior Bonds will be for a proper public and municipal purpose and in the best interests of the City.

The officers specified herein are authorized to execute and deliver the documents necessary or appropriate in order to secure the Series 2023A Bonds and/or provide for any refunding/cash defeasance of all or a portion of the Refunded/Defeased Prior Bonds.

Section 3. Terms of the Series 2023A Bonds.

(a) Form, Denominations and Dates. With respect to any Refunded Prior Bonds, that the Series 2023A Bonds shall be issued in a principal amount not to exceed \$198,000,000, provided that such principal amount may be increased by the amounts necessary to provide for original issue discount (if deemed appropriate by the Fiscal Officer) and to fund a bond reserve account, capitalized interest (if any), costs of issuance, and other necessary and permitted costs. The Series 2023A Bonds shall be designated “Water System Refunding Revenue Bonds, Series 2023A” or such other designation as set forth in the Fiscal Officer’s Certificate, shall be negotiable

instruments, shall be issued only in fully registered form, without coupons, and shall express upon their faces the purpose for which they are issued. The Series 2023A Bonds shall be dated as of such date as is set forth in the Fiscal Officer's Certificate, shall be numbered as determined by the Registrar or by the Trustee as Registrar, and shall be issued in denominations of \$5,000 or any integral multiple thereof. The Series 2023A Bonds shall be exchangeable for other Series 2023A Bonds in the manner and upon the terms set forth in the Indenture or the Fiscal Officer's Certificate.

(b) Execution, Interest Rates and Maturities. The Series 2023A Bonds shall be executed by the signatures of the Mayor and Fiscal Officer of the City and shall bear the official seal of the City (provided that both of such signatures and such seal may be facsimiles), and shall bear the manual authenticating signature of an authorized signer of the Registrar or the Trustee, as appropriate. The Series 2023A Bonds shall bear interest from the most recent date to which interest has been paid or duly provided for, or, if no interest has been paid or duly provided for, from their dates. The Series 2023A Bonds shall mature or be subject to mandatory sinking fund redemption at the times and in the respective principal amounts, and such principal amounts shall bear interest payable semiannually on each Interest Payment Date, at the respective rates per annum, as determined by the Fiscal Officer (after negotiation with the Original Purchaser of the Series 2023A Bonds) and set forth in the Fiscal Officer's Certificate or in a bond purchase agreement, as applicable. All Series 2023A Bonds shall finally mature not later than forty years from their first principal maturity date or mandatory sinking fund redemption date or as further specified in the Fiscal Officer's Certificate.

(c) Optional Redemption. The Series 2023A Bonds of the maturities specified in the Fiscal Officer's Certificate or, if applicable, in the purchase agreement authorized in Section 5 of this Ordinance shall be subject to redemption, in the manner provided in the Fiscal Officer's Certificate or the Indenture, as applicable, at the option of the City, either in whole or in part, at the times and at the redemption prices (expressed as percentages of the principal amount to be redeemed) set forth in the Fiscal Officer's Certificate or Indenture, as applicable, plus accrued interest to the date fixed for redemption.

(d) Payment. Bond Service Charges with respect to the Series 2023A Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Trustee or the Paying Agent, in the manner provided in the Fiscal Officer's Certificate or the Indenture, as applicable.

(e) Variable Rate Bonds. In the event that the Fiscal Officer, based on the written advice of the Financial Advisor, determines that the City's best interests will be served by causing the Series 2023A Bonds, or any portion thereof, to be obligations bearing interest at variable interest rates, then the Fiscal Officer is authorized to so specify in the Fiscal Officer's Certificate for that Series. If the Fiscal Officer so determines, then the method and procedure (including any Authorized Denominations as set forth in the Fiscal Officer's Certificate) by which the variable rate of interest to be borne by such Series 2023A Bonds shall be determined as provided in the applicable Supplemental Indenture, whether by auction, by reference to a market index, by a remarketing agent, or otherwise; provided that no variable rate Series 2023A Bonds shall bear interest at a rate in excess of sixteen percent per year. Notwithstanding that limitation, variable rate Series 2023A Bonds held by a provider of a Credit Support Instrument may bear interest at a

rate not in excess of 25 percent per year as provided in the agreement with the provider of the Credit Support Instrument. The Fiscal Officer may determine that the terms of variable rate Series 2023A Bonds may or may not permit the Holders to tender their variable rate Series 2023A Bonds for purchase by the City. If the Fiscal Officer designates any Series 2023A Bonds as variable rate Series 2023A Bonds, and if the Holders of those Series 2023A Bonds are to be entitled to tender those Series 2023A Bonds for purchase, then the Fiscal Officer shall also designate in the Fiscal Officer's Certificate for those variable rate Series 2023A Bonds, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Fiscal Officer, based on the written advice of the Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Fiscal Officer is authorized to enter into agreements in connection with the delivery of the Series 2023A Bonds, and from time to time thereafter so long as the Series 2023A Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers) and others as may be determined by the Fiscal Officer to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender and providing for payment of the purchase price of, or debt service on, the variable rate Series 2023A Bonds. In the event the variable rate Series 2023A Bonds are issued as auction rate obligations, the Fiscal Officer is authorized to enter into agreements with auction agents and others, or to cause the Trustee to enter into those agreements, based on the written advice of the Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

The Fiscal Officer, in connection with the original issuance of the Series 2023A Bonds, and regardless of whether such Series 2023A Bonds bear interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Series 2023A Bonds, as appropriate, if the Fiscal Officer determines, based on the written advice of the Financial Advisor, that the Credit Support Instrument will result in a savings in the cost of the financing to the City.

(f) Refunding. Any Refunded Prior Bonds shall be designated by the Fiscal Officer in the Fiscal Officer's Certificate (and thereby deemed no longer Outstanding for purposes of the Indenture) with the proceeds of the Series 2023A Bonds, the refunding of which Refunded Bonds will enable the City, in the judgment of the Fiscal Officer, based on the written advice of the Financial Advisor, to obtain net present value debt service savings with respect to the Refunded Bonds. The Refunded Bonds shall be called for redemption or retired on the date or dates specified in the Fiscal Officer's Certificate. The redemption dates so specified shall be the dates required under the Code for compliance with Section 149(d) of the Code and other applicable federal tax laws.

Section 4. Terms of All Series 2023A Bonds. The Series 2023A Bonds shall bear such designations as may be necessary to distinguish it from other series of Series 2023A Bonds. All Series 2023A Bonds shall be payable as to principal, premium, if any, and interest in lawful money of the United States, shall be in such form as provided in the Indenture, shall be negotiable instruments, shall express on their face the purpose for which they are issued and such other

statements or legends as may be required by law, and shall be issued pursuant to Article XVIII of the Ohio Constitution and the Charter and ordinances of the City.

All Series 2023A Bonds shall be executed and authenticated in the manner provided in the Indenture or in the manner provided by the applicable law in effect at the time of their issuance. In case any officer whose signature or a facsimile of whose signature shall appear on any Series 2023A Bonds shall cease to be such officer before the issuance, authentication, or delivery of such Series 2023A Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until that time.

Section 5. Sale of the Series 2023A Bonds. Notwithstanding any provisions to the contrary in Cincinnati Municipal Code Section 303-7, the Fiscal Officer is authorized to award and sell the Series 2023A Bonds at public or private sale, in his or her sound discretion without further action by this Legislative Authority, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Fiscal Officer, plus accrued interest on the aggregate principal amount of the Series 2023A Bonds from their dates to the date of delivery and payment. The Executive Officer or Fiscal Officer is authorized to make arrangements for the delivery of the Series 2023A Bonds to, and payment therefor by, the purchaser or purchasers thereof at the price determined by the Fiscal Officer; and the Executive Officer or Fiscal Officer is authorized to execute one or more purchase agreements for the Series 2023A Bonds without further action by this Legislative Authority.

Section 6. Allocation of Proceeds of the Series 2023A Bonds. The proceeds received by the City from the sale of the Series 2023A Bonds shall be allocated, and are appropriated, in the amounts, and to the funds, set forth in the Fiscal Officer's Certificate or the Indenture, as applicable.

Section 7. Security for the Series 2023A Bonds. As provided herein, the Bonds (including the Series 2023A Bonds) are payable, after provision for the reasonable Operating and Maintenance Expenses of the Utility, solely from the Net Revenues and the Special Funds and shall be secured by the Indenture constituting a lien upon the Net Revenues and the Special Funds, and anything in the Bond Legislation, the Series 2023A Bonds or the Indenture to the contrary notwithstanding, neither the Bond Legislation, the Series 2023A Bonds, nor the Indenture shall constitute a debt or a pledge of the faith, general credit, taxing power, or general funds of the City, and the Series 2023A Bonds shall contain on the face thereof a statement to the effect that the Series 2023A Bonds are not general obligations of the City but are payable solely from the aforesaid sources pledged to their payment; provided, however, that nothing herein shall be deemed to prohibit the City, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions, or obligations of the Bond Legislation, the Series 2023A Bonds or the Indenture.

Section 8. Additional Provisions with Respect to Series 2023A Bonds. The Executive Officer and the Fiscal Officer are authorized to make provision consistent with this Bond Legislation in the Indenture securing the Series 2023A Bonds for the application of the Revenues; creation of such funds including a bond service account, as are necessary or appropriate; investment of moneys in such funds; use of such funds; recordkeeping; issuance of Additional

Bonds; such other covenants of the City as are necessary or appropriate; and such other matters as are customary or appropriate to be contained in the Indenture.

Section 9. Covenants of the City. The City reaffirms all of its warranties and covenants with the Bondholders and the Trustee set forth in the Indenture and declares them to apply to the Series 2023A Bonds.

Section 10. Execution of Seventeenth Supplemental Trust Agreement and Other Documents. The Executive Officer and the Fiscal Officer are each authorized to execute, acknowledge and deliver, on behalf of the City, to the Trustee a Seventeenth Supplemental Trust Agreement.

Section 11. This Legislative Authority approves the amendments to the Indenture, as set forth in the Seventeenth Supplemental Trust Agreement to be executed in connection with the issuance and delivery of the Series 2023A Bonds. Such amendments shall be approved by the Executive Officer and the Fiscal Officer, with acceptance of such changes conclusively evidenced by execution of such Seventeenth Supplemental Trust Agreement.

The Fiscal Officer is authorized to exercise his or her discretion in order to set the terms contained in the Fiscal Officer's Certificate and to execute and deliver the same.

The Executive Officer and the Fiscal Officer are each separately authorized to take any and all actions and to execute such other instruments that may be necessary or appropriate in the opinion of Dinsmore & Shohl LLP, as Bond Counsel, in order to effect the issuance of the Series 2023A Bonds and the intent of the Bond Legislation. The Fiscal Officer, or other appropriate officer of the City, shall certify a true transcript of all proceedings had with respect to the issuance of the Series 2023A Bonds, along with such information from the records of the City as is necessary to determine the regularity and validity of the issuance of the Series 2023A Bonds.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of the Indenture, including, without limitation, application to the Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

Section 12. Offering Document. The Executive Officer and the Fiscal Officer are each authorized to execute and deliver a preliminary offering document and a final document on behalf of the City, which shall be in such form as such officers may approve, their execution thereof on behalf of the City to be conclusive evidence of such approval, and copies thereof are authorized to be prepared and furnished to the Original Purchaser of the Series 2023A Bonds for distribution to prospective purchasers of the Series 2023A Bonds and other interested persons.

The Executive Officer and the Fiscal Officer on behalf of the City are each authorized to furnish such information, to execute such instruments and to take such other actions in cooperation with the Original Purchaser of the Series 2023A Bonds as may be reasonably requested to qualify the Series 2023A Bonds for offer and sale under the Blue Sky or other securities laws and regulations and to determine their eligibility for investment under the laws and regulations of such states and other jurisdictions of the United States of America as may be designated by the Original Purchaser; provided however, that the City shall not be required to register as a dealer or broker in

any such state or jurisdiction or become subject to the service of process in any jurisdiction in which the City is not now subject to such service.

Section 13. Tax Exemption. This Legislative Authority, for and on behalf of the City of Cincinnati, Hamilton County, Ohio, covenants that it will restrict the use of the proceeds of the tax-exempt Series 2023A Bonds authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute “arbitrage bonds” under Sections 103(b)(2) and 148 of the Code. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the tax-exempt Series 2023A Bonds is authorized and directed to give an appropriate certificate on behalf of the City on the date of delivery of the tax-exempt Series 2023A Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

The tax-exempt Series 2023A Bonds are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 14. Continuing Disclosure. This Legislative Authority covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Series 2023A Bonds (the “Continuing Disclosure Certificate”) in connection with the issuance of the Series 2023A Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Series 2023A Bonds; however, any holder of the Series 2023A Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause the City to comply with its obligation under this section and the Continuing Disclosure Certificate.

Section 15. Escrow Securities and Escrow Agreement. With respect to the funding of any escrow fund(s) necessary or appropriate in connection with the refunding of any Refunded Prior Bonds with the proceeds of the Series 2023A Bonds or any cash defeasance by the City (as further set forth herein), the Fiscal Officer is authorized to take any and all appropriate action for the order and purchase, at the appropriate time, of U.S. government obligations (“Escrow Securities”) for the credit of such escrow fund(s) and if necessary, to execute one or more escrow agreements with the Trustee for the refunding and/or cash defeasance of the Refunded/Defeased Prior Bonds. Such Escrow Securities may be in the form or forms recommended in writing by the Financial Advisor and approved by Dinsmore & Shohl LLP.

The Financial Advisor (or a subsidiary or related entity of the Financial Advisor) is specifically authorized to act as the bidding agent or to procure on behalf of the City a bidding agent, to purchase Escrow Securities such as open market treasuries and similar defeasance obligations for the credit of the escrow fund(s) as provided in any escrow agreement, as may be necessary, in order to fund, in part, any escrow fund(s) in connection with the refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds. Any attorney with Dinsmore & Shohl LLP is specifically authorized to execute and file on behalf of the City any subscriptions for Escrow Securities in the form of United States Treasury Obligations, State and Local Government Series, as may be necessary, in order to fund, in part, any escrow fund(s) in connection with the

refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds. In addition, the Fiscal Officer is authorized to employ a verification agent with respect to the refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds.

Section 16. Cash Defeasance. The Director of Finance shall make a determination as to any Prior Bonds to be cash defeased, based on the written advice of the Financial Advisor, which will enable the City to obtain net present value debt service savings with respect to such cash defeasance. Any such cash defeasance shall be effectuated by the deposit of monies available for such purpose, as cash and/or to be used to purchase Escrow Securities, into an escrow fund, as set forth in Section 15 above, in an amount sufficient to provide for all appurtenant principal and interest payments and all applicable redemption premiums, as the same shall become due thereon on the interest payment dates, maturity dates, or earlier redemption dates thereof, as further provided in an Escrow Agreement.

Section 17. Tender and Exchange Provisions with respect to any Refunded Prior Bonds. To the extent the refunding of any of the Refunded Prior Bonds using the redemption provisions of the Refunded Prior Bonds would be treated as a taxable advance refunding under the Code, or in the case of Refunded Prior Bonds that are taxable bonds, a refunding using the redemption provisions of the Refunded Prior Bonds (as applicable) would not be advantageous to the City, the City may utilize a tender and exchange of Series 2023A Bonds of the appropriate tax status for one or more of the Refunded Prior Bonds (a “Tender and Exchange”) as a means of refunding such Refunded Prior Bonds if such Tender and Exchange is advantageous to the City. The Director of Finance is authorized and directed to execute and deliver one or more documents used to make a tender offer for the Refunded Prior Bonds and the use thereof by any underwriter, dealer manager, or information agent is authorized and approved.

Section 18. Severability. Should it be judicially determined by a court having jurisdiction to pass upon the validity of the Bond Legislation, the Indenture or the Series 2023A Bonds, that any provision of the Bond Legislation is beyond the powers of the Legislative Authority or the City, or is otherwise invalid, then such decision shall in no way affect the validity of the Bond Legislation, the Indenture or the Series 2023A Bonds, or any related proceedings, except as to the particular matters found by such decision to be invalid.

Section 19. Appointment of Receiver. In the event that any litigation is commenced or pending in which the City is a party, involving the Utility, the operation of the same, the Revenues from the same, or wrongful performance or failure to perform any of the terms and conditions of this Bond Legislation, and there is at such time any default in the payment of any of the Series 2023A Bonds or interest thereon, any court having jurisdiction may appoint a receiver to administer and operate said Utility on behalf of the City, with full power to pay and to provide for the payment of the Series 2023A Bonds, and for the payment of the Operating and Maintenance Expenses, and to apply the Revenues to the payment of such Series 2023A Bonds and interest thereon in accordance with the provisions of this Bond Legislation.

The power of such receiver to provide for the payment of such Series 2023A Bonds shall not be construed as pledging the general credit of the City to the payment of said Series 2023A Bonds, or any part thereof or interest thereon. Such receiver shall have such power, under the direction of the court, as receivers in general equity cases.

Section 20. Open Meetings. The Legislative Authority finds and determines that all formal actions relative to the adoption of this Bond Legislation were taken in an open meeting of this Legislative Authority, and that all deliberations of this Legislative Authority and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Ohio Revised Code Section 121.22.

Section 21. Emergency. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is that the sale of the Bonds or Notes authorized herein may be required within thirty days of passage of this ordinance in order to take advantage of currently favorable interest rates.

Passed _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

June 7, 2023

202301592

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Refunding General Obligation Bond Issues**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING GENERAL OBLIGATION BONDS LISTED ON EXHIBIT A HERETO, AND PROVIDING FOR A REFUNDING SAVINGS THRESHOLD IN CONNECTION THEREWITH.

This ordinance allows for the option of refunding or defeasing bonds that have been previously issued. The purpose of refunding the bonds is to take advantage of lower interest rates or avoid additional costs that will result in savings to the City of Cincinnati.

The ordinance includes a threshold that the Finance Director will only move forward with the refunding, if the net present value of the resulting savings of any advance or current refunding is equal to at least three percent (3%) of the principal of the bonds. This savings requirement for a refunding may be waived by the Finance Director upon finding that such a restructuring is in the City's overall best financial interest. The ordinance includes possible candidates for refunding. Because the refunding is dependent upon interest rates, it will not be known which bonds will be refunded until closer to the date of sale. An emergency ordinance is necessary to take advantage of currently favorable interest rates.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO FOR THE PURPOSE OF PROVIDING FOR THE REFUNDING AND/OR THE CASH DEFEASANCE (WITH MONIES AVAILABLE FOR SUCH PURPOSE), OF ALL OR A PORTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING GENERAL OBLIGATION BONDS LISTED ON ATTACHMENT A; AND PROVIDING FOR A SAVINGS THRESHOLD IN CONNECTION THEREWITH.

WHEREAS, the City previously authorized and issued certain general obligation bonds, including, but not limited to, those listed on Attachment A, which were authorized and issued pursuant to the respective Ordinances and for the respective purposes set forth therein (collectively, the “Prior Bonds”); and

WHEREAS, the Director of Finance projects that, in the current interest rate climate, the refunding and/or cash defeasance of all or a portion of the outstanding Prior Bonds will result in interest cost savings to the City; and

WHEREAS, the Director of Finance, as fiscal officer of the City, at the time of the issuance of each series of the Prior Bonds, estimated that the life of the respective improvements financed with the proceeds of each series of the Prior Bonds was at least five years and provided certification as to the maximum maturity of each of the respective series of the Prior Bonds, which was at least five years (as further provided in the authorizing ordinance and related certifications in connection with each series of the Prior Bonds); and

WHEREAS, the maturity date of any refunding bonds will not exceed the weighted average remaining maximum maturity of any Prior Bonds to be refunded, to be set forth in the Fiscal Officer’s Certificate (as defined below) following the determination as to which, if any, of the Prior Bonds will be refunded; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

SECTION 1. That it is necessary to (a) issue bonds in the principal amount not to exceed \$200,000,000 and/or (b) provide for and authorize the cash defeasance, with monies available for such purpose, of all or a portion of the Prior Bonds (together the “Refunded/Defeased Prior Bonds”), which were originally issued to finance various improvements throughout the City, refund previously outstanding bonds of the City, and pay legal, advertising, printing and all expenses incidental to said improvements (as set forth in Attachment A).

This Council determines that the refunding and/or defeasance of the Refunded/Defeased Prior Bonds will be for a proper public and municipal purpose and in the best interests of the City.

SECTION 2. With respect to any Prior Bonds to be refunded (the “Refunded Prior Bonds”), that bonds be issued in the principal amount not to exceed \$200,000,000 for the purpose aforesaid. The bonds shall be designated “City of Cincinnati, Ohio Unlimited Tax Various Purpose General Obligation Refunding Bonds” (the “Series 2023B Bonds”) or as otherwise determined by the Director of Finance including the issuance of tax-exempt and/or taxable series of bonds as further provided in and set forth in the fiscal officer's certificate (the “Fiscal Officer's Certificate”). The final principal amount of the Series 2023B Bonds shall be established by the Director of Finance, provided that the Director of Finance has received written certification from Davenport & Company LLC, (the “Financial Advisor”) that the Refunding Savings Threshold (as defined below) has been met. “Refunding Savings Threshold” means, as a result of the refunding of the Refunded Prior Bonds with proceeds of the Series 2023B Bonds, an aggregate reduction in the debt service with respect to such Refunded Prior Bonds which has a present value at the time of sale of the Series 2023B Bonds equal to at least three percent of the refunded par amount of the Refunded Prior Bonds. Said Series 2023B Bonds shall be dated the date of delivery, be in the denomination of \$5,000 each, or any integral multiple thereof, designated as provided in the Fiscal Officer's Certificate, and numbered sequentially, and shall bear interest at the rate or rates not in excess of six percent per year, payable December 1, 2024, and semiannually thereafter on June 1 and December 1 of each year until the principal sum is paid, all as determined by the Director of Finance and set forth in the Fiscal Officer's Certificate to be executed by the Director of Finance. Provided, however, that if said Series 2023B Bonds are sold bearing a different rate or rates of interest from that hereinbefore specified, said Series 2023B Bonds shall bear such rate or rates of interest as may be accepted by the Director of Finance. Said Series 2023B Bonds shall mature or be subject to mandatory sinking fund redemption on December 1 or such other date of each year, at such times and in such amounts, all as determined by the Director of Finance, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action by this Council of the City of Cincinnati, State of Ohio (the “Council”). The Director of Finance will determine whether the Series 2023B Bonds are callable (and associated call features) or non-callable at the time of financing, with such determination to be set forth in the Fiscal Officer's Certificate to be executed by the Director of Finance.

Notice of the call for redemption of said Series 2023B Bonds, specifying the numbers of the Series 2023B Bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent (as defined below) by registered or certified mail to the registered holders thereof, not less than thirty days nor more than sixty days prior to the date of redemption, upon which date all interest upon said Series 2023B Bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption, funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

The maturity date of the Series 2023B Bonds will not exceed the weighted average remaining maximum maturity of any Refunded Prior Bonds, to be set forth in the Fiscal Officer's Certificate, following the determination as to which, if any, of the Prior Bonds will be refunded.

SECTION 3. That said Series 2023B Bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, Chapter 303 of the Cincinnati Municipal Code, and Chapter 133 of the Ohio Revised Code. The Series 2023B Bonds shall bear the facsimile signature of the Mayor and the facsimile signature of the Director of Finance, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, National Association (herein the “Bond Registrar and Paying Agent”), Cincinnati, Ohio, which is hereby designated to act as bond registrar, transfer agent and paying agent with respect to the Series 2023B Bonds. The Series 2023B Bonds shall also bear the corporate seal of the City or a facsimile thereof. The Series 2023B Bonds shall be issued in fully registered form. The Series 2023B Bonds shall be payable as to principal upon the presentment and surrender for cancellation of the Series 2023B Bonds, in lawful money of the United States of America at the Bond Registrar and Paying Agent, and the interest thereon shall be paid by the Bond Registrar and Paying Agent on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

SECTION 4. That for the purpose of providing the necessary funds to pay the interest on the foregoing issue of Series 2023B Bonds promptly when and as the same falls due, and also to provide for the discharge of said Series 2023B Bonds at maturity and for the payment of mandatory sinking fund redemptions, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period said Series 2023B Bonds are outstanding, outside of the limitations imposed by Article XII, Section 2, of the Constitution of Ohio and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said Series 2023B Bonds at maturity and to pay mandatory sinking fund redemptions, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said Series 2023B Bonds when and as the same fall due; provided, however, that to the extent that funds from other sources are available and considered appropriated for such purpose, such tax need not be levied.

With respect to certain of the Series 2023B Bonds, in addition to the tax pledge contained above, this Council, for the City, covenants to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect such municipal income taxes in, amounts necessary to meet debt service charges on the Series 2023B Bonds.

With respect to a portion of the Series 2023B Bonds, the City may covenant to annually appropriate Revenues, as defined and provided in the various ordinances identified below, as all such taxes and revenues, other than ad valorem property taxes, in amounts necessary to meet debt service charges on the Series 2023B Bonds.

SECTION 5. That said Series 2023B Bonds shall be first offered to the City Treasurer as the officer in charge of the Bond Retirement Fund of said City, and if not taken by the City Treasurer, may be offered to the Treasury Investment Account for purchase, and, if not offered to or taken by such account, the Director of Finance is authorized to award and sell the Series 2023B Bonds at public or private sale, in their sound discretion without further action by this Council, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the Series 2023B Bonds from their dates to the date of delivery and payment. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the Series 2023B Bonds to, and payment therefore by, the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement (including the certificate of award) for the Series 2023B Bonds without further action by this Council. The Director of Finance is expressly authorized to execute a purchase agreement for the Series 2023B Bonds provided that the true interest cost for the Series 2023B Bonds shall not exceed six percent per year.

The Director of Finance, at the Director's discretion, is authorized to waive the requirements of Section 303-7 of the Municipal Code and to direct the sale of the Series 2023B Bonds in whatever manner they deem appropriate.

SECTION 6. That the City Manager and the Director of Finance are each separately authorized to execute and deliver a preliminary official statement and a final official statement on behalf of the City and authorized and directed to offer the bonds for sale and to execute and deliver a final official statement no later than seven business days from the date of sale of the bonds, with such changes therein from the preliminary official statement as shall be necessary to reflect any material change in the condition of the City from that set forth in the preliminary official statement; and that the preliminary and final official statement with respect to the bonds, and the distribution thereof on behalf of the City and furnished to the original purchaser(s) of the bonds for distribution to prospective purchasers of the bonds, are hereby approved and ratified in all respects. In addition, the City Manager and the Director of Finance are each separately authorized to (i) apply for a rating on the Series 2023B Bonds from one or more nationally recognized bond rating agencies; (ii) apply for and, if they deem it in the City's best interest, to purchase a policy of bond insurance from a company whose insurance of the issue will result in the bonds' receiving the highest rating from one or more nationally recognized bond rating agencies; and (iii) execute on a continuing disclosure certificate, in such form and containing such terms, covenants and conditions not inconsistent herewith, and to take such other actions as may be necessary to comply with the requirements of Securities and Exchange Commission Rule 15c2-12, as amended from time to time.

SECTION 7. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code, the Series 2023B Bonds may be consolidated into a single issue with other bonds or notes which have been authorized by this Council as determined by the Director of Finance.

The Series 2023B Bonds shall be issued in such designations, series, and shall have maturities or principal payments, as are consistent with the aggregate of the series, periodic maturities or principal payments of the separate issues of bonds as set forth in the respective bond ordinances and as provided in the bond purchase agreement to be entered into by and between the

City and an underwriter as determined by the Director of Finance as further provided in a certificate of award executed by the Director of Finance.

SECTION 8. That the Council determines to issue the bonds in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

So long as the bonds are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(a) *Definitions.*

“Beneficial Owner” means the person in whose name a Bond is recorded as the beneficial owner of such Bond by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying Agent and Registrar, as defined in the Bond Ordinances, to DTC with respect to the bonds, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any Bond registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(b) *Book Entry Bonds.*

(i) Except as provided herein, the registered owner of all of the bonds shall be DTC and the bonds shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the

provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds. Upon initial issuance, the ownership of such bonds shall be registered in the City's bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds, selecting the bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to Bondholders under this Ordinance, registering the transfer of bonds, obtaining any consent or other action to be taken by Bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, with respect to the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds; any notice which is permitted or required to be given to Bondholders under this Ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds; or any consent given or other action taken by DTC as Bondholder. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the bonds only to or "upon the order of" DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of, and premium, if any, and interest on the bonds to the extent of the sum or sums so paid. Except as otherwise provided herein, no person other than DTC shall receive an authenticated Bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this Ordinance with respect to transfers of bonds, the word "CEDE & Co" in this Ordinance shall refer to such new nominee of DTC.

(c) *Delivery of Bond Certificates.* In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants of the availability through DTC of Bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City's expense, Bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving notice to

the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver Bond certificates as described in this Ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event Bond certificates are issued, the provisions of this Ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds to any DTC Participant having bonds credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

SECTION 9. That this Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of the tax-exempt portion of the Series 2023B Bonds authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute “arbitrage bonds” under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the Series 2023B Bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Series 2023B Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These Series 2023B Bonds are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

SECTION 10. That with respect to the funding of any escrow fund(s) necessary or appropriate in connection with any refunding of Prior Bonds with the proceeds of the Series 2023B Bonds, or any cash defeasance by the City (as further set forth herein) of Prior Bonds, the Director of Finance is authorized to take any and all appropriate action for the acquisition, at the appropriate time, of U.S. government obligations (“Escrow Securities”) for the credit of such escrow fund(s) and if necessary, to execute one or more escrow agreements (each an “Escrow Agreement”) with U.S. Bank Trust Company, National Association, in its capacity as escrow agent, for the refunding and/or cash defeasance of the Refunded/Defeased Prior Bonds. Such Escrow Securities may be in the form or forms recommended in writing by the Financial Advisor to the City and approved by Dinsmore & Shohl LLP, or other nationally recognized bond counsel. The Financial Advisor is specifically authorized to act as the bidding agent or to procure on behalf of the City a bidding agent, to purchase Escrow Securities such as open market treasuries and similar defeasance obligations for the credit of the escrow fund(s) as provided in any escrow agreement, as may be necessary, in order to fund, in part, any escrow fund(s) in connection with the refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds. Any attorney with Dinsmore & Shohl LLP, or other nationally recognized bond counsel, is specifically authorized to execute and file on behalf of the City any subscriptions for Escrow Securities in the form of United States Treasury

Obligations, State and Local Government Series, as may be necessary, in order to fund, in part, any escrow fund(s) in connection with the refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds. In addition, the Fiscal Officer is authorized to employ a verification agent with respect to the refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds.

SECTION 11. The Director of Finance shall make a determination as to any Prior Bonds to be cash defeased (the “Defeased Prior Bonds”), based on the written advice of the Financial Advisor, which will enable the City to obtain net present value debt service savings with respect to such cash defeasance. Any such cash defeasance shall be effectuated by the deposit of monies available for such purpose, as cash and/or to be used to purchase Escrow Securities, into an escrow fund, as set forth in Section 10 above, in an amount sufficient to provide for all appurtenant principal and interest payments and all applicable redemption premiums, as the same shall become due thereon on the interest payment dates, maturity dates, or earlier redemption dates thereof, as further provided in an Escrow Agreement.

SECTION 12. To the extent the refunding of any of the Refunded Prior Bonds using the redemption provisions of the Refunded Prior Bonds would be treated as a taxable advance refunding under the Code, or in the case of Refunded Prior Bonds that are taxable bonds, a refunding using the redemption provisions of the Refunded Prior Bonds (as applicable) would not be advantageous to the City, the City may utilize a tender and exchange of Series 2023B Bonds of the appropriate tax status for one or more of the Refunded Prior Bonds (a “Tender and Exchange”) as a means of refunding such Refunded Prior Bonds if such Tender and Exchange is advantageous to the City. The Director of Finance is authorized and directed to execute and deliver one or more documents used to make a tender offer for the Refunded Prior Bonds and the use thereof by any underwriter, dealer manager, or information agent is authorized and approved.

SECTION 13. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 14. The Director of Finance is authorized and directed to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law.

[Remainder of page intentionally left blank]

SECTION 15. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is that the sale of the Series 2023B Bonds or notes authorized herein may be required within thirty days of passage of the ordinance in order to take advantage of currently favorable interest rates.

Passed _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

THE PRIOR BONDS

Pursuant to the foregoing Ordinance, all or a portion of the outstanding general obligation bonds of the City, including, but not limited to, the outstanding general obligation bonds listed below (collectively, the “Prior Bonds”), may be (a) refunded with a portion of the proceeds of the City’s Series 2023B Bonds and/or (b) cash defeased with monies available for such purpose.

1. *Bond Issue:* \$10,000,000 Unlimited Tax Various Purpose General Obligation Bonds, Series 2012B (Additional Municipal Income Tax Pledge), dated June 7, 2012

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0022-2012

(B) *Purpose:* (i) Financing various improvements throughout the City, including, but not limited to, street improvements; and (ii) paying legal, advertising, printing and all expenses incidental to said improvements.

(C) *Outstanding Balance as of May 31, 2023:* \$320,000

2. *Bond Issue:* \$13,165,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2012C, dated June 7, 2012

(A) *Authorizing Ordinance(s):* Ordinance No. 0142-2012

(B) *Purpose:* (i) Refunding a portion of the City’s Unlimited Tax Various Purpose General Obligation Bonds, Series 2004A, dated May 6, 2004, originally issued in the principal amount of \$44,365,000; and (ii) paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$20,000

3. *Bond Issue:* \$22,210,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2012F, dated December 20, 2012

(A) *Authorizing Ordinance(s):* Ordinance No. 0142-2012

(B) *Purpose:* (i) Refunding a portion of the City’s Unlimited Tax Various Purpose General Obligation Bonds, Series 2005B (Additional Municipal Income Tax Pledge), dated June 1, 2005, originally issued in the principal amount of \$5,200,000; (ii) and paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$515,000

4. *Bond Issue:* \$116,595,000 Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2014A, dated April 30, 2014

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0495-2012, 0186-2013, and 0055-2014

(B) *Purpose:* Financing (i) various improvements throughout the City, including, but not limited to street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways, purchasing and/or installing street lights and equipment and boulevard or white way lights, and providing funding for the Cincinnati streetcar system; (ii) financing public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures; (iii) financing various improvements associated with Madisonville Tax Increment District #19 including acquiring, assembling, and demolishing blighted structures on Madison Road in connection with the redevelopment and improvement of the Madisonville Business District; paying a portion of the City's share of the costs associated with the development and construction of a new Martin Luther King, Jr./I-71 Interchange, in collaboration with the Ohio Department of Transportation and the Ohio-Kentucky-Indiana Regional Council of Governments; (iv) Refunding (a) the entire remaining outstanding principal amount of \$8,300,000 of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2010C (Federally Taxable – Recovery Zone Economic Development Bonds – Direct Payment to the City), dated July 29, 2010 originally issued in the principal amount of \$8,300,000; (b) the entire remaining outstanding principal amount of \$9,500,000 of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2010D (Federally Taxable – Build America Bonds – Direct Payment to the City), dated July 29, 2010 originally issued in the principal amount of \$9,500,000; and (c) the entire remaining outstanding principal amount of \$6,430,000 of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2010E (Additional Municipal Income Tax Pledge) (Federally Taxable – Build America Bonds – Direct Payment to the City), dated July 29, 2010 originally issued in the principal amount of \$6,430,000; and (vii) paying legal, advertising, printing and all expenses incidental to said improvements.

(C) *Outstanding Balance as of May 31, 2023:* \$225,000

5. *Bond Issue:* \$122,530,000 Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2015A, dated August 20, 2015

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0125-2014, 0127-2014, 0015-2015, 0309-2013, 0009-2014, 0160-2015, 0290-2014, 0297-2015, and 0159-2015

(B) *Purpose:* (i) Financing various improvements throughout the City, including, but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) (various improvements associated with paying a portion of the City's share of the costs associated with the construction of a new parking garage in the Corryville Neighborhood Business District of Cincinnati, such bonds designated as Economic Development Revenue Bonds (VP3 Parking Garage); (ii) acquiring, installing and servicing energy cost-savings equipment and energy management building improvements for the purpose of achieving energy cost reductions and cost savings within various public buildings; (iii) acquiring, installing and servicing energy cost-savings equipment and energy management building improvements for the purpose of achieving energy cost reductions and cost savings at the Duke Energy Convention Center; (iv) reimbursing the City for monies previously spent for improvements including, certain urban redevelopment activities associated with the Streetcar Project; (v) refunding various outstanding general obligation bonds of the City; and (vi) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$17,900,000

6. *Bond Issue:* \$3,450,000 Unlimited Tax Energy Conservation General Obligation Bonds, Series 2015B (Federally Taxable - Qualified Energy Conservation Bond – Direct Payment to the Issuer), dated August 20, 2015

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0009-2014, as amended by Ordinance Number 0160-2015 and 0297-2015

(B) *Purpose:* (i) Acquiring, installing and servicing energy cost-savings equipment and energy management building improvements for the purpose of achieving energy cost reductions and cost savings within various public buildings; and (ii) paying legal, advertising, printing and all expenses incidental to said improvements.

(C) *Outstanding Balance as of May 31, 2022:* \$3,450,000

7. *Bond Issue:* \$14,690,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2015C (Federally Taxable), dated August 20, 2015

(A) *Authorizing Ordinance(s):* Ordinance No. 0159-2015

(B) *Purpose:* (i) Refunding (a) the entire outstanding amount of \$4,615,000 of the remaining outstanding principal amount of the City's Unlimited Tax Economic Development Bonds, Series 2004B, (Seventh and Broadway

Project) (Taxable) dated May 6, 2004, originally issued in the principal amount of \$9,260,000 and (b) a portion in the amount of \$1,930,000 of the remaining outstanding principal amount of the City's Unlimited Tax Economic Development General Obligation Bonds, Series 2006C (Towne/Adams Village A Urban Renewal Project) (Taxable), dated June 8, 2006, originally issued in the principal amount of \$2,750,000 and (ii) paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$1,605,000

8. *Bond Issue:* \$35,505,000 Unlimited Tax General Obligation Judgment Bonds, Series 2015D (Federally Taxable), dated December 22, 2015

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0157-2015 and 0350-2015

(B) *Purpose:* (i) Financing a payment under a settlement with the Board of Education of the Cincinnati City School District related to litigation challenging the tax-exempt status of the City's convention center, and financing a payment under a settlement related to the Cincinnati Retirement System referred to as the Cincinnati Pension Collaborative; and (ii) paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$3,465,000

9. *Bond Issue:* \$95,770,000 Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2016A, dated February 4, 2016

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0230-2015 as amended by 0004-2016, 0208-2015, and 0366-2015

(B) *Purpose:* (i) Financing various improvements throughout the City, including, but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) park improvements including acquiring real estate or interests in same, for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate and also rehabilitating existing parks, parkways, playgrounds and recreation centers specifically the renovation and expansion of Ziegler Park, including renovating and expanding a children's playground, upgrading existing green space, and construction of a comfort station and (d) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (c); (ii) refunding (1) a portion in the amount of \$13,075,000 of the

remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2009A, dated July 22, 2009, originally issued in the principal amount of \$39,250,000, (2) a portion in the amount of \$11,770,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2009B (Additional Municipal Income Tax Pledge), dated July 22, 2009, originally issued in the principal amount of \$25,000,000, (3) a portion in the amount of \$16,860,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2011A, dated June 30, 2011, originally issued in the principal amount of \$34,000,000, (4) a portion in the amount of \$23,750,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2012A, dated June 7, 2012, originally issued in the principal amount of \$46,155,000; and (iii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$58,585,000

10. *Bond Issue:* \$3,555,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2016B (Federally Taxable), dated February 4, 2016

(A) *Authorizing Ordinance(s):* Ordinance No. 0019-2016

(B) *Purpose:* (i) Refunding a portion in the amount of \$3,035,000 of the remaining outstanding principal amount of the City's Unlimited Tax Urban Development Improvement General Obligation Refunding Bonds, Series 2009C, dated October 27, 2009, originally issued in the principal amount of \$5,080,000; and (ii) paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$2,140,000

11. *Bond Issue:* \$54,915,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2016C, dated October 31, 2016

(A) *Authorizing Ordinance(s):* Ordinance No. 0231-2015 as amended by 0192-2016, 0183-2016, 0184-2016, 0215-2015, 0189-2016, 0301-2015, 0194-2016, 0203-2016, 0204-2016, and 0197-2016

(B) *Purpose:* (i) Financing various improvements throughout the City, including, but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) reimbursing the City for monies previously spent for improvements including, certain urban

redevelopment activities associated with the Streetcar Project, (d) paying the costs and expense of the 4th and Race Street Garage, which will include, among other things, the construction of a new parking garage in the downtown area, (e) providing funds to make improvements to Collegevue Place in College Hill neighborhood by constructing an extension thereto and a new street intersecting said extension together with curbs, water mains, storm and sanitary sewers, and other related improvements, (f) providing funds to pay the cost of constructing and acquiring improvements to the stormwater system within the City, by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, (g) providing funds to acquire real estate or interest in same, for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate and also rehabilitating existing parks, parkways, playgrounds and recreation centers, specifically to design and construct a shared-use path for bicycles and pedestrians running east-west from Avondale through Norwood near Xavier University to connect with the Little Miami Bike Trail in Newtown, commonly known as the Wasson Way Trail, (h) providing funds to create public improvements at the intersection of Harrison, Urwiler, Epworth, Montana Avenues which costs may include acquisition, demolition, remediation, site preparation, streetscape, creation of community gathering space, landscaping and pedestrian and road improvements, commonly known as the Westwood Square Improvements Project, (i) providing funds to acquire real estate from National Church Residences (including the acquisition of certain property located at 3584 Alaska Avenue) for future development of permanent housing, commonly known as the Alaska Commons Project, which costs may include additional acquisition, demolition, remediation, site preparation, infrastructure and other public improvements in the Avondale neighborhood, and (j) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (i) above; and (ii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$36,780,000

12. *Bond Issue:* \$11,665,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2016D (Federally Taxable), dated October 31, 2016

(A) *Authorizing Ordinance(s):* Ordinance No. 0207-2016

(B) *Purpose:* (i) Refunding (a) a portion in the amount of \$2,950,000 of the remaining outstanding principal amount of the City's Unlimited Tax Economic Development General Obligation Bonds, Series 2010F (Seventh and Broadway Garage Expansion Project) (Federally Taxable) dated July 29, 2010, originally issued in the principal amount of \$5,000,000 and (b) a portion in the amount of \$4,200,000 of the remaining outstanding principal amount of the City's Unlimited Tax Economic Development General Obligation Bonds, Series 2011C (The Banks Project) (Federally Taxable) dated June 30, 2011, originally issued in the principal

amount of \$7,000,000; and (ii) paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023: \$5,670,000*

13. *Bond Issue: \$82,200,000 Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2017A, dated December 27, 2017*

(A) *Authorizing Ordinance(s): Ordinance Nos. 0019-2016, 0207-2016, 0155-2017, 0156-2017, 0157-2017, 0158-2017, 0159-2017 and 0165-2017*

(B) *Purpose: (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, (d) providing funds to pay the cost of constructing and acquiring improvements to the stormwater system within the City, by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, and (e) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (d); (ii) refunding (1) a portion in the amount of \$1,400,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2011B (Additional Municipal Income Tax Pledge), dated June 30, 2011, originally issued in the principal amount of \$6,000,000, (2) a portion in the amount of \$6,720,000 of the remaining outstanding principal amount of the City's Unlimited Tax Urban Redevelopment Improvement General Obligation Bonds, Series 2012D, dated December 20, 2012, originally issued in the principal amount of \$28,000,000, and (3) a portion in the amount \$52,940,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2014A, dated April 30, 2014, originally issued in the principal amount of \$116,595,000; and (iii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.*

(C) *Outstanding Balance as of May 31, 2023: \$71,340,000*

14. *Bond Issue:* \$705,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2017B (Federally Taxable), dated December 27, 2017

(A) *Authorizing Ordinance(s):* Ordinance No. 0207-2016

(B) *Purpose:* (i) Refunding, on a taxable basis, a portion in the amount of \$650,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2011D (Additional Municipal Income Tax Pledge) (Federally Taxable), dated June 30, 2011, originally issued in the principal amount of \$2,000,000; and (ii) paying legal, advertising, printing and all expenses incidental to said improvements.

(C) *Outstanding Balance as of May 31, 2023:* \$520,000

15. *Bond Issue:* \$35,900,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2018, dated November 29, 2018

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0173-2018, 0174-2018, 0175-2018, 0176-2018 and 0184-2018

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, (d) acquiring real estate or interest in same, for parks, parkways, playgrounds and recreation centers, and (e) constructing and acquiring improvements to the stormwater system within the City, which includes stormwater infrastructure improvements, stormwater infrastructure rehabilitation, pump station improvements, system development, local flood protection infrastructure improvements, stormwater equipment, and Barrier Dam improvements; by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, (f) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (e); and (ii) paying legal, advertising, printing and all expenses incidental to said improvements.

(C) *Outstanding Balance as of May 31, 2023:* \$24,020,000

16. *Bond Issue:* \$99,905,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2019, dated December 20, 2019.

(A) Authorizing Ordinance(s): Ordinance Nos. 0126-2019, 0223-2019, 0224-2019, 0226-2019, 0227-2019, 0235-2019, and 0457-2019

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) design, inspection, repair, rehabilitation, and replacement of retaining walls and appurtenances thereto, and providing funding for the design, construction, traffic mitigation, and engineering necessary to stabilize the hillside affecting Columbia Parkway, including labor, materials, tools, devices, and technology needed to plan, design, acquire easements, build, inspect, monitor, and maintain such hillside stabilization systems, (c) public building improvements acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (d) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, and (e) constructing and acquiring improvements to the stormwater system within the City, which includes stormwater infrastructure improvements, stormwater infrastructure rehabilitation, pump station improvements, system development, local flood protection infrastructure improvements, stormwater equipment, and Barrier Dam improvements; by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, (f) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (e); (ii) refunding of certain outstanding general obligation bond anticipation notes of the City issued in connection with the City's Capital Acceleration Plan; and (iii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$79,530,000

17. *Bond Issue:* \$79,000,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2020A (Federally Taxable), dated March 19, 2020.

(A) Authorizing Ordinance(s): Ordinance No. 0059-2020

(B) *Purpose:* (i) refunding (1) a portion in the amount of \$3,515,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2012B (Additional Municipal Income Tax Pledge) dated June 7, 2012 and originally issued in the principal amount of \$10,000,000, (2) a portion in the amount of \$10,080,000 of the remaining

outstanding principal amount of the City's Unlimited Tax Urban Redevelopment Improvement General Obligation Bonds, Series 2012D dated December 20, 2012 and originally issued in the principal amount of \$28,000,000, (3) a portion in the amount of \$695,000 of the remaining outstanding principal amount of the City's Unlimited Tax Public Buildings Improvement General Obligation Bonds, Series 2014B dated April 30, 2014 and originally issued in the principal amount of \$2,045,000, and (4) a portion in the amount of \$51,295,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2015A dated August 20, 2015 and originally issued in the principal amount of \$122,530,000; and (ii) and paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$74,580,000

18. *Bond Issue:* \$34,410,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2020B, dated October 29, 2020

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0019-2020, 0212-2020, 0216-2020, 0217-2020, and 0218-2020

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, and (d) constructing and acquiring improvements to the stormwater system within the City, which includes stormwater infrastructure improvements, stormwater infrastructure rehabilitation, pump station improvements, system development, local flood protection infrastructure improvements, stormwater equipment, and Barrier Dam improvements; by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, (f) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (e); and (ii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$28,370,000

19. *Bond Issue:* \$30,055,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2020C (Federally Taxable), dated October 29, 2020

(A) *Authorizing Ordinance(s):* Ordinance No. 0219-2020

(B) *Purpose:* (i) refunding a portion in the amount of \$24,925,000 of the remaining outstanding principal amount of the City's Unlimited Tax General Obligation Judgment Bonds, Series 2015D (Federally Taxable) dated December 22, 2015 and originally issued in the principal amount of \$35,505,000; and (ii) and paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$29,325,000

20. *Bond Issue:* \$60,635,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2021A, dated November 9, 2021

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0176-2021, 0249-2021, 0250-2021, 0251-2021, 0252-2021, and 0260-2021

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, and (d) constructing and acquiring improvements to the stormwater system within the City, which includes stormwater infrastructure improvements, stormwater infrastructure rehabilitation, pump station improvements, system development, local flood protection infrastructure improvements, stormwater equipment, and Barrier Dam improvements; by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, (e) real estate or interest in same, for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate and also rehabilitating existing parks, parkways, playgrounds and recreation centers, (f) paying a negotiated and court approved settlement of *Ron Plush v. City of Cincinnati*, Hamilton County Common Pleas Case Number A1903752, (g) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (f); and (ii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$54,455,000

21. *Bond Issue:* \$11,900,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2021B, dated November 9, 2021

(A) *Authorizing Ordinance(s):* Ordinance No. 0258-2021

(B) *Purpose:* (i) refunding (1) a portion in the amount of \$2,500,000 of the remaining outstanding principal amount of the City's Unlimited Tax Urban Redevelopment General Obligation Bonds, Series 2012E Bonds (Streetcar System) dated December 20, 2012 and originally issued in the principal amount of \$5,000,000, (2) a portion in the amount of \$8,170,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2016A dated February 4, 2016 and originally issued in the principal amount of \$95,770,000; and (ii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$11,590,000

22. *Bond Issue:* \$22,800,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2022A, dated November 9, 2021

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0019-2020, 0099-2022, 0197-2022, 0204-2022, and 0205-2022

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, (d) to pay the cost and expense of energy conservation measures and (e) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (d); and (ii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$22,800,000

June 7, 2023

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Refunding Economic Development Bond Issues**

202301593

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$70,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING ECONOMIC DEVELOPMENT BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING ECONOMIC DEVELOPMENT BONDS LISTED ON EXHIBIT A HERETO, AND PROVIDING FOR A REFUNDING SAVINGS THRESHOLD IN CONNECTION THEREWITH.

This ordinance allows for the option of refunding bonds that have been previously issued. The purpose of refunding the bonds is to take advantage of lower interest rates that will result in savings to the City of Cincinnati.

The ordinance includes a threshold that the Finance Director will only move forward with the refunding, if the net present value of the resulting savings of any advance or current refunding is equal to at least three percent (3%) of the principal of the bonds. This savings requirement for a refunding may be waived by the Finance Director upon finding that such a restructuring is in the City's overall best financial interest. The ordinance includes possible candidates for refunding. Because the refunding is dependent upon interest rates, it will not be known which bonds will be refunded until closer to the date of sale. An emergency ordinance is necessary to take advantage of currently favorable interest rates.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$70,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING ECONOMIC DEVELOPMENT BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING ECONOMIC DEVELOPMENT BONDS LISTED ON ATTACHMENT A AND PROVIDING FOR A REFUNDING SAVINGS THRESHOLD IN CONNECTION THEREWITH.

WHEREAS, the City of Cincinnati, Ohio, previously authorized and issued certain economic development bonds, including, but not limited to, those listed on Attachment A, which were authorized and issued pursuant to the respective ordinances and for the respective purposes set forth therein (collectively, the “Prior Bonds”); and

WHEREAS, the Director of Finance projects that, in the current interest rate climate, the refunding of all or a portion of the outstanding Prior Bonds will result in interest cost savings to the City; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio, (the “City”) in the principal amount of not to exceed \$70,000,000 for the purpose of refunding all or a portion of the certain previously authorized and issued economic development bonds of the City, including, but not limited to, those listed on Attachment A (collectively, the “Prior Bonds” with any refunded portion of such Prior Bonds referred to herein as the “Refunded Prior Bonds”), which were originally issued to pay the cost and expense of various improvements throughout the City; and paying legal, advertising, printing and all expenses incidental to said improvements.

Section 2. That bonds of the City be issued in the principal amount not to exceed \$70,000,000 for the purpose aforesaid, in one or more series, to be designated “City of Cincinnati, Ohio Economic Development Revenue Refunding Bonds, Series 2023 (Project Name)” (the “Series 2023 Bonds”) or such other series designation and project name as provided in the Fiscal Officer’s Certificate (as defined below) for the purpose of refunding of all or a portion of the outstanding Prior Bonds, or as otherwise designated in the Fiscal Officer’s Certificate to be executed by the Director of Finance (the “Fiscal Officer’s Certificate”). The Director of Finance shall establish the final aggregate principal amount of the Series 2023 Bonds and the final principal amount for each subseries, in the Fiscal Officer’s Certificate, provided that the Director of Finance has received written certification from Davenport & Company LLC, or financial advisor engaged by the City for the purpose of making such determination (the “Financial Advisor”) that the Refunding Savings Threshold has been met. “Refunding Savings Threshold” means, as a result of

the current or advance refunding of the Refunded Prior Bonds with proceeds of the Series 2023 Bonds, an aggregate reduction in the debt service with respect to such Refunded Prior Bonds which has a present value at the time of sale of the Series 2023 Bonds equal to at least three percent of the existing aggregate debt service of the Refunded Prior Bonds. Said Series 2023 Bonds shall be dated the date of delivery, in the denomination of \$5,000 each, or any integral multiple thereof, or as otherwise provided in the Fiscal Officer's Certificate in order comply with applicable securities laws, and shall bear interest at the rate or rates not in excess of six percent per annum, payable on the dates as determined by the Director of Finance and set forth in the Fiscal Officer's Certificate. Said Series 2023 Bonds shall mature or be subject to mandatory sinking fund redemption on November 1 or such other date of each year, at such times and in such amounts, all as determined by the Director of Finance, without further action by this Council, and set forth in the Fiscal Officer's Certificate. The Director of Finance will determine whether the Series 2023 Bonds are able to be redeemed prior to maturity (and associated redemption features) at the time of financing, with such determination to be set forth in the Fiscal Officer's Certificate.

Section 3. The Series 2023 Bonds shall bear the signature of the Mayor and the signature of the Director of Finance, provided that one or both of such signatures may be a facsimile, and shall bear the manual authenticating signature of an authorized representative of The Bank of New York Mellon Trust Company, N.A., Cincinnati, Ohio, which is designated to act as trustee, bond registrar, transfer agent and paying agent (the "Trustee") with respect to the Series 2023 Bonds. The Series 2023 Bonds shall also bear the corporate seal of the City or a facsimile thereof. The Series 2023 Bonds shall be issued in fully registered form. The Series 2023 Bonds shall be payable as to principal, upon the presentment and surrender for cancellation of the Series 2023 Bonds (with respect only to their respective final maturities if determined pursuant to the Fiscal Officer's Certificate), in lawful money of the United States of America at the designated corporate trust office of the Trustee, and the interest thereon shall be paid by the Trustee on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by wire transfer or check or draft mailed to such registered holder at the address as it appears on such registration records.

Section 4. The City Manager and the Director of Finance are each authorized to execute, acknowledge and deliver, on behalf of the City of Cincinnati, to the Trustee, the Twentieth Supplemental Trust Agreement (the "Twentieth Supplement") or any additional supplements to secure the Series 2023 Bonds. The City Manager and the Director of Finance are each further authorized to make any changes in the final Twentieth Supplement or any additional supplements consistent with this ordinance, which are in their opinion necessary or appropriate and in the best interests of the City.

This ordinance shall constitute a part of the Twentieth Supplement or any additional supplements as therein provided and for all purposes of the Twentieth Supplement or any additional supplements, including, without limitation, application to this ordinance of the provisions in the Twentieth Supplement or any additional supplements relating to amendment, modification and supplementation, and provisions for severability.

Section 5. The Series 2023 Bonds shall be secured by a pledge of the revenues and the special funds that secure the Prior Bonds pursuant to the Trust Agreement dated as of May 1, 1996, by and between the City and the Trustee as successor trustee, (the "Original Trust Agreement"),

as amended and supplemented. The Series 2023 Bonds shall be paid solely from such revenues and the special funds that secure the Prior Bonds pursuant to the Original Trust Agreement, as amended and supplemented. Notwithstanding anything in this ordinance, the Series 2023 Bonds or the Original Trust Agreement, as amended and supplemented, to the contrary, neither this ordinance, the Series 2023 Bonds, nor the Original Trust Agreement, as amended and supplemented, shall constitute a debt or a pledge of the faith, general credit, taxing power, or general funds of the City, and the Series 2023 Bonds shall contain on the face thereof a statement to the effect that the Series 2023 Bonds are not general obligations of the City but are payable solely from the aforesaid sources pledged to their payment; provided, however, that nothing herein shall be deemed to prohibit the City, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of this ordinance, the Series 2023 Bonds or the Original Trust Agreement, as amended and supplemented. The Series 2023 Bonds are being issued under authority of this ordinance, Article VIII, Sections 13 and 16 of the Constitution of the State of Ohio, and Chapter 133 of the Revised Code.

Section 6. The Director of Finance is authorized to award and sell the Series 2023 Bonds at public or private sale, at such price as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the Series 2023 Bonds from their dates to the date of delivery and payment and to set forth such terms in the Fiscal Officer's Certificate and to execute and deliver the same in his or her sound discretion, without further action by this Council. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the Series 2023 Bonds and payment therefor by the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement for the Series 2023 Bonds without further action by this Council. In addition, the Director of Finance is authorized to take such other actions as may be necessary to comply with the requirements of Securities and Exchange Commission Rule 15c2-12, as amended from time to time.

Section 7. The proceeds received by the City from the sale of the Series 2023 Bonds shall be allocated, and are appropriated, in the amounts, and to the funds set forth in the Original Trust Agreement, as amended and supplemented by the Twentieth Supplement or any additional supplements.

Section 8. The City Manager and the Director of Finance are authorized to make provision in the Twentieth Supplement or any additional supplements securing the Series 2023 Bonds for: the application of the Revenues; creation of such funds including a debt service reserve fund as are necessary or appropriate; investment of moneys in such funds; use of such funds; recordkeeping; such covenants of the City as are necessary or appropriate; and such other matters as are customary or appropriate to be contained in the Supplement or any additional supplements.

Section 9. The City Manager and the Director of Finance are each separately authorized to execute and deliver a preliminary official statement and a final official statement on behalf of the City and directed to offer the bonds for sale and to execute and deliver a final official statement no later than seven business days from the date of sale of the bonds, with such changes therein from the preliminary official statement as shall be necessary to reflect any material change in the condition of the City from that set forth in the preliminary official statement; and that the

preliminary and final official statement with respect to the bonds, and the distribution thereof on behalf of the City and furnished to the original purchaser(s) of the bonds for distribution to prospective purchasers of the bonds, are approved and ratified in all respects.

The City Manager and the Director of Finance on behalf of the City and each of them are each separately authorized to furnish such information, to execute such instruments and to take such other actions in cooperation with the original purchasers of the Series 2023 Bonds as may be reasonably requested to qualify the Series 2023 Bonds for offer and sale under the Blue Sky or other securities laws and regulations and to determine their eligibility for investment under the laws and regulations of such states and other jurisdictions of the United States of America as may be designated by the original purchasers; provided however, that the City shall not be required to register as a dealer or broker in any such state or jurisdiction or become subject to the service of process in any jurisdiction in which the City is not now subject to such service.

In addition, the City Manager and the Director of Finance are each separately authorized to (i) apply for a rating on the Series 2023 Bonds from one or more nationally recognized bond rating agencies; (ii) apply for and, if they deem it in the City's best interest, to purchase a policy of bond insurance from a company whose insurance of the issue will result in the reduction of debt service payable on the Series 2023 Bonds in an amount the present value of which exceeds the cost of such policy; and (iii) execute on a continuing disclosure certificate, in such form and containing such terms, covenants and conditions not inconsistent herewith, and to take such other actions as may be necessary to comply with the requirements of Securities and Exchange Commission Rule 15c2-12, as amended from time to time.

Section 10. As to any Series 2023 Bonds which obligations the interest on which is excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), this Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of such Series 2023 Bonds in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Code. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Series 2023 Bonds is authorized to give an appropriate certificate on behalf of the City on the date of delivery of the Series 2023 Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

Section 11. The Council determines to issue the bonds in Book-Entry-Only form through The Depository Trust Company, New York, New York, or as otherwise described in the Fiscal Officer's Certificate, including in certificated form. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

To the extent and so long as the bonds are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(A) **Definitions.**

“Beneficial Owner” means the person in whose name a bond is recorded as the beneficial owner of such bond by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying Agent and Registrar, as defined in the bond ordinances, to DTC with respect to the bonds, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any bond registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(B) **Book Entry Bonds.** (i) Except as provided herein, the registered owner of all of the bonds shall be DTC and the bonds shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds. Upon initial issuance, the ownership of such bonds shall be registered in the City’s bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds, selecting the bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of bonds, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, with respect to the accuracy of any records

maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds; or any consent given or other action taken by DTC as bondholder. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the bonds only to or “upon the order of” DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City’s obligations with respect to the principal of, and premium, if any, and interest on the bonds to the extent of the sum or sums so paid. Except as otherwise provided herein, no person other than DTC shall receive an authenticated bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of bonds, the word “CEDE & Co” in this Ordinance shall refer to such new nominee of DTC.

(C) ***Delivery of Bond Certificates.*** In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City’s expense, bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds to any DTC Participant having bonds credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

Section 12. With respect to the funding of any escrow or escrows necessary or appropriate in connection with the refunding of the Refunded Prior Bonds with the proceeds of the Series 2023 Bonds, the Director of Finance is authorized to take any and all appropriate action for the acquisition, at the appropriate time, of U.S. government obligations for the credit of such escrow or escrows and if necessary, to execute an escrow agreement with the Trustee and Paying Agent for the refunding defeasance of the Refunded Prior Bonds. Such U.S. government obligations may be in the form or forms recommended in writing by the Financial Advisor to the City and approved

by bond counsel. If determined to be necessary by the Financial Advisor, the Financial Advisor is specifically authorized to procure on behalf of the City a bidding agent, to purchase escrow securities such as open market treasuries and similar defeasance obligations for the credit of the escrow fund(s) as provided in any escrow agreement, as may be necessary, in order to fund, in part, any escrow or escrows in connection with refunding any Prior Bonds. The Trustee, or any attorney with nationally-ranked bond counsel firm, is specifically authorized to execute and file on behalf of the City any subscriptions for United States Treasury Obligations, State and Local Government Series, as may be necessary, in order to fund, in part, any escrow or escrows in connection with refunding any Prior Bonds.

Section 13. The City Manager and the Director of Finance are each separately authorized to take any and all actions and to execute such other instruments that may be necessary or appropriate in the opinion of bond counsel, in order to effect the issuance of the Series 2023 Bonds and the intent of this ordinance. The Director of Finance, or other appropriate officer of the City of Cincinnati, shall certify a true transcript of all proceedings with respect to the issuance of the Series 2023 Bonds, along with such information from the records of the City of Cincinnati as is necessary to determine the regularity and validity of the issuance of the Series 2023 Bonds.

Section 14. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 15. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is that the sale of the Series 2023 Bonds or notes authorized herein may be required within thirty days of passage of the ordinance in order to take advantage of currently favorable interest rates.

Passed _____, 2023.

By: _____
Aftab Pureval, Mayor

Attest:By: _____
Clerk

ATTACHMENT A

THE PRIOR BONDS

Pursuant to the foregoing ordinance, all or a portion of the outstanding economic development bonds of the City, including, but not limited to, the outstanding economic development bonds listed in the following table (collectively, the “Prior Bonds”), may be refunded with a portion of the proceeds of its economic development bonds to be issued pursuant thereto.

1. \$9,995,000 Economic Development Revenue Bonds, Series 2007 (Convergys Corporation Project) (Taxable) dated November 13, 2007;
2. \$13,950,000 Economic Development Revenue Bonds, Series 2012A (Convergys Corporation Project) (Taxable) dated June 7, 2012;
3. \$6,200,000 Economic Development Revenue Bonds, Series 2015A (Jordan Crossing Redevelopment Project) dated November 18, 2015;
4. \$4,800,000 Economic Development Revenue Bonds, Series 2015B (The Mercer Commons Phase 2 Project) dated November 18, 2015;
5. \$2,300,000 Economic Development Revenue Bonds, Series 2015C (Seymour Plaza Redevelopment Project) dated November 18, 2015;
6. \$2,500,000 Economic Development Revenue Bonds, Series 2015D (McMillan Redevelopment Project) dated November 18, 2015;
7. \$1,750,000 Economic Development Revenue Bonds, Series 2015E (Incline District Parking Garage Project) dated November 18, 2015;
8. \$2,000,000 Economic Development Revenue Bonds, Series 2015F (Avondale Blight Removal Phase 1 Project) (Taxable) dated November 18, 2015;
9. \$750,000 Economic Development Revenue Bonds, Series 2015G (Evanston Commercial Redevelopment Project) (Taxable) dated November 18, 2015;
10. \$3,500,000 Economic Development Revenue Bonds, Series 2015H (Walnut Hills Development Project) (Taxable) dated November 18, 2015;
11. \$6,030,000 Economic Development Revenue Bonds, Series 2016A (Vernon Manor II Project) dated February 17, 2016;
12. \$5,700,000 Economic Development Revenue Bonds, Series 2016B (Keystone Parke Phase III Project) dated February 17, 2016;
13. \$3,790,000 Economic Development Revenue Refunding Bonds, Series 2016C (The Keystone Project) dated February 17, 2016;

14. \$25,590,000 Economic Development Revenue Refunding Bonds, Series 2016D (Baldwin 300 Project) dated February 17, 2016;
15. \$4,845,000 Economic Development Revenue Refunding Bonds, Series 2016E (The Madison Circle Project) dated February 17, 2016;
16. \$10,000,000 Economic Development Revenue Bonds, Series 2016F (OTR Arts Permanent Improvements Project) dated February 17, 2016;
17. \$2,550,000 Economic Development Revenue Refunding Bonds, Series 2016G (Columbia Square Project) dated February 17, 2016;
18. \$6,000,000 Economic Development Revenue Bonds, Series 2018A (OTR Arts Permanent Improvements Project) dated December 20, 2018;
19. \$2,500,000 Economic Development Revenue Bonds, Series 2018B (Industrial Site Redevelopment Project) (Federally Taxable) dated December 20, 2018;
20. \$1,000,000 Economic Development Revenue Bonds, Series 2018C (Hudepohl Brewery Remediation Project) (Federally Taxable) dated December 20, 2018;
21. \$750,000 Economic Development Revenue Bonds, Series 2018D (East Price Hill Revitalization Project) dated December 20, 2018;
22. \$5,285,000 Economic Development Revenue Refunding Bonds, Series 2020A (Graeter's Manufacturing Co. Project) dated November 3, 2020; and
23. \$15,985,000 Economic Development Revenue Refunding Bonds, Series 2020B (U-Square @ The Loop Project) (Federally Taxable) dated November 3, 2020.

June 7, 2023

202301595

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$1,020,000 Parks and Recreation Improvement Bonds**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,020,000 FOR THE PURPOSE OF MAKING PARKS AND RECREATION IMPROVEMENTS.

This Emergency Ordinance authorizes the Finance Director to proceed with the sale of bonds in the amount of \$1,020,000 to fund parks and recreation improvements. These bonds are ten-year bonds supported by property tax revenue and the interest rate is expected to be below 6.00%. The proceeds of the bond sale will finance a portion of the FY 2024 Capital Improvement Program, as approved by City Council. An emergency ordinance is necessary to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for equipment improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,020,000 FOR THE PURPOSE OF MAKING PARKS AND RECREATION IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is ten years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$1,020,000 (property tax supported), for the purpose of providing funds to acquire real estate or interest in same, for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate and also rehabilitating existing parks, parkways, playgrounds and recreation centers; and paying legal, advertising, printing, and all expenses incidental to said improvements. Such principal amount may be increased by the amounts necessary to fund a debt service reserve fund (if needed), capitalized interest (if any), costs of issuance, and other necessary and permitted costs, all as determined by the Fiscal Officer.

Section 2. That bonds of the City of Cincinnati, Ohio, be issued in the principal amount of \$1,020,000 for the purpose aforesaid. Said bonds shall be dated as determined by the Director of Finance, of the denomination of \$5,000 each, or any integral multiple thereof, or such other denomination, numbered sequentially as determined by the Director of Finance, and shall bear interest at the rate, or rates, not in excess of six percent per annum, payable December 1, 2024, and semiannually thereafter on June 1 and December 1 of each year, or such other dates as determined by the Director of Finance, until the principal sum is paid. Provided, however, that if said bonds are sold bearing a different rate or rates of interest from that herein before specified, said bonds shall bear such rate, or rates, of interest as may be accepted by the Director of Finance. The property tax supported bonds shall be designated 23-1-G1431, or as otherwise designated by the Director of Finance. Said bonds shall mature or be subject to mandatory sinking fund redemption on December 1, or such other date of each year as determined by the Director of Finance, such maturities and mandatory sinking fund redemption amounts to be determined by the Director of Finance. The Director of Finance will determine whether the \$1,020,000 parks and recreation improvement bonds are callable (and associated call features) or non-callable at the time of financing.

Notice of the call for redemption of said bonds, specifying the numbers of the bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent by registered or certified mail to the registered holders thereof, not less than thirty days nor more than sixty days prior to the date of redemption, upon which date all interest upon said bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent, and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

Section 3. That said bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, Chapter 303 of the Cincinnati Municipal Code and Chapter 133 of the Ohio Revised Code. They shall bear the facsimile signature of the Mayor and the facsimile signature of the Director of Finance, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, N. A. (herein the "Bond Registrar and Paying Agent"), Cincinnati, Ohio, which is designated to act as bond registrar, transfer agent and paying agent with respect to the bonds. The bonds shall also bear the corporate seal of the City or a facsimile thereof. The bonds shall be issued in fully registered form. The bonds shall be designated "Parks and Recreation Improvement Bonds." Such bonds shall be payable as to principal, upon the presentment and surrender for cancellation of the bonds, in lawful money of the United States of America at the Bond Registrar and Paying Agent, and payment of the interest thereon shall be made by the Bond Registrar and Paying Agent on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his or her address as it appears on such registration records.

Section 4. That, if the Director of Finance, in the exercise of his or her judgment, determines that it is preferable that notes rather than bonds be issued initially, there are authorized notes in the aggregate principal amount of \$1,020,000, which may be issued in anticipation of the issuance of a like principal amount of said bonds for the purpose described in Section 1. Such notes shall be designated "Parks and Recreation Improvement Bond Anticipation Notes," as applicable; shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate or rates not in excess of six percent per annum, as shall be approved by the Director of Finance, payable on such dates as are determined by the Director of Finance; shall be dated as of their date of issuance; shall mature on such date or dates as may be selected by the Director of Finance; may be callable in whole or in part at any time prior to maturity as approved by the Director of Finance; may be issued in installments as approved by the Director of Finance; and shall be payable as to principal at the office of the Bond Registrar and Paying Agent or the office of the Treasurer of the City, and the interest thereon shall be paid by the Bond Registrar and Paying Agent or the office of the Treasurer of the City on each interest payment date to the holders of the notes. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 5. That, for the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds or notes promptly when and as the same falls due, and also to provide for the discharge of said bonds or notes at maturity and for the payment of mandatory sinking fund

redemptions, there shall be and is levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually during the period said bonds are to run, outside of the limitations imposed by Article XII, Section 2, of the Ohio Constitution and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter of the City of Cincinnati, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said bonds or notes at maturity and to pay mandatory sinking fund redemptions, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said bonds or notes when and as the same fall due.

Section 6. That said bonds or notes shall be first offered to the City Treasurer as the officer in charge of the Bond Retirement Fund of said City, and if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase, and, if not offered to or taken by such account, the Director of Finance is authorized to award and sell the bonds at public or private sale, in the Director of Finance's sound discretion without further action by this Council, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the bonds from their dates to the date of delivery and payment. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the bonds to, and payment therefore by, the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement (including the certificate of award) for the bonds without further action by this Council. The Director of Finance is expressly authorized to execute a purchase agreement for the bonds provided that the true interest cost for the bonds shall not exceed six percent per annum, and that the true interest cost for the notes shall not exceed six percent per annum.

The Director of Finance, in his or her discretion, is authorized to waive the requirements of Section 303-7 of the Municipal Code and to direct the sale of the bonds or notes in whatever manner he or she deems appropriate.

Section 7. That Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of the bonds or notes authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the bonds or notes is authorized to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds or notes for inclusion in the transcript of proceedings, setting forth the facts, estimates, circumstances and reasonable

expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds or notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 8. That the Director of Finance is authorized to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 7.

Section 9. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code, these bonds or notes may be consolidated into a single issue with other bond or notes which have been authorized by this Council as determined by the Director of Finance.

That these bonds or notes shall be issued in such designations, series, and shall have maturities or principal payments, as are consistent with the aggregate of the series, periodic maturities or principal payments of the separate issues of bonds as set forth in the respective bond ordinances and as provided in the bond purchase agreement (the “Purchase Agreement”) to be entered into by and between the City and an underwriter as determined by the Director of Finance as provided in a certificate of award executed by the Director of Finance.

Section 10. That this Council determines to issue these bonds or notes in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

So long as these bonds or notes are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(a) Definitions

“Beneficial Owner” means the person in whose name a bond or note is recorded as the beneficial owner of such bond or note by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds or notes.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying Agent and Registrar, to DTC with respect to the bonds or notes, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds or notes shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any bond or note registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(b) Book Entry Bonds

(i) Except as provided herein, the registered owner of all of the bonds or notes shall be DTC and the bond or notes shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds or notes shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds or notes. Upon initial issuance, the ownership of such bonds or notes shall be registered in the City’s bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds or notes registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds or notes, selecting the bonds or notes or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of bonds or notes, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds or notes under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, regarding any of the following: the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds or notes; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds or notes; or any consent given or other action taken by DTC as bondholder. The Paying Agent and Registrar shall pay from

moneys available hereunder all principal of, and premium, if any, and interest on the bonds or notes only to or “upon the order of” DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City’s obligations with respect to the principal of, and premium, if any, and interest on the bonds or notes to the extent of the sum or sums so paid. Except as provided herein, no person other than DTC shall receive an authenticated bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of bonds or notes, the word “CEDE & Co” in this ordinance shall refer to such new nominee of DTC.

(c) Delivery of Bond Certificates. In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City’s expense, bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds or notes at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds or notes to any DTC Participant having bonds or notes credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds or notes.

Section 11. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 12. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is that the sale of the bonds or notes authorized herein may be required within thirty days of passage of the ordinance in order to take advantage of currently favorable interest rates or to ensure

adequate funds are available to support contracts for parks and recreation improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

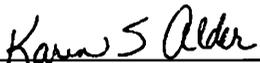
ATTACHMENT A

**CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND
BOND ANTICIPATION NOTES**

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of parks and recreation improvement bonds or notes in an amount not to exceed \$1,020,000 for the purpose of (a) providing funds to acquire real estate or interest in same, for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate and also rehabilitating existing parks, parkways, playgrounds and recreation centers (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is ten years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:



Finance Director

Dated: June 1, 2023

June 7, 2023

202301594

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$6,000,000 Street Improvement Bond Anticipation Notes**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$6,000,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of notes in the amount of \$6,000,000 to fund street infrastructure improvements. Note sales for street improvements will occur in FY 2024 in connection with tax credit revenue generated from ownership of the Cincinnati Southern Railway. The issuance of these notes will finance a portion of the FY 2024 Capital Improvement Program and eligible prior year appropriations. An emergency ordinance is necessary due to the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$6,000,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is twenty years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$6,000,000 for the purpose of providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, paving, repaving, resurfacing, and constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and appurtenances, traffic lights, and traffic control equipment and boulevard lights; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$6,000,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated “Street Improvements Bond Anticipation Notes”; and shall be payable as to both principal and interest at the City Treasurer’s Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall

bear the facsimile or manual impression of the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installments shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain memorandum of understanding between the City and the Board of Trustees of the Cincinnati Southern Railway (the "Board") regarding certain funds received by the Board and generated from tax credit agreements entered into between the Board and the lessee of the CSR, the Cincinnati, New Orleans, and Texas Pacific Railway is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder.

These notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the City have happened, have been done and performed in regular and due form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

Section 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

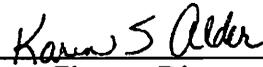
**CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND
BOND ANTICIPATION NOTES**

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of street improvement notes in an amount not to exceed \$6,000,000 for the purpose of (a) providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers, and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and appurtenances, traffic lights, and traffic control equipment and boulevard lights (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.

2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(B)(5) of the Ohio Revised Code, is twenty years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:



Finance Director

Dated: June 1, 2023

June 1, 2023

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202301515

Subject: Emergency Ordinance – Approving and Authorizing CRA Tax Exemption Agreement for 4024 Hamilton Avenue

Attached is an Emergency Ordinance captioned:

APPROVING, AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Cincinnati Northside Community Urban Redevelopment Corporation and the Port of Greater Cincinnati Development Authority, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 4024 Hamilton Avenue in the Northside neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 5,100 square feet of commercial space, at a total construction cost of approximately \$1,202,560.

BACKGROUND/CURRENT CONDITIONS

The property, located at 4024 Hamilton Avenue, contains a vacant, 3-story historic building in the southern end of the Northside NBD, controlled by the Cincinnati Northside Community Urban Redevelopment Corporation, which is Northside’s community development corporation that does business as NEST. The building was in a neglected and distressed condition prior to Neighborhood Business District Improvement Program (NBDIP) funding from the City for acquisition and stabilization to make it ready for renovation.

After the Northside Business Association (NBA) successfully acquired and stabilized the property several years ago, NBA agreed to transfer the property to NEST to pursue its full renovation and reuse with the goal of revitalizing and activating the blighted 4000 block of Hamilton Avenue. NEST then applied for, and secured, \$475,000 in additional public grants, while also securing a partnership with the Port of Greater Cincinnati Development Authority (Port) to co-develop the project and fully fund the remainder of the costs.

PROJECT OVERVIEW

NEST and the Port plan to co-develop the property to contain 5,100 square feet of renovated commercial space, at a total development cost of \$1,250,928. The developers have successfully secured a key anchor tenant, Dean’s Mediterranean Imports, a local specialty grocer that is expanding to a new location and opening a restaurant with rear outdoor patio space. The developers will also be renovating the 2nd and 3rd floors to a “whitebox” condition to attract other commercial tenant(s) such as office users. The developers intend to make the space affordable and to prioritize small, local, and/or disadvantaged businesses during the tenanting process. At full leaseup, the project is anticipated to generate approximately 11 permanent FTE jobs, in addition to approximately 15 temporary jobs during construction.

The Port and NEST are self-funding the majority of the renovation costs, however in order to make the renovation financially feasible, the City would need to provide a commercial tax abatement in addition to a \$275,000 NBDIP grant. Additionally, Homebase Cincinnati has elected to provide a \$200,000 grant of ARPA dollars through the City's NBD Support Grant program to complete the 1st floor tenant's buildout and finishes. The various forms of public financial incentives are all necessary to close the financing gap.

During the acquisition and stabilization phase, the City provided \$270,000 in NBDIP grants. Factoring in the new NBDIP grant and the new NBDSG grant, the total all-in City funding in support of the acquisition and renovation of the property will total \$745,000. The total non-City funding provided by the Port and NEST will total \$775,928.

DEVELOPER INFORMATION

NEST and the Port will be co-developers. The Port will own the property during construction and will be responsible for constructing the project under a separate NBDIP funding agreement, while NEST will serve as the construction manager. After construction, NEST will purchase the completed project from the Port through an installment sale, and will be responsible for the leaseup of the remaining space and the property's long-term operation.

Formerly doing business under its legal name of Cincinnati Northside Community Urban Redevelopment Corporation (CNCURC), NEST is Northside's nonprofit community development corporation. NEST has successfully completed many projects in Northside, including numerous house renovations in target areas of the neighborhood for affordable homeownership. Since switching its focus from residential to commercial development, NEST partnered with Pennrose to successfully co-develop of John Arthur Flats, the first LGBTQ+ affirming senior affordable housing development in Cincinnati, containing 57 newly constructed apartments. NEST has also acquired the former Stagecraft building which it intends to renovate and reuse as residential or commercial space.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

| <u>Project Description Details</u> | <u>Explanation</u> |
|--|--|
| Project Name | Renovation of 4024 Hamilton Avenue |
| Street Address | 4024 Hamilton Avenue |
| Property Condition | Historic vacant shell |
| Neighborhood | Northside |
| Incentive Application Process | Commercial CRA application |
| Recent or other projects by Developer | NEST has renovated many Northside houses and co-developed John Arthur Flats |
| Approval at Planning Commission/Neighborhood support | Planning Commission N/A; Northside Community Council has issued letters supportive of the project |
| Plan Cincinnati Goals | Achieves the Compete Goal 2, particularly 'Focus Development on Existing Centers of Activity' (p. 116) and Sustain Initiative Area Goal 2 to 'Preserve Our Built History' (pages 197-198). |

Project Image



| <u>Incentive Summary Category</u> | <u>Explanation</u> |
|---|---|
| Abatement Term and amount | 15-yr CRA 100% (Net 59.5%). |
| Construction Cost & Private investment committed | \$1,202,560 in hard construction costs and \$48,368 in soft costs; developers are self-funding \$775,928 (private investment) |
| Sq. Footage by Use | 5,100 SF of commercial space |
| Number of units and rental ranges | No residential units |
| Jobs created/retained and payroll (living wage) | Projected to create 11 permanent FTE positions at \$500,000 in annual payroll. |
| “But For” | This project would not proceed without an abatement; the developers project negative cash flow without the abatement. |
| Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk) | Without Abatement: Year 5: -5.63 % (stabilized) With Abatement: Year 5: 1.05 % (stabilized) |
| LEED or other environmental build | Non-LEED |
| Neighborhood VTICA | Neighborhood VTICA – 7.5% (for Affordable Housing) |
| Total Public Benefit (Benefits Realized vs Taxes Forgone) | \$2.30 of new CPS/VTICA/Income taxes for each \$1 forgone |
| City’s ROI | \$9.75 of new CPS/VTICA/Income taxes for each \$1 forgone |
| Projected Income Tax Revenue | \$142,200 |
| MBE/WBE Goals | SBE Goal of 30% |
| Transit Access/Walkability | Next door to the Northside Transit Center, SORTA’s 2 nd largest transit hub, connecting Routes 15, 16, 17, 19, 20, 23, 27 and 51 |
| Geography | Located in an Opportunity Zone |
| Historic Preservation/Existing Building Renovation | This project will activate and bring back to productive use a long-underutilized and blighted historic building. |
| Public Infrastructure Improvements | N/A |

EMERGENCY

ZDS

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Cincinnati Northside Community Urban Redevelopment Corporation and the Port of Greater Cincinnati Development Authority, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 4024 Hamilton Avenue in the Northside neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 5,100 square feet of commercial space, at a total construction cost of approximately \$1,202,560.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Cincinnati Northside Community Urban Redevelopment Corporation (the “Company”) desires to remodel an existing building on real property at 4024 Hamilton Avenue located within the corporate boundaries of the City of Cincinnati into approximately 5,100 square feet of commercial space (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as

may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100 percent of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City of Cincinnati’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$5,846; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to 7.5 percent of the exempt real property taxes, which funds shall be committed by the, third-party organization to support affordable housing on a City-wide basis; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company’s operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with Cincinnati Northside Community Urban Redevelopment Corporation and the Port of Greater Cincinnati Development Authority (the “Agreement”), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 4024 Hamilton Avenue in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into approximately 5,100 square feet of commercial space, to be completed at a total construction cost of approximately \$1,202,560.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the “City”) in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with R.C. Section 3735.672,

and to the Board of Education of the Cincinnati City School District, as necessary;
and

- (iii) to take all necessary and proper actions to fulfill the City’s obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the remodeling described in this ordinance and the corresponding revitalization of the City and the benefits to the City’s economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), CINCINNATI NORTHSIDE COMMUNITY URBAN REDEVELOPMENT CORPORATION, an Ohio nonprofit corporation, d/b/a NORTHSIDERS ENGAGED IN SUSTAINABLE TRANSFORMATION (NEST) (the "Company"), and PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY, an Ohio port authority, d/b/a THE PORT ("Owner").

Recitals:

- A. The City and _____ are parties to a *Funding Agreement* dated _____, 2023 (the "Funding Agreement"), pursuant to which the City agreed to provide _____ with financial support for the Project (as defined below).
- B. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- C. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- D. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- E. Owner is the sole owner of certain real property within the City, located at 4024 Hamilton Avenue (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Owner intends to convey its fee title in the Property to the Company following the completion of the Project, as more fully described in Recital F. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the remodeling of a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.
- G. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax

exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.

- H. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- I. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- J. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- K. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- L. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- M. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- N. The Company represents that within the past three (3) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- O. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- P. The Company acknowledges that the Northside neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the Northside neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to seven and one half percent (7.5%) of the real property taxes

that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). All of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- Q. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- R. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel an existing building on the Property to create approximately 5,100 square feet of commercial space (the "Improvements") at an estimated aggregate cost of \$1,202,560 to commence after the execution of this Agreement and to be completed no later than June 30, 2025; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "ADA"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for

exemption, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the 15th year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or

appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code (“CMC”) Section 323-1-S, “SBEs”). Pursuant to CMC Section 323-11, the City’s annual goal for SBE participation shall be thirty percent (30%) of the City’s total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City’s goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City’s Department of Economic Inclusion. The Company may refer interested firms to the City’s Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources.

The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 11 full-time permanent jobs, and (ii) 15 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$500,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$400,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement or the Funding Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction

in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of Ohio Revised Code Section 3735.671. has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or

to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Owner:

Port of Greater Cincinnati Development Authority
Attention: Laura Brunner, President & CEO
3 E. Fourth Street, Suite 300
Cincinnati, Ohio 45202

To the Company:

Northsiders Engaged in Sustainable Transformation
Attention: Sarah Thomas, Executive Director
1546 Knowlton Street
Cincinnati, Ohio 45223

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

CINCINNATI NORTHSIDE COMMUNITY
URBAN REDEVELOPMENT CORPORATION,
an Ohio nonprofit corporation

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2023

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

PORT OF GREATER CINCINNATI
DEVELOPMENT AUTHORITY, d/b/a
THE PORT, an Ohio port authority

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____.

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Situated in Section 28, Township 3 and Fractional Range 2, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

BEGINNING at the intersection of the north line of Cosby Street and the east line of Hamilton Avenue, referenced by set cross notches at North 60°36'41" West, 3.00 feet and South 03°12'45" West, 3.00 feet;

Thence with the east line of said Hamilton Avenue, North 03°12'45" East, 25.00 feet to a point referenced by a set cross notch at North 67°29'47" West, 3.00 feet;

Thence South 67°29'47" East 119.73 feet to a set MAG nail in the centerline of vacated Hogan Alley;

Thence with the centerline of said vacated Hogan Alley, South 34°21'40" West, 16.40 feet to a set MAG nail;

Thence South 68°18'15" East 13.40 feet to the northwest corner of Hamilton County Auditor's Parcel 221-0013-0174 as conveyed to Cincinnati Northside Community Urban Redevelopment Corporation in Official Record 14786, Page 2100;

Thence with the westerly line of said Cincinnati Northside Community Urban Redevelopment Corporation, South 34°04'19" West 22.24 feet to a set cross notch in the north line of aforesaid Cosby Street;

Thence with the north line of said Cosby Street, North 68°16'41" West 0.57 feet to a set cross notch **AND** North 60°36'41" West 117.32 feet to the **POINT OF BEGINNING**.

CONTAINING 0.0831 Acres. and being subject to all legal easement and highways of record.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

June 7, 2023

To: Mayor and Members of City Council

202301584

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Commercial CRA – 2151 Colerain Avenue

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with West End Empire, LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 2151 Colerain Avenue in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, at a total construction cost of \$752,844.

BACKGROUND/CURRENT CONDITIONS

The property at 2151 Colerain Avenue is a blighted and vacant multifamily building in the West End neighborhood in Cincinnati. West End Empire, LLC (the “Developer”) submitted a Commercial CRA Application seeking city assistance to rehabilitate the property. The renovation will consist of the rehabilitation of the building into six (6) two-bedroom units with rents affordable to households not to exceed 60% of the area median income.

DEVELOPER INFORMATION

The project is led by 2151 Colerain LLC, an affiliate of West End Empire, LLC. West End Empire LLC is a newly developed company focused on the acquisition and revitalization of property in the Cincinnati market. The company is committed to investing in blighted areas and assisting in the city's efforts to bring communities back to life. The company's ownership shares over 35 years of development and construction expertise in the surrounding local and national markets.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance so financial closing and construction can commence as soon as possible after passage.

Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

| <u>Project Description Details</u> | <u>Explanation</u> |
|--|--|
| Project Name | 2151 Colerain Avenue |
| Street Address | 2151 Colerain Avenue |
| Property Condition | The property address is 2151 Colerain Avenue and is in the West End neighborhood. This project consists of the rehabilitation of a very old building and will revitalize six (6) two-bedroom units at rents not to exceed 60% AMI and will maintain the affordability through the tax abatement term. |
| Neighborhood | West End |
| Incentive Application Process | Commercial CRA (Non-LEED) |
| Recent or other projects by Developer | West End Empire is a newly developed company focused on the acquisition and re-vitalization of property in the Cincinnati market. The company is committed to investing in blighted areas and assisting in the city's efforts to bring communities back to life. The company's ownership shares over 35 years of development and construction expertise in the local, as well as national markets. |
| Approval at planning commission/Neighborhood support | Planning Commission approval is not applicable. |
| Plan Cincinnati Goals | Achieves the Sustain Initiative Goal 2 (page 180 by preserving our built history) and Live Initiative Goal 3 (page 148 by providing quality healthy housing for all income levels) of Plan Cincinnati |

Project Image



| <u>Incentive Summary Category</u> | <u>Explanation</u> |
|---|--|
| Abatement Term and amount | 15-year, net 67% |
| Construction Cost & Private investment committed | Approximately \$750,000 in hard construction costs, with \$300,000 from the Affordable Housing Trust Fund. |
| Sq. Footage by Use | Approximately 4,500 SF of Residential space |
| Number of units and rental ranges | Six residential two-bedroom units with rents that range \$1,150-\$1,289 per month based on size; rents will not exceed what is affordable to 60% AMI during the abatement term. |
| Jobs created/retained and payroll (living wage) | The project is anticipated to create 1 FTE at an estimated \$40,000 annual payroll and 30 Construction jobs at an estimated \$435,000 annual payroll. |
| “But For” | This project would not proceed without abatement and without a financial subsidy; the project is undercapitalized with a \$300,000 request in gap financing from Affordable Housing Trust Fund. |
| Cash on Cash Return for developer (Market return between 8-12%, | Without Abatement: average 14% (Over 15yr Term) With Abatement: average 20% (Over 15yr Term) *Although the project has anticipated higher cash on return of around 20% with the abatement, the developer is not paying |

| | |
|---|--|
| depends on investment risk) | themselves a developer fee. If they were to pay themselves a developer fee of around 10%, then their rate of return would be in line with 14% with an abatement and 6% without an abatement. |
| LEED or other environmental build | Non-LEED |
| Neighborhood VTICA | No Neighborhood VTICA with the investment of the trust fund and extended affordability |
| Total Public Benefit (Benefits Realized vs Taxes Forgone) | \$0.61 of new CPS/Income taxes for each \$1 forgone |
| Projected Income Tax Revenue | \$15,098 |
| MBE/WBE Goals | 30% SBE |
| Transit Access/Walkability | The project site sits along metro bus routes 27, and 31, and is ¼ mile from Linn Street. |
| Geography | Located in the West End Neighborhood Revitalization Strategy Area |
| Historic Preservation/Existing Building Renovation | This project will renovate one blighted building, preserving, and placing it into productive use. |
| Public Infrastructure Improvements | N/A |

| Rent | Affordable to Salary | City Jobs (Min Salary exceeds affordable salary) |
|------------|----------------------|--|
| \$1,289.00 | \$51,560.00 | Senior Plant Operator, Service Crew Leader, Water Customer Service Representative, Water Works Maintenance Worker |
| \$1,150.00 | \$46,000.00 | Supervisor of Inspections, Administrative Technician, Supervisor of Maintenance, Supervisor of Water Customer Service, |

| AMI | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|----------|----------|----------|----------|----------|----------|----------|-----------|
| 30% | \$20,100 | \$22,950 | \$25,800 | \$28,650 | \$32,470 | \$37,190 | \$49,910 | \$46,360 |
| 50% | \$33,450 | \$38,200 | \$43,000 | \$47,750 | \$51,600 | \$55,400 | \$49,250 | \$63,050 |
| 60% | \$40,140 | \$45,840 | \$51,600 | \$57,300 | \$61,920 | \$66,480 | \$59,100 | \$75,660 |
| 80% | \$53,520 | \$61,120 | \$68,800 | \$76,400 | \$82,560 | \$88,640 | \$78,800 | \$100,880 |

EMERGENCY

ZDS

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with West End Empire LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 2151 Colerain Avenue in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, at a total construction cost of approximately \$752,844.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, West End Empire LLC (the “Company”) desires to remodel an existing building on real property at 2151 Colerain Avenue located within the corporate boundaries of the City of Cincinnati into approximately 4,500 square feet of residential space consisting of six rental units (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to

100 percent of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City's Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$8,622; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company's operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with West End Empire LLC (the "Agreement"), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 2151 Colerain Avenue in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, to be completed at a total construction cost of approximately \$752,844.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the "City") in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with R.C. Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and
- (iii) to take all necessary and proper actions to fulfill the City's obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the remodeling described in this ordinance and the corresponding revitalization of the City and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and WEST END EMPIRE LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. The Company is the sole owner of certain real property within the City, located at 2151 Colerain Avenue, Cincinnati, Ohio 45214 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed to remodel a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application

the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.

- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past three (3) years neither the Company, nor any related member of the Company nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- P. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel an existing building on the Property into approximately 4,500 square feet of residential space consisting of 6 rental units (the "Improvements") at an estimated aggregate cost of \$752,844 to commence after the execution of this Agreement and to be completed no later than August 31, 2024; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up

to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "ADA"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of one hundred percent (100%) of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2024 nor extend beyond the earlier of (i) tax year 2038 or (ii) the end of the fifteenth (15th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources.

The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 1 full-time permanent job and (ii) 30 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$40,000 of additional annual payroll with respect to the full-time permanent job and (ii) \$435,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this

Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon

which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of Ohio Revised Code Section 3735.671 has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement shall constitute an event of default for purposes of Section 16 (*Default*) and the basis for revocation under Section 18 (*Revocation*). Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63, or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

West End Empire LLC
Attention: Erik Carlson
3040 Westbourne Dr
Cincinnati, OH 45248

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May

17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

WEST END EMPIRE LLC,
an Ohio limited liability company

By: _____
Sheryl M. M. Long, City Manager

By: _____

Date: _____, 2023

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Address: 2151 Colerain Avenue

Auditor's Parcel ID No.: 184-0006-0214-00

Lying and being in the City of Cincinnati, County of Hamilton and State of Ohio, to-wit:

Lot Number Sixty-Seven (67) on the plat of John W. Coleman's Subdivision of a part of a tract of fifteen and four tenths (15-4/10) acres of land in Section 19, Town 3, Fractional Range 2, Miami Purchase, as recorded in Plat Book 1, Page 16 of the records in the Office of the Recorder of Hamilton County, Ohio.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

June 7, 2023

To: Mayor and Members of City Council

202301585

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Approving and Authorizing CRA Tax Exemption Agreement with 700 Chalfonte Holdings, LLC

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 700 Chalfonte Holdings LLC, thereby authorizing a fifteen-year tax exemption for 100% of the value of improvements made to real property located at 700 Chalfonte Place in the Avondale neighborhood of Cincinnati, in connection with the remodeling of an existing building into 23 rental units containing approximately 20,080 square feet of residential space, at a total construction cost of approximately \$1,346,861.

BACKGROUND/CURRENT CONDITIONS

The property at 700 Chalfonte Place is a vacant multifamily building in the Avondale neighborhood in Cincinnati. In January 2023, 700 Chalfonte Holdings, LLC (the “Developer”) submitted a Commercial CRA Application seeking city assistance to rehabilitate the property. The renovation will create five (5) studio apartment units and eighteen (18) three-bedroom units. Upon completion, 100% of the twenty-three (23) apartment units will be affordable to households earning thirty percent (30%) to sixty percent (60%) of the area median income.

DEVELOPER INFORMATION

The project is led by 700 Chalfonte Holdings, LLC, a subsidiary of Yolo Investments LLC. Yolo Investments, LLC is managed by Nadav Livne, who has ten (10) years of real estate experience and has completed renovations of residential homes and apartment buildings in the City of Cincinnati, specifically in the neighborhoods of Madisonville, Evanston, West End, and the Central Business District. More recently, the Developer has completed an eighteen (18) unit property at 542 Prospect Place and a twenty-two (22) unit at 1631 Sparkle Drive.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance for the Developer to close their financing and begin construction as soon as possible after passage.

Commercial CRA
1001-1007 Dayton Street

Page 2 of 4

Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

| <u>Project Description Details</u> | <u>Explanation</u> |
|--|--|
| Project Name | 700 Chalfonte Holdings |
| Street Address | 700 Chalfonte Place |
| Property Condition | The property is currently vacant |
| Neighborhood | Avondale |
| Incentive Application Process | Commercial CRA (Non-LEED) |
| Recent or other projects by Developer | - 542 Prospect Place, 18 units -1631 Sparkle Drive, 22 units |
| Approval at planning commission/Neighborhood support | Planning Commission approved a local historic designation of the building on February 3, 2023, The executive committee of the Avondale Community Council supports the developer's plans for the site. |
| Plan Cincinnati Goals | Achieves the Sustain Initiative Area Goal 2 (pages 193-198) and Live Initiative Area Goal 3 (pages 164-177) of <i>Plan Cincinnati</i> (2012). |

Project Image



| <u>Incentive Summary Category</u> | <u>Explanation</u> |
|--|--|
| Abatement Term and amount | 15-year, net 52% |
| Construction Cost & Private investment committed | Approximately \$1.3 Million in hard construction costs, with \$600,000 from State Historic Tax Credits. The private investment totals approximately \$1.9 million. |
| Sq. Footage by Use | 20,080 SF of Residential space |
| Number of units and rental ranges | 23 Units (5 studios, 18 3-BR), monthly rent ranges between \$550 - \$950, the Developer is committed to keeping rents affordable to households earning 60% AMI or below. |

| | |
|---|---|
| Jobs created/retained and payroll (living wage) | The project is anticipated to create 2 FTE at an estimated \$80,000 annual payroll and 8 Construction jobs at a \$550,000 annual payroll. |
| “But For” | The project would not proceed without an abatement, given the lower rents being affordable to households earning between 30% to 60% AMI. |
| Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk) | Without Abatement: average 4% (Over 15-year Term) With Abatement: average 10% (Over 15-year Term) |
| LEED or other environmental build | Non-LEED |
| Neighborhood VTICA | Neighborhood VTICA – 15% |
| Total Public Benefit (Benefits Realized vs Taxes Forgone) | \$1.13 of new CPS/VTICA/Income taxes for each \$1 forgone |
| Projected Income Tax Revenue | \$36,450 |
| MBE/WBE Goals | SBE Goal of 30% |
| Transit Access/Walkability | The project site sits along metro bus routes 51, 43, 46 and is ¼ mile from Reading Rd. |
| Geography | Located in the Avondale Neighborhood Revitalization Strategy Area |
| Historic Preservation/Existing Building Renovation | This project will renovate one blighted building, preserving and placing it into productive use. |
| Public Infrastructure Improvements | N/A |

| Rent | Affordable to Salary | City Jobs (Min Salary exceeds affordable salary) |
|-----------------|----------------------|--|
| \$550.00 | \$22,000.00 | Municipal Worker, Home Health Aide, Police Recruit, Admin Tech |
| \$950.00 | \$38,000.00 | Health Caseworker, Video Production Specialist, Lifeguard, Pool Monitor, Community Center Director 2 |

| AMI | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------------|----------|----------|----------|----------|----------|----------|----------|-----------|
| 30% | \$20,100 | \$22,950 | \$25,800 | \$28,650 | \$32,470 | \$37,190 | \$49,910 | \$46,360 |
| 50% | \$33,450 | \$38,200 | \$43,000 | \$47,750 | \$51,600 | \$55,400 | \$49,250 | \$63,050 |
| 60% | \$40,140 | \$45,840 | \$51,600 | \$57,300 | \$61,920 | \$66,480 | \$59,100 | \$75,660 |
| 80% | \$53,520 | \$61,120 | \$68,800 | \$76,400 | \$82,560 | \$88,640 | \$78,800 | \$100,880 |

EMERGENCY

EVK

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with 700 Chalfonte Holdings LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 700 Chalfonte Place in the Avondale neighborhood of Cincinnati, in connection with the remodeling of an existing building into 23 rental units, containing approximately 20,080 square feet of residential space, at a total construction cost of approximately \$1,346,861.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, 700 Chalfonte Holdings LLC (the “Company”) desires to remodel an existing building into 23 rental units, containing approximately 20,080 square feet of residential space on real property at 700 Chalfonte Place located within the corporate boundaries of the City of Cincinnati (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100 percent of Community Reinvestment Area projects, waived advance notice and the right to

review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City's Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$12,011; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to fifteen percent of the exempt real property taxes, which funds shall be committed by the third-party organization to facilitate permanent improvements and neighborhood services furthering redevelopment in the neighborhood of the Improvements and to support affordable housing on a City-wide basis; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company's operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with 700 Chalfonte Holdings LLC (the "Agreement"), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 700 Chalfonte Place in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into 23 rental units, containing approximately 20,080 square feet of residential space, to be completed at a total construction cost of approximately \$1,346,861.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the "City") in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with Ohio Revised Code Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and

- (iii) to take all necessary and proper actions to fulfill the City's obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the remodeling described in this ordinance and the corresponding revitalization of the City and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and 700 CHALFONTE HOLDINGS LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. The Company is the sole owner of certain real property within the City, located at 700 Chalfonte Place, Cincinnati, Ohio 45229 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed the remodeling of a building located on the Property within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past three (3) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. The Company acknowledges that the Avondale neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the Avondale neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to fifteen percent (15%) of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the Avondale neighborhood and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- P. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- Q. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing building on the Property into 23 rental units, containing approximately 20,080 square feet of residential space (the "Improvements") at an estimated aggregate cost of \$1,346,861 to commence after the execution of this Agreement and to be completed no later than June 30, 2025; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption, and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the

Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the fifteenth (15th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code (“CMC”) Section 323-1-S, “SBEs”). Pursuant to CMC Section 323-11, the City’s annual goal for SBE participation shall be thirty percent (30%) of the City’s total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City’s goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City’s Department of Economic Inclusion. The Company may refer interested firms to the City’s Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources.

The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 2 full-time permanent jobs, and (ii) 8 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$80,000 of additional annual payroll with respect to the full-time permanent jobs, (ii) \$550,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may

extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of Ohio Revised Code Section 3735.671. has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this

Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Yolo Investments
Attention: Nadav Livne, Member
11711 Princeton Pike, Suite 341-331
Cincinnati, Ohio 45248

With copy to:

Finney Law Firm, LLC
Attention: Eli N. Krafft-Jacobs, Esq.
4270 Ivy Pointe Boulevard, Suite 225
Cincinnati, Ohio 45245

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of

the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the

Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

700 CHALFONTE HOLDINGS LLC,
an Ohio limited liability company

By: _____
Sheryl M. M. Long, City Manager

By: _____

Date: _____, 2023

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: 700 Chalfonte Place, Cincinnati, Ohio 45229

Auditor's Parcel No.: 112-0004-0018-00

PARCEL I

SITUATED IN THE CITY OF CINCINNATI, IN THE COUNTY OF HAMILTON AND STATE OF OHIO, TO-WIT:

LYING IN SECTION 9, TOWNSHIP 3, FRACTIONAL RANGE 2; MIAMI PURCHASE, IN MILLCREEK TOWNSHIP, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STAKE 230.13 FEET NORTHERLY FROM GHOLSON AVENUE WHICH STAKE IS AT THE NORTHWEST CORNER OF LOT SIX (6) ON PLAT OF SUBDIVISION MADE BY ROBERT ANDREWS, RECORDED IN PLAT BOOK 4, PAGES 306 AND 307, HAMILTON COUNTY, OHIO RECORDS, THENCE EASTWARDLY ALONG THE NORTH LINE OF LOT 6 AFORESAID 102.85 FEET TO A STAKE IN THE NORTHEAST CORNER OF LOT 6, AFORESAID, THENCE NORTHWARDLY 215.40 FEET TO A STAKE, THENCE WESTWARDLY 102.01 FEET TO A STAKE; THENCE SOUTHERLY 215.56 FEET TO A PLACE OF BEGINNING

PARCEL II

LYING IN SECTION 9, TOWNSHIP 3, FRACTIONAL RANGE 2, MILLCREEK TOWNSHIP AND BEING A PART OF LOT "A" OF CHALFONTE PLACE SUBDIVISION AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWEST CORNER OF LOT ONE (1) OF SAID CHALFONTE PLACE SUBDIVISION, THENCE WITH THE WEST LINE OF SAID LOT 1, NORTH 1° 30' EAST 85 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE WITH THE NORTH LINE OF SAID LOT 1; SOUTH 08° 30' EAST 23.14 FEET TO A POINT IN THE CURVE OF THE WESTERLY LINE OF CHALFONTE PLACE; THENCE NORTHWARDLY AND FOLLOWING THE CURVE OF THE WESTERLY LINE OF CHALFONTE PLACE ALONG AN ARC OF A CIRCLE HAVING A RADIUS OF 27.50 FEET AND A CENTRAL ANGLE OF 105° 56' A DISTANCE OF 50.84 FEET, THE SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 7° 46' EAST AND HAVING A LENGTH OF 43.90 FEET; THENCE NORTH 1° 30' EAST AND PARALLEL TO AND 27.82 FEET WEST OF THE WEST LINE OF LOT 16 OF SAID SUBDIVISION FOR A DISTANCE OF 80.98 FEET TO THE NORTHWEST CORNER OF SAID CHALFONTE PLACE SUBDIVISION; THENCE WITH THE WESTERLY LINE OF SAID SUBDIVISION, SOUTH 14° 50' WEST 215.40 FEET TO THE SOUTHWEST CORNER OF SAID

PARCEL III

LYING IN SECTION 9, TOWNSHIP 3, FRACTIONAL RANGE 2, OF THE MIAMI PURCHASE AND BEING A PART OF LOT NO. "A" OF CHALFONTE PLACE SUBDIVISION AS RECORDED IN PLAT BOOK 27, PAGE 71 OF THE PLAT RECORDS OF HAMILTON COUNTY, OHIO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT "A" OF SAID SUBDIVISION 20 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT; THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID LOT "A" 7.82 FEET TO THE NORTHWEST CORNER OF SAID LOT. THENCE FROM SAID POINT AND FROM THE POINT OF BEGINNING RUNNING SOUTHWARDLY BETWEEN LINES PARALLEL TO THE WEST LINE OF LOT 16 OF SAID SUBDIVISION 80.98 FEET, MORE OR LESS TO THE NORTH LINE OF CHALFONTE PLACE.

PARCEL IV

BEING A PART OF LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 150 OF THE PLAT RECORDS OF HAMILTON COUNTY, OHIO AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT NO. 29 WHICH POINT IS ALSO THE SOUTHEAST CORNER OF EATON LANE SUBDIVISION MADE BY JAMES G. COOPER AS RECORDED IN PLAT BOOK 31, PAGE 19 OF THE RECORDS OF HAMILTON COUNTY, OHIO, THENCE NORTHWARDLY ALONG THE EAST LINES OF LOT 9, 10, 11 AND 12 OF SAID EATON LANE SUBDIVISION AND THE WEST LINE OF LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION A DISTANCE OF 231 FEET, MORE OR LESS, TO A POINT 250 FEET SOUTHWARDLY TO THE SOUTH LINE OF SOUTH CRESCENT AVENUE MEASURED ALONG THE WESTERLY LINE OF SAID LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION, THENCE EASTWARDLY PARALLEL TO THE SOUTH LINE OF SOUTH CRESCENT AVENUE 80 FEET TO A POINT; THENCE SOUTH 1° 30' WEST A DISTANCE OF 229.99 FEET TO A POINT IN THE NORTH LINE OF CHALFONTE PLACE SUBDIVISION AS RECORDED IN PLAT BOOK 27, PAGE 71 OF THE PLAT RECORDS OF HAMILTON COUNTY, OHIO; THENCE WESTWARDLY ALONG THE NORTH LINE OF CHALFONTE PLACE SUBDIVISION AND THE SOUTH LINE OF LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION 80 FEET TO THE PLACE OF BEGINNING.

PARCEL V

BEING A PART OF LOT NO. 9 OF THE EATON LANE SUBDIVISION AS SHOWN IN PLAT BOOK 31, PAGE 19 IN THE RECORDER'S OFFICE OF HAMILTON COUNTY, OHIO TO-WIT:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT NO. 9; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT NO. 9 FOR A DISTANCE OF 32.85 FEET TO A POINT,

THENCE NORTHEASTWARDLY TO A POINT IN THE EAST LINE OF SAID LOT NO. 9 WHICH POINT IS 25 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT NO. 9; THENCE SOUTHWARDLY ALONG THE EAST LINE OF LOT NO. 9, 25 FEET TO THE PLACE OF BEGINNING.

THE PROPERTY IS CONVEYED SUBJECT TO AND THERE ARE HEREBY EXCEPTED FROM THE FIDUCIARY COVENANTS ALL EASEMENTS AND RESTRICTIONS OF RECORD, ESTABLISHED EASEMENTS, ZONING ORDINANCES.

Exhibit B to CRA Agreement

APPLICATION FOR TAX EXEMPTION

APPLICATION FOR COMMERCIAL TAX ABATEMENT

CITY OF CINCINNATI COMMUNITY REINVESTMENT AREA



COMMERCIAL, INDUSTRIAL, MIXED-USE, MULTI-UNIT (5+ UNITS)

Note: After review and recommendation by the Department of Community & Economic Development, all applications must be reviewed and approved by the City of Cincinnati Council before commencing construction. Any projects that start construction before City Council approval will be INELIGIBLE for a Commercial CRA Tax Abatement.

The City requires that the Applicant provide the following documentation with this application:

- A detailed breakdown of all Sources and Uses of Funds for the project (templates are available upon request). A minimum of \$40,000 in costs must be documented.
Supporting documentation for ALL sources of funding for the project. For instance, if a bank loan will be obtained, a letter or term sheet from the bank specifying, among other things, the loan amount and term. A contact person must be identified for each funding source.
A post-construction operating pro forma for the building and cash flow analysis. NOTE: Please submit a copy of the pro forma used to apply for any bank financing as required and a contact person considering the application for bank financing.
A \$1,250 application fee in the form of check, money order, or cashier's check payable to "City of Cincinnati". Note the application fee is nonrefundable.
Corporate Resolution, Articles of Incorporation, and an Operating/Partnership Agreement for entity applying for abatement showing who is authorized to sign for the organization
Copy of the Deed or other Legal Description of the Property
A copy of the proposed construction plans/rendering/etc.
Estimated pre-construction, and post construction real estate taxes
If this project is seeking LEED or Living Building Challenge (Full, Net Zero, or Petal [must include "Energy Petal"]) Certification, provide confirmation of registration

SECTION I – Applicant/Project Information

Applicant Information:
Legal Name of Property Owner Applying for Abatement: 700 Chalfonte Holdings LLC
Form of business enterprise LLC (corporation, partnership, proprietorship, LLC, non-profit, or other)
Is the Applicant affiliated with a larger developer or development entity? [Yes] No. If Yes, please provide the name of this developer or development entity: Yolo Investments LLC
Legal Address of real property owner: 4821 Brooke Hill Ct Liberty Twp, OH 45011
Federal Tax ID #(s): 92-1629744
Applicant Contact Person: Nadav Livne Title: Member
Phone: 225-284-5304 Main Contact email address: office@yolocinci.com
Address of subject property 700 Chalfonte Pl., Cincinnati, OH Zip: 45229
Hamilton County Auditor Parcel ID#: 112 - 0004 - 0018-00 (attach a page listing all parcels and addresses if more than one parcel)
City of Cincinnati Neighborhood: AVONDALE
Is any other financial assistance being requested from the City of Cincinnati for this project? [] Yes [X] No
If yes, please indicate the Development Analyst with whom you are working:

Space/Units to be constructed/renovated:

Construction Type: New Construction Renovation

What percentage of the existing structure is currently occupied: 0 _____ %

Total sqft/units to be constructed/renovated:

Commercial: _____ (sqft) Office: _____ (sqft) Industrial: _____ (sqft)

Residential: 20,080 (sqft) Residential: 23 (# of units)

Project Type:

- Commercial (Retail, Office etc)
 - Industrial
 - Multi-Unit Residential (5 or more units)
 - Mixed-Use (Residential & Commercial)
- Describe the break down in use in SF below:

Total of 23 residential units with total of 20,080 sq

5 units studio apartments with avg sq of 470 each

18 units of 3 bedroom apartments avg sq of 985 each

Please indicate if the project intends to meet Leadership in Energy and Environmental Design (LEED) levels as defined by the U.S. Green Building Council (www.usgbc.org).

- Project is not LEED-certified
- LEED Silver
- LEED Gold
- LEED Platinum

Please indicate if the project will be qualified under the Living Building Challenge program (<http://living-future.org/lbc>):

- Project is not LBC qualified
- LBC Full
- LBC Net Zero
- LBC Petal (requires "Energy Petal")

If approved for an abatement, does the Applicant intend to enter into a Voluntary Tax Incentive Contribution Agreement (VTICA)?

Yes 15 % No

(A VTICA is an agreement with a third-party non-profit designated by the City in which the Applicant would contribute a portion of the abated taxes to support neighborhood-based projects and services as well as City-wide affordable housing initiatives [note that VTICAs in the vicinity of the Streetcar are used to support streetcar operations]. As indicated the applicable City legislation & policies as this is a significant factor in determining the terms of the abatement.)

General Project Information:

Project Name (of Applicable): 700 Chalfonte Place

Description of the project:

We will be taking a shell of a building that has been vacant for many years and bringing it to life in hopes of expanding

affordable housing in the neighborhood of Avondale. The plan is to renovate this property from A to Z; including new mechanicals,

efficiency HVAC, structural repairs, flooring, painting, new kitchens and more, with the intention to making these units feel like home.

We've partnered with Excel Development on two other projects in hopes of this being the the third one; to help them expand and help more

families in need.

Please provide a brief description of the applicant's development experience:
 The managing member of 700 Chalfone holdigns LLC has been in the real estate business for over 10 years, has experienced in multiple total renovation residential homes and apartment buildings in the City of Cincinnati and neighboring cities like Madisonville, Evanston, West End , and downtown. Our latest developments have been 18 unit property on 542 prospect place and another 22 unit on 1631 on 1631 Sparkle dr.

Please state why this project deserves a tax exemption from the City of Cincinnati and what benefits the project will bring to the neighborhood where it is located:
 This project will support the community by bringing 23 affordable housing for families in need in our city
 It will also take a building thats been dead for years, vacant and attracting crime at times and bring it back to life. It will also create many temporary jobs to local and minority owned small businesses here in our queen city.

If Commercial or Industrial, state the nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site: _____

Please detail the project's planned community engagement (link for community council boundaries):

SECTION II – Job Creation/Retention

Job Creation and Retention:
 The Company will agree to use its best efforts to retain and/or create at least the following estimated number of employee positions at the Property in connection with the Project, in accordance with the specified schedule, and to maintain the minimum employment levels throughout the period of the incentive. The Job numbers below are to be listed in Full Time Equivalent (FTE) positions. FTEs are calculated by the number of total hours worked divided by the maximum number of compensable hours for a full-time work schedule (40hrs/week).

Existing positions at the site of the company to be retained:
 Full-Time Equivalent _____ employees; total annual payroll \$ _____

Will the project involve relocation of positions from another company location in the State of Ohio to the City of Cincinnati? Yes No

Existing positions at other company locations in Ohio to be relocated:

Address of Other Location(s): _____
 Full-Time Equivalent _____ employees; total annual payroll \$ _____

Address of Other Location(s): _____
 Full-Time Equivalent _____ employees; total annual payroll \$ _____

*Please attach additional sheets if other locations exceed spaces provided above.

Will the project involve relocation of positions from another company location outside of the State of Ohio to the City of Cincinnati? no

Existing positions at other company locations outside of the State of Ohio:

Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____

Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____

Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____

*Please attach additional sheets if other locations exceed spaces provided above.

Estimate the number of **new employees** the property owner will cause to be created at the facility that comprises the project site within three years. Job creation projection must be itemized by the name of the employer (add an additional page if more than one employer). FTEs are calculated by the number of total hours worked divided by the maximum number of compensable hours for a full-time work schedule (40hrs/week):

Full-Time Equivalent 2 employees (Total); total annual payroll \$ 80,000

During the first twelve months of the agreement: _____ positions

During the second twelve months of the agreement: _____ additional positions

During the third twelve months of the agreement: _____ additional positions

Temporary Construction 8 jobs; total annual payroll \$ 550,000

Length of Construction Period: 12-18 months

In addition to the Full Time Equivalent positions listed above, are there any part time jobs and associated payroll? If so, please provide, as well as a description of the positions:

Please provide a brief description of the Job Creation that is associated with this Project (types of jobs; e.g. fabrication, warehousing, sales, operations, management, technical, retail, etc.):

Operation, maintenance and management employment

Note to Applicant: Ohio Revised Code Section 3735.673 requires the City formally to notify each county or corporation from which the company intends to relocate, and the Ohio Development, prior to approval of a tax exemption agreement. This notification must be sent prior to consideration of the exemption by Cincinnati City Council.

SECTION III – Project Investment

Real Estate Investment:

Indicate the estimated cost of the construction or remodeling: \$ 1,348,861

Estimated total cost of the project (including soft costs & acquisition): \$ 1,870,603.70

Estimated Project start date: 07/2023 Estimated Project completion date: 12/2024

Current Auditor's value of property (aggregate value of all parcels involved): 335,000 currently

Estimated post-construction value of property: 1,870,603

(Please provide appraisal or other method for determining post-construction value of the property)

Other Investment

Investment in Machinery & Equipment (M&E) at the Property: \$ _____

Investment in Furniture, Fixtures, and Equipment (FF&E) at the Property: \$ _____

Other Investment: \$ _____

Description of Other Investment: _____

SECTION IV – Applicant Certifications

Does the property owner owe:

1. Any delinquent taxes to the State of Ohio, the City of Cincinnati or another political subdivision of the State? YES NO
2. Any moneys to the State of a state agency for the administration or enforcement of any environmental laws of the State? YES NO
3. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not? YES NO

If the applicant responds yes to any of the three above questions, please provide details of each instance including but not limited to the location, amounts, and/or case identification numbers (please submit additional sheets for response).

The Applicant authorizes the City and/or the Ohio Department of Development to inspect the personal financial statements of the Applicant, including but not limited to tax records and other similar information not ordinarily open to public inspection; and authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and/or the Ohio Department of Development in connection with the above statements.

Note: The above statements as to taxes and other obligations, and authorization to inspect, are required by Ohio Revised Code Section 9.66 (C) (1), As provided by statute, a knowingly false statement under this paragraph may be prosecuted as a first degree misdemeanor under Ohio Revised Code 2921.13 (D) and may render the Applicant ineligible for any future economic development assistance from the state or any political subdivision.

Please initial that you have read the above. X NL _____

Project Completion:

Once the project is complete, the Applicant is required to submit a CRA Completion Application Form along with required documentation noted therein. It is the Applicant's responsibility to submit this completed form to the City of Cincinnati to ensure the tax abatement will be initiated by the Hamilton County Auditor.

Please initial that you have read the above statement and understand that the abatement will not be considered by the Hamilton County Auditor's Office until the CRA Completion Application Form is complete and submitted.

X NL _____

Additional Certifications by Applicant:

- o The Applicant acknowledges that the property is **Not Eligible** for tax exemption if construction activities are commenced prior to the execution of a Community Reinvestment Area Tax Exemption Agreement between the Applicant and the City. No agreement may be executed by the City without prior approval by Cincinnati City Council.
- o The Applicant acknowledges that if the application is approved by Cincinnati City Council, a \$750.00 application fee payable to "Treasurer, State of Ohio" will be due. Applicant must submit this fee to the City's Department of Community & Economic Development upon approval by Cincinnati City Council.
- o The Applicant acknowledges that a Payment In Lieu of Taxes (PILOT) agreement in the amount of 33% of the annual value of the exemption with Cincinnati Board of Education will be required. The form of this PILOT agreement is available upon request.
- o The Applicant acknowledges that if one of the City's considerations for granting a tax exemption is the applicant's representation that it will enter into a VTICA, then the failure by the Applicant to do so is considered grounds for the City of Cincinnati to terminate the tax exemption granted to the Applicant.
- o The Applicant acknowledges that all tax exemptions must submit an Annual Report on or before March 31 of each year. This report must be submitted for each year of the tax exemption agreement including during the construction period.
- o The Applicant acknowledges that all tax exemptions will be subject to an annual monitoring fee of 1% of the annual taxes exempted under the agreement or \$500, whichever is greater; no City annual fee will be greater than \$2,500 per year. This annual monitoring fee must be submitted with each Annual Report.
- o The Applicant acknowledges that to be eligible for tax exemption by the City of Cincinnati, the subject property must be located within the City of Cincinnati.
- o The Applicant acknowledges that exemption values are determined by the Hamilton County Auditor's Office.
- o The Applicant acknowledges that the City of Cincinnati may revoke the tax exemption any time after the first year if the property has building code violations or is delinquent on the property taxes.
- o The Applicant acknowledges that the City of Cincinnati Council may rescind or alter the Ordinance granting tax exemptions.
- o The Applicant agrees to supply additional information upon request.

Please initial that you have read the above. X NL

Prior Agreement. Applicant represents and warrants that neither Applicant, nor any "predecessor" or "related member" is a party to another agreement granting tax exemption relating to a structure in this state at which the Applicant (or the predecessor or related member) has discontinued or intends to discontinue operations prior to the expiration of the term of that agreement. (Note: This information is required by Ohio Revised Code 3735.671 (E). As used herein "predecessor" means a person or entity that has transferred assets or equity to Applicant, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the Ohio Tax Commissioner; and "related member" has the same meaning as defined in Ohio Revised Code 5733.042 without regard to division (B) of that section.)

Please initial that you have read the above. X NL

I declare under the penalties of falsification that this application, including all enclosed documents and statements, has been examined by me, and to the best of my knowledge and belief is true, correct, and complete.

| | |
|---|--|
|  Signature of Applicant | 1/06/23 Date |
| Nadav Livne Printed Name | Member Title (if signed as officer) |

Please complete this application in its entirety and submit to the Department of Community & Economic Development along with required supporting documentation. Please make and retain a copy of this application for your records. Please allow 4 weeks for the Department of Community & Economic Development to review and follow-up on this application.

Send Completed Application to:

City of Cincinnati
Department of Community & Economic Development
805 Central Avenue, Suite 710
Cincinnati, Ohio 45202
Attention: Commercial Tax Abatement Application

STREETCAR VTICA AREA



Small Business Enterprise (SBE) Utilization Plan

Please indicate which methods you plan to use to achieve the City's aspirational goal of 30% Small Business Enterprise (SBE) utilization for construction contracts. Return the form to the Department of Community & Economic Development with your tax abatement application. If you have questions about this form, please contact the analyst reviewing your application.

Project Name: 700 Chalfonte Pl

| Action | YES | NO | Expected Date/Comments |
|--|-------------------------------------|--------------------------|---|
| 1. Hold a Meet & Confer (required) | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. Use the City's SBE Directory to solicit bids from certified SBEs –available here: http://www.cincinnati-oh.gov/purchasing/resources-directories/sbe-directory/ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | we will solicit bids and if fair pricing plan to use SBE |
| 3. Identify sufficient subcontracting work to meet 30% SBE utilization goal | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4. Divide the total requirements into small tasks or quantities to permit maximum SBE participation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 5. Written Notice to Subcontractors of opportunity to bid and follow-up to initial solicitations | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 6. Advertise opportunity to bid in local minority publications and in other local newspapers of general circulation | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7. Assistance with subcontractors' bonds, credit lines, and insurance | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If its within our budget it will be considered in addition to the bid |
| 8. Provide interested subcontractors with access to plans, specifications and requirements for subject project | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 9. Require subcontractors to demonstrate the affirmative steps #2-8 to utilize SBEs in their subcontracts | <input type="checkbox"/> | <input type="checkbox"/> | |
| 10. Other: | <input type="checkbox"/> | <input type="checkbox"/> | |



 Signature of Authorized Representative

1/6/23

 Date

 Community & Economic Development Approval

 Date

June 12, 2023
202301609

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Approving and Authorizing a CRA Tax Abatement with 8K Glenway, LLC

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 8K Glenway, LLC and the Port of Greater Cincinnati Development Authority, thereby authorizing a ten-year tax exemption for 100 percent of the value of improvements made to real property located at 4022-4028 Glenway Avenue and 1211-1213 Iliff Avenue in the West Price Hill neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential rental units, at a total construction cost of approximately \$1,179,802.

BACKGROUND/CURRENT CONDITIONS

The City and Price Hill Will are parties to a Stabilization Agreement to acquire and stabilize the property at 4022-4042 Glenway Avenue and 1211-1213 Iliff Avenue in the West Price Hill neighborhood. Price Hill Will was required to diligently market the property for sale or lease to a commercial developer or end user and 8K Development Company, LLC has been identified as such commercial developer.

8K Development Company intends to acquire title to the property from Price Hill Will and to redevelop the site. The first phase of the project includes the building structure at 4022-4028 Glenway Avenue and the adjacent lots. The building structure is currently vacant with two street-level commercial units and two residential units above. The Developer plans to remodel the existing building on the property, 4022-4028 Glenway Avenue, to create approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential units.

DEVELOPER INFORMATION

8K Development Company, dba 8K Glenway, LLC was founded in 2009. Starting with the gut renovation of one dilapidated house on Langland Street in Northside, 8K has grown into an integrated construction and property development company. The renaissance in Cincinnati's core neighborhoods has led to expertise across a broad spectrum of development and construction services such as comprehensive historic renovations, commercial buildouts, and ground up construction. In 2016, the

organization was reconfigured into two companies, 8K Development Co. and 8K Construction Co. Since the reorganization, 8K has completed over 30,000 sf of residential renovation and over 15,000 sf of commercial build-out working primarily in Northside, Over-the-Rhine, and Walnut Hills

RECOMMENDATION

DCED is recommending a 10-year, net 67% Commercial CRA tax abatement on the improved value property.

DCED's recommendation is based on the following reasons:

- The project is being completed in partnership with Price Hill Will, the Community Development Corporation. Price Hill Will has marketed the site and project to the Developer as a response to the community's need to redevelop the commercial and residential units and activate this block of the business district for an increase in commercial activity.
- The project will bring 2 new affordable housing units to the neighborhood with rental rates that resemble affordability at 60% AMI.
- The project will involve creating 2 new commercial storefronts along Glenway Avenue. Two existing tenants currently located in the 4034-4042 Glenway building will be relocated and retained within the project to 4022-4028 Glenway. Both tenants have combined tenure of over 30 years in the business district, and the relocation will position them for future growth opportunities.
- A parking lot containing 30 parking spaces will be constructed immediately adjacent to the project site.
- A CRA abatement is needed in order to achieve the proposed debt amount of \$150,000. Without a CRA abatement, the debt capacity will decrease even further which would result in an unfinanceable project gap. Additional developer equity is not available to fill the gap due to the high costs of renovation and lower-projected cash flow of the projected as a result of the affordable commercial rental limits the Developer has agreed to create.
- The 10-year term for the abatement matches the term for the permanent loan with the City.

The Administration recommends approval of this Emergency Ordinance. The Developer plans to secure financing immediately to start construction by the third quarter of 2023.

Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

| <u>Project Description Details</u> | <u>Explanation</u> |
|--|--|
| Project Name | 4024-4028 Glenway Avenue |
| Street Address | 4024-4028 Glenway Avenue |
| Property Condition | Vacant building with two street-level commercial units and two, two-bedroom residential units above. |
| Neighborhood | West Price Hill |
| Incentive Application Process | Commercial CRA – Neighborhood Area (Non-LEED) |
| Recent or other projects by Developer | 1714 Vine Street, KeyMark Phase I & II |
| Approval at planning commission/Neighborhood support | <ul style="list-style-type: none"> - Approval for funding and development by Ordinance 302-2021, passed by City Council on August 4, 2021 - Community Engagement Meeting facilitated by City Planning and Engagement on July 20, 2021. |
| Plan Cincinnati Goals | Achieves the Compete Initiative Area Goal 2 (pages 114-120), Live Area goal 3 by (pages 164-178), and Sustain Initiative Area Goal 2 (pages 193-198) |

Project Image



| <u>Incentive Summary Category</u> | <u>Explanation</u> |
|---|--|
| Abatement Term and amount | 10-year, net 67% Commercial CRA tax abatement |
| Additional Incentive | \$1,076,283 Funding and Development Agreement to 8K Glenway, LLC |
| Construction Cost & Private investment committed | \$1,179,802 in hard construction costs and \$237,505 in soft costs; Developer expects to receive a loan of \$150,000 from the Northside Bank & Trust Company |
| Sq. Footage by Use | 2,205 SF – Commercial 1,692 SF – Residential |
| Number of units and rental ranges | 2 two-bedroom units <ul style="list-style-type: none"> - 2 affordable to 60% AMI - (\$1,000/month) - Units are not income restricted. Developer plans to maintain rental rates at this rate during the first 10 years with adjustments for inflation. |
| Jobs created/retained and payroll (living wage) | Projected to retain 2 FTE positions at \$70,000 in annual payroll (avg. of \$35,000 annually per job) and 6 temporary construction jobs at \$420,000 annual payroll |
| “But For” | The project as presented, with restricted commercial lease rates, would not proceed without the proposed incentive package due to the Developer not receiving adequate returns until after Year 10 |
| Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk) | Without Abatement: Year 5: -9% (stabilized vacancy) With Abatement: Year 5: 2% (stabilized vacancy) |
| LEED or other environmental build | Non-LEED |
| Neighborhood VTICA | N/A |
| Total Public Benefit (Benefits Realized vs Taxes Forgone) | \$2.92 of new CPS/VTICA/Income taxes for each \$1 forgone |
| Projected Income Tax Revenue | \$16,380 |
| MBE/WBE Goals | SBE Goal of 30% |

| | |
|--|--|
| Transit Access/Walkability | Sits along 33 and 65 Metro bus routes |
| Geography | Located in the East/West Price Hill NRSA |
| Historic Preservation/Existing Building Renovation | This project will renovate the basement, first floor/street-level , and second floor of the building preserving and reactivating the building for future use |
| Public Infrastructure Improvements | N/A |

| Rent | Affordable to Salary | City Jobs (Min Salary exceeds affordable salary) |
|---------|----------------------|---|
| \$1,000 | \$40,000.00 | Part-time Nurse, Assistant Supervisor of Fleet Services, Legal Assistant, Community Development Analyst, Parks/Rec Service Area Coordinator |

| AMI | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|----------|----------|----------|----------|----------|----------|----------|-----------|
| 30% | \$20,100 | \$22,950 | \$25,800 | \$28,650 | \$32,470 | \$37,190 | \$49,910 | \$46,360 |
| 50% | \$33,450 | \$38,200 | \$43,000 | \$47,750 | \$51,600 | \$55,400 | \$49,250 | \$63,050 |
| 60% | \$40,140 | \$45,840 | \$51,600 | \$57,300 | \$61,920 | \$66,480 | \$59,100 | \$75,660 |
| 80% | \$53,520 | \$61,120 | \$68,800 | \$76,400 | \$82,560 | \$88,640 | \$78,800 | \$100,880 |

EMERGENCY

TJL

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 8K Glenway, LLC and the Port of Greater Cincinnati Development Authority, thereby authorizing a ten-year tax exemption for 100 percent of the value of improvements made to real property located at 4022-4028 Glenway Avenue and 1211-1213 Iliff Avenue in the West Price Hill neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential rental units, at a total construction cost of approximately \$1,179,802.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, 8K Glenway, LLC and the Port of Greater Cincinnati Development Authority (collectively, the “Company”) desire to remodel an existing building on real property at 4022-4028 Glenway Avenue and 1211-1213 Iliff Avenue located within the corporate boundaries of the City of Cincinnati into approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential rental units (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100 percent of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$13,556; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company’s operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with 8K Glenway, LLC and the Port of Greater Cincinnati Development Authority (the “Agreement”), thereby authorizing a ten-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 4022-4028 Glenway Avenue and 1211-1213 Iliff Avenue in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential rental units, to be completed at a total construction cost of approximately \$1,179,802.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the “City”) in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with Ohio Revised Code Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and

- (iii) to take all necessary and proper actions to fulfill the City’s obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the remodeling described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City’s economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and among the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), 8K GLENWAY, LLC, an Ohio limited liability company (the "Developer"), and PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY, an Ohio port authority (the "Owner", and together with Developer, the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Owner is the sole owner of certain real property within the City, located at 4022-4028 Glenway Avenue & 1211-1213 Iliff Avenue, Cincinnati, Ohio 45205 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Owner intends to convey fee title in the Property to Developer following the completion of the Project, as further described in Recital E. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed the remodeling of a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past three (3) years neither the Company, nor any related member of the Company nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- P. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing building on the Property to create approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of 2 residential rental units (the "Improvements") at an estimated aggregate cost of \$1,179,802 to commence after the execution of this Agreement and to be completed no later than December 31, 2024; *provided*,

however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 10 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption, and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2034 or (ii) the end of the tenth (10th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.
- (iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.
- (v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.
- (vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. Developer represents that, as of the date of the execution of this Agreement, the Developer (a) intends to cause the retention of 2 full-time equivalent employees in the City of Cincinnati, with a total annual payroll of \$70,000, to be relocated to and retained at the Property (the "Retained Jobs"), and (b) has no existing employment at the Property or at other locations in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Retained by Developer. Developer agrees to use its best efforts to cause the Retained Jobs to be retained at the Property.

B. Jobs to be Created by Developer. Developer agrees to use its best efforts to create 6 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

C. Developer's Estimated Payroll Increase. Developer's increase in the number of employees will result in approximately \$420,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

D. Community Reinvestment Area Employment. Developer shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents

of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

E. Posting Available Employment Opportunities. To the extent allowable by law, Developer shall use its best efforts to post available employment opportunities within the Developer's organization or the organization of any subcontractor working with the Developer with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Developer shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which

are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of Ohio Revised Code Section 3735.671 has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement shall constitute an event of default for purposes of Section 16 (*Default*) and the basis for revocation under Section 18 (*Revocation*). Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Developer shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63, or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Owner:

Port of Greater Cincinnati Development Authority
Attention: Laura Brunner, President & CEO
3 E. Fourth Street, Suite 300
Cincinnati, Ohio 45202

To the Developer:

8K Glenway, LLC
c/o: 8 K Development Company, LLC
Attention: Michael Chewning
60 E. McMicken Avenue,
Cincinnati, Ohio 45202

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Joint and Several Liability. The obligations and liability of the Owner and Developer under this Agreement are joint and several, except as otherwise expressly indicated. In dealing with said entities, the City shall be entitled to rely upon information, notices, documents and the like received by the City from only one of said entities to the same extent as if the same had been provided to the City by both entities.

Section 39. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2023

PORT OF GREATER CINCINNATI
DEVELOPMENT AUTHORITY,
an Ohio port authority

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

8K GLENWAY, LLC
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

PARCEL I:

Property Address: 4022 Glenway Avenue & 1211-1213 Iliff Avenue, Cincinnati, Ohio 45205

Auditor's Parcel Nos.: 179-0074-0234-00, 179-74-224-00(225)cons., & 179-0074-0226-00

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, being all of Lot 196 of the Subdivision made by the Cedar Grove Land and Building Association as recorded in Plat Book 4, Page 220 of the Hamilton County, Ohio Records.

Said lot fronts 45 feet on the north side of Glenway Avenue and extends back, between parallel lines, 127.05 feet to the rear line of said lot being known as 4022 Glenway Avenue.

Also, the following described real estate: Situated in the City of Cincinnati, County of Hamilton and State of Ohio, and being all of Lots 205, 206 and the southerly eight feet of Lot 209, all as shown on the plat of the Cedar Grove Land & Building Association Co. No. 1 Subdivision, as recorded in Plat Book 4, Page 220 and 221 in the Office of the Recorder of said Hamilton County, Ohio. Each of said lots having a frontage of 25 feet on the westerly side of Iliff Avenue and extending westwardly, between parallel lines a distance of 120 feet.

PARCEL II:

Property Address: 4024 & 4028 Glenway Avenue, Cincinnati, Ohio 45205

Auditor's Parcel Nos.: 179-0074-0232-00(233)cons. & 179-0074-0231-00(359)cons.

Situate in the City of Cincinnati, Hamilton County, Ohio and being known as Lots Nos. 197, 198 and 199 of the Cedar Grove Loan and Building Association Subdivision as recorded in Plat Book 4, Page 220 of the Records of the Hamilton County Recorder.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

Date: June 1 , 2023

To: Mayor Aftab Pureval and Vice Mayor Jan-Michele Lemon Kearney

From: Emily Smart Woerner, City Solicitor *ESW*

Subject: **Emergency Ordinance – FY 2023 Poet Laureate Stipend 202301524**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer of the sum of \$10,000 from the balance sheet reserve account 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of the sum of \$10,000 from the unappropriated surplus of the General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing The Mercantile Library with the City’s portion of the two-year stipend for the City of Cincinnati’s Poet Laureate.

ESW/IMD(dmm)
Attachment
384052

EMERGENCY

City of Cincinnati

IMD

ELSW

An Ordinance No. _____

- 2023

AUTHORIZING the transfer of the sum of \$10,000 from the balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of the sum of \$10,000 from the unappropriated surplus of the General Fund 050 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing The Mercantile Library with the City's portion of the two-year stipend for the City of Cincinnati's Poet Laureate.

WHEREAS, the City has previously provided support for the City of Cincinnati's Poet Laureate (the "Poet Laureate") and wishes to continue that support in partnership with The Mercantile Library; and

WHEREAS, support for the Poet Laureate is part of the City's multi-year pledge to support the arts, the value of spoken word, and the efforts of The Mercantile Library and the Poet Laureate program to bring more spoken word and poetry to our City; and

WHEREAS, poetry encourages self-reflection, connection, and community building; and

WHEREAS, poetry is accessible to all people in our City and encourages young people to find their voice; and

WHEREAS, Ordinance No. 56-2022 revised the City's Stabilization Funds Policy to define appropriate funding for the City's various reserve funds, which included the establishment of a "Reserve for Operating Budget Contingencies" account that can provide \$10,000 to support the Poet Laureate; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the transfer of the sum of \$10,000 from balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050 is hereby authorized.

Section 2. That the transfer and appropriation of the sum of \$10,000 from the unappropriated surplus of the General Fund 050 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 is hereby authorized for the purpose

of providing The Mercantile Library with the City’s portion of the two-year stipend for the City of Cincinnati’s Poet Laureate.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide The Mercantile Library with the City’s portion of the two-year stipend for the City of Cincinnati’s Poet Laureate.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023
202301566

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Parks: Department of Natural Resources (DNR) Headquarters (HQ) Site Renovation**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and appropriation of the sum of \$126,986 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to existing capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” to provide resources for improvements to the former District 5 police station site, including on-site stormwater drainage and widening the driveway, located at 1012 Ludlow Avenue.

Approval of this Emergency Ordinance authorizes the transfer and appropriation of \$126,986 from the unappropriated surplus of Park Board Improvement Fund 752 to existing capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” for the purpose of providing resources for improvements to the former District 5 police station site located at 1012 Ludlow Avenue.

To renovate the former District 5 police station site to house the Parks Department’s Department of Natural Resources, on May 18, 2023, the Cincinnati Park Board Commissioners approved the use of Park Board Permanent Improvement Fund 752 resources as follows: (1) \$100,000 to repair the catch basin and associated piping drainage outlet from a large portion of the parking lot and the roof of the building and (2) \$26,986 to widen the driveway at the former District 5 police station to accommodate tree trucks and other large vehicles that need to access the site. Resources will be reimbursed to the Park Board after the current headquarters property at 3215 Reading Road is sold to the Centers for Disease Control and Prevention (CDC).

Investing in a new headquarters for the Cincinnati Park Board Natural Resources Team is in accordance with the “Sustain” goal to “[m]anage our financial resources” as described on pages 199-205 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to enter into any contracts necessary to avoid project delays.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



EMERGENCY

KKF

-2023

AUTHORIZING the transfer and appropriation of the sum of \$126,986 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to existing capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” to provide resources for improvements to the former District 5 police station site, including on-site stormwater drainage and widening the driveway, located at 1012 Ludlow Avenue.

WHEREAS, in order to renovate the former District 5 police station to house the Parks Department’s Department of Natural Resources, on May 18, 2023 the Cincinnati Park Board Commissioners approved the use of \$100,000 from Park Board Permanent Improvement Fund 752 to repair the catch basin and associated piping drainage outlet from a large portion of the parking lot and the roof of the building; and

WHEREAS, the Board of Park Commissioners also approved the use of \$26,986 from Park Board Permanent Improvement Fund 752 to widen the driveway at the former District 5 police station to accommodate tree trucks and other large vehicles that need to access the site; and

WHEREAS, these Park Board resources will be reimbursed when the payment from the Centers for Disease Control and Prevention is received for the sale of property on 3215 Reading Road; and

WHEREAS, investing in a new headquarters for the Cincinnati Park Board Natural Resources Team is in accordance with the “Sustain” goal to “[m]anage our financial resources” as described on pages 199-205 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the transfer and appropriation of the sum of \$126,986 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to existing capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” is hereby authorized to provide resources for improvements to the former District 5 police station site, including on-site stormwater drainage and widening the driveway, located at 1012 Ludlow Avenue.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to enter into any contracts necessary to avoid project delays.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023
202301571

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – DCED: Madtree Brewing Coal Boiler Remediation and Public Parking Improvements, TIF Funding

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and appropriation of \$75,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to the Department of Community and Economic Development non-personnel operating budget account no. 499x164x7200 to provide resources for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements; and **DECLARING** expenditures related to the remediation of the coal boiler to be a public purpose and constitute a “Public Infrastructure Improvement” (as defined in Section 5709.40(A)(8) of the Ohio Revised Code) that will benefit and/or serve the District 20-Oakley Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

Approval of this Emergency Ordinance authorizes the transfer and appropriation of \$75,000 from Oakley District Equivalent Fund 499 to the Department of Community and Economic Development (DCED) Oakley District Equivalent Fund non-personnel operating budget account no. 499x164x7200 for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements.

In a letter dated April 7, 2023, the Oakley Community Council expressed its unanimous support of the use of \$75,000 Tax Increment Financing (TIF) for the MadTree Coal Boiler Remediation and Demolition Project on Madison Road. Oakley Equivalent Fund 499 has sufficient resources to cover the cost. The remediation of the coal boiler at MadTree Brewing Co. will directly benefit District 20 – Oakley Incentive District in the Oakley community.

With the assistance of The Port and with the recommendation of the Department of Community and Economic Development, MadTree Brewing Co. received a \$150,000 State Brownfield Remediation Grant from the Ohio Department of Development (ODOD) to cover approximately 67 percent of the project cost for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements.

The remediation of the coal boiler at MadTree Brewing Co. is in accordance with the “Live” goal to “[c]reate a more livable community” and the “Compete” goal to “[c]ultivate our position as the most vibrant and economically healthiest part of our region” as described on pages 156 and 114, respectively, of Plan Cincinnati (2012).

The reason for the emergency is the need to have funding in place to carry out the remediation in the City's Fiscal Year 2024, which begins July 1, 2023.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

AKS

- 2023

AUTHORIZING the transfer and appropriation of \$75,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to the Department of Community and Economic Development non-personnel operating budget account no. 499x164x7200 to provide resources for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements; and **DECLARING** expenditures related to the remediation of the coal boiler to be a public purpose and constitute a “Public Infrastructure Improvement” (as defined in Section 5709.40(A)(8) of the Ohio Revised Code) that will benefit and/or serve the District 20-Oakley Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

WHEREAS, with the assistance of The Port and the recommendation of the Department of Community and Economic Development, MadTree Brewing Co. received a \$150,000 State Brownfield Remediation Grant from the Ohio Department of Development to cover approximately 67 percent of the project cost for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements; and

WHEREAS, in a letter dated April 7, 2023, the Oakley Community Council expressed its unanimous support of the use of \$75,000 Tax Increment Financing (TIF) for the MadTree Coal Boiler Remediation and Demolition Project on Madison Road; and

WHEREAS, the remediation of the coal boiler at MadTree Brewing Co. will directly benefit District 20 – Oakley Incentive District in the Oakley community; and

WHEREAS, Oakley Equivalent Fund 499 has sufficient resources available to cover this cost; and

WHEREAS, the remediation of the coal boiler at MadTree Brewing Co. is in accordance with the “Live” goal to “[c]reate a more livable community” and the “Compete” goal to “[c]ultivate our position as the most vibrant and economically healthiest part of our region” as described on pages 156 and 114, respectively, of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the transfer and appropriation of \$75,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to the Department of Community and Economic Development non-personnel operating budget account no. 499x164x7200 is authorized for the purpose of

providing resources for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements.

Section 2. That Council declares that the remediation of the coal boiler at MadTree Brewing Co. (a) constitutes a “Public Infrastructure Improvement” (as defined by Section 5709.40(A)(8) of the Ohio Revised Code (“R.C.”)), that will benefit and/or serve the District 20 – Oakley Incentive District, subject to compliance with R.C. Sections 5709.40 through 5709.43 and (b) serves a public purpose because the project will remediate an existing environmental issue and create additional public parking.

Section 3. That the proper City officials are hereby authorized to take all appropriate actions to carry out this ordinance including, but not limited to, the appropriations and transfers authorized herein.

Section 4. That Sections 1 through 3 shall become effective as of July 1, 2023.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to have funding in place to carry out the remediation in the City’s Fiscal Year 2024, which begins July 1, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023

To: Mayor and Members of City Council 202301562
From: Sheryl M. M. Long, City Manager
Subject: **Ordinance – Police: FY 2023 Violence Against Women Act (VAWA) Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$60,000, effective FY 2024 pending award timing, from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2023 Violence Against Women Act Grant Program (ALN 16.588) to support the Domestic Violence Law Enforcement Advocate Project, in collaboration with Women Helping Women; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VAWA, effective FY 2024 pending award timing.

This Ordinance authorizes the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$60,000, effective FY 2024 pending award timing, from the Ohio Department of Public Safety (ODPS), Office of Criminal Justice Services (OCJS), FY 2023 Violence Against Women Act (VAWA) Grant Program (ALN 16.588) to support the Domestic Violence Law Enforcement Advocate Project (DVLEAP), in collaboration with Women Helping Women (WHW). This Ordinance also authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VAWA, effective FY 2024 pending award timing.

This grant is available through the Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of supporting the Domestic Violence Law Enforcement Advocate Project (DVLEAP). DVLEAP is a collaboration between the Cincinnati Police Department (CPD) and Women Helping Women (WHW). WHW provides crisis intervention services for victims of domestic violence throughout the police investigation and court process.

The grant application deadline was June 5, 2023, but no funds will be accepted without approval of the City Council.

There are no new FTEs associated with this grant. The grant does require a local match of \$20,000, to be provided by WHW.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$60,000, effective FY 2024 pending award timing, from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2023 Violence Against Women Act Grant Program (ALN 16.588) to support the Domestic Violence Law Enforcement Advocate Project, in collaboration with Women Helping Women; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VAWA, effective FY 2024 pending award timing.

WHEREAS, Women Helping Women (“WHW”) provides crisis intervention services for victims of domestic violence throughout the police investigation and court process; and

WHEREAS, the Domestic Violence Law Enforcement Advocate Program (“DVLEAP”) is a collaboration between the Cincinnati Police Department and WHW; and

WHEREAS, a grant of up to \$60,000 is available from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2023 Violence Against Women Act Grant Program, which will be used to provide funding for DVLEAP; and

WHEREAS, the grant requires matching funds of \$20,000, to be provided by WHW; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline was June 5, 2023, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as set forth on pages 156-163 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for in FY 2023, and accept and appropriate a grant of up to \$60,000, effective FY 2024 pending award timing, from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2023 Violence Against Women Act Grant Program, to support the Domestic Violence Law Enforcement Advocate Project, in collaboration with Women Helping Women.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VAWA, effective FY 2024 pending award timing.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of the grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023
202301568

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – CMO: Community Based Violence Intervention and Prevention Initiative Grant from U.S. Department of Justice

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for a grant of up to \$2,000,000 from the FY 2023 Community Based Violence Intervention and Prevention Initiative through the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.045) to provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime.

Approval of this Ordinance authorizes the City Manager apply for a grant of up to \$2,000,000 from the FY 2023 Community Based Violence Intervention and Prevention Initiative (CBVIPI) through the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (BJA) (ALN 16.045) to provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime.

The City already applied for this grant to meet the deadline of May 25, 2023, but no grant resources will be accepted without City Council approval.

This grant does not require matching funds or new FTEs/full time equivalents.

Applying for the Community Based Violence Intervention and Prevention Initiative grant is in accordance with the “Live” goal to “[c]reate a more livable community” and strategy to “[s]upport and stabilize our neighborhoods” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for a grant of up to \$2,000,000 from the FY 2023 Community Based Violence Intervention and Prevention Initiative through the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.045) to provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime.

WHEREAS, a grant of up to \$2,000,000 is available from FY 2023 Community Based Violence Intervention and Prevention Initiative through the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.045); and

WHEREAS, the grant would provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime; and

WHEREAS, this grant does not require matching funds, and there are no new FTEs/full time equivalents; and

WHEREAS, the City has already applied for the grant by the deadline of May 25, 2023, but no grant resources will be accepted without Council approval; and

WHEREAS, applying for the Community Based Violence Intervention and Prevention Initiative grant is in accordance the “Live” goal to “[c]reate a more livable community” and strategy to “[s]upport and stabilize our neighborhoods” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for a grant of up to \$2,000,000 from the FY 2023 Community Based Violence Intervention and Prevention Initiative through the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.045) to provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023

To: Mayor and Members of City Council

202301563

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – DOTE: Streetcar OTP2 Grant Application

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for grant resources of up to \$4,291,000 from the Ohio Transit Partnership Program, awarded by the Ohio Department of Transportation, to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system.

Approval of this Ordinance would authorize the City Manager to apply for grant resources of up to \$4,291,000 from the Ohio Transit Partnership Program (OTP2), awarded by the Ohio Department of Transportation (ODOT), to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system.

The City intends to apply for the OTP2 grant by the application deadline of June 2, 2023, but no grant funds will be accepted without approval by the City Council. The grant does not require local matching resources. However, the Department of Transportation and Engineering (DOTE) intends to apply for the grant with a 1.5% local match offer, totaling up to \$64,365, to improve the City's competitive advantage. Matching resources may come from existing and future capital improvement program project accounts. There are no new FTEs/full time equivalents associated with this grant.

This grant application is in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability," and strategy to "[p]lan, design, and implement a safe and sustainable transportation system," as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for grant resources of up to \$4,291,000 from the Ohio Transit Partnership Program, awarded by the Ohio Department of Transportation, to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system.

WHEREAS, grant resources of up to \$4,291,000 are available from the Ohio Department of Transportation's Ohio Transit Partnership Program ("OTP2") which, if awarded, will be used to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system; and

WHEREAS, the City intends to apply for the OTP2 grant by the application deadline of June 2, 2023, but no grant funds will be accepted without approval by Council; and

WHEREAS, while this grant does not require local matching resources, the City intends to apply for the grant with a 1.5 percent local match totaling up to \$64,365 to improve the City's competitive advantage, and matching resources may come from existing and future capital improvement program project accounts; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, this grant application is in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability" and strategy to "[p]lan, design, and implement a safe and sustainable transportation system" as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for grant resources of up to \$4,291,000 from the Ohio Transit Partnership Program ("OTP2"), awarded by the Ohio Department of Transportation ("ODOT"), to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023

To: Mayor and Members of City Council 202301564
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – Police: Acceptance of In-Kind Donation of Water from the Heidelberg Distributing Company**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of 85 cases of water valued at \$808.35 from the Heidelberg Distributing Company to be used by the Cincinnati Police Department’s Special Weapons and Tactics Team.

This Emergency Ordinance authorizes the City Manager to accept an in-kind donation of 85 cases of water valued at \$808.35 from the Heidelberg Distributing Company to be used by the Cincinnati Police Department’s Special Weapons and Tactics Team (SWAT).

The Heidelberg Distributing Company has generously donated 85 cases of water to the Cincinnati Police Department to be utilized by the Special Weapons and Tactics Team.

This donation does not require matching funds or additional FTEs.

Acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities,” as described on pages 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to ensure timely acceptance of the donation.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



EMERGENCY

IMD

- 2023

AUTHORIZING the City Manager to accept an in-kind donation of 85 cases of water valued at \$808.35 from the Heidelberg Distributing Company to be used by the Cincinnati Police Department’s Special Weapons and Tactics Team.

WHEREAS, the Heidelberg Distributing Company has generously donated 85 cases of water to the Cincinnati Police Department to be utilized by the Special Weapons and Tactics Team; and

WHEREAS, there are no match requirements or new FTEs/full time equivalents associated with acceptance of this in-kind donation; and

WHEREAS, acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to accept an in-kind donation of 85 cases of water valued at \$808.35 from the Heidelberg Distributing Company to be used by the Cincinnati Police Department’s Special Weapons and Tactics Team.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to ensure timely acceptance of the donation.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023

To: Mayor and Members of City Council 202301565

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Police: Acceptance of Monetary Donation from the Rotary Club of Cincinnati**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a donation of \$1,000 from the Rotary Club of Cincinnati to be used for operation of the Cincinnati Police Department Public Safety Cadet Program; and **AUTHORIZING** the Director of Finance to deposit the donation into Public Safety Special Projects Fund 456.

This Emergency Ordinance authorizes the City Manager to accept and appropriate a donation of \$1,000 from the Rotary Club of Cincinnati to be used for the operation of the Cincinnati Police Department (CPD) Public Safety Cadet Program. This Emergency Ordinance further authorizes the Director of Finance to deposit the donation into Public Safety Special Projects Fund 456.

The Rotary Club of Cincinnati has graciously donated \$1,000 to support the operation of the CPD Public Safety Cadet Program. The CPD Public Safety Cadet Program, formerly titled the Explorers Program, gives students ages fourteen through twenty the opportunity to explore a career in law enforcement by working and training with members of the Cincinnati Police Department.

This donation does not require additional FTEs or matching funds.

Acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community,” and the strategy to “[u]nite our communities,” as described on pages 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the need to ensure timely acceptance of the donation from the Rotary Club of Cincinnati.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



EMERGENCY

CNS

- 2023

AUTHORIZING the City Manager to accept and appropriate a donation of \$1,000 from the Rotary Club of Cincinnati to be used for operation of the Cincinnati Police Department Public Safety Cadet Program; and **AUTHORIZING** the Director of Finance to deposit the donation into Public Safety Special Projects Fund 456.

WHEREAS, the Rotary Club of Cincinnati has graciously offered to donate \$1,000 to support the operation of the Cincinnati Police Department (“CPD”) Public Safety Cadet Program; and

WHEREAS, the CPD Public Safety Cadet Program, formerly titled the Explorers Program, gives students ages fourteen through twenty the opportunity to explore a career in law enforcement by working and training with members of the CPD; and

WHEREAS, acceptance of this donation requires no matching funds, and no FTEs/full time equivalents are associated with this donation; and

WHEREAS, acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to accept and appropriate a donation of \$1,000 from the Rotary Club of Cincinnati to provide resources for operation of the Cincinnati Police Department Public Safety Cadet Program.

Section 2. That the Director of Finance is authorized to deposit the donated funds into Public Safety Special Projects Fund 456.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to ensure timely acceptance of the donation from the Rotary Club of Cincinnati.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: June 7, 2023

To: Mayor and Members of City Council 202301575
From: Sheryl M. M. Long, City Manager
Subject: EMERGENCY ORDINANCE – DANDRIDGE STREET MURAL

Attached is an emergency ordinance captioned as follows:

AUTHORIZING the City Manager to design, install, and maintain artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the artwork; and **AUTHORIZING** the City Manager to accept in-kind donations from one or more persons in order to offset the cost and expense associated with the design, installation, and maintenance of artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood.

ArtWorks was engaged by the Pendleton Neighborhood Council to design and implement a painted mural on an existing City-owned concrete retaining wall at the terminus of Dandridge Street. The mural is intended to engage the community, to help beautify the neighborhood, foster community pride, and create a welcoming area.

The Department of Transportation and Engineering is working closely with ArtWorks for the mural placement on City infrastructure.

The Administration recommends passage of the attached emergency ordinance. The emergency ordinance is necessary to meet the schedule needs of ArtWorks and the Pendleton community who will begin mural production in July 2023.

Attachment I – Dandridge Mural

cc: John S. Brazina, Director, Transportation and Engineering

EMERGENCY

JRS

- 2023

AUTHORIZING the City Manager to design, install, and maintain artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the artwork; and **AUTHORIZING** the City Manager to accept in-kind donations from one or more persons in order to offset the cost and expense associated with the design, installation, and maintenance of artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood;

WHEREAS, the City of Cincinnati wishes to install artwork and paintings (“Artwork”), as depicted in Attachment A to this ordinance, on a retaining wall located along Dandridge Street in the Pendleton neighborhood to enliven the spaces and promote public awareness of the arts; and

WHEREAS, the City may designate one or more agents or contractors, including Artworks, to carry out all or a portion of the work required to design, install, and maintain the Artwork; and

WHEREAS, the City may also accept donations from one or more persons, including Artworks, in order to offset the cost and expense associated with the design, installation, and maintenance of the Artwork and to ensure the design, installation, and maintenance of the Artwork shall have little or no impact on the General Fund of the City of Cincinnati; and

WHEREAS, the design, installation, and maintenance of the Artwork shall be performed under the management of the City Manager or her designee, and any agents or contractors of the City, including Artworks, shall comply with rules and regulations established by the City Manager and the City’s Department of Transportation and Engineering (“DOTE”) regarding the design, installation, and maintenance of the Artwork, including rules and regulations concerning its location, size, materials, means of installation, and maintenance as necessary to ensure public safety; and

WHEREAS, the City’s design, installation, and maintenance of the Artwork is the City’s own expression, constitutes government speech, and does not signify the City’s intent to create a free speech forum; and

WHEREAS, the City will own the Artwork created under this project, will maintain complete control over the surrounding public rights-of-way as necessary for public safety, and will require the artists who design, install, and maintain the Artwork to waive their rights in and to the Artwork, including waiving all applicable rights under the federal Visual Artists Rights

Act of 1990, 17 U.S.C. Sections 106A and 113(d), so as to ensure that expression made through the Artwork constitutes government speech; and

WHEREAS, the extent of maintenance and repair of the Artwork shall remain within the City's discretion, and the Artwork shall remain subject to removal by the City, in part or in whole, at any time; and

WHEREAS, prior to installation, DOTE will review the final design and placement of the Artwork to ensure it will not detract from, interfere with, or obscure official traffic control devices, will be safe, and will not unreasonably interfere with pedestrians; and

WHEREAS, the City has an interest in promoting the arts, including within the public right-of-way, notwithstanding the provisions of the Cincinnati Municipal Code that would normally prohibit such displays, when the proposed display will not negatively impact the health, safety, or welfare of residents and users of the right-of-way; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on June 2, 2023, recommended the City install the Artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood; and

WHEREAS, Council finds that the design, installation, and maintenance of the Artwork in the Pendleton neighborhood will beautify the public right-of-way, enhance civic pride, and advance public health and wellness goals; and

WHEREAS, the design, installation, and maintenance of this Artwork is consistent with the "Live" goal to "[c]reate a more livable community" as described on page 156 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council hereby declares the design, installation, and maintenance of artwork that is depicted on the attached Attachment A ("Artwork"), incorporated herein by reference, on a retaining wall located along Dandridge Street in the Pendleton neighborhood to be a matter of significant public interest, and it hereby resolves to raise public awareness of the arts through the design, installation, and maintenance of this conspicuous visual art; further that, notwithstanding the provisions of the Cincinnati Municipal Code that would normally restrict such displays within the public right-of-way, Council has determined that the design, installation, and maintenance of the Artwork is in the interest of the public health, safety, morals, and general

welfare and will not negatively impact the health, safety, morals, or welfare of residents and users of the public right-of-way.

Section 2. That the City's design, installation, and maintenance of the Artwork is the City's own expression, constitutes government speech, and does not signify the City's intent to create a free speech forum.

Section 3. That the City Manager is hereby authorized to design, install, and maintain the Artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood, which Artwork shall be similar in design concept with the designs depicted on the attached Attachment A, incorporated herein by reference, and shall be located on a retaining wall located along Dandridge Street in the Pendleton neighborhood as approved by the City Manager, notwithstanding any conflicting Department of Transportation and Engineering ("DOT") rules and regulations and any applicable provisions of the Cincinnati Municipal Code.

Section 4. That the design, installation, and maintenance of the Artwork shall be performed under the management of the City Manager or her designee, and any agents or contractors of the City, including Artworks, shall comply with rules and regulations established by the City Manager and the City's Department of Transportation and Engineering ("DOT") regarding the design, installation, and maintenance of the Artwork, including rules and regulations concerning its colors, symbols, styles, location, size, materials, and means of installation and maintenance as necessary to ensure public safety.

Section 5. That the City Manager is authorized to engage one or more agents or contractors to assist with the City's design, installation, and maintenance of the Artwork on such terms and conditions that the City Manager determines are in the best interests of the City, and any work performed by the agents and contractors so engaged by the City Manager shall be

performed under the management of the City Manager or her designee, who shall have the sole authority to approve the design, location, size, materials, and means of installation and maintenance of the Artwork and to establish rules and regulations for the same as necessary to ensure public safety.

Section 6. That the extent of maintenance and repair of the Artwork shall remain within the City's discretion, and the Artwork shall remain subject to removal by the City, in whole or in part, at any time.

Section 7. That the City will own the Artwork created under this project, will maintain complete control over the right of way as necessary for public safety, and will require the artists who design, install, and maintain the Artwork to waive their rights in and to the Artwork, including waiving all applicable rights to the Artwork under the federal Visual Artists Rights Act of 1990, 17 U.S.C. Sections 106A and 113(d), so as to ensure that expression made through the Artwork constitutes government speech.

Section 8. That the City Manager is authorized to accept donations, including materials, labor, and in-kind services, on such terms and conditions that the City Manager determines are in the best interests of the City, to offset the cost and expense associated with the design, installation, and maintenance of the Artwork, so that the design, installation, and maintenance of the Artwork shall have minimal impact on the General Fund of the City of Cincinnati.

Section 9. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Sections 1 through Section 8 hereof.

Section 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the

emergency is the immediate need to allow the public art project described in this ordinance to proceed to allow the corresponding benefits to the City, and the Pendleton neighborhood to be realized at the earliest possible time.

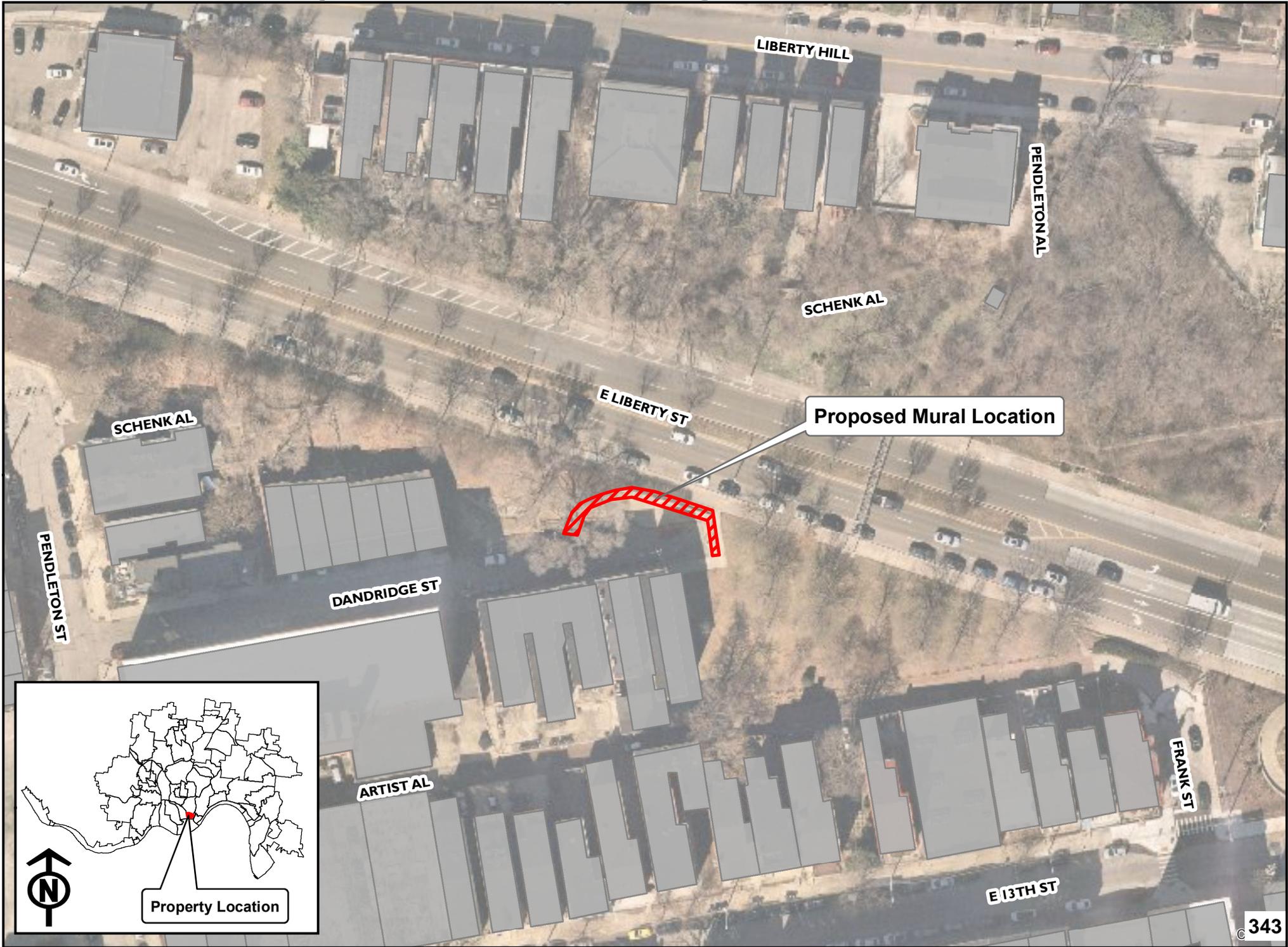
Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



Proposed Mural on Dandridge Street in Pendleton



June 7, 2023

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202301567

Subject: Emergency Ordinance – Authorizing a Property Sale and Development Agreement with Airecon Properties, LLC

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute a *Property Sale and Development Agreement* with Airecon Properties, LLC, for the sale of City-owned real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati, for construction of a 5,000 square foot expansion of the manufacturing facility located on the adjoining property.

BACKGROUND/CURRENT CONDITIONS

The City of Cincinnati owns the parcels located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati. The City initially acquired these properties in 1998 and 1999 to create space for expanding existing manufacturing companies. However, the City of Cincinnati’s Department of Transportation & Engineering (“DOTE”) later determined the properties were possibly needed for a realignment of the intersection of Brotherton, Erie, and Red Bank Expressway, causing the City to retain the subject parcels. More recently, DOTE altered its needs analysis related to the Eastern Corridor Implementation Plan and allowed the properties for sale.

Since 2016, and pursuant to Ordinance Number 345-2015, the City has leased 5299-5307 Brotherton Court to Airecon Manufacturing Corporation (“Airecon”) for an initial term of 10 years. Since then, Airecon has used the leased parcels for outdoor storage for their adjacent manufacturing facility. The remaining City-owned lots are vacant and currently overgrown with vegetation.

An appraisal of the properties conducted by the City of Cincinnati’s Real Estate Services Division determined the fair market value to be \$126,000. Accordingly, the City decided that eliminating competitive bidding in connection with the sale of the City-owned property is appropriate due to Airecon’s lease control, the resulting efficiencies from single management and ownership, and the sale proceeds being more valuable than the revenues of the current long-term lease.

Following the sale of the City-owned parcels, Airecon plans to consolidate the lots and improve the property, including initial property improvements, such as clearing overgrown sections of vegetation, leveling and installing gravel, and then constructing a 5,000-square-foot building adjacent to the existing manufacturing facility, which will

enable increased manufacturing capacity, enhanced material flow, and improved ingress and egress around the property. Beyond the described improvements, the Property Sale and Development Agreement requires that 4036 Erie Court be sold from Airecon to Naro Limited Partnership, the adjacent property owner and real estate development affiliate of Mayers Electric for future expansion.

DEVELOPER INFORMATION

Airecon Properties, LLC is the real estate development affiliate of Airecon Manufacturing Corporation. Since 1979, Airecon Manufacturing Corporation has specialized in industrial ventilation and custom sheet metal engineering, fabrication, installation, and service. Airecon's employees consist of sales and engineering staff, service technicians, and office administration personnel and are managed by Josh Jacobs and Dana Depenbrock.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance for the Developer to close on the subject property and begin construction on the project as soon as possible.

Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

| <u>Project Description Details</u> | <u>Explanation</u> |
|--|---|
| Project Name | Airecon Manufacturing Expansion |
| Street Address | 4036-4046 Erie Court and 5299-5307 Brotherton Court |
| Property Condition | The parcels at 5299-5307 Brotherton Court have been leased to Airecon since 2016 for outdoor storage and ingress/egress for shop operations. The properties at 4036-4046 Erie Court are vacant. |
| Neighborhood | Madisonville |
| Incentive Application Process | Direct Sale of City Land |
| Recent or other projects by Developer | N/A |
| Approval at Planning Commission/Neighborhood support | <ul style="list-style-type: none"> - Approval of sale by City Planning Commission on 10/7/2022 - Public engagement meeting held with Madisonville stakeholders, the Developer, and City Planning on 9/26/2022 |
| Plan Cincinnati Goals | Achieves the Compete Initiative Area Goal 1 (pages 103-113) |

Project Image



| <u>Incentive Summary Category</u> | <u>Explanation</u> |
|---|--|
| Proposed Incentive | Fair Market Value Sale of City Land to Airecon (\$126,000) |
| Additional Incentives | N/A |
| Construction Cost & Private investment committed | Project Costs <ul style="list-style-type: none"> - \$886,000 in total project costs (\$700,000 in hard construction costs and \$60,000 in machinery and equipment costs) |
| Sq. Footage by Use | 5,000 sf – manufacturing |
| Number of units and rental ranges | N/A |
| Jobs created/retained and payroll (living wage) | Retain 45 existing full-time equivalent permanent jobs with an approximate annual payroll of \$3,500,000. Create 6-8 full-time equivalent permanent jobs with an approximate annual payroll of \$580,000. |
| “But For” | N/A |
| Cash on Cash Return for developer (Market return between 8-12%, depending on investment risk) | N/A |
| LEED or other environmental build | Non-LEED |
| Neighborhood VTICA | N/A |
| Total Public Benefit (Benefits Realized vs Taxes Forgone) | N/A |
| Projected New Income Tax Revenue | \$10,440 |
| MBE/WBE Goals | N/A |
| Transit Access/Walkability | The project is in proximity to the Red Bank Road; The Project also is in proximity to the Metro Route 28. |
| Geography | The project sits in an SBA Hub Zone and Opportunity Zone. |
| Historic Preservation/Existing Building Renovation | N/A |
| Public Infrastructure Improvements | N/A |

EMERGENCY

ZDS

- 2023

AUTHORIZING the City Manager to execute a Property Sale and Development Agreement with Airecon Properties, LLC, for the sale of City-owned real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati, for construction of a 5,000 square foot expansion of the manufacturing facility located on the adjoining property.

WHEREAS, the City owns certain real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in Madisonville, which is under the management and control of the City's Department of Community and Economic Development (the "City Property"); and

WHEREAS, Airecon Properties, LLC ("Developer") desires to purchase the City Property, as more particularly described and depicted in the Property Sale and Development Agreement (the "Agreement") attached to this ordinance as Attachment A, to consolidate with adjoining real property owned by Airecon Manufacturing Corp. ("Airecon Manufacturing"), an affiliate of Developer (together with the City Property, the "Project Site"), and thereafter construct a 5,000 square foot expansion of the manufacturing facility owned by Airecon Manufacturing, at an estimated total project cost of approximately \$886,000 (the "Project"); and

WHEREAS, the City and Airecon Manufacturing are parties to a Lease dated January 29, 2016, pursuant to which Airecon Manufacturing currently leases a portion of the City Property (the "Lease"); and

WHEREAS, Developer estimates that the Project will (i) retain approximately 45 full-time equivalent permanent jobs with an approximate annual payroll of \$3,500,000; and (ii) will create approximately 6-8 full-time equivalent permanent jobs following completion of construction of the Project with an approximate annual payroll of \$580,000; and

WHEREAS, the City desires that the City Property be put to its highest and best use; and

WHEREAS, the City's Real Estate Services Division has determined, by appraisal, that the fair market value of the City Property is approximately \$126,000, which Developer has agreed to pay; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research; and

WHEREAS, the City has determined that: (i) the City Property is not needed for municipal purposes; (ii) the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents; (iii) it is in the best interest of the City to eliminate competitive bidding in connection with the City's sale of the City Property to Developer because Airecon Manufacturing currently controls a portion of the City Property pursuant to the Lease and owns the adjoining property, and consolidation of the Project Site will put the City Property to the highest and best use; and (iv) the City's sale of the City Property to Developer to complete the Project will create jobs and stimulate economic growth in the Madisonville neighborhood of Cincinnati, thereby contributing to the social and economic viability and stability of the neighborhood; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the City's sale of the City Property at its meeting on October 7, 2022; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to execute a Property Sale and Development Agreement, in substantially the form attached to this ordinance as Attachment A (the "Agreement"), pursuant to which the City will sell to Airecon Properties, LLC ("Developer") certain real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati (the "City Property"), a portion of which is currently leased to Developer's affiliate, for Developer to (a) consolidate with adjoining property Developer owns or controls (together with the City Property, the "Project Site"); and (b) construct a 5,000 square foot expansion of the manufacturing facility at the Project Site, at an estimated total project cost of approximately \$886,000 (the "Project").

Section 2. That the City Property is not needed for municipal purposes.

Section 3. That the fair market value of the City Property, as determined by appraisal by the City's Real Estate Services Division, is approximately \$126,000, which Developer has agreed to pay.

Section 4. That eliminating competitive bidding in connection with the City's sale of the City Property to Developer is in the best interest of the City because Developer owns the adjoining property and Developer's affiliate currently controls a portion of the City Property pursuant to an

existing lease with the City, and consolidation within the Project Site will put the City Property to the highest and best use.

Section 5. That proceeds from the sale of the City Property shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the sale, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the Agreement, including, without limitation, executing any and all ancillary agreements, amendments, deeds, plats, covenants, terminations, releases, and other documents.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to enable the City’s sale of the City Property to occur as soon as possible to enable Developer to promptly move forward with the Project without delay, which will result in the stimulation of economic growth in the Madisonville neighborhood, and enabling the City Property to be put to its highest and best use, all for the economic benefit of the City, at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Contract No. _____

PROPERTY SALE AND DEVELOPMENT AGREEMENT

by and between the

CITY OF CINCINNATI,

and

AIRECON PROPERTIES, LLC

Project Name: Airecon Manufacturing

(sale of City-owned real property
for expansion of manufacturing facility in Madisonville neighborhood)

PROPERTY SALE AND DEVELOPMENT AGREEMENT

This Property Sale and Development Agreement (this “**Agreement**”) is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which is 801 Plum Street, Cincinnati, Ohio 45202 (the “**City**”), and **AIRECON PROPERTIES, LLC**, an Ohio limited liability company, the address of which is 5271 Brotherton Road, Cincinnati, Ohio 45227 (“**Developer**”).

Recitals:

A. The City owns certain real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati, which property is more particularly described on Exhibit A (Legal Description – Sale Property) hereto and depicted on Exhibit B (Property/Site Plan) hereto (the “**Sale Property**”).

B. Airecon Manufacturing Corp. (“**Airecon Manufacturing**”), an affiliate of Developer, owns property neighboring and adjacent to the Sale Property and located at 5271 Brotherton Court, which is depicted on Exhibit B hereto (the “**Airecon Property**,” together with the Sale Property, the “**Property**”).

C. The City and Airecon Manufacturing are parties to a *Lease* dated January 29, 2016 (the “**Lease**”), pursuant to which Airecon Manufacturing leases a portion of the Sale Property for an initial term of 10 years.

D. Developer desires to purchase the Sale Property, for consolidation with the Airecon Property, and thereafter make improvements to the Property, including initial property improvements, such as clearing overgrown sections of vegetation, leveling, and installing gravel, and then constructing a 5,000 square foot building adjacent to Airecon Manufacturing’s existing manufacturing facility, which will enable increased manufacturing capacity, enhanced material flow, and improved ingress and egress around the Property, all of which is more particularly described on Exhibit C (Statement of Work, Budget, and Sources of Funds) hereto, at an estimated total project cost of approximately \$886,000 (the “**Project**”).

E. Developer has committed to commence on-site construction at the Property no later than February 1, 2024 (the “**Construction Commencement Date**”), and to complete onsite construction at the Property no later than December 31, 2027 (the “**Construction Completion Date**”).

F. Developer estimates that the Project will retain approximately 45 existing full-time equivalent permanent jobs with an approximate annual payroll of \$3,500,000, and will create approximately 6-8 full-time equivalent permanent jobs following completion of construction of the Project with an approximate annual payroll of \$580,000.

G. The City’s Real Estate Services Division has determined, by appraisal, that the fair market value of the Sale Property is approximately \$126,000, which Developer has agreed to pay.

H. Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research.

I. The City has determined that eliminating competitive bidding in connection with the sale of the Sale Property is appropriate because (i) Developer’s affiliate effectively controls the Sale Property already via the Lease, (ii) consolidating ownership of the Sale Property with the management and practical control of the Sale Property will result in efficiencies and simplify title, and (iii) the City will receive up-front compensation for the sale that is more valuable to it than the long-term revenues it expects to realize under the Lease.

J. The City believes that the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements.

K. The City has determined that the Sale Property is not needed for a municipal purpose and that the sale of the Sale Property will not be detrimental to the public interest.

L. The parties acknowledge that the Lease will need to be terminated prior to the City's transfer of the Sale Property to Developer. Both the City and Airecon Manufacturing agree to terminate the Lease in anticipation of the transfer of the Sale Property to Developer.

M. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property at its meeting on October 7, 2022.

N. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. _____-2023, passed on _____, 2023.

O. NARO Limited Partnership, an Ohio limited partnership ("**Naro LP**"), owns property neighboring the Sale Property and has agreed to purchase a portion of the Sale Property from Developer, more specifically the 4026 Erie Court parcel. For the purposes of this Agreement, the Sale Property less the Naro Property after Developer subdivides the Sale Property shall be referred to as the "**Remainder Property.**"

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Purchase Price.** Subject to the terms and conditions set forth herein, the City hereby agrees to sell the Sale Property to Developer, and Developer hereby agrees to purchase the Sale Property from the City, for a purchase price of \$126,000 (the "**Purchase Price**"). Developer acknowledges that it is familiar with the condition of the Sale Property and, at Closing (as defined below), the City shall convey the Sale Property to Developer in "as is" condition. The City makes no representations or warranties to Developer with respect to the condition of the Sale Property and, from and after the Closing, the City shall have no liability of any kind to Developer for any defects, adverse environmental condition, or any other matters affecting the Sale Property.

2. **Closing; Conditions to Closing.**

(A) **Conditions.** The purchase of the Sale Property by Developer and the sale and conveyance of the Sale Property by the City to Developer (the "**Closing**") shall not occur unless and until each of the following conditions (collectively, the "**Conditions**") have been satisfied or waived in writing by the City, at the City's sole and absolute discretion; *provided, however*, that if the, in its sole and absolute discretion, determines that one or more of the Conditions would be more appropriately handled at Closing or post-Closing, the City may, if appropriate, include such Conditions in the City's Deed (as defined below) to Developer or handle such Conditions post-Closing:

- (i) *Title & Survey:* Developer shall have approved the title to the Sale Property as set forth in a commitment of title insurance obtained by Developer from Center Title, LLC, and, if obtained by Developer, an ALTA property survey of the Sale Property;
- (ii) *Evidence of Clear Title to the Airecon Property:* Developer must present evidence, satisfactory to the City, that Developer has acquired title or will acquire title to the Airecon Property in fee simple absolute, and that said title is free, clear, and unencumbered;
- (iii) *Geotechnical & Environmental Condition:* Developer shall be satisfied that the geotechnical and environmental condition of the Sale Property is acceptable for the development of the Project;

- (iv) *Conceptual Drawings*: Developer shall have submitted to the City conceptual drawings, followed by preliminary plans and specifications for the Project;
- (v) *Project Plans*: Developer shall have submitted its plans for the Project to DCED and received approval of the same from DCED;
- (vi) *Permits*: Developer shall have secured all zoning and permitting approvals necessary to construct the Project;
- (vii) *Coordinated Report Conditions*: Developer shall have satisfied the conditions of the sale set forth in the City's Coordinated Reports associated with the sale of the Sale Property, some of which are summarized in Section 11 below;
- (viii) *Sale Agreement*. Developer shall have provided the City with a copy of the sale agreement between Developer and Naro LP for the Naro Property;
- (ix) *Plats, Legal Descriptions and Deed*: Developer shall have provided the City with all plats and legal descriptions as required by the Department of Transportation and Engineering ("**DOT**"), the Department of City Planning and Engagement, and the Hamilton County Auditor and Recorder in connection with the City's sale of the Sale Property, including, but not limited to:
 - a. an acceptable deed of record evidencing Developer as the vested legal owner as to the Airecon Property;
 - b. an acceptable legal description with closure of the Sale Property to accompany the transfer and recording of the Quitclaim Deed in substantially the form attached as Exhibit D (*Form of Quitclaim Deed*) hereto (the "**City's Deed**");
- (x) *Termination of Lease*: the City and Airecon Manufacturing shall have terminated the Lease, effective as of the date of Closing, having executed the Termination of Lease in substantially the form attached as Exhibit E (*Form of Termination of Lease*) hereto;
- (xi) *Continued Compliance*: Developer shall be in compliance with all obligations under this Agreement and all representations made by Developer under this Agreement or any other document executed between Developer and the City related to the Project shall continue to be true and accurate; and
- (xii) *Other Information*: Developer shall have provided such other information and documents pertaining to Developer or the Project as the City may reasonably require.

The above items (i) through (xii) may sometimes be referred to as "**Due Diligence Materials.**"

All of the Due Diligence Materials and documents referred to in this paragraph (A) shall be performed and obtained, as the case may be, at no cost to the City.

(B) Developer's Right of Entry. Prior to Closing, Developer may enter the Sale Property during reasonable business hours to conduct tests and inspections related to the Project. Developer shall promptly repair any damage to the Sale Property resulting from its inspections, and Developer shall hold the City harmless from any loss or expense arising out of Developer's activities on the Sale Property. Entry shall be at the sole risk of Developer. DCED shall cooperate with Developer in Developer's inspections, studies, and in obtaining all required approvals (it being acknowledged by Developer that the City makes no representations or assurances regarding the granting of any required approvals).

(C) Copies of Due Diligence Materials to Be Provided to City. Without limitation of Developer's other obligations, prior to Closing, and as such Due Diligence Materials are obtained by Developer, Developer, at no cost to the City, shall provide DCED with copies of the inspection, engineering, and environmental reports, title reports, surveys, and other materials prepared by third party professionals obtained by Developer prior to Closing that pertain to the Project or the Property, or are otherwise related to anything authorized pursuant to the terms and conditions of this Agreement.

(D) Right to Terminate. If prior to Closing, either party determines, after exercising reasonable good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period of time, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all of the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred within **180 days** of the Effective Date, the City, in its sole and absolute discretion, may terminate this Agreement and all rights and obligations of the parties hereunder by giving written notice thereof to Developer.

(E) Closing Date. Subject to the terms and conditions of this Agreement, the Closing shall take place on October 31, 2023, or such earlier or later date upon which the City and Developer mutually agree.

(F) Closing Costs and Closing Documents. At the Closing, (i) Developer shall pay the Purchase Price; (ii) the City shall convey all of its right, title, and interest in and to the Sale Property to Developer by the City's Deed substantially in the form of Exhibit D hereto; and (iii) in the event of an agreed sale of a portion of the Sale Property to Naro LP, Developer shall promptly file with the Hamilton County Auditor and Recorder the Subdivision Plat, if required, to subdivide the Sale Property into the Naro Property and the Remainder Property. Developer shall pay all conveyance fees, if any, parcel fees, transfer taxes, if any, recording fees, title exam fees, title insurance premiums, settlement fees, and any and all other closing costs associated with the Closing such that the City shall not be required to come up with any funds for the Closing. There shall be no proration of real estate taxes and assessments at Closing, and from and after the Closing, Developer shall pay all real estate taxes and assessments allocable to the Sale Property thereafter becoming due. At Closing, the City and Developer shall execute a closing statement and any and all other customary closing documents that are necessary for the Closing (except that the City shall not be required to execute a title affidavit or the like).

Notwithstanding Developer's sale of the Naro Property to Naro LP, Developer shall not transfer title to the Sale Property or any portion thereof prior to the completion of construction without the City's prior written consent, as may be provided by the Director of DCED. Pursuant to Section 301-20, Cincinnati Municipal Code, at Closing. Notwithstanding the foregoing, at its option, Developer may transfer the Sale Property to itself in order to consolidate the subject parcels. Developer shall pay to the City any and all unpaid related and unrelated fines, penalties, judgments, water or other utility charges, and any and all other outstanding amounts owed to the City by Developer or any of its affiliated entities. The provisions of this Agreement shall survive the City's execution and delivery of the City's Deed and shall not be deemed to have been merged therein.

(G) Maintenance of Property Between Closing and Prior to Construction Commencement. Between the Closing and Construction Commencement (as defined below), Developer, at no expense to the City, shall maintain the Sale Property in presentable condition, including keeping the site reasonably free of debris and other unsightly materials.

(H) Environmental Indemnity. As a material inducement to the City to enter into this Agreement, Developer does hereby agree that, with respect to any environmental condition on or otherwise affecting the Sale Property that exists at or prior to the time of the City's execution of this Agreement (herein, a "**Pre-existing Environmental Condition**"), and regardless of whether or not such Pre-existing Environmental Condition is described in any environmental assessment or any other environmental report that may have been previously furnished by Developer to the City or otherwise obtained by the City, Developer shall (i) at no expense to the City, promptly take all steps necessary to remediate such Pre-existing Environmental Condition, within a reasonable time after discovery, to the satisfaction of the City's Office of Environment and Sustainability, and (ii) defend, indemnify, and hold the City harmless from and against any and all

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actions, suits, claims, losses, costs (including, without limitation, reasonable attorneys' fees), demands, judgments, liability, and damages suffered or incurred by or asserted against the City as a result of or arising from any such Pre-existing Environmental Condition. Developer's remediation and indemnity obligations under this paragraph shall survive the completion of the Project.

3. Commencement and Completion of Project.

(A) Commencement and Completion of Construction. Following Closing, Developer shall (i) apply for and receive the required building permits from the City's Department of Buildings and Inspections ("B&I") for construction of the Project; (ii) either provide sufficient evidence of financial capability to self-fund construction and completion of the Project, or close on financing sufficient to complete the Project (as evidenced by documentation satisfactory to the City; (iii) commence on-site construction of the Project in accordance with the City-approved plans no later than the Construction Commencement Date; and (iv) complete construction of the Project in accordance with the City-approved plans and specifications and all other City approvals no later than the Construction Completion Date.

(B) Extension of Terms. The Director of DCED may, in his or her sole discretion, extend the Construction Commencement Date, and/or the Construction Completion Date by up to 12 months by providing written notice to Developer.

(C) Plans and Specifications. Developer shall complete the Project in accordance with City-approved plans and specifications that are consistent with Exhibit C. Once the City's DCED Director has approved Developer's plans, Developer shall not make any material changes thereto without the Director's prior written consent.

(D) Contractors and Subcontractors. In performing work on the Property, Developer shall not solicit bids from any contractors or subcontractors who are identified as being debarred by the federal or state government or who are identified as being debarred on the City's Vendor's Performance list.

(E) Applicable Laws. Developer shall obtain, pay for, and maintain all necessary building permits and other permits, licenses, and other governmental approvals and shall comply with all applicable federal, state, and local laws, codes, ordinances and other governmental requirements applicable to the Project, including, without limitation, those set forth on Exhibit F (*Additional Requirements*) hereto. The City makes no representations or other assurances to Developer that Developer will be able to obtain whatever variances, permits, or other approvals from B&I, DOTE, other City departments, City Planning Commission, or City Council that may be required in connection with the Project.

(F) Inspection of Work. During construction at the Property, the City, its employees and agents shall have the right at all reasonable times to inspect the progress of construction to determine whether Developer is complying with its obligations under this Agreement. If the City determines that the work is not substantially in accordance with the City-approved plans and specifications or other requirements of this Agreement, is not in compliance with all applicable laws, or is not performed in a good and workmanlike manner, the City shall have the right, in its reasonable judgment and after giving Developer reasonable prior written notice thereof, to stop such work and order its replacement at Developer's expense.

(G) Mechanics' Liens. Developer shall not permit any mechanics' liens or other liens to be filed against the Property during construction. If a mechanic's lien shall at any time be filed, Developer shall, within 30 days after notice of the filing thereof, cause the same to be discharged of record.

(H) Reporting During Construction. Upon the City's request throughout construction, Developer shall provide the City with reports describing the status of the Project, including, without limitation, information about whether the Project is on budget and on schedule and containing such additional pertinent information thereto as the City may from time-to-time reasonably request. Developer shall submit a final report to the City upon completion of the Project.

(l) Recognition of City Support. Developer shall acknowledge the support of the City with respect to the Project in all printed materials such as informational releases, pamphlets and brochures, construction signs, project and identification signage, and any publicity such as that appearing on the Internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a participant, Developer shall use either the phrase "Project made possible by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City. Developer's obligations under this section shall commence on the Effective Date and shall terminate on the date on which construction has been completed.

4. Insurance; Indemnity.

(A) Insurance. Throughout construction, Developer shall maintain, or cause to be maintained, the following insurance: (i) Commercial General Liability insurance of at least \$1,000,000 per occurrence, combined single limit/\$2,000,000 aggregate, naming the City as an additional insured, (ii) builder's risk insurance in the amount of 100% of the value of the improvements constructed, (iii) worker's compensation insurance in such amount as required by law, (iv) all insurance as may be required by Developer's construction lenders, and (v) such other insurance as may be reasonably required by the City's Division of Risk Management. Developer's insurance policies shall (a) be written in standard form by companies of recognized responsibility and credit reasonably acceptable to the City, that are authorized to do business in Ohio, and that have an A.M. Best rating of A VII or better, and (b) provide that they may not be canceled or modified without at least 30 days prior written notice to the City.

(B) Waiver of Subrogation. Developer hereby waives all claims and rights of recovery, and on behalf of Developer's insurers, rights of subrogation, against the City, its employees, agents, contractors, and subcontractors with respect to any and all damage to or loss of property that is covered or that would ordinarily be covered by the insurance required under this Agreement to be maintained by Developer, even if such loss or damage arises from the negligence of the City, its employees, agents, contractors, or subcontractors; it being the agreement of the parties that Developer shall at all times protect against such loss or damage by maintaining adequate insurance. Developer shall cause its property insurance policies to include a waiver of subrogation provision consistent with the foregoing waiver.

(C) Indemnity. Notwithstanding anything in this Agreement to the contrary, as a material inducement to the City to enter into this Agreement, Developer shall defend, indemnify, and hold the City, its officers, council members, employees, and agents (collectively, the "**Indemnified Parties**") harmless from and against any and all actions, suits, claims, losses, costs (including, without limitation, attorneys' fees), demands, judgments, liability and damages suffered or incurred by or asserted against the Indemnified Parties as a result of or arising from the acts of Developer, its agents, employees, contractors, subcontractors, licensees, invitees or anyone else acting at the request of Developer in connection with the Project. Developer's obligations under this paragraph shall survive termination of this Agreement with respect to Claims suffered, incurred, asserted, or arising prior to the date of termination. As used herein, "**Claims**" means, collectively, any and all actions, suits, claims, losses, costs (including, without limitation, attorneys' fees), demands, judgments, liability, and damages.

5. Casualty; Eminent Domain. If after Closing, the Project or the Property is damaged or destroyed by fire or other casualty during Developer's construction, or if any portion of the Property is taken by exercise of eminent domain (federal, state, or local), Developer shall repair and restore the affected property, as expeditiously as possible, and to the extent practicable, to substantially the same condition in which the Property was in immediately prior to such occurrence. To the extent the City's participation is required, the City and Developer shall jointly participate in filing claims and taking such other actions pertaining to the payment of proceeds resulting from such occurrence. If the proceeds are insufficient to fully repair and restore the Property, the City shall not be required to make up the deficiency, Developer shall handle all construction in accordance with the applicable requirements set forth herein, including, without limitation, obtaining the City's approval of the plans and specifications for the improvements if they deviate from the original City-approved plans. Developer shall not be relieved of any obligations, financial

or otherwise, under this Agreement during any period in which the Project or the Property is being repaired or restored.

6. Default; Remedies.

(A) Default. The occurrence of any of the following shall be an “**event of default**” under this Agreement:

(i) the failure of Developer to perform or observe any obligation, duty, or responsibility under this Agreement, or any other agreement to which Developer and the City are parties, and failure by Developer or the Developer’s affiliate to correct such failure within 30 days after Developer’s receipt of written notice thereof from the City (the “**Cure Period**”); *provided, however*, that if the nature of the default is such that it cannot reasonably be cured during the Cure period, , Developer shall not be in default under this Agreement so long as Developer commences to cure the default within the Cure Period and thereafter diligently completes such cure within a reasonable period of time (but not exceeding 90 days) after Developer’s receipt of the City’s initial notice of default. Notwithstanding the foregoing, if Developer’s failure to perform or observe any obligation, duty, or responsibility under this Agreement creates a dangerous condition or otherwise constitutes an emergency as determined by the City, an event of default shall be deemed to have occurred if Developer fails to take corrective action immediately upon discovering such dangerous condition or emergency; or

(ii) the dissolution of Developer, the filing of any bankruptcy or insolvency proceedings by or against Developer, the making by Developer of an assignment for the benefit of creditors, the appointment of a receiver (temporary or permanent) for Developer, or the attachment of, levy upon, or seizure by legal process of any of the property of Developer; or

(iii) any representation, warranty, or certification of Developer made in connection with this Agreement or any other related agreements or documents shall prove to have been false or materially misleading when made.

(B) Remedies. Upon the occurrence of an event of default under this Agreement that is not cured or corrected within the Cure Period, the City shall be entitled to: (i) if the default occurs prior to Closing, terminate this Agreement by giving Developer written notice thereof, (ii) take such actions in the way of “self-help” as the City determines to be reasonably necessary or appropriate to cure or lessen the impact of such event of default, all at the expense of Developer, and (iii) exercise any and all other rights and remedies under this Agreement or available at law or in equity, including, without limitation, pursuing an action for specific performance. Developer shall be liable for all costs and damages, including, without limitation, attorneys’ fees, suffered or incurred by the City as a result of a default of Developer under this Agreement or the City’s enforcement or termination of this Agreement. The failure of the City to insist upon the strict performance of any covenant or duty or to pursue any remedy under this Agreement shall not constitute a waiver of the breach of such covenant or of such remedy.

7. Notices. All notices given by the parties hereunder shall be deemed given if personally delivered, or delivered by UPS, Federal Express, or other recognized courier service, or mailed by U.S. registered or certified mail, postage prepaid, return receipt requested, addressed to the parties at their addresses below or at such other addresses as either party may designate by notice to the other party given in the manner prescribed herein. Notices shall be deemed given on the date of receipt.

To the City:

City of Cincinnati
Attention: Director of the Department of
Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue,
Cincinnati, Ohio 45202

To Developer:

Airecon Properties, LLC
5271 Brotherton Road,
Cincinnati, Ohio 45227
Attention: Josh Jacobs

Also to Developer's counsel:

Scott M. Slovin, Esq.
Wood and Lamping LLP
600 Vine Street, Suite 2500
Cincinnati, Ohio 45202

If Developer sends a notice to the City alleging that the City is in default under this Agreement, Developer shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, Ohio 45202.

8. Representations, Warranties, and Covenants. Developer makes the following representations, warranties, and covenants to induce the City to enter into this Agreement:

(i) Developer is duly organized and validly existing under the laws of the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(ii) Developer has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed, and delivered by Developer and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of Developer.

(iii) Developer's execution, delivery, and performance of this Agreement and the transactions contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or Developer's organizational documents, or any mortgage, contract, agreement or other undertaking to which Developer is a party or which purports to be binding upon Developer or upon any of its assets, nor is Developer in violation or default of any of the foregoing.

(iv) There are no actions, suits, proceedings, or governmental investigations pending, or to the knowledge of Developer, threatened against or affecting Developer, or its parents, subsidiaries, or affiliates, at law or in equity or before or by any governmental authority that, if determined adversely, would impair the financial condition of such entity or its ability to perform its obligations with respect to the matters contemplated herein.

(v) Developer shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute, or governmental proceedings or investigation affecting Developer that could reasonably be expected to interfere substantially with its normal operations or materially and adversely affect its financial condition or its completion of the Project.

(vi) The statements made in the documentation provided by Developer to the City that are descriptive of Developer or the Project have been reviewed by Developer and do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(vii) With reference to Section 301-20 of the Cincinnati Municipal Code, neither Developer nor its affiliates owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

9. Reporting Requirements.

(A) Submission of Records and Reports; Records Retention Developer, shall collect, maintain, and furnish to the City upon the City's request, such accounting, financial, business, administrative, operational, and other reports, records, statements, and information as may be requested by the City pertaining to Developer, the Project, or this Agreement, including, without limitation, financial statements, bank statements, income tax returns, information pertinent to the determination of finances of the Project, and such reports and information as may be required for compliance with programs and projects funded by {00373229-11}

the City, Hamilton County, the State of Ohio, or any federal agency (collectively, “**Records and Reports**”). All Records and Reports compiled by Developer and furnished to the City shall be in such form as the City may from time to time require. Developer shall retain all Records and Reports for a period of 3 years after the completion of the Project.

(B) City’s Right to Inspect and Audit. During construction and for a period of 3 years after completion of the Project, Developer shall permit the City and its designees and auditors to have reasonable access to and to inspect and audit Developer’s Records and Reports. In the event any such inspection or audit discloses a material discrepancy with information previously provided by Developer to the City, Developer shall reimburse the City for its out-of-pocket costs associated with such inspection or audit.

10. General Provisions.

(A) Assignment. Developer shall not assign its rights or obligations under this Agreement without the prior written consent of the City, which may be withheld in the City’s sole and absolute discretion, and any attempt to do so without the City’s consent shall, at the City’s option, render this Agreement null and void.

(B) Entire Agreement. This Agreement (including the exhibits hereto) contains the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations, or agreements, written or oral, between them respecting the subject matter hereof.

(C) Amendments and Waivers. This Agreement may be amended, waived, or otherwise modified only by a written amendment signed by both parties.

(D) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas, and Developer agrees that venue in such court is proper. Developer hereby waives trial by jury with respect to any and all disputes arising under this Agreement.

(E) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and permitted assigns.

(F) Captions. The captions of the various sections and paragraphs of this Agreement are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this Agreement.

(G) Severability. If any part of this Agreement is held by a court of law to be void, illegal, or unenforceable, such part shall be deemed severed from this Agreement, and the balance of this Agreement shall remain in full force and effect.

(H) No Third-Party Beneficiaries. No third-party beneficiary rights are created by this Agreement.

(I) No Brokers. Developer and the City represent to one another that each of them has not dealt with a real estate broker, salesperson, or other person who might claim entitlement to a fee or other compensation from either party as a result of the parties’ execution of this Agreement.

(J) No Recording. This Agreement shall not be recorded in the Hamilton County Recorder’s Office.

(K) Time. Time is of the essence with respect to the performance by Developer of its obligations under this Agreement.

(L) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements, or obligations shall be deemed to be a representation, warranty, covenant, agreement, or obligation of any present or future officer, agent, employee, or attorney of the City in other than his or her official capacity.

(M) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project shall have any personal financial interest, direct or indirect, in Developer or in the Project, and Developer shall take appropriate steps to assure compliance.

(N) Administrative Actions. To the extent permitted by applicable laws, and unless otherwise expressly provided in this Agreement, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement.

(O) Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

(P) Termination of Lease. The City and Airecon Manufacturing, by executing this Agreement, terminate the Lease, effective as of the Closing Date. Airecon Manufacturing shall pay to the City any unpaid Rent (as defined in the Lease) pro rata through and including the date of Closing.

11. Coordinated Report Conditions. Per Coordinated Reports #04-2020 and #28-2021, Developer shall abide by and satisfy the following additional conditions unless and until each of the following additional conditions have been satisfied or waived in writing by the City, at the City's sole and absolute discretion:

(A) Metropolitan Sewer District of Greater Cincinnati ("MSDGC"):

- (1) A Request for Availability for Sewer Service ("**RASS**") is required. The MSDGC RASS will determine the availability of a sewer, need for sewer extensions or existing sewer rerouting, and outline any additional MSDGC project requirements that could impact a development or redevelopment and its associated project schedule if not considered early in project planning. Such considerations may include the need to:
 1. Obtain any MSDGC tap or special permits,
 2. Provide additional public sanitary sewer easements,
 3. Obtain an Ohio EPA Permit to Install,
 4. Utilize licensed and bonded sewer tappers with MSDGC,
 5. Arrange sewer construction inspection scheduling,
 6. Provide project on-site separation of flow requirements,
 7. Obtain a MSDGC Excavation/Fill permit and bond,
 8. Comply with MSDGC detention requirements per Section 303 of the MSDGC Rules and Regulations,
 9. Provide for a grease interception system, and/or
 10. Coordinate with City of Cincinnati Stormwater Management Utility of the Department of the Greater Cincinnati Waterworks for their specific additional detailed storm water, storm water detention, and flood plain requirements.

- (2) Developer shall submit to MSDGC a development master plan showing the details requested by MSDGC to understand the entire Project. Developer may be required to abandon or relocate the existing public sewer infrastructure, as determined by MSDGC.
- (3) Records indicate there is an existing 8" private sewer located at the rear of parcels 036-0006-0199-00, 036-0006-0200-00, and 036-0006-0201-00. The condition of the private sewer is unknown.

(B) Greater Cincinnati Water Works ("GCWW"):

- (1) There are three active 3/4" water service lines attached to parcels 036-0006-0207-00 (H-83530), 036-0006-0206-00 (H-86230), and 036-0006-0205-00 (H-86229). Records indicate the branch material in the right of way is copper and the branch material with these parcels is lead. In accordance with Cincinnati Municipal Code Chapter 401 Division M, lead service lines within the parcels must be replaced with copper service lines.
- (2) There are three inactive 5/8" lead water service branches (H-60456, H-30207 and H-18577) attached to portions of the Sale Property. Because the existing water service branches are lead, these branches cannot be repurchased or reactivated. Developer must purchase new water service branches for these portions of the Sale Property.
- (3) If in the future, the petitioner or their agents determine the existing water system does not meet their fire and/or domestic water demands, then the petitioner may need to upgrade the water mains in their area to meet their future water demands. GCWW's approval of the Coordinated Reports for the sale of the Sale Property in no way relieves Developer of its responsibility to potentially upgrade the water system to meet its future fire and domestic water demands. This work will be performed at the expense of Developer and not at the expense of the City.
- (4) All conditions of water service to the Sale Property, including the location of attachment to the public water system, and abandonment of any existing water service branches that presently serve the subject premises, will be determined upon submission of final plans and application for service. Water service to the Sale Property is subject to all rules, regulations, and current practices and policies of GCWW.

(C) Buildings & Inspections: Developer shall have received an approved zoning use of the Sale Property prior to Closing, which would include either being granted appropriate variances or a site development permit ready for issuance. Developer shall also prepare a consolidation plat of the Airecon Property and Sale Property to record after closing, at the sole expense of Developer.

(D) Altafiber (Cincinnati Bell): The existing underground telephone facilities must remain in place, in service, and able to be accessed. Any damage done to the existing facilities, or any work done to relocate the existing facilities, will be at the sole expense of Developer.

12. Exhibits. The following exhibits are attached hereto and made a part hereof:

- Exhibit A – *Legal Description – Sale Property*
- Exhibit B – *Property/Site Plan*
- Exhibit C – *Statement of Work, Budget, and Sources of Funds*
- Exhibit D – *Form of Quitclaim Deed*
- Exhibit E – *Form of Termination of Lease*
- Exhibit F – *Additional Requirements* (incl. Addendum I - City's Prevailing Wage Determination)

Executed by the parties on the dates indicated below their respective signatures, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

AIRECON PROPERTIES, LLC,
an Ohio limited liability company

By: _____
Sheryl M. M. Long, City Manager

By: _____
Joshua M. Jacobs, Sole Member

Date: _____, 2023

Date: _____, 2023

Authorized by resolution dated _____.

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A
to Property Sale and Development Agreement

Legal Description – Sale Property

Address: 4036 Erie Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0199-00

Situate in the City of Cincinnati, in the County of Hamilton and State of Ohio, in Section Twenty-two (22) and a portion of Section Sixteen (16) Township Four (4) fractional range two (2), of the Miami Purchase and being all of Lot Number Eight (8) of the Subdivision made by S. C. Betts as recorded in Plat Book 25, page 38, of the Hamilton County, Ohio Plat Records. Said Lot Number Eight (8) fronts forty-two and 20/100 (42.20) feet on the northwesterly side of Erie Avenue and extends back northwestwardly between parallel lines, to a depth of one hundred (100) feet.

Address: 4040 Erie Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0200-00

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, and being known and designated as Lot No. 9 of S. C. Betts Subdivision in Sections 16 and 22, Town 4, Fractional Range 2, of the Miami Purchase, as per plat thereof recorded in Plat Book No. 25, page 38, in the Recorder's Office of Hamilton County, Ohio. Said Lot No. 9 being 42.20 feet on the north side of Erie Avenue and extending back northwardly, between parallel lines, 100 feet in depth, being the same width in rear as in front.

ALSO, an easement in Lot No. 8 of said S. C. Betts Subdivision in Sections 16 and 22, Town 4, Fractional Range 2, of the Miami Purchase, Cincinnati, Hamilton County, Ohio, as per plat thereof recorded in Plat Book 25, page 38, Hamilton County, Ohio, Recorder's Office. Said easement in said Lot No. 8 having been granted by Cora Ludden and husband to Louis C. Hopkins, by instrument dated November 23, 1927, and recorded November 25, 1927.

The above conveyance of Lot No. 9 is subject to an easement granted therein by Louis C. Hopkins and wife of Cora Ludden in a driveway between said Lots Nos. 8 and 9, recorded in Deed Book 1981, page 435, of the Deed Records of Hamilton County, Ohio.

Address: 4044 Erie Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0201-00

Situate in the City of Cincinnati, County of Hamilton, and State of Ohio; being part of Lot No. 10 of S.C. Bett's Subdivision recorded in Plat Book 25, Page 38 and described as follows:

Beginning on the northerly line of Erie Court at the southwest corner of said Lot No. 10; thence North 37°02' West, 100 feet; thence North 52°58' East 22.66 feet; thence North 81°15' East 23.73 feet to a point 2 feet, at right angles, West of the northeast corner of said lot; thence South 37°02' East parallel with the east line of said lot 88.76 feet to Erie Avenue; thence South 52°58' West with Erie Court 43.50 feet to the beginning, and known as No. 4044 Erie Court, Cincinnati, Ohio.

Address: 4046 Erie Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0202-00

PARCEL ONE: Real Estate situated in the City of Cincinnati, County of Hamilton and State of Ohio and known, numbered and designated as Lot no. 11, of the subdivision recorded in Plat Book No. 25, page 38, Hamilton County, Ohio Records made by S. C. Betts as part of Lot no. 3 of Gilmore and Brotherton's subdivision and part of lot no. 2 of Charles Langdon's Estate, in Section 22, and a portion of section 16, Township 4, Fractional Range 2 of the Miami Purchase, the premises hereby conveyed being more particularly described as follows:

Commencing at a point in the north line of Erie Avenue a distance of four hundred and seventy-nine and eighty seven hundredths (479.87) feet east of the east right-of-way line of the Richmond Division of the Pennsylvania Railway, thence north and at right angles to Erie Avenue a distance of ninety-one and eighty-six hundredths (91.86) feet to a point; thence north eighty-one degrees and fifteen minutes east a distance of sixty-two and forty hundredths (62.40) feet to a point; thence south ten degrees east a distance of twenty and forty-five hundredths (20.45) feet to a point, thence south seventeen degrees and nine minutes east a distance of sixteen and sixteen hundredths (16.16) feet to a point; thence south thirty-seven degrees, sixty-two minutes east a distance of twenty five (25) feet to point in the north line of Erie Avenue, thence west along said north line of Erie Avenue a distance of thirty-nine and fifty hundredths (39.50) feet to the place of beginning and being part of the same premises conveyed to said Straudie C. Betts by C. Grane & Co. By deed recorded in Deed Book 1249, page 302 of Hamilton County, Ohio records.

PARCEL II: Real estate situated in Township 4, Fractional Range 2, of the Miami Purchase in the City of Cincinnati, County of Hamilton and State of Ohio and being more particularly described as follows:

Two (2) feet off the east side of Lot No. 10 of S.C. Betts Subdivision, as the same is recorded Plat Book 25, Page 38 of the Hamilton County, Ohio Records, said east two (2) feet adjoining Lot No. 11 of said subdivision and having a depth of 87.78 feet more or less to the rear end of Lot No. 10 of said subdivision, as recorded in Deed Book 4302, page 294 of the Deed Records of Hamilton County, Ohio.

Address: 5299 Brotherton Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0207-00

Situate in the City of Cincinnati, Hamilton County, Ohio, being known, numbered and designated as Lot No. Sixteen (16) of the Subdivision made by S.C. Betts of part of Lot No. 3 of Gilmore and Brotherton's Subdivision, and part of Lot No. 2 of Charles Langdon's estate in Section 22, and a part of Section 16, Township 4, Fractional Range 2 of the Miami Purchase as recorded in Plat Book 25, Page 38, of the Recorder's Office of said county, the premises hereby conveyed being more particularly described as follows:

Commencing at a point in the southwesterly line of Brotherton Road one hundred and sixty nine and 46/100 (169.46) feet west of its intersection with the north line of Erie Avenue thence south 17 degrees 21 minutes west a distance of eighty-eight and 81/100 (88.81) feet to a point; thence south 81 degrees 15 minutes west to a distance of twenty eight and 05/100 (28.05) feet to a point; thence north 72 degrees and 39 minutes west, a distance of eighteen and 81/00 (18.81) feet to a point, thence north 17 degrees and 21 minutes east a distance of one hundred (100) feet to a point in the southwesterly line of Brotherton Road; thence southeastwardly and along the last named line a distance of forty four (44) feet to the place of beginning.

Address: 5301 Brotherton Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0206-00

Situated in the City of Cincinnati, Hamilton County, State of Ohio, and being known, numbered and designated as Lot No. 15 of the subdivision made by S.C. Betts of part of Lot 3 of Gilmore and Brotherton's Subdivision and a part of Lot 2 of Charles Langdon's Estate in Section 22, and a portion in Section 16, Township 4, Fractional Range 2 of the Miami Purchase being more particularly described as follows: Commencing at a point in the southwesterly line of Brotherton Road, 130.46 feet west of its intersection with the North line of Erie Avenue; thence south $17^{\circ}21'$ west a distance of 18 feet to a point; thence south $7^{\circ}17'$ west, a distance of 22 feet to a point; thence south 10° east a distance of 24.20 feet to a point; thence south $81^{\circ}15'$ west a distance of 60.05 feet to a point; thence north $17^{\circ}21'$ east a distance of 88.81 feet to the southwesterly line of Brotherton Road; thence southeasterly along the last named line a distance of 30 feet of the place of the beginning.

Address: 5307 Brotherton Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0205-00

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, and known numbered and designated as Lot No. Fourteen (14) of the Subdivision made by S.C. Betts of Part of Lot Three (3) of the Gilmore and Brotherton's Subdivision and part of Lot Two (2) of Charles Langdon's Estate, in Section 22, and a portion of Section 16, Township 4, Fractional Range 2 of the Miami Purchase, said Subdivision of S.C. Betts being recorded in Plat Book 25, Page 38, Hamilton County, Ohio Records.

Exhibit B
to Property Sale and Development Agreement

Property/Site Plan

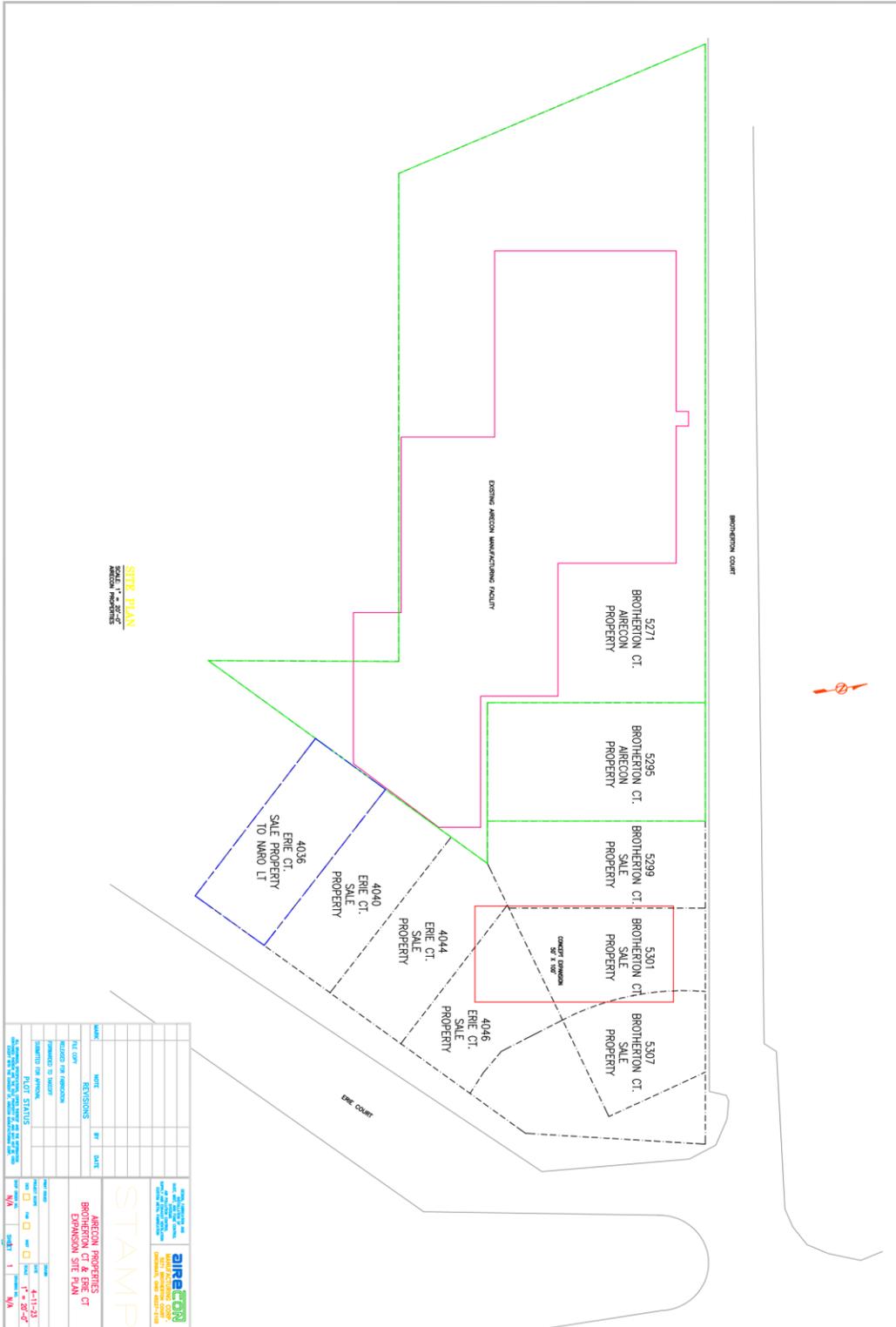


Exhibit C
to Property Sale and Development Agreement

Statement of Work, Budget, and Sources of Funds

Statement of Work

Developer shall be responsible for initial improvements to the Sale Property, which will include the clearing of overgrown sections of vegetation, leveling, and installing gravel. Developer shall also continue to provide regular upkeep and maintenance. Following the clearing of the Sale Property, Developer will construct an approximately 5,000 square foot building. The new building will enable increased manufacturing capacity, enhanced material flow, and improved ingress and egress around the Property.

Budget

TOTAL USES OF FUNDS

| | |
|-----------------------|------------------|
| Acquisition | \$126,000 |
| Site Improvements | \$100,000 |
| Construction | \$600,000 |
| Machinery & Equipment | \$60,000 |
| TOTAL | \$886,000 |

TOTAL SOURCES OF FUNDS (LEVERAGE)

| | |
|------------------------|------------------|
| Cash | \$600,000 |
| Primary Financing Loan | \$286,000 |
| TOTAL | \$886,000 |

Exhibit D
to Property Sale and Development Agreement

Form of Quitclaim Deed
Final at Closing to be approved by Developer's legal counsel and title company

[SEE ATTACHED]

----- space above for recorder -----

QUITCLAIM DEED

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the "**City**"), having an address of 801 Plum Street, for valuable consideration paid, hereby grants and conveys to **AIRECON PROPERTIES, LLC**, an Ohio limited liability company, whose address is 5271 Brotherton Road, Cincinnati, Ohio 45227 ("**Grantee**"), all of the City's right, title, and interest in and to the real property described on Exhibit A (Legal Description) hereto (the "**Property**").

| Property Address | Auditor's Parcel No. | Prior Instrument Reference |
|---|----------------------|---------------------------------|
| 4036 Erie Court, Cincinnati, Ohio 45227 | 036-0006-0199-00 | Official Record 7721, Page 1786 |
| 4040 Erie Court, Cincinnati, Ohio 45227 | 036-0006-0200-00 | Official Record 7755, Page 2439 |
| 4044 Erie Court, Cincinnati, Ohio 45227 | 036-0006-0201-00 | Official Record 8051, Page 2722 |
| 4046 Erie Court, Cincinnati, Ohio 45227 | 036-0006-0202-00 | Official Record 7755, Page 2429 |
| 5299 Brotherton Court, Cincinnati, Ohio 45227 | 036-0006-0207-00 | Official Record 8095, Page 2235 |
| 5301 Brotherton Court, Cincinnati, Ohio 45227 | 036-0006-0206-00 | Official Record 8095, Page 2244 |
| 5307 Brotherton Court, Cincinnati, Ohio 45227 | 036-0006-0205-00 | Official Record 8095, Page 2254 |

This conveyance was authorized by Ordinance No. _____, passed by Cincinnati City Council on _____.

Prior instrument references: Official Record _____, Page _____, Hamilton County, Ohio Records.

[Signature Page Follows]

Executed on _____, 2023.

CITY OF CINCINNATI

By: _____

Name: _____

Title: _____

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____ the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation.

Notary Public
My commission expires: _____

Approved as to Form:

Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, Ohio 45202

Exhibits. The following exhibit is attached hereto and made a part hereof:
Exhibit A – Legal Description

Exhibit A
to Quitclaim Deed

Legal Description

[TO BE ATTACHED TO EXECUTION VERSION OF DEED]

Exhibit E
to Property Sale and Development Agreement
Form of Termination of Lease

[TO BE ATTACHED]

Exhibit F
to Property Sale and Development Agreement

Additional Requirements

Developer and Developer's general contractor shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati (collectively, "**Government Requirements**"), including the Government Requirements listed below, to the extent that they are applicable. Developer hereby acknowledges and agrees that (a) the below listing of Government Requirements is not intended to be an exhaustive list of Government Requirements applicable to the Project, Developer, or Developer's contractors, subcontractors or employees, either on the City's part or with respect to any other governmental entity, and (b) neither the City nor its Law Department is providing legal counsel to or creating an attorney-client relationship with Developer by attaching this Exhibit to the Agreement.

This Exhibit serves two functions:

(i) Serving as a Source of Information With Respect to Government Requirements. This Exhibit identifies certain Government Requirements that may be applicable to the Project, Developer, or its contractors and subcontractors. Because this Agreement requires that Developer comply with all applicable laws, regulations, and other Government Requirements (and in certain circumstances to cause others to do so), this Exhibit flags certain Government Requirements that Developers, contractors and subcontractors regularly face in constructing projects or doing business with the City. To the extent a Developer is legally required to comply with a Government Requirement, failure to comply with such a Government Requirement is a violation of the Agreement.

(ii) Affirmatively Imposing Contractual Obligations. If certain conditions for applicability are met, this Exhibit also affirmatively imposes contractual obligations on Developer, even where such obligations are not imposed on Developer by Government Requirements. As described below, the affirmative obligations imposed hereby are typically a result of policies adopted by City Council which, per Council's directive, are to be furthered by the inclusion of certain specified language in some or all City contracts. The City administration (including the City's Department of Community and Economic Development) is responsible for implementing the policy directives promulgated by Council (which typically takes place via the adoption of motions or resolutions by Council), including, in certain circumstances, by adding specific contractual provisions in City contracts such as this Agreement.

(A) Construction Workforce.

(i) Applicability. Consistent with the limitations contained within the City Resolutions identified in clause (ii) below, this Section (A) shall not apply to contracts with the City other than construction contracts, or to construction contracts to which the City is not a party. For the avoidance of doubt, this Agreement is a construction contract solely to the extent that it directly obligates Developer to assume the role of a general contractor on a construction project for public improvements such as police stations or other government buildings, public parks, or public roadways.

The Construction Workforce Goals are not applicable to future work (such as repairs or modifications) on any portion of the Project. The Construction Workforce Goals are not applicable to the purchase of specialty fixtures and trade fixtures.

(ii) Requirement. In furtherance of the policy enumerated in City Resolutions No. 32-1983 and 21-1998 concerning the inclusion of minorities and women in City construction work, if Developer is performing construction work for the City under a construction contract to which the City is a party, Developer shall use Best Efforts to achieve a standard of no less than 11.8% Minority Persons (as defined below) and 6.9% females (of whom at least one-half shall be Minority Persons) in each craft trade in Developer and its general contractor's aggregate workforce in Hamilton County, to be achieved at least

halfway through the construction contract (or in the case of a construction contract of six months or more, within 60 days of beginning the construction contract) (collectively, the “**Construction Workforce Goals**”).

As used herein, the following terms shall have the following meanings:

(a) “**Best Efforts**” means substantially complying with all of the following as to any of its employees performing such construction, and requiring that all of its construction subcontractors substantially comply with all of the following: (1) solicitation of Minority Persons as potential employees through advertisements in local minority publications; and (2) contacting government agencies, private agencies, and/or trade unions for the job referral of qualified Minority Persons.

(b) “**Minority Person**” means any person who is Black, Asian or Pacific Islander, Hispanic, American Indian or Alaskan Native.

(c) “**Black**” means a person having origin in the black racial group of Africa.

(d) “**Asian or Pacific Islander**” means a person having origin in the original people of the Far East or the Pacific Islands, which includes, among others, China, India, Japan, Korea, the Philippine Islands, Malaysia, Hawaii and Samoa.

(e) “**Hispanic**” means a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish cultural origin.

(f) “**American Indian**” or “**Alaskan Native**” means a person having origin in any of the original people of North America and who maintains cultural identification through tribal affiliation.

(B) Trade Unions; Subcontracts; Competitive Bidding.

(i) Meeting and Confering with Trade Unions.

(a) Applicability. Per City of Cincinnati, Ordinance No. 130-2002, this requirement is limited to transactions in which Developer receives City funds or other assistance (including, but not limited to, the City’s construction of public improvements to specifically benefit the Project, or the City’s sale of real property to Developer at below fair market value).

(b) Requirement. This Agreement may be subject to the requirements of City of Cincinnati, Ordinance No. 130-2002, as amended or superseded, providing that, if Developer receives City funds or other assistance, Developer and its general contractor, prior to the commencement of construction of the Project and prior to any expenditure of City funds, and with the aim of reaching comprehensive and efficient project agreements covering all work done by Developer or its general contractor, shall meet and confer with: the trade unions representing all of the crafts working on the Project, and minority, female, and locally-owned contractors and suppliers potentially involved with the construction of the Project. At this meeting, Developer and/or its general contractor shall make available copies of the scope of work and if prevailing wage rates apply, the rates pertaining to all proposed work on the Project. Not later than ten (10) days following Developer and/or its general contractor’s meet and confer activity, Developer shall provide to the City, in writing, a summary of Developer and/or its general contractor’s meet and confer activity.

(ii) Contracts and Subcontracts; Competitive Bidding.

(a) Applicability. This clause (ii) is applicable to “construction contracts” under Cincinnati Municipal Code Chapter 321. Municipal Code Chapter 321 defines “construction” as “any construction, reconstruction, improvement, enlargement, alteration, repair, painting, decorating, wrecking or demolition, of any public improvement the total overall project cost of which is fairly estimated by Federal or Ohio statutes to be more than four thousand dollars and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority,” and “contract” as “all written agreements of the City of Cincinnati, its boards or commissions, prepared and signed by the city purchasing agent or a board or commission for the procurement or disposal of supplies, service or construction.”

(b) Requirement. If CMC Chapter 321 applies to the Project, Developer is required to ensure that all contracts and subcontracts for the Project are awarded pursuant to a competitive bidding process that is approved by the City in writing. All bids shall be subject to review by the City. All contracts and subcontracts shall be expressly required by written agreement to comply with the provisions of this Agreement and the applicable City and State of Ohio laws, ordinances and regulations with respect to such matters as allocation of subcontracts among trade crafts, Small Business Enterprise Program, Equal Employment Opportunity, and Construction Workforce Goals.

(iii) Competitive Bidding for Certain City-Funded Development Agreements.

(a) Applicability. Pursuant to Ordinance No. 273-2002, the provision in clause (b) below applies solely where the Project receives in \$250,000 or more in direct City funding, and where such funding comprises at least 25% of the Project's budget. For the purposes of this clause (iii), "direct City funding" means a direct subsidy of City funds in the form of cash, including grants and forgivable loans, but not including public improvements, land acquisitions and sales, job creation tax credits, or tax abatements or exemptions.

(b) Requirement. This Agreement requires that Developer issue an invitation to bid on the construction components of the development by trade craft through public notification and that the bids be read aloud in a public forum. For purposes of this provision, the following terms shall be defined as set forth below:

(1) "Bid" means an offer in response to an invitation for bids to provide construction work.

(2) "Invitation to Bid" means the solicitation for quoted prices on construction specifications and setting a time, date and place for the submission of and public reading of bids. The place for the public reading of bids shall be chosen at the discretion of Developer; however, the place chosen must be accessible to the public on the date and time of the public reading and must have sufficient room capacity to accommodate the number of respondents to the invitation to bid.

(3) "Trade Craft" means (a) general construction work, (b) electrical equipment, (c) plumbing and gas fitting, (d) steam and hot water heating and air conditioning and ventilating apparatus, and steam power plant, (e) elevator work, and (f) fire protection.

(4) "Public Notification" means (a) advertisement of an invitation to bid with ACI (Allied Construction Industries) and the Dodge Report, and (b) dissemination of the advertisement (either by mail or electronically) to the South Central Ohio Minority Business Council, Greater Cincinnati Northern Kentucky African-American Chamber of Commerce, and the Hispanic Chamber of Commerce. The advertisement shall include a description of the "scope of work" and any other information reasonably necessary for the preparation of a bid, and it shall be published and disseminated no less than fourteen days prior to the deadline for submission of bids stated in the invitation to bid.

(5) "Read Aloud in a Public Forum" means all bids shall be read aloud at the time, date and place specified in the invitation for bids, and the bids shall be available for public inspection at the reading.

(C) City Building Code. All construction work must be performed in compliance with City building code requirements.

(D) Lead Paint Regulations. All work must be performed in compliance with Chapter 3742 of the Ohio Revised Code, Chapter 3701-32 of the Ohio Administrative Code, and must comply with OSHA's Lead in Construction Regulations and the OEPA's hazardous waste rules. All lead hazard abatement work must be supervised by an Ohio Licensed Lead Abatement Contractor/Supervisor.

(E) Displacement. If the Project involves the displacement of tenants, Developer shall comply with all Government Requirements in connection with such displacement. If the City shall become obligated to pay any relocation costs or benefits or other sums in connection with the displacement of tenants, under Cincinnati Municipal Code Chapter 740 or otherwise, Developer shall reimburse the City for any and all such amounts paid by the City in connection with such displacement within twenty (20) days after the City's written demand.

(F) Small Business Enterprise Program.¹

(i) Applicability. The applicability of Municipal Code Chapter 323 (Small Business Enterprise Program) is limited to construction contracts in excess of \$5,000. Municipal Code Chapter 323 defines "contract" as "a contract in excess of \$5,000.00, except types of contracts listed by the City purchasing agent as exempt and approved by the City Manager, for (a) construction, (b) supplies, (c) services, or (d) professional services." It defines "construction" as "any construction, reconstruction, improvement, enlargement, alteration, repair, painting, decorating, wrecking or demolition, of any public improvement the total overall project cost of which is fairly estimated by Federal or Ohio statutes to be more than \$4,000 and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority." To the extent Municipal Code Chapter 323 does not apply to this Agreement, Developer is not subject to the various reporting requirements described in this Section (F).

(ii) Requirement. The City has an aspirational goal that 30% of its total dollars spent for construction and 15% of its total dollars spent for supplies/services and professional services be spent with Small Business Enterprises ("SBE"s), which include SBEs owned by minorities and women. Accordingly, subject to clause (i) above, Developer and its general contractor shall use its best efforts and take affirmative steps to assure that SBEs are utilized as sources of supplies, equipment, construction, and services, with the goal of meeting 30% SBE participation for construction contracts and 15% participation for supplies/services and professional services contracts. An SBE means a consultant, supplier, contractor or subcontractor who is certified as an SBE by the City in accordance with Cincinnati Municipal Code ("CMC") Chapter 323. (A list of SBEs may be obtained from the Department of Economic Inclusion or from the City's web page, <http://cincinnati.diversitycompliance.com>.) Developer and its general contractor may refer interested firms to the Department of Economic Inclusion for review and possible certification as an SBE, and applications may also be obtained from such web page. If the SBE program is applicable to this Agreement, as described in clause (i) above, Developer agrees to take (or cause its general contractor to take) at least the following affirmative steps:

- (1) Including qualified SBEs on solicitation lists.
- (2) Assuring that SBEs are solicited whenever they are potential sources. Contractor must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials or to bid on construction contracts for the Project. Contractor is encouraged to use the internet and similar types of advertising to reach a broader audience, but these additional types of advertising cannot be used as substitutes for the above.
- (3) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.
- (4) When needs permit, establishing delivery schedules that will encourage participation by SBEs.

(iii) Subject to clause (i) above, if any subcontracts are to be let, Developer shall require the prime contractor to take the above affirmative steps.

(iv) Subject to clause (i) above, Developer shall provide to the City, prior to commencement of the Project, a report listing all of the contractors and subcontractors for the Project, including information as to the owners, dollar amount of the contract or subcontract, and other information that may be deemed necessary by the City Manager. Developer or its general contractor shall update the report monthly by the

¹ Note: DCED is currently evaluating revisions to this SBE section due to recent legislative changes adopted by Council. If DCED implements these policy changes prior to the execution of this Agreement, this section will be revised.
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15th. Developer or its general contractor shall enter all reports required in this subsection via the City's web page referred to in clause (i) above or any successor site or system the City uses for this purpose. Upon execution of this Agreement, Developer and its general contractor shall contact the Department of Economic Inclusion to obtain instructions, the proper internet link, login information, and password to access the site and set up the necessary reports.

(v) Subject to clause (i) above, Developer and its general contractor shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by notarized affidavits executed in a form acceptable to the City, submitted upon the written request of the City. The City shall have the right to review records and documentation relevant to the affidavits. If affidavits are found to contain false statements, the City may prosecute the affiant pursuant to Section 2921.12, Ohio Revised Code.

(vi) Subject to clause (i) above, failure of Developer or its general contractor to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach the minimum percentage goals for SBE participation as set forth in Cincinnati Municipal Code Chapter 323, may be construed by the City as failure of Developer to use best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this section.

(G) Equal Employment Opportunity.

(i) Applicability. Chapter 325 of the Cincinnati Municipal Code (Equal Employment Opportunity) applies (a) where the City expends more than \$5,000 under a non-construction contract, or (b) where the City spends or receives over \$5,000 to (1) employ another party to construct public improvements, (2) purchase services, or (3) lease any real or personal property to or from another party. Chapter 325 of the Municipal Code does not apply where the contract is (a) for the purchase of real or personal property to or from another party, (b) for the provision by the City of services to another party, (c) between the City and another governmental agency, or (d) for commodities such as utilities.

(ii) Requirement. If this Agreement is subject to the provisions of Chapter 325 of the Cincinnati Municipal Code (the City of Cincinnati's Equal Employment Opportunity Program), the provisions thereof are hereby incorporated by reference into this Agreement.

(H) Prevailing Wage. Developer shall comply, and shall cause all contractors working on the Project to comply, with all any prevailing wage requirements that may be applicable to the Project. In the event that the City is directed by the State of Ohio to make payments to construction workers based on violations of such requirements, Developer shall make such payments or reimburse the City for such payments within twenty (20) days of demand therefor. A copy of the City's prevailing wage determination may be attached to this Exhibit as Addendum I to Additional Requirements Exhibit (City's Prevailing Wage Determination) hereto.

(I) Compliance with the Immigration and Nationality Act. In the performance of its construction obligations under this Agreement, Developer shall comply with the following provisions of the federal Immigration and Nationality Act: 8 U.S.C.A. 1324a(a)(1)(A) and 8 U.S.C.A. 1324a(a)(2). Compliance or noncompliance with those provisions shall be solely determined by final determinations resulting from the actions by the federal agencies authorized to enforce the Immigration and Nationality Act, or by determinations of the U.S.

(J) Prompt Payment. The provisions of Chapter 319 of the Cincinnati Municipal Code, which provides for a "Prompt Payment System", may apply to this Agreement. Municipal Code Chapter 319 also (i) provides certain requirements for invoices from contractors with respect to the Prompt Payment System, and (ii) obligates contractors to pay subcontractors for satisfactory work in a timely fashion as provided therein.

(K) Conflict of Interest. Pursuant to Ohio Revised Code 102.03, no officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of

the Project may have any personal financial interest, direct or indirect, in Developer or in the Project, and Developer shall take appropriate steps to assure compliance.

(L) Ohio Means Jobs. If this Agreement constitutes a construction contract (pursuant to the guidance with respect to the definition of that term provided in Section (A) above), then, pursuant to Ordinance No. 238-2010: To the extent allowable by law, Developer and its general contractor shall use its best efforts to post available employment opportunities with Developer, the general contractor's organization, or the organization of any subcontractor working with Developer or its general contractor with the OhioMeansJobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-946-7200.

(M) Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "**Wage Enforcement Chapter**"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

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(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the city shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

(N) Americans with Disabilities Act; Accessibility.

(i) Applicability. Cincinnati City Council adopted Motion No. 201600188 on February 3, 2016 (the “**Accessibility Motion**”). This motion directs City administration, including DCED, to include language specifically requiring compliance with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the “**ADA**”), and imposing certain minimum accessibility standards on City-subsidized projects regardless of whether there are arguably exceptions or reductions in accessibility standards available under the ADA or State law.

(ii) Requirement. In furtherance of the policy objectives set forth in the Accessibility Motion, (A) the Project shall comply with the ADA, and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a “place of public accommodation” or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then Developer shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, “**Contractual Minimum Accessibility Requirements**” means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building’s primary point of entry, conspicuous signage directing persons to such accessible point of entry.

(O) Electric Vehicle Charging Stations in Garages.

(i) Applicability. Cincinnati City Council passed Ordinance No. 89-2017 on May 10, 2017. This ordinance requires all agreements in which the City provides any amount of “qualifying incentives” for projects involving the construction of a parking garage to include a provision requiring the inclusion of certain features in the garage relating to electric vehicles. The ordinance defines “qualifying incentives” as the provision of incentives or support for the construction of a parking garage in the form of (a) the provision of any City monies or monies controlled by the City including, without limitation, the provision of funds in the form of loans or grants; (b) the provision of service payments in lieu of taxes in connection with tax increment financing, including rebates of service payments in lieu of taxes; and (c) the provision of the proceeds of bonds issued by the City or with respect to which the City has provided any source of collateral security or repayment, including, but not limited to, the pledge of assessment revenues or service payments in lieu of taxes. For the avoidance of doubt, “qualifying incentives” does not include (1) tax abatements such as Community Reinvestment Area abatements pursuant to Ohio Revised Code 3735.67, et seq., or Job Creation Tax Credits pursuant to Ohio Revised Code 718.15; (2) the conveyance of City-owned real property for less than fair market value; and (3) any other type of City support in which the City provides non-monetary assistance to a project, regardless of value.

(ii) Requirement. If the applicability criteria of Ordinance No. 89-2017 are met, then the following requirements shall apply to any parking garage included within the Project: (a) at least one percent of parking spaces, rounding up to the nearest integer, shall be fitted with Level 2 minimum 7.2 kilowatt per hour electric car charging stations; provided that if one percent of parking spaces is less than two parking spaces, the minimum number of parking spaces subject to this clause shall be two parking spaces; and (b) the parking garage's electrical raceway to the electrical supply panel serving the garage shall be capable of providing a minimum of 7.2 kilowatts of electrical capacity to at least five percent of the parking spaces of the garage, rounding up to the nearest integer, and the electrical room supplying the garage must have the physical space for an electrical supply panel sufficient to provide 7.2 kilowatts of electrical capacity to at least five percent of the parking spaces of the garage, rounding up to the nearest integer.

(P) Certification as to Non-Debarment. Developer represents that neither it nor any of its principals is presently suspended or debarred by any federal, state, or local government agency. In completing the Project, Developer shall not solicit bids from any contractors or subcontractors who are identified as being suspended or debarred by any federal, state, or local government agency. If Developer or any of its principals becomes suspended or debarred by any federal, state, or local government agency during the term of this Agreement, Developer shall be considered in default under this Agreement.

ADDENDUM I
to
Additional Requirements Exhibit
City's Prevailing Wage Determination

INTENTIONALLY OMITTED

June 12, 2023

To: Members of the Budget and Finance Committee 202301666
From: Sheryl M.M. Long, City Manager
Subject: **Emergency Ordinance – Job Creation and Retention Tax Credit Agreement with Medpace, Inc.**

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the execution of a Job Creation and Retention Tax Credit Agreement with Medpace, Inc., pursuant to which the company agrees to create 1,500 new jobs and retain 2,099 existing jobs at Medpace, Inc.’s campus located at the southeast corner of Madison Road and Red Bank Expressway in Madisonville neighborhood of Cincinnati, and the City of Cincinnati agrees to provide an income tax credit equal to 55 percent of City income tax revenue from (i) 1,500 new jobs and 1,255 retained jobs for a period of fourteen years, and (ii) 844 retained jobs for a period of four years.

COMPANY INFORMATION

Medpace, Inc. (the “Company”) is a Cincinnati-based pharmaceutical testing and medical research company located in the neighborhood of Madisonville. Since the relocation of the Company in 2008, the Company has invested a significant amount in the development of its corporate headquarters.

BACKGROUND/CURRENT CONDITIONS

Pursuant to the Job Creation Tax Credit (“JCTC”) Agreement dated October 3, 2008, and amended in 2015 and 2017, and its most recent 2022 End of Year Report, the Company received a City Income Tax Credit for creating 844 new jobs with an associated annual payroll of \$46,420,000 (the “Phase I Jobs”) and for subsequently creating 1,255 new jobs with an associated annual payroll of \$164,635,101 (the “Phase II Jobs”) at the southeast corner of Madison Road and Red Bank Expressway.

The Company seeks to grow its Cincinnati operations further through job growth and real estate development. The Company had an opportunity to locate the new 1,500 jobs and its associated annual payroll of \$90,000,000 to its operations in Denver, CO and Irving, TX.

PROJECT DESCRIPTION

The Company will retain the Phase I and Phase II jobs, a total of 2099 full-time equivalent employees (“FTEs”) with an associated annual payroll of approximately \$211,055,101. Additionally, the Company will create at least 1,500 FTEs with an

associated annual payroll of approximately \$90,000,000 within the City of Cincinnati (the “Phase III Jobs”). The Company has committed to having all 3599 jobs meet the Minimum Qualifying Wage.

As part of the significant expansion, the Company will also invest approximately \$150,000,000 for the construction of 308,000 square feet of office space (the “Phase III Project Site”).

PROPOSED INCENTIVE

DCED is recommending:

- 55% City income tax credit applicable to the Company’s retention of the Phase I Jobs for a period of 4 years,
- 55% City income tax credit applicable to the Company’s retention of the Phase II Jobs for a period of 14 years, and
- 55% City income tax credit applicable to new jobs created by the Company at the Phase III Project Site for a period of 14 years.

This credit will be contingent upon the Company retaining all 3599 jobs in the city through December 31, 2044.

The reason for providing these incentives is that the project provides an advantageous return on investment for the City while continuing to grow investments that began in 2008. The incentive will also require the Company to maintain operations within the city for at least an additional 22 years.

| | |
|--|------------------|
| Total City Earnings Tax Generated over Term: | \$119,217,824.00 |
| Estimated Total Term Job Tax Credit Value to Company: | \$33,324,650.00 |
| Incentive Leverage Per Dollar of City Investment: | \$2.58 |

JobsOhio also plans to provide assistance, which will be made public after a final agreement is executed.

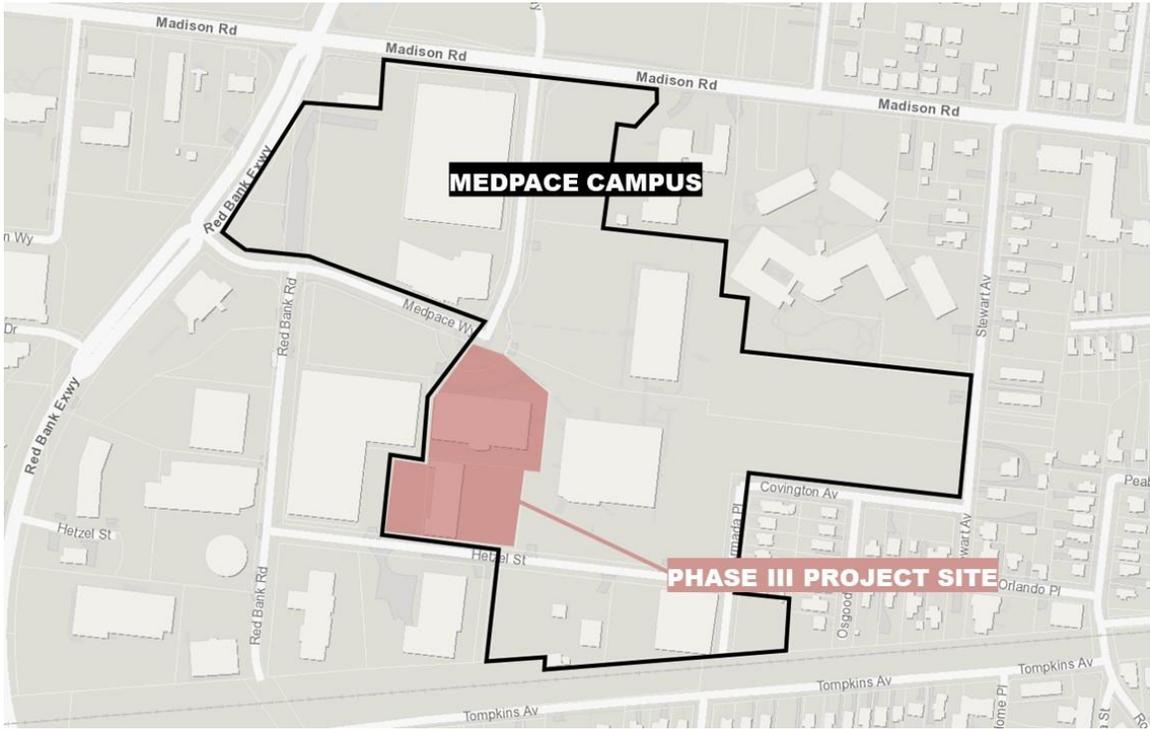
RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

Attachment: A. Property location

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Attachment A: Property Location



EMERGENCY

TJL

- 2023

APPROVING AND AUTHORIZING the execution of a Job Creation and Retention Tax Credit Agreement with Medpace, Inc., pursuant to which the company agrees to create 1,500 new jobs and retain 2,099 existing jobs at Medpace, Inc.’s campus located at the southeast corner of Madison Road and Red Bank Expressway in Madisonville neighborhood of Cincinnati, and the City of Cincinnati agrees to provide an income tax credit equal to 55 percent of City income tax revenue from (i) 1,500 new jobs and 1,255 retained jobs for a period of fourteen years, and (ii) 844 retained jobs for a period of four years.

WHEREAS, the City of Cincinnati (the “City”) seeks to increase employment opportunities, encourage the establishment of new jobs in Cincinnati, and promote the retention of existing jobs in Cincinnati, all in order to improve the economic welfare of the City and its citizens, and in furtherance of the public purposes enunciated in Article VIII, Section 13 of the Ohio Constitution; and

WHEREAS, the City and Medpace, Inc. (“Employer”) entered into that certain Job Creation Tax Credit Agreement dated October 3, 2008, as amended by a First Amendment to Job Creation Tax Credit Agreement dated June 17, 2015, and by a Second Amendment to Job Creation Tax Credit Agreement dated July 17, 2017 (as amended, the “Original Agreement”), pursuant to which Employer received an income tax credit equal to 55 percent of income tax revenue from Employer’s creation of 2,099 new jobs at its campus located at the southeast corner of Madison Road and Red Bank Expressway in the Madisonville neighborhood of Cincinnati (the “Project Site”); and

WHEREAS, Employer intends to construct a new building at the Project Site containing approximately 308,000 square feet of office space (the “Project”), which will result in the creation of at least 1,500 additional new jobs in Cincinnati within six years, and the retention of Employer’s existing 2,099 jobs in Cincinnati, if certain income tax credit assistance is provided by the City; and

WHEREAS, the City Manager has recommended that Council authorize the execution of a new Job Creation and Retention Tax Credit Agreement (the “Agreement”) with Employer, in substantially the form attached hereto as Attachment A, which, upon mutual termination of the Original Agreement, will supersede the tax credit provided under the Original Agreement and provide for an income tax credit equal to 55 percent of income tax revenue from (i) new jobs created by Employer at the Project Site for a term of fourteen years, (ii) up to 1,255 existing jobs retained by Employer at the Project Site for a term of fourteen years, and (iii) up to 844 existing jobs retained by Employer at the Project Site for a term of four years; and

WHEREAS, the Agreement provides that Employer will spend a minimum of \$150,000,000 to implement the Project at the Project Site; and

WHEREAS, Employer represents and has documented to the City that the income tax credit authorized by the Agreement is a major factor in Employer's decision to go forward with the Project at the Project Site; and

WHEREAS, the City income tax credit approved by this ordinance is authorized by Sections 718.15 and 718.151 of the Ohio Revised Code and by Section 311-45 of the Cincinnati Municipal Code; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves and authorizes the execution of a Job Creation and Retention Tax Credit Agreement (the "Agreement") with Medpace, Inc. ("Employer"), in substantially the form attached hereto as Attachment A, in order to assist Employer in constructing a new building within its existing campus located at the southeast corner of Madison Road and Red Bank Expressway (the "Project Site") consisting of approximately 308,000 square feet of office space, which Agreement provides for Employer's creation of 1,500 new jobs in Cincinnati within six years and a City of Cincinnati ("City") income tax credit equal to 55 percent of City income tax revenue from (a) new jobs created by Employer at the Project Site for a period of fourteen years, (b) up to 1,255 existing jobs retained by Employer at the Project Site for a period of fourteen years, and (c) up to 844 existing jobs retained by Employer at the Project Site for a period of four years.

Section 2. That Council authorizes the proper City officials to take all necessary and proper actions to fulfill the City's obligations under the Agreement and to enforce the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to allow the

project and the corresponding revitalization of the City of Cincinnati and improvement of the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



Contract Number _____

JOB CREATION AND RETENTION TAX CREDIT AGREEMENT

This Job Creation and Retention Tax Credit Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and MEDPACE, INC., an Ohio corporation ("Grantee").

RECITALS

- A. The City seeks to increase employment opportunities and to encourage establishment of new jobs within the corporate boundaries of the City of Cincinnati (the "City Boundaries"), in order to improve the economic welfare of the City and its citizens, in furtherance of the public purposes enunciated in Article VIII, Section 13 of the Ohio Constitution.
- B. Pursuant to that *Job Creation Tax Credit Agreement* dated October 3, 2008, between the City and Grantee, as amended by that *Amendment to Job Creation Tax Credit Agreement* dated June 17, 2015, and by that *Second Amendment to Job Creation Tax Credit Agreement* dated July 17, 2017 (as amended, the "**Original Agreement**"), Grantee received a City Income Tax Credit (as defined in the Original Agreement) from the City for creating 844 new jobs with an aggregate annual payroll of \$46,420,000 (the "Phase I Jobs"), and for subsequently creating 1,255 new jobs with an aggregate annual payroll of \$164,635,101 (the "Phase II Jobs") at the real property located within the southeast corner of Madison Road and Red Bank Expressway, in the Madisonville neighborhood of Cincinnati, Ohio (the "Project Site") known commonly as the Medpace Campus.
- C. Grantee informed the City of its desire to construct a new office building within the Project Site as further described on Exhibit A (*Legal Description – Phase III Project Site*) hereto (the "Phase III Project Site"), consisting of approximately 308,000 square feet of office space (the "Project"), and the City has determined that Grantee will create new jobs within the City Boundaries in connection with the Project.
- D. Cincinnati Municipal Code ("CMC") Chapter 311 imposes income taxes, including a tax on business net profits. Grantee represents and has documented to the City that the credit authorized by this Agreement against the tax imposed on Grantee's net profits under CMC Chapter 311 (the "City Income Tax Credit") is a major factor in Grantee's decision to go forward with the Project, to offset costs of capital expenditures.
- E. The City Income Tax Credit as provided in this Agreement is authorized by Ohio Revised Code ("ORC") Sections 718.15 and 718.151.
- F. The City and Grantee intend that Grantee will implement the Project partly as a result of Grantee cost savings resulting from (i) a 55% City income tax credit applicable to Grantee's retention of the Phase I Jobs at the Project Site for a period of 4 years, (ii) a 55% City income tax credit applicable to Grantee's retention of the Phase II Jobs at the Project Site for a period of 14 years, and (iii) a 55% City income tax credit applicable to new jobs created by Grantee at the Phase III Project Site for a period of 14 years, and thereby create 1,500 new jobs at the Phase III Project Site within 6 years of the Determination Date (as defined below).
- G. Prior to the execution of this Agreement, the City and Grantee intend to enter into a *Termination of Job Creation Tax Credit Agreement* (the "Termination"), which, once fully executed, will terminate the existing obligations of the parties under the Original Agreement in order to facilitate the City Income Tax Credits for the Project contemplated in this Agreement.

NOW THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the parties agree as follows:

1. PRECONDITIONS TO EFFECTIVENESS OF AGREEMENT. Notwithstanding anything to the contrary herein, this Agreement shall be of no force and effect unless and until (1) this Agreement is fully executed by both parties, (2) the Council of the City of Cincinnati passes an ordinance approving this Agreement, and the ordinance takes effect, and (3) the Termination has been fully executed by Grantee and by the City.
2. CERTAIN DEFINITIONS. As used in this Agreement:
 - (A) “Aggregate Employees” means, for any stated period, the Number of Full-Time Employee Equivalents employed either by Grantee or by a Related Member, calculated with reference to all employees of Grantee and all Related Members of Grantee for which (1) the primary work location is within the City Boundaries and (2) Grantee or a Related Member withholds City income taxes.
 - (B) “City Tax Credit Term” means, collectively, the Phase I Tax Credit Term, the Phase II Tax Credit Term, and the Phase III Tax Credit Term.
 - (C) “Determination Date” means January 1, 2023
 - (D) “Employment Retention Period” means the period commencing as of the Determination Date and continuing through December 31, 2044.
 - (E) “Existing Employee” means an existing employee of Grantee that meets all of the following criteria during the applicable Tax Year: (i) whose primary work location is the Project Site, (ii) is first employed by Grantee within the City Boundaries prior to the Determination Date, (iii) was employed by Grantee in an employment position that was counted towards Grantee’s creation of either the Phase I Jobs or the Phase II Jobs, and (iv) is paid at least the Minimum Qualifying Wage by Grantee at all times during the applicable Tax Year. An employee is considered to have a primary work location at the Project Site if at least fifty-one percent (51%) of the compensation paid by Grantee to that employee is taxed by the City with respect to work performed at the Project Site.
 - (F) “Grantee’s City-Wide Employees” means, for any stated period, the Number of Full-Time Employee Equivalents employed by Grantee, calculated with reference to all employees of Grantee for which (1) the primary work location is within the City (not limited to the Project Site) and (2) Grantee withholds City income taxes. An employee is considered to have a primary work location within the City if at least fifty-one percent (51%) of the compensation paid by Grantee to that employee is taxed by the City with respect to work performed in the City.
 - (G) “Income Tax Revenue” means, for any Tax Year:
 - (1) Payments from Grantee to the City in an amount equal to the aggregate amount of earnings taxes withheld on the qualifying wages (as defined in CMC Section 311-9-Q) paid by Grantee to all Aggregate Employees whose primary work location is the Project Site; less
 - (2) Any amounts refunded by the City to Aggregate Employees whose primary work location is the Project Site (pursuant to CMC Chapter 311) relating to qualifying wages (as defined in CMC Section 311-9-Q) paid by Grantee, as such refunds are reported by the City to Grantee from time to time.
 - (H) “Initial Tax Year” means the first Tax Year during which Grantee is entitled to a City Income Tax Credit.
 - (I) “Minimum Qualifying Wage” means an hourly wage of at least (1) \$12.50 per hour on and after July 1, 2018, (2) \$13.50 per hour on and after January 1, 2019, and (3) \$15.00 per hour on and after July 1, 2019; *provided however*, that if (i) Grantee contributes to any health, vision and/or dental insurance plan; provides retirement benefits; or provides childcare, tuition, or training reimbursement benefits to a New Employee or to an Existing Employee, and (ii) the City approves in writing, in its

sole and absolute discretion any such contribution, retirement, or reimbursement benefit, then the hourly cash value of any such City-approved benefit shall be added to the New Employee's base monetary hourly wage or to the Existing Employee's base monetary hourly wage (as applicable) for the purposes of calculating that New Employee's or that Existing Employee's hourly wage under this definition.

- (J) "Net Number of New Employees" means, for any Tax Year, the lesser of:
- (1) The average Number of New Employees in the final three (3) calendar months of that Tax Year; or
 - (2) The remainder computed by subtracting (a) the Baseline City-Wide Employment Level from (b) the average number of Grantee's City-Wide Employees, whose primary work location was the Project Site, in the final three (3) months of that Tax Year; or
 - (3) The remainder computed by subtracting (a) the Baseline Aggregate Employment Level from (b) the average number of Aggregate Employees, whose primary work location was the Project Site, in the final three (3) months of that Tax Year.

Computations of an "average number" of employees, as required by this Agreement, shall be made and documented by Grantee in a manner subject to approval by the City, such approval not to be unreasonably withheld.

- (K) "New Employee" means an employee of Grantee that meets all of the following criteria during the applicable Tax Year: (i) whose primary work location is the Phase III Project Site, (ii) is first employed by Grantee within the City Boundaries after the Determination Date, and (iii) is paid at least the Minimum Qualifying Wage by Grantee at all times during the applicable Tax Year. An employee is considered to have a primary work location at the Phase III Project Site if at least fifty-one percent (51%) of the compensation paid by Grantee to that employee is taxed by the City with respect to work performed at the Phase III Project Site. "New Employees" may include employees of Grantee employed in employment positions that were relocated to the Phase III Project Site from other operations of Grantee (or of a Related Member) outside of the City Boundaries.

- (L) "New Income Tax Revenue" means, for any Tax Year, the lesser of:
- (1) Income Tax Revenue in such Tax Year relating only to New Employees; or
 - (2) The amount computed by multiplying (a) the Net Number of New Employees for such Tax Year by (b) the average amount of Income Tax Revenue received by the City in such Tax Year per New Employee (which average amount is computed by dividing (x) the total Income Tax Revenue for such Tax Year relating only to New Employees by (y) the monthly average of Number of New Employees (determined on a twelve (12) month basis) employed during such Tax Year.

- (M) "Number of Full-Time Employee Equivalents" means one fortieth (1/40) of the total number of compensated hours worked in a work week by permanent employees that are paid at least the Minimum Qualifying Wage for the duration of the applicable Tax Year (whether full-time or part-time), provided that the hours included in the calculation may not exceed forty (40) per week for any individual employee.

- (N) "Number of New Employees" means, for any stated period, the Number of Full-Time Employee Equivalents employed in that period, calculated only with reference to hours worked by New Employees.

- (O) "Phase I Tax Credit Term" means the 4-year period commencing in Tax Year 2023 and continuing through Tax Year 2026.

- (P) "Phase II Tax Credit Term" means the 14-year period commencing in Tax Year 2023 and continuing through Tax Year 2036.

- (Q) “Phase III Tax Credit Term” means the 14-year period commencing in Tax Year 2023 and continuing through Tax Year 2036.
- (R) “Related Member” means any of Grantee’s “related members” (as defined in ORC Section 122.171(A)(7)) that has at least one employee whose primary work location is within the City Boundaries (not limited to the Project Site), including those “related members” that begin operations within the City Boundaries on or after the Effective Date.
- (S) “Tax Year” means the fiscal year used by Grantee to compute net profits under CMC Chapter 311.

3. PROJECT: JOB CREATION AND RETENTION.

- (A) Grantee Representations. Grantee represents that:
 - (1) The monthly average of the Number of Full-Time Employee Equivalents employed by Grantee, for whom the Project Site was the primary work location, for the three (3) full calendar month period immediately prior to the Determination Date was 2,099, consisting of the Phase I Jobs and the Phase II Jobs.
 - (2) The monthly average of Grantee’s City-Wide Employees for the three (3) full calendar month period immediately prior to the Determination Date, consisting of the Phase I Jobs and the Phase II Jobs, was 2,099 (the “Baseline City-Wide Employment Level”).
 - (3) The monthly average of Aggregate Employees, inclusive of both the Phase I Jobs and Phase II Jobs, for the three (3) full calendar month period immediately prior to the Determination Date was 2,099 (the “Baseline Aggregate Employment Level”).
 - (4) Related Members of Grantee with any employees whose primary work location is within the City Boundaries as of the Effective Date (and the Related Members’ Cincinnati addresses and Federal Tax Identification Numbers) consist of the following:
 - (a) C-MARC, LLC
 - (b) Endless Earth Enterprises, LLC
 - (c) Medpace Bioanalytical Laboratories, LLC
 - (d) Medpace Clinical Pharmacology LLC
 - (e) Medpace Clinical Research, LLC
 - (f) Medpace CORE Laboratories, LLC (f/k/a – Imagepace, LLC)
 - (g) Medpace Holding Company, Inc.
 - (h) Medpace Reference Laboratories, LLC
 - (5) Grantee shall give written notice to the City of any Related Member that begins operations within the City Boundaries on or after the Effective Date.
- (B) Minimum Expenditures. Grantee agrees to expend a minimum of \$150,000,000 on or before December 31, 2026 to accomplish the Project.
- (C) Minimum Number of New Employees. Within 6 years from the Determination Date, Grantee agrees to employ a Number of New Employees at the Phase III Project Site equal to at least 1,500. Grantee agrees that the aggregate annual wages of the New Employees will be equal to at least \$90,000,000.
- (D) Relocation of Employment Positions from Elsewhere in Ohio. Grantee may not relocate a substantial number of employment positions from elsewhere in Ohio (i.e., outside the City) unless the Director of the Department of Community and Economic Development determines that the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated has been notified by Grantee of the relocation.
- (E) Employment Retention by Grantee.
 - (1) During each year of the Employment Retention Period, Grantee agrees to maintain a monthly average of Aggregate Employees (determined on a twelve (12) month basis) equal

to or greater than the Baseline Aggregate Employee Level, and that the aggregate annual wages of the Aggregate Employees will be no less than \$211,055,101.

- (2) During each of the first three (3) years of the Phase III Tax Credit Term, Grantee agrees to maintain a monthly average of Grantee's City-Wide Employees (determined on a twelve (12) month basis) equal to or greater than the Baseline City-Wide Employee Level.
- (3) Beginning with the seventh (7th) year of the Phase III Tax Credit Term and continuing during each subsequent year of the Employment Retention Period, Grantee agrees to maintain an average Net Number of New Employees (determined on a twelve (12) month basis) of at least ninety percent (90%) of the highest Net Number of New Employees reported by Grantee in calculating the City Income Tax Credit in any prior Tax Year during the Phase III Tax Credit Term. Grantee may elect at its option in any year to report in calculating the City Income Tax Credit a lower Net Number of New Employees than the Grantee has actually employed, thereby limiting the Grantee's future employment retention obligations under this subsection.

Grantee acknowledges and agrees that the obligations of Grantee under this Agreement may be affected by decisions of the Related Members, as the City's agreement to provide the City Income Tax Credit authorized herein is conditioned on maintenance of the existing employment within the City Boundaries by both Grantee and the Related Members. The Grantee may apply to the City Manager for waiver of this employment retention requirement (which waiver may be granted in the City Manager's sole discretion) on the grounds that failure to maintain the required Minimum Number of New Employees is excusable based on exceptional circumstances not under the control of the Grantee or of its Related Members.

- (F) City Residents; Referral Procedure for New Hires. Grantee agrees to use its best efforts to fill at least seventy-five percent (75%) of the new jobs created in connection with the Project with employees residing within the City Boundaries (the "City Resident Hiring Goal"). In furtherance of such goal, Grantee shall implement the following procedures:
- (1) City Representative. In its efforts to meet the City Resident Hiring Goal, Grantee agrees to request referrals from the OhioMeansJobs Center (or such other agency as the City Manager may designate) when positions need to be filled. A representative of the personnel office of Grantee will meet periodically with a representative of the OhioMeansJobs Center (the "City Representative") to assess Grantee's future employment needs and to assure that qualified applicants can be recruited and trained in a timely manner.
 - (2) Initial Positions. As soon as practicable after execution of this Agreement, and no later than ninety (90) days prior to the earlier of (a) the scheduled initial occupancy of the Project or completion of renovation or expansion or (b) the date when the following employment positions will be filled, Grantee agrees to notify the City Representative of the following: (i) the number of new employees that will be required, and the date when the positions must be filled; (ii) the training, qualifications and experience required for the individuals who will fill the positions; and (iii) the name, address and telephone number of the person responsible for hiring. For positions requiring customized training, Grantee agrees to provide such notice as far in advance of such ninety-day period as is practicable.
 - (3) City Referrals. The City Representative shall, within thirty (30) days after receiving such notification from Grantee, submit in writing the following: (a) the positions for which the City intends to make referrals; (b) the names and qualifications of referred applicants for each position available; and (c) the date when these applicants will be available for interview. For positions requiring customized training, however, such information may be submitted to Grantee up to thirty (30) days prior to the date that such positions are to be filled.
 - (4) Interviews. Grantee agrees to interview those applicants who are referred by the City Representative and shall consider for employment those applicants Grantee finds to be qualified for an available position. If (a) the City Representative informs Grantee that it does not intend to make referrals for a position, (b) the City Representative fails to refer applicants who are available for interview for a position in accordance with this subsection or (c) the applicants referred for a position are deemed not qualified by Grantee, then

Grantee may hire individuals from other sources for such position, without any further obligations or restrictions hereunder as to such position.

- (5) Subsequent Positions. During the three (3) year period following the date upon which this Agreement becomes effective, if Grantee needs to fill a vacant employment position (either from attrition or an increase in employment), Grantee agrees to notify the City Representative for an additional referral of applicants. Grantee, however, is under no obligation to postpone the hiring of a new employee pending receipt of referrals from the City Representative. If the position is still vacant at the time referrals are received from the City Representative, Grantee shall interview those applicants who are referred by the City Representative and shall consider for employment those applicants Grantee finds to be qualified for an available position.
- (6) Continuation of Referral Procedure. If Grantee and the City agree that this referral process has been mutually beneficial, the parties shall continue the process after the three (3) year period.

4. CITY INCOME TAX CREDIT.

- (A) Credit Requirements. Subject to the terms and conditions of this Agreement, for each Tax Year during the City Tax Credit Term in which Grantee has claimed the City Income Tax Credit on an income tax return filed directly with the City with respect to its net profits and is otherwise in full compliance with all requirements under both CMC Chapter 311 and this Agreement, Grantee shall be allowed to apply the City Income Tax Credit stated in this Section against the tax imposed on Grantee's net profits under CMC Chapter 311. The City Income Tax Credit shall be applied in accordance with any applicable rules and regulations (consistent with this Agreement) that may be adopted by the Board of Review (as defined in CMC Section 311-9-B1). For the avoidance of doubt, Grantee may only claim a City Income Tax Credit applicable to (i) the Phase I Jobs during the Phase I Tax Credit Term, (ii) the Phase II Jobs during the Phase II Tax Credit Term, and (iii) any New Employees hired by Grantee during the Phase III Tax Credit Term.
- (B) Amount of Credit. The amount of the City Income Tax Credit shall be fifty-five percent (55%) of (i) any Income Tax Revenue relating to the Existing Employees in any given Tax Year during the Phase I Tax Credit Term or the Phase II Tax Credit Term, as applicable, and (ii) any New Income Tax Revenue relating to any New Employees in a given Tax Year during the Phase III Tax Credit Term. The City Income Tax Credit shall be applied against net profits tax due to the City (pursuant to CMC Chapter 311) from Grantee for such Tax Year. The City Income Tax Credit shall be allowed only after the allowance of all other credits and deductions under CMC Chapter 311. If the City Income Tax Credit exceeds Grantee's tax liability for such Tax Year, the City Income Tax Credit shall not be refunded to Grantee or carried back to previous Tax Years but may be carried forward up to five Tax Years; provided, however, that (i) no City Income Tax Credits shall be carried forward beyond the expiration of the City Tax Credit Term and (ii) no City Income Tax Credits with respect to Tax Years 2011 through 2022 may be carried forward beyond Tax Year 2022.
- (C) Related Members. Grantee acknowledges and agrees that the City Income Tax Credit calculated under this Agreement will be reduced to the extent that reductions in the number of Aggregate Employees of both Grantee and the Related Members affect the calculation of Net Number of New Employees.

5. COVENANT AS TO OUTSTANDING LIABILITIES; INSPECTION OF RECORDS; FALSE STATEMENTS. In accordance with Ohio Revised Code Section 9.66, (A) Grantee affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio (the "State") or to a political subdivision of the State; (2) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (3) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) Grantee authorizes the City and/or the State to inspect the personal financial statements of Grantee, including tax records and other similar information not ordinarily open to public inspection; and (C) Grantee authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the

City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this Section may be prosecuted as a first-degree misdemeanor under Ohio Revised Code Section 2921.13, may render Grantee ineligible for any future economic development assistance from the State or any political subdivision of the State and will result in the City requiring Grantee's repayment of any assistance provided by the City in connection with the Project.

6. TERMINATION; REIMBURSEMENT FOR DEFAULT.

- (A) Suspension or Termination of the City Income Tax Credit. Subject to the provisions of subsections (B) and (C) below, if the City provides Grantee with written notice of an event of default under this Agreement, and such default is not cured to the City's satisfaction within thirty (30) days of such notice, the City shall suspend or terminate the City Income Tax Credit hereunder and may, in the City's sole discretion, take such other measures as may be lawful (including suing for specific performance). Except as provided in subsections (B) or (C) below, such suspension or termination shall only affect City Income Tax Credits otherwise allowable after the date of suspension or termination.
- (B) Grantee's Failure to Comply with Job Creation and Retention Obligations. If the City provides Grantee with written notice of an event of default under Section 3(C), 3(D), or 3(E) and such default is not cured to the City's satisfaction within thirty (30) days of such notice, the City may, in its sole discretion, require Grantee to pay to the City all or a portion of the City Income Tax Credits previously claimed under this Agreement or under the Original Agreement. Notwithstanding the foregoing, the parties agree that the City Income Tax Credits applicable to the Phase I Jobs claimed by Grantee under the Original Agreement shall not be subject to repayment after December 31, 2034. For the avoidance of doubt, the City shall have the ability to exercise its rights under this Section with respect to each event of default under Section 3(C), 3(D), or 3(E) (i.e., in the event that Grantee defaults under Section 3(C), 3(D), or 3(E) in multiple Tax Years, the City may require Grantee to pay to the City all or a portion of the City Income Tax Credits previously claimed and not repaid under this Agreement or under the Original Agreement after each event of default).
- (C) Grantee's Failure to Comply with Outstanding Liability Obligations. If the City provides Grantee with written notice of an event of default under Section 5, the City may, after giving Grantee an opportunity to explain such default, require Grantee to pay to the City all or any portion of the City Income Tax Credits previously claimed under this Agreement or under the Original Agreement. Notwithstanding the foregoing, the parties agree that the City Income Tax Credits applicable to the Phase I Jobs claimed by Grantee under the Original Agreement shall not be subject to repayment to City after December 31, 2034. For the avoidance of doubt, the City shall have the ability to exercise its rights under this Section with respect to each event of default under Section 5 (i.e., in the event that Grantee defaults under Section 5 in multiple Tax Years, the City may require Grantee to pay to the City all or a portion of the City Income Tax Credits previously claimed and not repaid under this Agreement or under the Original Agreement after each event of default).
- (D) Reimbursement. Grantee hereby agrees (i) to make any payments required by the City under this Section within thirty (30) days of written demand by the City and (ii) in the event that the City refunds any Income Tax Revenue in a subsequent Tax Year for which a City Income Tax Credit was previously granted pursuant to this Agreement or pursuant to the Original Agreement (the "Refund Amount"), then no later than thirty (30) days following Grantee's receipt of written notice from the City (the "City's Notice"), Grantee will either (a) pay an amount equal to the Refund Amount to the City, as detailed in the City's Notice or (b) deliver written notice to the City that Grantee will reduce its future City Income Tax Credits by the Refund Amount, such reduction to begin with the first City Income Tax Credit Grantee is eligible to receive pursuant to this Agreement following Grantee's receipt of the City's Notice. In the event that Grantee fails to make a timely election pursuant to the foregoing sentence, then the City may, in its sole and absolute discretion, reduce the amount of any future City Income Tax Credits by the Refund Amount, charge interest on the Refund Amount, terminate this Agreement, and/or take any and all other actions available to the City pursuant to this Agreement and applicable law. Amounts due and not paid when due shall bear interest at the rate

specified in ORC Section 1343.03(A) (as such rate is in effect on the date of the applicable payment demand by the City). Grantee hereby expressly waives the statute of limitations period contained in CMC Chapter 311 with respect to any such demand and payment.

- (E) No City Income Tax Credit if Grantee not in Full Compliance. Notwithstanding anything to the contrary in this Agreement, Grantee shall not be allowed a City Income Tax Credit hereunder (including any credit carried forward from prior tax years) in any Tax Year in which Grantee is not in full compliance with all requirements of this Agreement.

7. SUBMISSION OF ANNUAL REPORTS. During the Employment Retention Period, Grantee shall submit to the City an annual progress report documenting the Number of Full-Time Employee Equivalents at the Project Site, the number of Grantee's City-Wide Employees, the number of Aggregate Employees, the number of Existing Employees, the Net Number of New Employees, the New Income Tax Revenue, the hourly wages and any related Grantee-paid benefits claimed as part of a Minimum Qualifying Wage for each New Employee and each Existing Employee for the duration of the applicable Tax Year, and any other information that the City deems relevant to this Agreement. The report shall include computations of necessary employment information for Grantee and the Related Members for the report period, and the City may, in its discretion, require that the report be submitted in a certain format and manner (e.g., submission of a particular electronic file format, mailing a hard copy, etc.). Grantee agrees to furnish the progress report to the City no later than the first business day of May following each year during the Employment Retention Period. The annual report, as submitted, must be certified as accurate and signed by (A) an independent certified public accountant licensed to do business in the state of Ohio (an "ICPA"), (B) the Chief Executive Officer of Grantee and (C) the Chief Financial Officer of Grantee; provided, however, that (1) reports for any or all of the initial two Tax Years may be submitted without certification and signature of an ICPA, so long as Grantee's report for the third Tax Year includes an ICPA certification and signature for all Tax Years in which a City Income Tax Credit has been claimed without previous certification by an ICPA and (2) after the report for the third Tax Year, the ICPA certification and signature need not be provided more frequently than once every two years, so long as each ICPA certification and signature applies both to the current reported Tax Year and any previous Tax Year in which a City Income Tax Credit has been claimed without previous certification by an ICPA. If the report is approved by the City as demonstrating compliance with this Agreement, a certificate of verification from the City will be sent to Grantee and the Tax Commissioner (as defined in CMC Section 311-9-T2) within thirty (30) days after receipt of the annual report. Failure to submit an annual report within the time periods specified herein will be considered a default and may result in termination of this Agreement.

8. SMALL BUSINESS ENTERPRISE PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY PROGRAM.

- (A) Small Business Enterprise Program Policy. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in CMC Section 323-1, "SBEs"). Pursuant to CMC Section 323-7, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1), supplies (as such term is defined in CMC Section 323-1), services (as such term is defined in CMC Section 323-1) and professional services (as such term is defined in CMC Section 323-1). Accordingly, Grantee shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. Grantee may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. Grantee shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:
- (1) Including qualified SBEs on solicitation lists.
 - (2) Assuring that SBEs are solicited whenever they are potential sources. Grantee must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.
 - (3) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

- (4) If any subcontracts are to be let, Grantee shall require the prime contractor (if different from Grantee) to take the above affirmative steps.
 - (5) Prior to the commencement of work under any subcontracts, Grantee shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. Grantee shall update the report monthly.
 - (6) Grantee shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.
- (B) Small Business Enterprise Program Remedies. Failure of Grantee or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of Grantee to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.
- (C) Equal Employment Opportunity Program. This Agreement is subject to and hereby incorporates the provisions of the Equal Employment Opportunity Program set forth in CMC Chapter 325 (including, without limitation, CMC Section 325-9).
- (D) Further Information. Details concerning both the SBE Program and the Equal Employment Opportunity Program can be obtained from the City's Department of Economic Inclusion, Two Centennial Plaza, 805 Central Avenue, Suite 222, Cincinnati, Ohio 45202, (513)352-3144.
9. RECORDS, ACCESS AND MAINTENANCE. Throughout the period required by CMC Section 311-81, Grantee agrees to establish and maintain such records as are necessary to document compliance with this Agreement (including but not limited to, financial reports, payroll records, documentation with respect to any Grantee-paid benefits claimed as part of a Minimum Qualifying Wage, intake and participant information and all other relevant information). For the three (3) year period following the end of the Employment Retention Period, Grantee agrees to maintain records of the amounts of City Income Tax Credits claimed and allowed. The parties further agree that records with respect to any audit disallowances, litigation or dispute between the City and Grantee shall be maintained for the time needed for the resolution of said disallowance, litigation or dispute, and that in the event of early termination of this Agreement (or if for any other reason the City shall require a review of the records related to the Project), Grantee shall, at its own cost and expense, segregate all such records related to the Project and this Agreement (or copies thereof) from its other records of operation.
10. AUDITS AND INSPECTIONS. At any time during normal business hours upon written notice and as often as the City may deem necessary, Grantee shall make available to the City and to appropriate State agencies or officials all records of Grantee and the Related Members with respect to matters covered by this Agreement including, but not limited to, records of personnel and conditions of employment, and shall permit the City to audit, examine and make excerpts or transcripts from such records.
11. FORBEARANCE NOT A WAIVER. No act of forbearance or failure to insist on the prompt performance by Grantee of its obligations under this Agreement, either express or implied, shall be construed as a waiver by the City of any of its rights hereunder.
12. COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT. In the performance of its obligations under this Agreement, Grantee agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

13. INDEMNIFICATION. Grantee shall indemnify, defend and save the City, its agents and employees harmless from and against any and all losses, claims, damages, liabilities, costs or expenses (including reasonable fees, disbursements, settlement costs and other charges of counsel) imposed on, incurred by or asserted against any of them in connection with any litigation, investigation, claim or proceeding commenced or threatened related to the negotiation, preparation, execution, delivery, enforcement, performance or administration of this Agreement, any other documents related to this Agreement or any undertaking or proceeding related to any of the transactions contemplated hereby or thereby or any act, omission, event or transaction related or attendant thereto, including amounts paid in settlement, court costs and the fees and expenses of counsel, except that Grantee shall not have any obligation under this Section to the extent that such losses, claims, damages, liabilities, costs or expenses do not result from an act or omission by Grantee. To the extent that the undertaking to indemnify, pay and hold harmless set forth in this Section may be unenforceable because it violates any law or public policy, Grantee shall pay the maximum portion which it is permitted to pay under applicable law to the City in satisfaction of indemnified matters under this Section. To the extent permitted by applicable law, neither Grantee nor the City shall assert, and each of Grantee and the City hereby waives, any claim against either Grantee or the City, as applicable, on any theory of liability for special, indirect, consequential or punitive damages (as opposed to direct or actual damages) arising out of, in connection with, or as a result of, this Agreement, any other documents related to this Agreement or any undertaking or transaction contemplate hereby. All amounts due under this Section shall be payable upon demand. The foregoing indemnity shall survive the termination of this Agreement.
14. CITY IDENTIFICATION IN MARKETING MATERIALS. Grantee shall acknowledge the financial support of the City with respect to this Agreement in all printed materials (including but not limited to informational releases, pamphlets and brochures, construction signs, project and identification signage and stationary) and any publicity (such as but not limited to materials appearing on the Internet, television, cable television, radio or in the press or any other printed media). In identifying the City as a funding source, Grantee shall use either the phrase "Funded by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City. Grantee's obligations under this Section shall be in effect throughout the term of this Agreement.
15. CONFLICT OF INTEREST. Grantee agrees that no officer, employee or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of this Agreement, nor any immediate family member, close business associate or organization which is about to employ any such person, shall have any personal financial interest, direct or indirect, in Grantee or in this Agreement and Grantee shall take appropriate steps to assure compliance.
16. MISCELLANEOUS.
 - (A) Relocation of Project Site Within the City. During the term of the Tax Credit, Grantee may change the location of the Project Site to another location, but only within the City of Cincinnati's corporate boundaries.
 - (B) Governing Law. This Agreement shall be governed by the laws of the State as to all matters, including but not limited to matters of validity, construction, effect and performance.
 - (C) Forum and Venue. All actions regarding this Agreement shall be brought in a court of competent subject matter jurisdiction in Hamilton County, Ohio.
 - (D) Entire Document. This Agreement and its exhibits and any documents referred to herein constitute the complete understanding of the parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the parties with respect to the subject matter hereof.
 - (E) Severability. If any provisions of this Agreement are declared by final non-appealable court order to be unlawful or invalid under applicable law, then such order shall not invalidate the remainder of this Agreement not found to be unlawful or invalid and shall not create any liability to the City resulting from the unlawfulness or invalidity of such provisions. Any provision so declared to be unlawful or

invalid shall, if possible, be construed in a manner which will give effect to the terms of such provision to the fullest extent possible while remaining lawful and valid.

- (F) Assignment. Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned or subcontracted by Grantee without the prior express written consent of the City.
- (G) Successor in Interest. Each and all of Grantee's obligations under this Agreement shall extend to and bind not only Grantee, but its successors and assigns. Only in the case of assignment consented to by the City (as provided in subsection (F) above), Grantee's benefits hereunder shall inure to the benefit of any approved assignee.
- (H) Certification as to Non-Debarment. Grantee represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, Grantee shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If Grantee or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, Grantee shall be considered in default under this Agreement.
- (I) Notices. All notices, consents, demands, requests and other communications given hereunder shall be in writing and shall be deemed duly given if personally delivered or sent by mail, registered or certified, to the addresses set forth hereunder, or to such other address as the other party hereto may designate in written notice transmitted in accordance with this provision.

To the City:

City of Cincinnati
801 Plum Street, Room 152
Cincinnati, Ohio 45202
Attention: City Manager

with a copy to:

City of Cincinnati
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202
Attention: Director, Department of Community and Economic Development

To Grantee:

Medpace, Inc.
5375 Medpace Way
Cincinnati, Ohio 45227
Attention: Stephen Ewald, General Counsel

If Grantee sends a notice to the City alleging that the City is in breach of this Agreement, Grantee shall simultaneously send a copy of such notice by U.S. certified mail to: City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202, Attention: City Solicitor.

- (J) Wage Enforcement. This Agreement is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any person who has an agreement with the City, or a contractor or subcontractor of that person, shall report all complaints or adverse determinations of Wage Theft and Payroll Fraud (as defined in Chapter 326 of the Cincinnati Municipal Code) against the person, contractor or subcontractors to the Department of Economic Inclusion within 30 days of notification of the complaint or adverse determination. Under the Wage Enforcement provisions, the City shall have the authority, under certain circumstances, to terminate

this Agreement or reduce the incentives or subsidies to be provided under this Agreement and to seek other remedies.

- (K) Legal Requirements. In completing and operating the Project, and in undertaking the matters contemplated by this Agreement, Grantee shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.
- (L) Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

17. FEES.

- (A) Initial Administrative Fee. Grantee acknowledges that it has paid and delivered to the City an initial administrative fee in connection with the City's application, underwriting, processing and documentation costs equal to \$3,000.00, and the City acknowledges receipt of such payment.
- (B) Annual Monitoring Fee. Grantee shall pay to the City concurrently with the submission of each required annual report under Section 7, an annual monitoring, review and administration fee of \$2,000.00.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below, effective on the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

MEDPACE INC.,
an Ohio corporation

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2023

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by corporate resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certification of Funds:

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A
to Job Creation Tax Credit Agreement
Legal Description – Phase III Project Site

[SEE ATTACHED]



Reggie Harris
Councilmember

202301601

6/8/2023

MOTION

Budget Adjustment Motion for Council Budget Allocations

WE MOVE that the FY24 and future budgets reallocate \$2,500 within each Council Office’s General Fund budget from the non-personnel operating budget to the personnel operating budget. This is a budget neutral reallocation in the General Fund.

Councilmember Reggie Harris

Councilmember Jeff Cramerding

Statement

Council rarely spends its full allocated non-personnel budget, which requires an additional ordinance transfer each year. In alignment with Councilmember Cramerding’s ongoing update of the council rules to clean up end of year processes and provide clarity, this motion right-sizes the subsections of Council budgets to better align with the actual spending and save administrative time and energy.



Liz Keating
Councilmember

202301602

WE MOVE for \$250,000 to be allocated towards increasing staffing, recruiting, and retention for childcare programs within Cincinnati Recreation Commission (CRC) - including, but not limited to signing bonuses, retention bonuses, and training/licensing fees and tuition. This program would replace the proposed Guaranteed Income Pilot. This alternative allocation would immediately impact one of our most vulnerable industries - childcare - which is the gateway to employment for Cincinnati families while supporting financial stability and revenue generation for the City.

Statement

Many Cincinnati parents, and particularly women, are unable to enter or re-enter the workforce due to a lack of childcare. According to the Office of Performance and Data Analytics research, 1 in 10 Cincinnati residents consider a lack of childcare as a barrier to job mobility, with the largest concern being access to childcare for second and third shift workers. Many Cincinnati childcare centers are not operating at full capacity due to staffing shortages and consistent turnover. Several of Cincinnati's largest employers face labor shortages because their employees and potential employees lack access to childcare.

In order to help CRC's childcare programs hire, retain staff, and operate at full capacity, the City should allocate \$250,000 to pilot a childcare staffing fund. This fund would support staffing for CRC childcare services - including, but not limited to day camps, mini camps, and CRC-led before and after school care at Cincinnati Public Schools.

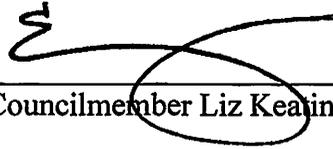
The childcare programs by CRC provide a safe, structured, healthy, and fun environment for kids before and after school and during the summer break. The need for a safe place for kids outside of school is critical as the City experiences a rise in youth gun violence.

The childcare services provided by CRC create revenue for the City of Cincinnati, maximizing the benefit to the City when the programs are operating at full capacity. Revenue-generating programs are critical for the financial health of the City.

When barriers to childcare are removed, more parents can go to work, which means more paychecks going home to build financial stability for families. An increase in the Cincinnati workforce will grow Cincinnati's tax base without an additional tax burden on Cincinnati families.

Childcare workers are underpaid in an industry with extremely thin margins. This fund would provide a temporary, but much needed supplemental income to childcare professionals, helping these workers in an economy with inflation and rising cost of living. Supporting childcare workers helps provide working parents the flexibility to be active contributors to the economy.

With an anticipated \$9.4 million budget deficit in the next fiscal year, Council should focus on immediate revenue-generating programs, economic growth, and tax base expansion. This program would impact all three, creating a larger positive impact on the City's financial health compared to a study for a program which City Administration has signaled it has no capacity to scale.



Councilmember Liz Keating

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202301609

Reggie Harris
Councilmember

6/8/2023

MOTION

Council Budget Adjustment Motion for the FY24/25 Recommended Biennial Budget

WE MOVE that the following adjustments be made in for the FY24/25 Budget in accordance with the listed budgetary offset sources and an ordinance be produced to reflect these changes before the Council Session on June 14, 2023.

| Item | Amount | Source |
|------------------|-----------|--------------------------|
| Cintrifuse | \$25,000 | General Fund Contingency |
| Cincy Tech | \$125,000 | General Fund Contingency |
| Cincinnati Works | \$50,000 | General Fund Contingency |
| Film Cincinnati | \$50,000 | General Fund Contingency |

| Item | Amount | Source |
|---|-----------|---|
| Sawyer Point Roller Rink Project | \$100,000 | Downtown-South TIF |
| Wasson Way Lighting - Avondale 6a extension | \$400,000 | Capital Contingency, General Fund Contingency, Street Lighting Fund |

Statement

The administration has done excellent work to craft a FY24/25 budget that is responsible, in alignment with this Council's priorities, and forward thinking. The remaining changes expressed in this budget adjustment motion are investments into revenue-generating and timely infrastructure projects.

This Council, Mayor, and administration have identified growth, particularly job growth, as a top strategic priority. The organizations listed above are key partners in attracting and supporting business incubation and capacity building that bring high-paying jobs to the city. Many of these dollars have extremely positive revenue ROI and are matched heavily through State and other investments.

The two community requested infrastructure projects being recommended for funding are investments in the future of mobility and recreation for Cincinnatians. The Wasson Way trail has raised millions of private, Federal, and City dollars. Ensuring that safety is at the heart of

these infrastructure projects is critical so that they are accessible and used by all. Additionally, we must take care of our existing outdoor recreation facilities and have identified a funding source to meet the community's request for improvements to the Sawyer Point Roller Rink.

These investments, in coordination with the City Manager and Mayor's recommended budget put us in the right direction towards an accessible, thriving Cincinnati that is competitive both regionally and nationally.

Reggie Harris

Reggie Harris, Budget & Finance Chair

Melinda D. Owens

Maria Jeffery

Scott Johnson

Scott



Liz Keating
Councilmember

Motion

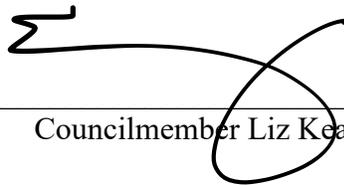
WE MOVE for the City Administration to publicly release leveraged support applications for any organization that is in the City Manager's budget proposal, the Mayor's budget proposal, and Councilmembers' budget motions prior to any City Council budget votes to ensure public transparency and City Council due diligence.

WE FURTHER MOVE that the leveraged support application and review process timeline be adjusted to allow for enough time for all applications submitted to be released publicly prior to the passage of future City budgets.

Statement

City Administration has communicated that the release of over 90 applications prior to the final budget passage is not feasible. In an effort to create more public transparency in the budget process and allow City Council to do proper research and evaluation prior to voting on tax dollar allocations, City Administration should release leveraged support applications submitted by any organization listed in the City Manager's Budget Proposal, the Mayor's Budget Proposal, and Councilmembers' budget motions.

This is the first year for the new leveraged support application and review process. To build upon the new and much improved process, City Administration should evaluate and adjust the timeline for the next fiscal year to allot enough time to publicly release every application prior to the passage of future City budgets.



Councilmember Liz Keating

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

COMMITTEES

Member: Budget & Finance • Equitable Growth & Housing • Public Safety & Governance