

AUTHORIZING the City Manager to enter into and execute a Funding Agreement, in substantially the form of Attachment A hereto, to enable the Millcreek Valley Conservancy District to develop the revenue and capacity to operate, maintain, repair, and replace the Mill Creek Local Flood Protection Project when it is completed and turned over to the district by the United States Army Corps of Engineers; **AUTHORIZING** the transfer and appropriation of \$1,500,000 from the unappropriated surplus of Stormwater Management Fund 107 to Stormwater Management Utility Stormwater Management Fund non-personnel operating budget account no. 107x311x7200 to provide resources to the Millcreek Valley Conservancy District to operate, maintain, repair, and replace the Mill Creek Local Flood Protection Project; and **DECLARING** the project to be for a public purpose.

WHEREAS, the Millcreek Valley Conservancy District (“MVCD”) is a political subdivision of the state of Ohio created as a conservancy district through the cooperation of Cincinnati, Sharonville, Evendale, Reading, Lockland, Arlington Heights, Elmwood Place, St. Bernard, and Sycamore Township pursuant to Ohio Revised Code (“R.C.”) Chapter 6101 to prevent and control flooding in the Mill Creek Valley in the eighteen miles from the Hamilton County-Butler County boundary southward to the Mill Creek Barrier Dam in Cincinnati; and

WHEREAS, the MVCD and the United States Army Corps of Engineers (“USACE”) are parties to a 1975 Cooperative Agreement for the USACE to construct the Mill Creek Local Flood Protection Project (then estimated at over \$100,000,000) to facilitate conveyance of stormwater from the Mill Creek drainage basin to the Ohio River to prevent flooding of upstream communities within and outside of the City of Cincinnati, and for MVCD, as the local project sponsor, to own and be responsible for property acquisition during construction, and Operation, Maintenance, Repair, Rehabilitation, and Replacement (“OMRR&R”) following completion of the project; and

WHEREAS, under a 1979 agreement between the City and the MVCD, the MVCD agreed to assume responsibilities for OMRR&R of the City-owned Barrier Dam upon completion of the Mill Creek project in exchange for the City’s transfer of over 100 acres of property for the project at no cost; and

WHEREAS, collectively, the Barrier Dam and the Mill Creek project protect tens of thousands of residents and over a billion dollars of residential, commercial and industrial property, railroads, and public infrastructure in multiple communities along the eighteen-mile creek from flooding; and

WHEREAS, the USACE has indicated that completion and turnover of the Mill Creek project to MVCD is imminent, at which time MVCD will become responsible for OMRR&R of the Barrier Dam and the Mill Creek project; and

WHEREAS, currently, the MVCD does not have stable and sufficient funding or organizational capacity to fulfill its OMRR&R responsibilities for the project as it has no permanent staff and is completely reliant on intermittent contributions from the Village of Evendale and the City of Sharonville, and annual contributions from the City of Cincinnati; and

WHEREAS, the MVCD requires financial assistance to complete an appraisal of benefits, pursuant to R.C. Chapter 6101, to levy an annual assessment on properties benefitted by the flood control project so that it may have stable revenue to become a self-funded and sustainable Conservancy District able and assume its responsibilities for OMRR&R of the Barrier Dam and the Mill Creek project; and

WHEREAS, the City desires to support the MVCD to expand its boundaries to include properties within Hamilton County that drain to the Mill Creek so that they will share in flood management infrastructure costs, to complete the appraisal of benefits and other steps for Conservancy Court approval to levy assessments, and to develop the capacity and revenue to take care of the OMRR&R of the Barrier Dam and the Mill Creek project, all in the best interest of the City; now, therefore,

WHEREAS, this ordinance is in accordance with the vision to “[a]ddress climate change and build a more sustainable, equitable, and resilient future” and the strategy to reduce flooding by increasing green infrastructure as described on pages 24 and 140 of Green Cincinnati Plan (2023); now, therefore,

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

Section 1. That the City Administration is hereby authorized to execute a Funding Agreement, in substantially the form of Attachment A, and to expend up to \$1,500,000 in funds from Stormwater Management Enterprise Fund 107 to support the Millcreek Valley Conservancy District (“MVCD”) to become a self-funded, sustainable, and reliable Conservancy District with the goal of taking full responsibility for the Operation, Maintenance, Repairs, Rehabilitation, and Replacement (“OMRR&R”) of the Barrier Dam and the Mill Creek Channel Projects.

Section 2. That \$1,500,000 is transferred from the unappropriated surplus of Stormwater Management Fund 107 to Stormwater Management Utility Stormwater Management Fund non-personnel operating budget account no. 107x311x7200 to provide resources to the Millcreek Valley Conservancy District to operate, maintain, repair, and replace the Mill Creek Local Flood Protection Project.

Section 3. Financial support is necessary to discharge the City's responsibilities for the OMRR&R of the Barrier Dam and the Mill Creek Channel projects and that the expenditure of funds serves a public purpose.

Section 4. That the proper City officials are hereby authorized to take all necessary and proper actions to fulfill the terms of Sections 1 and 2 of this ordinance.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2026

Aftab Pureval, Mayor

Attest: _____
Clerk