

EMERGENCY

City of Cincinnati

JRS
AWB

An Ordinance No. _____

- 2020

AUTHORIZING the appropriation and transfer of additional funds for the Fiscal Year 2021 operating budget; **AUTHORIZING** the return to the unappropriated surplus of the General Fund 050 the sum of \$1,760,000 from Cincinnati Police Department operating budget account no. 050x222x7200, "Cincinnati Police Department Neighborhood Policing," for the purposes of making funds available to provide operating budget resources for the Cincinnati Bell Connector; **AUTHORIZING** the appropriation of the sum of \$693,750 from Fund 481, "Downtown South/Riverfront Equivalent," to the Cincinnati Police Department's non-personnel operating budget account no. 481x222x7200; **AUTHORIZING** the appropriation of the sum of \$1,066,250 from Fund 483, "Downtown/OTR East Equivalent Fund," to the Cincinnati Police Department's non-personnel operating budget account no. 483x222x7200; **AUTHORIZING** the transfer of \$1,760,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Fund 455, "Streetcar Operations," for the purpose of providing operating budget resources to operate and maintain the Cincinnati Bell Connector; and further **AUTHORIZING** the appropriation of an additional sum in the amount of \$1,993,000 from the unappropriated surplus of Fund 455, "Streetcar Operations," for a total streetcar operating budget of \$4,974,320 from Fund 455, "Streetcar Operations," for the Cincinnati Bell Connector requirements including, for Fiscal Year 2021, the City of Cincinnati's direct contribution toward the Cincinnati Bell Connector's operating shortfall.

WHEREAS, City Council approved Ordinance 0209-2020 on June 24, 2020 for the purpose of transferring and appropriating \$2,981,320 from Fund 455, "Streetcar Operations," for Fiscal Year 2021 ("FY 2021") for the purpose of providing resources to maintain the Cincinnati Bell Connector in a state of good repair; and

WHEREAS, City Council wishes to authorize and provide additional funds and resources to operate the Cincinnati Bell Connector; and

WHEREAS, City Council each year strives to fund the operations of the Cincinnati Bell Connector using eligible sources derived from the area around the streetcar route, which receives the most direct benefit of this City asset; and

WHEREAS, the estimated total budget to operate and maintain the Cincinnati Bell Connector and underlying capital assets in good working order during FY 2021 is approximately \$4,974,320, inclusive of direct City costs; and

WHEREAS, Ordinance 0209-2020 includes a transfer and return to source in the amount of \$934,000 from the existing capital improvement program project account no. 980x233x172378, "Streetcar System Maintenance and Repair," to operate and maintain the Cincinnati Bell Connector; and

WHEREAS, Ordinance 0209-2020 provides for the receipt and expenditure of Federal Transit Administration CARES ACT funds in the amount of \$556,610; and

WHEREAS, Section 17(B) of Senate Bill 4, passed by the 133rd General Assembly of the Ohio Legislature, states that the unencumbered balance of municipal public improvement tax increment equivalent funds may be used “solely to pay current public safety expenses or road and bridge maintenance expenses of the subdivision that are not eligible to be paid or reimbursed with funds received by the subdivision pursuant to 42 U.S.C. 601” which is a reference to the Coronavirus Relief Fund (“Coronavirus Relief Fund”) established under the Coronavirus Aid, Relief, and Economic Security Act; and

WHEREAS, \$693,750, which represents 25% of the unencumbered fund balance in the Downtown South/Riverfront Equivalent Fund, is available to be appropriated to the Cincinnati Police Department for non-personnel operating budget expenses that are not eligible to be paid or reimbursed under the Coronavirus Relief Fund; and

WHEREAS, \$1,066,250, which represents 14.22% of the unencumbered fund balance in the Downtown/OTR East Equivalent Fund, is available to be appropriated to the Cincinnati Police Department for non-personnel operating budget expenses that are not eligible to be paid or reimbursed under the Coronavirus Relief Fund; and

WHEREAS, the Cincinnati Police Department’s General Fund non-personnel operating budget will be reduced by \$1,760,000, which amount will be transferred to the Streetcar Operations Fund 455; and

WHEREAS, due to the Cincinnati Bell Connector operating shortfalls, the Carol Ann and Ralph V. Haile, Jr. U.S. Bank Foundation will donate to the City an estimated \$900,000 in FY 2021 according to the terms of the Haile Streetcar Funding Agreement; and

WHEREAS, the combined total of the City’s contribution, Federal Transit Administration Formula Funds, CARES Act Funding, streetcar revenue (fares, naming rights, and advertising revenue), the Haile Foundation Guaranty payment, and Voluntary Tax Incentive Contribution Agreement payments is anticipated to be sufficient to cover the total estimated cost of the Cincinnati Bell Connector Budget for FY 2021; now, therefore,

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

Section 1. That Council authorizes a total streetcar budget of \$4,974,320 for Fiscal Year 2021 (“FY 2021”) as set forth in Exhibit A, attached hereto and made a part hereof.

Section 2. That Council hereby authorizes the appropriation of the sum of \$693,750 from Fund 481, “Downtown South/Riverfront Equivalent,” to the Cincinnati Police Department’s non-personnel operating budget account no. 481x222x7200 for the purpose of providing operating

budget support according to the attached Exhibit B, Schedule of Appropriation, attached hereto and made a part hereof.

Section 3. That Council hereby authorizes the appropriation of the sum of \$1,066,250 from Fund 483, "Downtown/OTR East Equivalent Fund," to the Cincinnati Police Department's non-personnel operating budget account no. 483x222x7200 for the purpose of providing operating budget support according to the attached Exhibit B, Schedule of Appropriation.

Section 4. That the return to the unappropriated surplus of the General Fund of the sum of \$1,760,000 from existing Cincinnati Police Department non-personnel operating budget accounts is hereby authorized according to the Schedule of Appropriation attached as Exhibit B.

Section 5. That Council hereby authorizes the transfer of \$1,760,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Streetcar Operations Fund 455 for the purpose of providing resources to operate and maintain the Cincinnati Bell Connector.

Section 6. That Council hereby authorizes the appropriation of \$1,993,000 from the unappropriated surplus of Streetcar Operations Fund 455, in accordance with Exhibit B, Schedule of Appropriation, attached hereto and made a part hereof, that combined with the appropriation authorized by Council in Ordinance 209-2020, provides for an operating budget total of \$4,974,320 for the costs of operating and maintaining the Cincinnati Bell Connector during FY 2021.

Section 7. That the proper City officials are authorized to do all things necessary and proper to implement the provisions of Sections 1 through 6 of this ordinance, and the City Manager is further authorized to amend or otherwise modify streetcar contracts to the extent needed to provide

for the maintenance and operation of the streetcar system within the approved budget during FY 2021.

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 immediate need to ensure necessary funding is in place for FY 2021.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk