

EMERGENCY

City of Cincinnati

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An Ordinance No. _____

- 2022

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2023, 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 proceeds from the Cincinnati Southern Railway to other parts of said Capital Improvement Program; **AUTHORIZING** the transfer and return to source Income Tax Permanent Improvement Fund 758 the sum of \$100,000 from existing capital improvement program project account no. 980x103x221027, "NICE System Replacement & Upgrade," for the purpose of providing resources for the FY 2023 Capital Improvement Program; **AUTHORIZING** the transfer of the sum of \$250,000 from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 to Reserve for TOT Distribution Shortfall reserve account 758x3445 for the purpose of holding in reserve resources for potential contractually obligated debt service payments; 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 the proceeds of the Cincinnati Southern Railway; 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 2023 ("FY 2023") the projects included in Sections 2 through 9 to be established and financed in the amounts and from the sources set forth therein.

Section 2. That the sum of \$100,000 is hereby transferred and returned to source Fund 758, "Income Tax Permanent Improvement," from existing capital improvement program project account no. 980x103x221027, "NICE System Replacement & Upgrade," for the purpose of providing resources for the FY 2023 Capital Improvement Program.

Section 3. That the sum of \$100,000 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 the sum of \$13,773,000 from the 0.15% income tax is hereby 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 the sum of \$21,550,000 to be raised by the issuance of bonds by the City of Cincinnati is transferred and appropriated to existing project accounts according to Schedule C, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule C.

Section 6. That the sum of \$23,600,000 in notes and investment earnings from the Cincinnati Southern Railway rollover is transferred and appropriated according to Schedule D, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule D.

Section 7. That the sum of \$250,000 from the Blue Ash Airport reserve account 757x3475 is hereby transferred and appropriated to the individual project accounts listed in Schedule E, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule E.

Section 8. That the sum of \$67,489,000 from General Fund 050 is hereby transferred and appropriated to the capital project accounts 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 transfer of the sum of \$250,000 from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 to Reserve for TOT Distribution Shortfall reserve

account 758x3445 is hereby authorized for the purpose of holding in reserve resources for potential contractually obligated debt service payments.

Section 10. That the Hazard Abatement/Demolition Program; Affordable Housing Trust Funding – Capital; Housing Stability GF; Strategic Housing Initiatives Program (SHIP); Business Retention/New Growth; Commercial & Industrial Public Improvements; Community Development Focus District; Economic Development Initiatives – GF; Neighborhood Business District Improvements; Neighborhood Business Property Holding; Retail/Commercial Opportunities; Viable Small Business Development; Information Technology Software and Hardware – GF; Parks Infrastructure Rehabilitation – GF; 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, and because each project has an estimated life or period of usefulness of five years or more.

Section 11. 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 12. That the Finance Director of the City is authorized to draw her or his 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 13. 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 14. That appropriations and allocations to the various projects remaining unexpended at the end of FY 2023 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 Finance Director to the fund from which it was originally transferred.

Section 15. 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 16. That Sections 1 through 15 hereof shall become effective as of July 1, 2022.

Section 17. 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 2023 Capital Improvement Program, which begins July 1, 2022.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk