



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 Anna Albi
Councilmember Meeka Owens
Councilmember Seth Walsh
President Pro Tem Victoria Parks*

Tuesday, September 3, 2024

1:00 PM

Council Chambers, Room 300

PRESENTATIONS

CINCINNATI RETIREMENT SYSTEM (CRS) UPDATE- CRS BOARD OF TRUSTEES

Jon Salstrom, Director

Bill Moller, Chair

FORBES 30 UNDER 30 SUMMIT

Sherry Phillips, Chief Revenue Officer

Leann Bonanno, Senior Vice President, ForbesLive and Marketing

**Brett Cohen, Executive Director, Production and Partner Experience &
Executive Producer of the 2024 Forbes Under 30 Summit**

Jack Jacobs, Manager, ForbesLive

AGENDA

PRESENTATIONS

1. [202401932](#) PRESENTATION submitted by Sheryl M. M. Long, City Manager, dated 9/3/2024, regarding the Cincinnati Retirement System (CRS): 2023 Annual Report.

Sponsors: City Manager

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

DONATIONS

2. [202401936](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 9/3/2024, **AUTHORIZING** the City Manager to accept a donation of \$4,000 from Huntington Bank to provide resources for the City's Fiscal Year 2025 Business Financial Open House events; and **AUTHORIZING** the Director of Finance to deposit the donated funds into Special Events Fund 314 revenue account no. 314x8571.

Sponsors: City Manager

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

PAYMENTS AND APPROPRIATIONS

3. [202401935](#) ORDINANCE (EMERGENCY) submitted by Sheryl M. M. Long, City Manager, on 9/3/2024, **Authorizing** the payment of \$11,552.32 from Cincinnati Police Department General Fund non-personnel operating budget account no. 050x227x4700x7418 as a moral obligation to Vigilant Solutions, Inc. for outstanding charges related to camera installation services and subscription fees provided in Fiscal Year 2024.

Sponsors: City Manager

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

4. [202401934](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 9/3/2024, **ESTABLISHING** new capital improvement program project account no. 980x232x252304, "Oakley Pedestrian Safety Improvements TIF," to provide resources for the installation of a raised crosswalk and three speed cushions along Madison Road and Brotherton Road as part of the City's Vision Zero/Traffic Calming Program; **AUTHORIZING** the transfer and appropriation of \$425,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to newly established capital improvement program project account no. 980x232x252304, "Oakley Pedestrian Safety Improvements TIF," to provide resources for the installation of a raised crosswalk and three speed cushions along Madison Road and Brotherton Road; and **DECLARING** that the described installation of pedestrian safety and traffic calming infrastructure along Madison Road and Brotherton Road constitute a "Public Infrastructure Improvement" (as defined by Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve District 20 - Oakley Incentive District in the neighborhood of Oakley, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

Sponsors: City Manager

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

5. [202401933](#) ORDINANCE (EMERGENCY) submitted by Sheryl M. M. Long, City Manager, on 9/3/2024, **ESTABLISHING** new capital improvement program project account no. 980x195x251920, "Golf Facilities Improvements," to provide

resources for building improvements, pavement installation, and irrigation enhancements; **ESTABLISHING** new capital improvement program project account no. 980x195x251921, "Golf Equipment," to provide resources for equipment acquisition related to the operation and maintenance of golf facilities including, but not limited to, agronomic equipment; **ESTABLISHING** new capital improvement program project account no. 980x195x251922, "Neumann Clubhouse Replacement," to provide resources for the replacement of the Neumann Clubhouse including related equipment and furniture replacement; **AUTHORIZING** the transfer and appropriation of \$1,065,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x251920, "Golf Facilities Improvements," to provide resources for building improvements, pavement installation, and irrigation enhancements; **AUTHORIZING** the transfer and appropriation of \$500,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to the newly established capital improvement program project account no. 980x195x251921, "Golf Equipment," to provide resources for equipment acquisition related to the operation and maintenance of golf facilities, including, but not limited to, agronomic equipment; and **AUTHORIZING** the transfer and appropriation of \$4,200,000 from the unappropriated surplus of Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x195x251922, "Neumann Clubhouse Replacement," to provide resources for the replacement of the Neumann Clubhouse including related equipment and furniture replacement.

Sponsors: City Manager

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

6. [202401938](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/5/2024, **PROVIDING** FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO, IN THE PRINCIPAL AMOUNT OF \$4,200,000 FOR THE PURPOSE OF PROVIDING FUNDS FOR RECREATIONAL FACILITIES.

Sponsors: City Manager

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

REPORTS

7. [202401608](#) **REPORT**, dated 6/12/2024, submitted Sheryl M. M. Long, City Manager, regarding the Cincinnati Retirement System CY2023 Annual Report.

Sponsors: City Manager

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

8. [202401826](#) **REPORT**, dated 8/7/2024, submitted Sheryl M. M. Long, City Manager,

regarding pros and cons on Project Labor Agreements (PLAs) for City construction projects. (Ref. Doc. #202401150)

Sponsors: City Manager

Attachments: [Report](#)

MUNICIPAL CODE CHANGES

9. [202401807](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 8/7/2024, **MODIFYING** Chapter 304, "Surety Bonds," of the Cincinnati Municipal Code by **AMENDING** Section 304-1, "Contractor's Bond," to remove language requiring approval as to form of personal and surety bonds, policies of insurance, and securities by the City Solicitor.

Sponsors: City Manager

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

10. [202401853](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 8/7/2024, **MODIFYING** Chapters 714, "Littering," and 731, "Weed Control," of the Cincinnati Municipal Code by **AMENDING** Sections 714-99, "Penalties - Civil and Criminal," and 731-99, "Penalties - Civil and Criminal," to remove the requirement that civil fines collected under Chapters 714 and 731 be deposited into a private lot abatement fund and to require that such revenue be deposited into Stormwater Management Fund 107.

Sponsors: City Manager

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

11. [202401867](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 8/7/2024, **MODIFYING** Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code by **AMENDING** Section 723-16, "Sidewalk Vending," to establish a new vending district in the Over-the-Rhine neighborhood.

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

ADJOURNMENT

September 3, 2024

To: Members of the Budget and Finance Committee

From: Sheryl M. M. Long, City Manager

202401932

Subject: Presentation – Cincinnati Retirement System (CRS): 2023 Annual Report

Attached is the Cincinnati Retirement System (CRS) 2023 Annual Report presentation for the Budget and Finance Committee meeting on September 3, 2024 at 1:00 PM.

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



Cincinnati Retirement System Board of Trustees

2023 Annual Report

CINCINNATI RETIREMENT SYSTEM

→ Funding Status

	Assets	Liabilities	Funded Ratio
Pension			
Actuarial Value	\$ 1,819,308,605	\$ 2,643,382,463	68.8%
Market Value	\$ 1,763,884,000	\$ 2,643,382,463	66.7%
Health			
Actuarial Value	\$ 549,871,265	\$ 393,177,787	139.9%
Market Value	\$ 533,879,000	\$ 393,177,787	135.8%

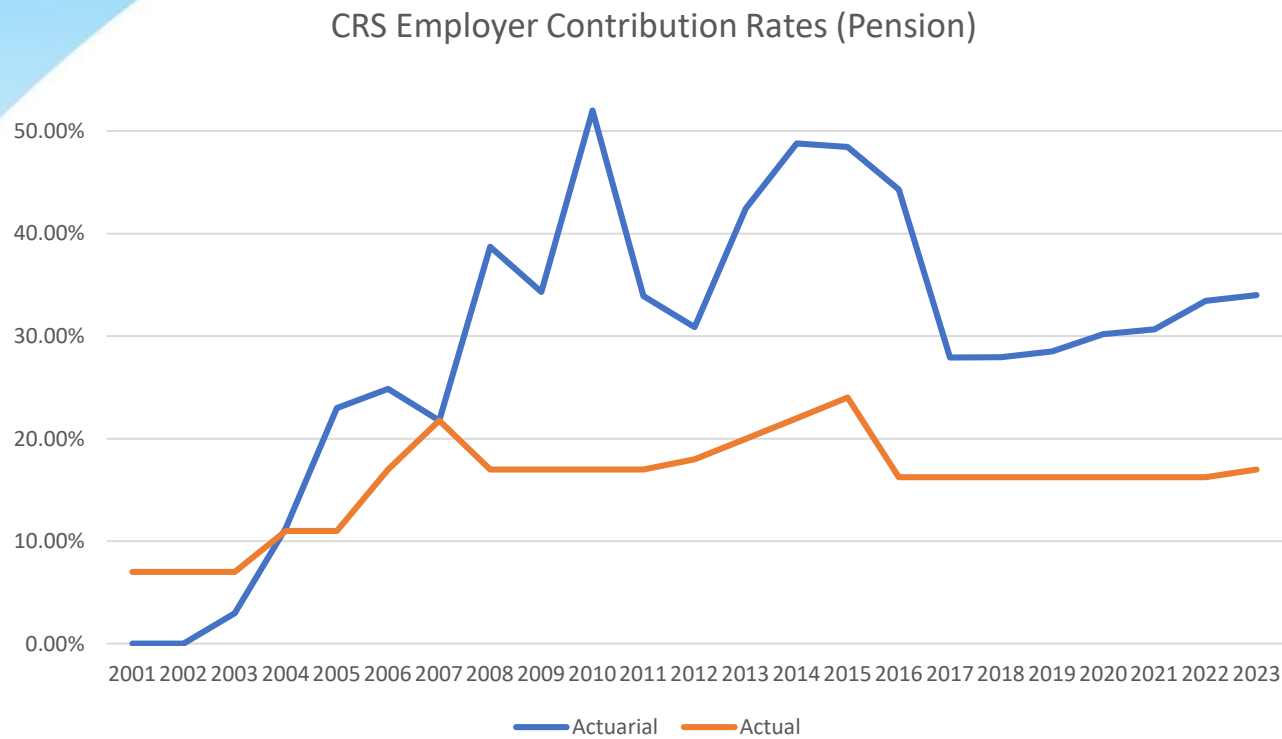
CINCINNATI RETIREMENT SYSTEM

→ Funding Benefits: Contributions

- Actuarially Determined Contribution Rate (ADC): 32.46%
- City 2023 rate = 19.1%
- FT Employee Contribution Rate: 9%
- City Employer Contribution Rate: 17.00%
- City 2023 ERIP payment (\$2.7mm)
- City 2023 “Stabilization Fund” payment (\$2mm)

CINCINNATI RETIREMENT SYSTEM

→ Funding Benefits: Contributions



CINCINNATI RETIREMENT SYSTEM

→ Funding Benefits: Investments

Annual CRS Rates of Investment Return & Funded Status

<u>Plan Year</u>	<u>Actuarial Rate of Return</u>	<u>CRS Return</u>	<u>Funded Status</u>
2014	7.5%	6.4%	64.3%
2015*	7.5%	-0.1%	77.1%
2016	7.5%	8.9%	76.9%
2017	7.5%	14.9%	75.5%
2018	7.5%	-4.3%	72.6%
2019	7.5%	16.8%	71.2%
2020	7.5%	10.3%	70.5%
2021	7.5%	17.4%	71.6%
2022	7.5%	-9.3%	69.3%
2023	7.5%	12.1%	68.8%

* CSA

**Marquette Associates

10-Year Compound Average

5-Year Compound Average

6.9%

9.0%

Median Plan Return**

6.6%

8.4%

CINCINNATI RETIREMENT SYSTEM

→ 2023 Fiduciary Audit

- Purpose to review CRS standards and practices and compare to peers and industry norms:
 - Focused on Legal & Regulatory, Governance, Investment, Pension Operations, administrative and compliance.
- The report concludes that the CRS Board of Trustees has been functioning effectively, the Director and the staff have been effectively providing services to active and retired members, and relations among the Board, CRS staff and other City departments have been collaborative and cordial.
- Report recommended opportunities for improvement, which the Board is reviewing and implementing.

CINCINNATI RETIREMENT SYSTEM

→ Recommendations to City Council

1. City Council adopt a plan to continue increasing the Pension Trust employer contribution 0.9% incrementally on an annual basis to assure full funding in 2045
2. Incremental Annual Increase Plan be updated every two years in anticipation of the City's fiscal year biennial budget.
3. City Council approve and appropriate the Pension Trust employer contribution in accordance with each updated Incremental Annual Increase Plan.
4. City Manager engage with the CRS Trustees on the Futures Commission analysis and recommendations regarding the future of CRS and funding of the Trusts.
5. City works with the CRS Board of Trustees to fulfill the recommendations from the Fiduciary Audit (Governance Report) completed by outside consultants.

CINCINNATI RETIREMENT SYSTEM

→ Scenarios to Fully Fund by 2045 & Status Quo

Schedule of funded Raio	Earnings Assumption of 7.50			
	Flat E'r Rate of 17%		Increase E'r Rate by 0.90%/year	
	E'r Contr Rate	Funded Ratio	E'r Contr Rate	Funded Ratio
12/31/2023	17.00%	68.8%	17.0%	68.8%
12/31/2024	17.75%	67.6%	17.8%	67.6%
12/31/2025	17.75%	66.4%	18.7%	66.4%
12/31/2026	17.75%	63.9%	19.6%	64.0%
12/31/2027	17.75%	63.6%	20.5%	64.0%
12/31/2028	17.75%	62.8%	21.4%	63.6%
12/31/2029	17.75%	62.1%	22.3%	63.4%
12/31/2030	17.75%	61.4%	23.2%	63.4%
12/31/2031	17.75%	60.6%	24.1%	63.5%
12/31/2032	17.75%	59.9%	25.0%	63.8%
12/31/2033	17.75%	59.2%	25.9%	64.3%
12/31/2034	17.75%	58.5%	26.8%	65.1%
12/31/2035	17.75%	57.8%	27.7%	66.2%
12/31/2036	17.75%	57.1%	28.6%	67.5%
12/31/2037	17.75%	56.4%	29.5%	69.2%
12/31/2038	17.75%	55.7%	30.4%	71.3%
12/31/2039	17.75%	55.2%	31.3%	73.9%
12/31/2040	17.75%	54.7%	32.2%	77.0%
12/31/2041	17.75%	54.3%	33.1%	80.6%
12/31/2042	17.75%	54.1%	34.0%	84.9%
12/31/2043	17.75%	54.1%	34.9%	89.7%
12/31/2044	17.75%	54.3%	35.8%	95.2%
12/31/2045	17.75%	54.6%	36.7%	101.4%



Cheiron Projections August 2024

September 3, 2024

To: Members of the Budget and Finance Committee
202401936

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Department of Economic Inclusion (DEI): Business Financial Open House Donation**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept a donation of \$4,000 from Huntington Bank to provide resources for the City’s Fiscal Year 2025 Business Financial Open House events; and **AUTHORIZING** the Director of Finance to deposit the donated funds into Special Events Fund 314 revenue account no. 314x8571.

Approval of this Ordinance will authorize the City Manager to accept a donation of \$4,000 from Huntington Bank to provide resources for the City’s Fiscal Year 2025 Business Financial Open House events. This Ordinance would also authorize the Finance Director to deposit the donated resources into Special Events Fund 314 revenue account no. 314x8571.

The Department of Economic Inclusion will host two Business Financial Open House events in Fiscal Year 2025, one in December 2024 and one in May 2025. Both events will be held at the Walnut Hills Library. Huntington Bank has agreed to donate \$4,000 in support of these events.

This donation does not require additional FTE/full time equivalents or matching funds.

The Business Financial Open House events will allow DEI-certified businesses to gain valuable insights into financial planning, access to funding opportunities, and network with financial experts and industry leaders to enhance their business growth and sustainability. DEI will also certify new small and minority-owned business at these events. Five previous Business Financial Open House events have been held, all of which had over 40 attendees.

Acceptance of this donation to support the City’s Fiscal Year 2025 Business Financial Open House events 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 209-211 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 accept a donation of \$4,000 from Huntington Bank to provide resources for the City’s Fiscal Year 2025 Business Financial Open House events; and **AUTHORIZING** the Director of Finance to deposit the donated funds into Special Events Fund 314 revenue account no. 314x8571.

WHEREAS, the Department of Economic Inclusion (“DEI”) will host two Business Financial Open House events in Fiscal Year 2025: one in December 2024 and one in May 2025; and

WHEREAS, the Business Financial Open House events, held at the Walnut Hills Library, will allow DEI-certified businesses to gain valuable insights into financial planning, access funding opportunities, and network with financial experts and industry leaders to enhance their business growth and sustainability; and

WHEREAS, DEI also will certify new small and minority-owned businesses at the Business Financial Open House events; and

WHEREAS, DEI has hosted five previous Business Financial Open House events, all of which had over forty attendees; and

WHEREAS, acceptance of this donation to support the City’s Fiscal Year 2025 Business Financial Open House events 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 209-211 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 a donation of \$4,000 from Huntington Bank to provide resources for the City’s Fiscal Year 2025 Business Financial Open House events.

Section 2. That the Director of Finance is authorized to deposit the donated funds into Special Events Fund 314 revenue account no. 314x8571.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of 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: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

September 3, 2024

To: Members of the Budget and Finance Committee
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – Police: Moral Obligation Payment to Vigilant Solutions, Inc.**

202401935

Attached is an Emergency Ordinance captioned:

AUTHORIZING the payment of \$11,552.32 from Cincinnati Police Department General Fund non-personnel operating budget account no. 050x227x4700x7418 as a moral obligation to Vigilant Solutions, Inc. for outstanding charges related to camera installation services and subscription fees provided in Fiscal Year 2024.

This Emergency Ordinance authorizes the payment of \$11,552.32 from Cincinnati Police Department General Fund non-personnel operating budget account no. 050x227x4700x7418 as a moral obligation to Vigilant Solutions, Inc. for outstanding charges related to camera installation services and subscription fees provided in Fiscal Year 2024.

In Fiscal Year 2024, the Cincinnati Police Department (CPD) received camera installation and subscription services from Vigilant Solutions, Inc. CPD encumbered funds to purchase the camera installation and subscription services in FY 2024 based on prior communications from the CPD Information Technology Management Systems (ITMS) section regarding the amount of services that would be needed.

Due to staffing changes both within ITMS and at Vigilant Solutions, additional camera installation and subscription services, as well as subscription services at an increased rate, were approved and received by CPD. Due to the receipt of the additional camera installation and subscription services, an additional \$11,552.32 is needed to reconcile the balance of the final invoice submitted by Vigilant Solutions in FY 2024. CPD has implemented procedures to ensure that the quantities and rates for services provided by Vigilant Solutions in the future align with the amount of funds encumbered by CPD.

The reason for the emergency is the immediate need to pay Vigilant Solutions, Inc. for the outstanding charges for the services rendered.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

IMD

- 2024

AUTHORIZING the payment of \$11,552.32 from Cincinnati Police Department General Fund non-personnel operating budget account no. 050x227x4700x7418 as a moral obligation to Vigilant Solutions, Inc. for outstanding charges related to camera installation services and subscription fees provided in Fiscal Year 2024.

WHEREAS, the Cincinnati Police Department (“CPD”) received camera installations and subscription services from Vigilant Solutions, Inc. (“Vigilant Solutions”) in Fiscal Year 2024; and

WHEREAS, CPD encumbered funds to purchase the camera installations and subscription services in Fiscal Year 2024 based on prior communications from the CPD Information Technology Management Systems (“ITMS”) section regarding the amount of services that would be needed; and

WHEREAS, due to staffing changes both within ITMS and at Vigilant Solutions, additional camera installations and subscription services, as well as subscription services at an increased rate, were approved and received by CPD; and

WHEREAS, due to the receipt of the additional camera installations and subscription services, an additional \$11,552.32 is needed to reconcile the balance of the final invoice submitted by Vigilant Solutions in Fiscal Year 2024; and

WHEREAS, CPD has implemented procedures to ensure that the quantities and rates for services provided by Vigilant Solutions in the future align with the amount of funds encumbered by CPD to purchase those services; and

WHEREAS, sufficient resources are available in Cincinnati Police Department General Fund non-personnel operating budget account no. 050x227x4700x7418 to pay for the services provided by Vigilant Solutions; and

WHEREAS, Council desires to provide payment of \$11,552.32 to Vigilant Solutions for the additional camera installations and subscriptions services provided to CPD in Fiscal Year 2024; now, therefore,

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

Section 1. That the Director of Finance is authorized to make a payment of \$11,552.32 from Cincinnati Police Department General Fund non-personnel operating budget account no. 050x227x4700x7418 as a moral obligation to Vigilant Solutions, Inc. for outstanding charges related to camera installation services and subscription fees provided in Fiscal Year 2024.

Section 2. That the proper City officials are 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 pay Vigilant Solutions, Inc. for the outstanding charges for the services rendered.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

September 3, 2024

To: Members of the Budget and Finance Committee

202401934

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – DCED: Oakley Pedestrian Safety – TIF Funding

Attached is an Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x232x252304, “Oakley Pedestrian Safety Improvements TIF,” to provide resources for the installation of a raised crosswalk and three speed cushions along Madison Road and Brotherton Road as part of the City’s Vision Zero/Traffic Calming Program; **AUTHORIZING** the transfer and appropriation of \$425,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to newly established capital improvement program project account no. 980x232x252304, “Oakley Pedestrian Safety Improvements TIF,” to provide resources for the installation of a raised crosswalk and three speed cushions along Madison Road and Brotherton Road; and **DECLARING** that the described installation of pedestrian safety and traffic calming infrastructure along Madison Road and Brotherton Road constitute a “Public Infrastructure Improvement” (as defined by Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve District 20 - Oakley Incentive District in the neighborhood of Oakley, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

Approval of this Ordinance authorizes the transfer and appropriation of \$425,000 from Oakley Equivalent Fund 499 to the newly established capital improvement program project account no. 980x232x252304, “Oakley Pedestrian Safety Improvements TIF,” to provide resources for the installation of a raised crosswalk and three speed cushions along Madison Road and Brotherton Road as part of the City’s Vision Zero/Traffic Calming Program.

Approval of this Ordinance also declares that the installation of pedestrian safety and traffic calming infrastructure along Madison Road and Brotherton Road constitute a “Public Infrastructure Improvement” (as defined by Section 5709.40(A)(8) of the Ohio Revised Code (ORC)), that will benefit and/or serve District 20 - Oakley Incentive District in the Oakley neighborhood, subject to compliance with ORC Sections 5709.40 through 5709.43.

The City’s Department of Transportation and Engineering (DOTE) is designing and installing one raised crosswalk and two speed cushions along Madison Road and

Brotherton Road in Oakley using existing resources as part of its Vision Zero/Traffic Calming Program.

On January 18, 2024, the Oakley Community Council expressed its unanimous support for the use of \$425,000 from the Oakley Tax Increment Financing (TIF) District to provide resources for the design and installation of one additional raised crosswalk and three additional speed cushions in the same area. The crosswalk and speed cushions are eligible uses of tax increment financing (TIF) resources.

The installation of traffic calming and pedestrian safety infrastructure is in accordance with the “Live” goal to “[c]reate a more livable community” and strategy to “[b]ecome more walkable” as described on pages 156 - 159 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachments

ESTABLISHING new capital improvement program project account no. 980x232x252304, “Oakley Pedestrian Safety Improvements TIF,” to provide resources for the installation of a raised crosswalk and three speed cushions along Madison Road and Brotherton Road as part of the City’s Vision Zero/Traffic Calming Program; **AUTHORIZING** the transfer and appropriation of \$425,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to newly established capital improvement program project account no. 980x232x252304, “Oakley Pedestrian Safety Improvements TIF,” to provide resources for the installation of a raised crosswalk and three speed cushions along Madison Road and Brotherton Road; and **DECLARING** that the described installation of pedestrian safety and traffic calming infrastructure along Madison Road and Brotherton Road constitute a “Public Infrastructure Improvement” (as defined by Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve District 20 - Oakley Incentive District in the neighborhood of Oakley, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

WHEREAS, the City’s Department of Transportation and Engineering is designing and installing one raised crosswalk and two speed cushions along Madison Road and Brotherton Road in Oakley using existing resources as part of its Vision Zero/Traffic Calming Program; and

WHEREAS, on January 18, 2024, the Oakley Community Council expressed its unanimous support for using \$425,000 from District 20 - Oakley Incentive District (“Oakley TIF District”) to provide resources for the design and installation of one additional raised crosswalk and three additional speed cushions in the same area; and

WHEREAS, \$391,000 of the Oakley TIF District resources will be used for construction of the additional raised crosswalk and speed cushions, while \$34,000 will be used for engineering and construction management; and

WHEREAS, the additional raised crosswalk and speed cushions will directly benefit the Oakley TIF District and the neighborhood of Oakley; and

WHEREAS, installation of traffic calming and pedestrian safety infrastructure is in accordance with the “Live” goal to “[c]reate a more livable community” and strategy to “[b]ecome more walkable” as described on pages 156 - 159 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is authorized to establish new capital improvement program project account no. 980x232x252304, “Oakley Pedestrian Safety Improvements TIF,” to

provide resources for the installation of a raised crosswalk and three speed cushions along Madison Road and Brotherton Road as part of the City’s Vision Zero/Traffic Calming Program.

Section 2. That the transfer and appropriation of \$425,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to newly established capital improvement program project account no. 980x232x252304, “Oakley Pedestrian Safety Improvements TIF,” is authorized to provide resources for the installation of a raised crosswalk and three speed cushions along Madison Road and Brotherton Road.

Section 3. That Council declares that the described installation of pedestrian safety and traffic calming infrastructure along Madison Road and Brotherton Road is a “Public Infrastructure Improvement” (as defined by Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve District 20 - Oakley Incentive District in the neighborhood of Oakley, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 3.

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

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk



PO Box 9244
Cincinnati OH 45209
oakleynow.com

January 18, 2024

Ms. Markiea Carter
Director, City of Cincinnati
Department of Community and Economic Development
Two Centennial Plaza
805 Central Avenue Suite 700
Cincinnati, OH 45202

RE: The Use of Oakley TIF District Funds for Vision Zero/Pedestrian Safety Improvements Match

Dear Ms. Carter:

Oakley has been awarded Vision Zero funding for the two top priority projects we had submitted:

1. Installation of three sets of street cushions on Brotherton Rd, between Madison Rd and Sherel Ln
2. Installation of raised crosswalks on the north and south side of Geier Esplanade/Oakley Square.

However, the available city funding would have only provided 50% necessary to complete both projects, so we discussed options available to us to provide matching funds so these two vital projects can be completed. At the November 14th, 2023 meeting of the Oakley Community Council ("OCC"), the Board of Trustees took a vote regarding our support for the use of Oakley TIF district funds, as a match for the city provided funds, to implement these vital street calming/pedestrian safety measures. At the time of this vote, our TIF District available balance was estimated at \$2.75M, so the amount required is well within our balance.

The motions:

- Motion 1:
 - The OCC gives permission for DOTE to pursue the usage of the Oakley TIF district funds for the purpose of matching the city provided funds, for the estimated amount of \$150,000. These funds would be used to construct three street cushions on Brotherton Rd.
- Motion 2:
 - The OCC gives permission for DOTE to pursue the usage of Oakley TIF district funds for the purpose of matching the city provided funds, in the estimated amount of \$275,000. These funds would be used to construct the second raised crosswalk at Oakley Square.

The board vote was 12-0 in favor of support, with no objections from the 27 residents in attendance.

Sincerely,

Joseph Groh
Vice-President
Oakley Community Council

September 3, 2024

To: Members of the Budget and Finance Committee

From: Sheryl M. M. Long, City Manager 202401933

Subject: Emergency Ordinance – CRC: Golf Facilities Improvements and Equipment

Attached is an Emergency Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x195x251920, “Golf Facilities Improvements,” to provide resources for building improvements, pavement installation, and irrigation enhancements; **ESTABLISHING** new capital improvement program project account no. 980x195x251921, “Golf Equipment,” to provide resources for equipment acquisition related to the operation and maintenance of golf facilities including, but not limited to, agronomic equipment; **ESTABLISHING** new capital improvement program project account no. 980x195x251922, “Neumann Clubhouse Replacement,” to provide resources for the replacement of the Neumann Clubhouse including related equipment and furniture replacement; **AUTHORIZING** the transfer and appropriation of \$1,065,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x251920, “Golf Facilities Improvements,” to provide resources for building improvements, pavement installation, and irrigation enhancements; **AUTHORIZING** the transfer and appropriation of \$500,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to the newly established capital improvement program project account no. 980x195x251921, “Golf Equipment,” to provide resources for equipment acquisition related to the operation and maintenance of golf facilities, including, but not limited to, agronomic equipment; and **AUTHORIZING** the transfer and appropriation of \$4,200,000 from the unappropriated surplus of Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x195x251922, “Neumann Clubhouse Replacement,” to provide resources for the replacement of the Neumann Clubhouse including related equipment and furniture replacement.

Approval of this Emergency Ordinance authorizes the following:

1. the transfer and appropriation of \$1,065,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x251920, “Golf Facilities

Improvements,” to provide resources for building improvements, pavement installation, and irrigation enhancements;

2. the transfer and appropriation of \$500,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x251921, “Golf Equipment,” to provide resources for equipment acquisition related to the operation and maintenance of golf facilities, including, but not limited to, agronomic equipment; and
3. the transfer and appropriation of \$4,200,000 from the unappropriated surplus of Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x195x251922, “Neumann Clubhouse Replacement,” to provide resources for the replacement of the Neumann Clubhouse, including related equipment and furniture replacement.

On July 16, 2024, the Cincinnati Recreation Commission (CRC) Board approved the proposed fund transfer for golf facilities improvements and equipment acquisition. Approval by the City Council is now required.

The Municipal Golf Activities Fund 105 receives no tax revenue and is completely self-sufficient.

Golf course improvements are in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[d]ecrease mortality and chronic and acute diseases” as described on pages 181-187 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to acquire necessary equipment and implement various golf facility improvements.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

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- 2024

ESTABLISHING new capital improvement program project account no. 980x195x251920, “Golf Facilities Improvements,” to provide resources for building improvements, pavement installation, and irrigation enhancements at City golf courses; **ESTABLISHING** new capital improvement program project account no. 980x195x251921, “Golf Equipment,” to provide resources for equipment acquisition related to the operation and maintenance of golf facilities including, but not limited to, agronomic equipment; **ESTABLISHING** new capital improvement program project account no. 980x195x251922, “Neumann Clubhouse Replacement,” to provide resources for the replacement of the Neumann Clubhouse including related equipment and furniture replacement; **AUTHORIZING** the transfer and appropriation of \$1,065,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x251920, “Golf Facilities Improvements,” to provide resources for building improvements, pavement installation, and irrigation enhancements; **AUTHORIZING** the transfer and appropriation of \$500,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x251921, “Golf Equipment,” to provide resources for equipment acquisition related to the operation and maintenance of golf facilities including, but not limited to, agronomic equipment; and **AUTHORIZING** the transfer and appropriation of \$4,200,000 from the unappropriated surplus of Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x195x251922, “Neumann Clubhouse Replacement,” to provide resources for the replacement of the Neumann Clubhouse including related equipment and furniture replacement.

WHEREAS, the transfer and appropriation of \$1,065,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x251920, “Golf Facilities Improvements,” will provide funding for building improvements, pavement installation, and irrigation enhancements at City golf courses; and

WHEREAS, the transfer and appropriation of \$500,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x251921, “Golf Equipment,” will provide funding for equipment acquisition related to the operation and maintenance of golf facilities including, but not limited to, agronomic equipment; and

WHEREAS, the transfer and appropriation of \$4,200,000 from the unappropriated surplus of Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x195x251922, “Neumann Clubhouse Replacement,” will provide resources for the replacement of the Neumann Clubhouse including related equipment and furniture replacement; and

WHEREAS, Municipal Golf Activities Fund 105 receives no tax dollars and is fully self-sufficient; and

WHEREAS, the Municipal Golf Activities Fund has sufficient resources to support the transfers to newly established capital improvement program project account nos. 980x195x251920, “Golf Facilities Improvements,” and 980x195x251921, “Golf Equipment,” while maintaining an adequate fund balance to support golf operations; and

WHEREAS, the Cincinnati Recreation Commission Board approved the fund transfer at its meeting on July 16, 2024; and

WHEREAS, golf course improvements are in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[d]ecrease mortality and chronic and acute diseases” as described on pages 181-187 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is authorized to establish new capital improvement program project account no. 980x195x251920, “Golf Facilities Improvements,” to provide resources for building improvements, pavement installation, and irrigation enhancements at City golf courses.

Section 2. That the Director of Finance is authorized to establish new capital improvement program project account no. 980x195x251921, “Golf Equipment,” to provide resources for equipment acquisition related to the operation and maintenance of golf facilities including, but not limited to, agronomic equipment.

Section 3. That the Director of Finance is authorized to establish new capital improvement program project account no. 980x195x251922, “Neumann Clubhouse Replacement,” to provide resources for the replacement of the Neumann Clubhouse including related equipment and furniture replacement.

Section 4. That the transfer and appropriation of \$1,065,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x251920, “Golf Facilities Improvements,” is authorized to provide resources for building improvements, pavement installation, and irrigation enhancements at City golf courses.

Section 5. That the transfer and appropriation of \$500,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x251921, “Golf Equipment,” is authorized to provide resources for equipment acquisition related to the operation and maintenance of golf facilities, including, but not limited to, agronomic equipment.

Section 6. That the transfer and appropriation of \$4,200,000 from the unappropriated surplus of Park and Recreation Improvement Bond Fund 860 to newly established capital improvement program project account no. 980x195x251922, “Neumann Clubhouse Replacement,” is authorized to provide resources for the replacement of the Neumann Clubhouse including related equipment and furniture replacement.

Section 7. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Sections 1 through 6.

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 acquire necessary equipment and implement various golf facility improvements.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

September 5, 2024

To: Mayor and Members of City Council 202401938
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$4,200,000 Recreational Facilities 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 \$4,200,000 FOR THE PURPOSE OF PROVIDING FUNDS FOR RECREATIONAL FACILITIES.

This Emergency Ordinance authorizes the Finance Director to proceed with the sale of bonds in the amount of \$4,200,000 to fund recreational facilities improvements. These bonds are thirty-year bonds supported by property tax revenue and by the municipal golf fund revenue, if necessary, with an expected interest rate below 6.00%. The proceeds of the bond sale will finance a portion of the FY 2025 Capital Improvement Program, as approved by City Council. An emergency ordinance is necessary to take advantage of currently favorable interest rates and to ensure that adequate funds are available to support contracts for facilities 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
Monica Morton, Assistant Finance Director

Attachment

EMERGENCY

-2024

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$4,200,000 FOR THE PURPOSE OF PROVIDING FUNDS FOR RECREATIONAL FACILITIES.

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 thirty years, and the maximum maturity of any notes, to be issued in anticipation thereof, is thirty years; and

WHEREAS, certain recreation facilities improvements contemplated to be financed with the proceeds of the bonds herein referred to have been made necessary because of the need to purchase, construct, improve, and enlarge specified City recreational facilities, and such bonds are therefore appropriately additionally secured by a pledge of the City's municipal golf fund; 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 not to exceed \$4,200,000, to provide funds to pay the cost and expense of purchasing, constructing, improving, and enlarging recreational facilities for the City, including the purchase of any necessary real estate and equipment, and discharging notes previously issued in anticipation of said bonds; 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 not to exceed \$4,200,000 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, 2025, 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 hereinbefore specified, said bonds shall bear such rate, or rates, of interest as may be accepted by the Director of Finance. Said bonds shall be designated 24-1-G1437, 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 \$4,200,000 recreational facilities 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 "Recreational Facilities 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 \$4,200,000, 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 "Recreational Facilities 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 II 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; provided, however, that to the extent that funds from other sources, including the municipal golf fund, are available and considered appropriated for such purpose, such tax need not be levied.

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 bonds 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 recreational facilities improvements at the earliest possible time.

Passed: _____, 2024

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 recreational facilities bonds or notes in an amount not to exceed \$4,200,000 for the purpose of (a) providing funds for recreational facilities (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)(7)(f) of the Ohio Revised Code, is thirty 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: September 1, 2024

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 recreational facilities bonds or notes in an amount not to exceed \$4,200,000 for the purpose of (a) providing funds for recreational facilities (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)(7)(f) of the Ohio Revised Code, is thirty 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:  for Karen Alder
Finance Director

Dated: September 1, 2024

June 12, 2024

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202401608

Subject: Cincinnati Retirement System CY2023 Annual Report

Under the Administrative Code, Article XV. Retirement System, Section 1 (h), the Cincinnati Retirement System (CRS) Board of Trustees shall report to council at least annually on the general state of the system. This report is from the Cincinnati Retirement System (CRS) Board of Trustees (Board) and provides the City Council with the state of the CRS Pension Trust and Healthcare Trust.

Attachment

cc: Jon Salstrom, Retirement Director

June 12, 2024

To: Mayor and Members of City Council
From: Cincinnati Retirement System Board of Trustees
Copy: Sheryl Long, City Manager
Subject: Cincinnati Retirement System CY2023 Annual Report

Summary

This report is from the Cincinnati Retirement System (CRS) Board of Trustees (Board) and provides the City Council with the state of the CRS Pension Trust and Healthcare Trust. This summary report is intended to provide a comprehensive summary of the status of the Cincinnati Retirement System, in compliance with the CRS Board's reporting requirements as set out in the City's Administrative Code and Board Rules. The report is as of December 31, 2023. For additional status information, please see the City's Annual Comprehensive Financial Report, Actuarial Valuations of the Pension and Healthcare Trusts, and Investment Results on the CRS website. (<https://www.cincinnati-oh.gov/retirement/crs-financial-information/>)

The CRS is governed by the Collaborative Settlement Agreement (CSA) and CMC chapter 203. Under the CSA, the CRS Pension Trust is to be 100% funded by 2045. Under the CSA, the Healthcare Trust is to be 100% funded through 2045.

Given the current and projected funding position of the Pension Trust, we recommend that the City Council continue to take action to increase employer contributions thus improving the funding of the Pension Trust (currently funded at 68.8%); that the CRS Board be engaged in any analysis and recommendations regarding the Futures Commission report; and that the City Administration work with the CRS Board to implement Fiduciary Audit recommendations.

Background

The purposes of the CRS Pension Trust and Healthcare Trust are to provide promised retirement benefits and healthcare benefits to eligible retired City employees. CRS is a defined benefit plan that was established in 1931. The Collaborative Settlement Agreement (CSA) was approved in 2015 to settle litigation and provide a comprehensive strategy to stabilize CRS while securing sustainable and competitive retirement benefits for both current and future retirees.

As of December 31, 2023, there were 2,966 full-time active members (which includes 143 members in the DROP plan who are still working), 4,120 pensioners receiving pension payments, and 4,628 pensioners and spouses receiving healthcare benefits. The CRS Board serves as an independent fiduciary on behalf of active and retired members of the retirement system. The Board retains Marquette Associates, an independent investment consulting firm, and Cheiron, a pension and healthcare actuarial consulting firm, both of which specialize in public sector retirement plans.

Marquette and the Board have developed and follow a disciplined investment policy that can be found on the CRS website. Cheiron calculates the actuarial value of assets and liabilities and projects the funded status of the Trusts in future years based on professional actuarial standards and practices.

The assumed investment rate of return and discount rate for calculating liabilities is 7.5% per year as prescribed in the CSA (for both Pension and Healthcare Trust). The CRS annualized rate of return for the past 1, 5 and 10 years as of December 31, 2023, were 11.7%, 8.9% and 6.9%, respectively, which rank above the median investment returns relative to peers of public defined benefit retirement plans.

The table below highlights the actuarial value of assets, liabilities, and funded ratios as of 12/31/23:

	Assets	Liabilities	Funded Ratio
Pension			
Actuarial Value	\$ 1,819,308,605	\$ 2,643,382,463	68.8%
Market Value	\$ 1,763,884,000	\$ 2,643,382,463	66.7%
Health			
Actuarial Value	\$ 549,871,265	\$ 393,177,787	139.9%
Market Value	\$ 533,879,000	\$ 393,177,787	135.8%

Pension Trust

A goal of the CSA is to establish a projected 100% funding ratio in 30 years (i.e., by 12/31/2045). The assumptions used in finalizing the CSA projected that the Pension Trust would be fully funded in 30 years if all the assumptions played out exactly. The status of the annual contributions and distributions is described below:

- The active employees contribute 9% of the covered payroll to the Pension Trust as required by the CSA and CMC 203.
- The City in CY2023 increased their contribution from the CSA minimum rate of 16.25% to 17.00% of full-time covered payroll to the Pension Trust. (The General Fund represents approximately 35% of covered payroll and approximately other non-general funds represent 65% of covered payroll.).
- In CY2023, the City contributed a payment of \$2.7 million as result of the continued payments toward the cost of the 2020 Early Retirement Incentive Plan (ERIP). There are now 12 annual payments remaining. Cheiron estimates that payment at 1.26% of payroll for this additional benefit, bringing the City’s contribution rate for CY2023 to 18.26%.
- In CY2023, the City also contributed a lump sum payment of \$2.0 million dollars from the General Fund fiscal year-end surplus. Cheiron estimates that payment at 0.91% of payroll for this additional benefit, bringing the City’s contribution rate for CY2023 to 19.17%.
- The Actuarially Determined Contribution (ADC) for the Pension Trust, as calculated by the actuary, is the annual employer contribution amount required to bring the Pension to a fully funded status in 30 years. **The ADC for FY2024 was 34.02% of covered payroll (as set by the CY2022 actuarial valuation). The actual contribution of 19.17% means the City contributed 56.35% of the actuarial recommendation.**
- Benefit payments and expenses have significantly exceeded employer and employee contributions for over a decade. This dynamic put strain on the system and relative to peers

CRS ranks in the bottom quartile of net cashflows. This means that CRS continues to liquidate a relatively large amount of assets to pay for benefits and expenses (each month regardless of market conditions) because contributions to the Pension Trust are relatively low. This also means that CRS is much more dependent on investment returns than most public pension plans and lacks the same flexibility to take advantage of dislocations in the market when outsized return opportunities are present.

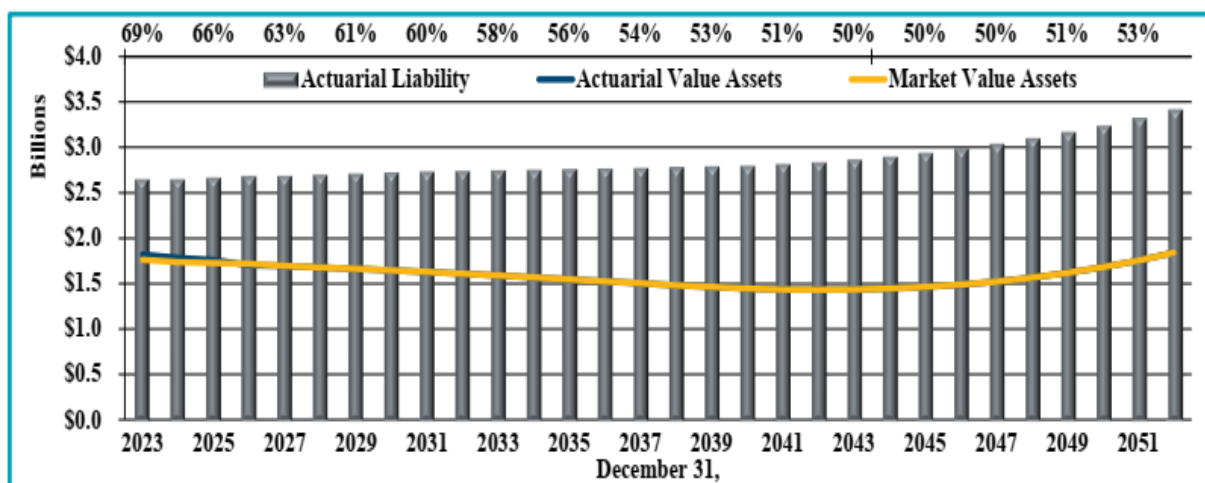
The following events occurred after the CSA was finalized:

- Ordinance 336 - 2016, which reflects changes made in finalizing the CSA that increased liabilities, was approved by City Council in 2016.
- Revisions to actuarial assumptions (e.g., longer life span of retirees) occurred as recommended by the actuary and approved by the CRS Board.
- CRS is especially sensitive to the timing of capital market swings because it continues to liquidate assets to pay benefits when the capital market drops. This requires more time and a significantly higher rate of return for the remaining assets to recover from capital market volatility.
- The City offered the ERIP in 2020 that provided two (2) additional years of service to eligible participants resulting in earlier retirements, additional benefits, and an increase in liabilities.
- The Deferred Retirement Option Plan (DROP) established in the CSA is required to be cost neutral; however, DROP has had a net increase in liabilities to the Pension Trust of \$16.9 million.

The actuary's latest revised funding progress for the Pension Trust, which includes the impact of the DROP and the ERIP, projects the funded ratio on an Actuarial Value of Assets basis is projected to decrease over the next 30 years and will not reach 100% by 2045 in accordance with the CSA.

The graph below reflects the City's status quo scenario where contributions of 17.00% of covered payroll continue for 30 years. It also includes the recommended budget's \$2.7 million contribution per year for the next 12 years to pay for the ERIP liabilities and assumes the CSA benchmark return of 7.5% investment return for all future years. The plan will be fully funded by 2073. The funding ratio on an Actuarial Value of Assets basis is expected to be 50% by 2045.

Pension Trust



The following table highlights the elevated funding volatility for CRS, and the overall sensitivity of the system to fluctuations in experienced returns versus the assumed rate of return. While the above chart shows doing the same thing eventually gets the plan fully funded in 2073, doing the status quo leaves the plan extremely susceptible to market fluctuations, which generally occur during fiscally challenging times for the City. For example, the chart below shows that if the investment return was negative -7.5% for just one year in 2024, insolvency is projected in 2050.

Assumed 2024 Investment Return*	Projected Insolvency Year	Projected Year to be 100% Funded
15.0%	None	2058
7.5%	None	2073
0.0%	None	2103
(7.5%)	2050	None
(15.0%)	2043	None

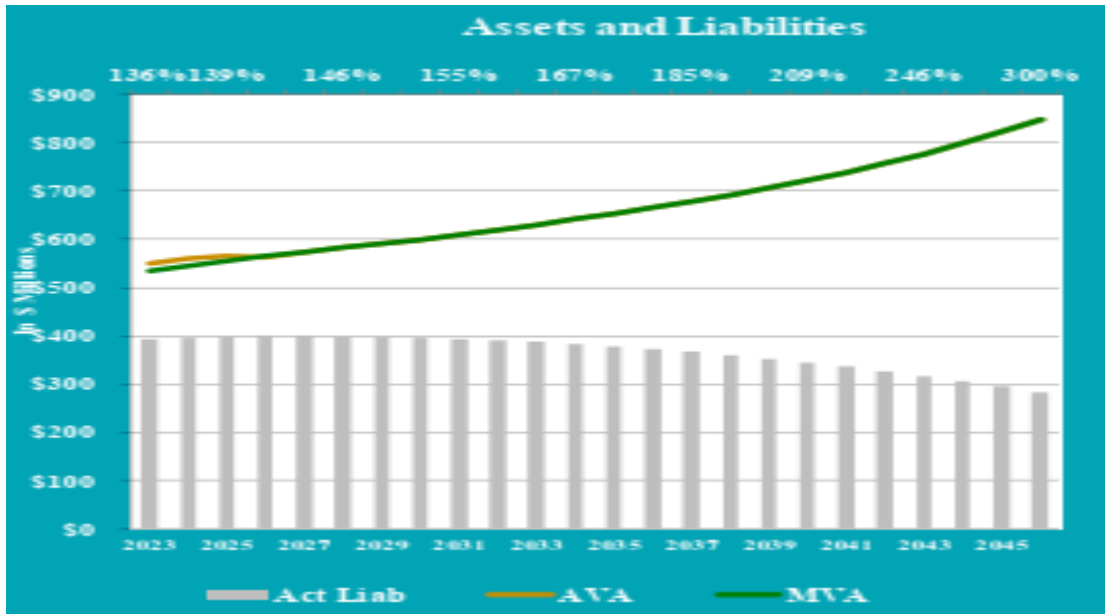
* Assumed 7.5% per year for 2025 and thereafter and annual contributions based on 17.00% of Full Time payroll.

Healthcare Trust

In 2023, the City adopted a Healthcare Trust funding policy as required by the CSA. At the time of the CSA signing in 2015, the Healthcare Trust was fully funded, and the City was required per the CSA to develop and present a proper funding policy to fully fund the healthcare trust at actuarially appropriate levels. The funding policy would keep the Trust fully funded over the lifetimes of current and future retirees and their beneficiaries covered by the CSA. The Healthcare Trust is irrevocable, and its assets must be used exclusively for healthcare benefits for CRS retirees and their beneficiaries. The funding policy was approved by the Federal Court on March 28, 2024, nine years after the CSA signing. The funding policy provides for employer contribution triggers at a 90% funding ratio.

In the graph below, the bars represent liabilities, and the lines represent the actuarial value of assets (AVA) and the market value of assets (MVA) assets. The graph shows that the Healthcare Trust is fully funded in 2023 and beyond. This is based on current assumptions being fully met.

Healthcare Trust



Investment Performance

While the simple conclusion may be to achieve higher returns or “invest our way out of this,” CRS’ investment performance has been solid relative to return opportunity in the market, the assumed risk and peer group. With that said, the 7.5% annualized return assumption remains a high hurdle. The median investment return assumption of U.S. public retirement systems has steadily decreased over the past decade and is currently 6.9%. CRS will be challenged to achieve the 7.5% rate of return with an acceptable level of risk. CRS, given the mature membership (older retirees relative to younger active members), has a high asset liquidation each year to pay benefits while not taking in enough funds through employee and employer contributions. Coupling the high return assumption and large net cash outflow creates a difficult environment to manage liquidity and “invest your way out of this.”

The following chart reflects the annual rates of return including 5-year & 10-year annualized returns. CRS has achieved the 7.5% CSA assumption over the 5-year period with 2018 rolling off. While the 4 years under the 7.5% assumed rate in '14, '15, '18 and '22 has pushed the 10-year annualized return to less than the 7.5% CSA assumption.

Annual CRS Rates of Investment Return

<u>Plan Year</u>	<u>Investment Return Assumption</u>	<u>Market Return</u>
2014	7.5%	6.5%
2015	7.5%	-0.1%
2016	7.5%	8.9%
2017	7.5%	14.9%
2018	7.5%	-4.3%
2019	7.5%	16.8%
2020	7.5%	10.3%
2021	7.5%	17.4%
2022	7.5%	-9.3%
2023	7.5%	11.8%
10-Year compound Average		6.9%
5-Year Compound Average		8.9%

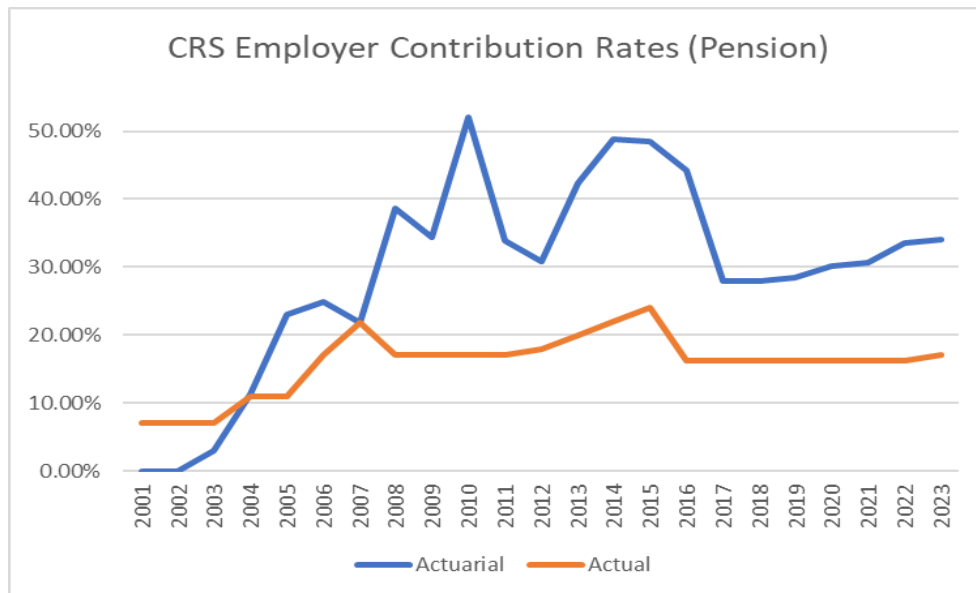
The Board’s Investment Policy provides for a well-diversified portfolio across asset class, sector, investment managers and securities. The chart below is designed to achieve the 7.5% return over time with an acceptable level of risk. The Board was able to take advantage of the inflection point in last year’s interest rate cycle by derisking the overall plan and maintaining our long-term 7.5% return target by increasing the Fixed Income allocation from 15% to 22.5%.

CRS Asset Allocation

Fixed Income	22.5%
Domestic Equity	28.5%
Non-US Equity	16.0%
Volatility Risk Prem	2.5%
Real Estate	6.0%
Infrastructure	10.0%
Private Credit	6.5%
Private Equity	<u>8.0%</u>
Total	100.0%

Employer Contributions

In a defined benefit retirement plan such as CRS, the employer (plan sponsor) is responsible for providing benefits (as opposed to a defined contribution plan). The Actuarially Determined Contribution (ADC) is the actuary recommended employer contribution to achieve full funding in 30 years. The chart below reflects the Pension Trust ADC and the City employer contribution for the last 20+ years. By not contributing to the ADC the unfunded liability increases over time meaning that the actuarial liability exceeds the value of assets.



Fiduciary Audit (Governance Report)

In accordance with its fiduciary duty, the Cincinnati Retirement System Board of Trustees engaged Funston Advisory Services to complete a fiduciary audit, entitled Cincinnati Retirement System Governance Review. The Funston report is available on the CRS website. <https://www.cincinnati-oh.gov/retirement/>

The purpose of the engagement is to review Cincinnati Retirement System (CRS) standards and practices and compare them to peer systems and system benchmarks. The six areas of focus are:

1. Legal and Regulatory
2. Governance Framework
3. Investment Program and Operations
4. Pension Operations
5. Administrative Operations, and
6. Compliance.

Overall, the report concludes that the CRS Board of Trustees has been functioning effectively, the Director and the staff have been effectively providing services to active and retired members, and relations among the Board, CRS staff and other City departments have been collaborative and cordial.

There are opportunities for improvement and the report provides thirty-seven recommendations which the Board is in the process of reviewing and acting upon.

Conclusion

The CRS Pension Trust and Healthcare Trust are undoubtedly challenged in providing promised retirement benefits. When the Collaborative Settlement Agreement was implemented, the Pension Trust and Healthcare Trust were projected to be fully funded in 30 years by 2045. For the Pension Trust this is no longer the case.

At the close of 2023, the Pension Trust experienced a return of 11.7%, above the assumed rate of return of 7.5%. The demographics improved from an actuarial perspective in that the City had a material increase in active employees (i.e. more employee contribution). And with the strong performance and improved demographics, the funded ratio of the plan still decreased, albeit marginally, from 69.3% to 68.8%. Funding vigilance therefore remains a priority for the Board.

CRS Pension Funded Ratio

2015*	2016**	2017**	2018	2019	2020	2021	2022	2023
77.1%	76.9%	75.5%	72.6%	71.2%	70.5%	71.6%	69.3%	68.8%

* CSA

** Realized Wage Growth Rates larger than planned for by Actuary

The following are possible solutions:

1. Continued increases to City contributions to the Pension Trust above the minimum required amount of 16.25%, as provided for in the CSA. The Board has formally **recommended an increase in rates by 1.1% each year** until the actuarial projections reflect anticipated full funding by 2045. The Board also recommends that the City adopt the multi-year incremental increase funding methodology to achieve full funding by 2045, update the methodology annually, and budget accordingly. The Board acknowledges and appreciates the 0.75% increase in the contribution rate and the use of variable General Fund carryover to reduce unfunded pension obligations. Nonetheless, a more stable and predictable path to full funding is necessary. Failure to increase the City’s annual contribution rate will result in the CRS Pension Funded Ratio steadily decreasing until it reaches 50% in 2045; alternatively, incremental increases in the rate are required to achieve 100% funding by 2045 based on the most recent projection:

Incremental Increase Plan

Schedule of funded Ratios	Earnings Assumption of 7.50			
	Flat E'r Rate of 17%		Increase E'r Rate by 1.1%/year	
	E'r Contr Rate	Funded Ratio	E'r Contr Rate	Funded Ratio
12/31/2023	17.0%	68.8%	17.0%	68.8%
12/31/2024	17.0%	67.5%	18.1%	67.6%
12/31/2025	17.0%	66.2%	19.2%	66.4%
12/31/2026	17.0%	63.4%	20.3%	63.9%
12/31/2027	17.0%	62.9%	21.4%	63.8%
12/31/2028	17.0%	61.9%	22.5%	63.4%
12/31/2029	17.0%	60.9%	23.6%	63.2%
12/31/2030	17.0%	59.9%	24.7%	63.0%
12/31/2031	17.0%	58.8%	25.8%	63.1%
12/31/2032	17.0%	57.6%	26.9%	63.4%
12/31/2033	17.0%	56.4%	28.0%	63.8%
12/31/2034	17.0%	55.2%	29.1%	64.6%
12/31/2035	17.0%	53.9%	30.2%	65.6%
12/31/2036	17.0%	52.6%	31.3%	67.0%
12/31/2037	17.0%	51.2%	32.4%	68.6%
12/31/2038	17.0%	49.7%	33.5%	70.8%
12/31/2039	17.0%	48.3%	34.6%	73.4%
12/31/2040	17.0%	46.9%	35.7%	76.5%
12/31/2041	17.0%	45.5%	36.8%	80.2%
12/31/2042	17.0%	44.3%	37.9%	84.6%
12/31/2043	17.0%	43.1%	39.0%	89.7%
12/31/2044	17.0%	42.0%	40.1%	95.4%
12/31/2045	17.0%	41.1%	41.2%	102.0%

2. Increase investment performance by increasing risk. There are several strategies affecting increased investment return. These include using different investment managers, making a riskier asset allocation, and attempting to lower fees. There is little we can do regarding these factors because we believe we have the appropriate managers, the appropriate asset allocation, and fees are already at the low end. Regarding asset allocation, the only way to increase expected returns in the future is to increase allocation to more volatility and illiquid parts of the market such as private equity. The Board and the investment consultant believe that taking any more risk would be imprudent. Conversely, as stated earlier in the report, the Board has looked to derisk the portfolio while maintaining asset allocation that based on market assumptions hits a target return of 7.5%.

3. Reduce benefits. While unpopular and considered the last resort, reducing benefits would require re-opening the CSA for a prolonged negotiation. Pension benefits have already been reduced significantly for current and future retirees as a result of the CSA. The compound COLA was eliminated and replaced with a simple COLA resulting in thousands of dollars in reduced benefits during retirement years. For example, an average annual pension amount over a twenty-five-year period is reduced by \$64,000 on a net present value basis.
4. As the City has done before, explore issuing judgment bonds to reduce the unfunded actuarial liability. As of 12/31/2023, the unfunded actuarial liability for the Pension Trust was \$824.1mm.
5. As suggested in the Future Commission report, the City could sell an asset to fund the Pension Trust, thus reducing unfunded volatility and providing more stability to the City finances.

Recommendation

At this time, we recommend the following:

1. That City Council adopt a plan to continue increasing the Pension Trust employer contribution incrementally on an annual basis to assure full funding in 2045 (see page 8, #1 of this report)
2. That the Incremental Annual Increase Plan be updated every two years in anticipation of the City's fiscal year biennial budget.
3. That the City Council approve and appropriate the Pension Trust employer contribution in accordance with each updated Incremental Annual Increase Plan.
4. That the City Manager engage with the CRS Trustees on the Futures Commission analysis and recommendations regarding the future of CRS and funding of the Trusts.
5. That the City works with the CRS Board of Trustees to fulfill the recommendations from the Fiduciary Audit (Governance Report) completed by outside consultants.

Immediate action is requested. Further delays will result in significantly increased vulnerability for CRS benefits.

August 7, 2024

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager **202401826**

Subject: Response to Councilmember Motion: Pros and Cons on Project Labor Agreements (PLAs) for City Construction Projects

Ref. Document #202401150

At its session on April 24, 2024, the City Council referred for review and report:

MOTION, submitted by Councilmembers Johnson, Walsh, Owens and Jeffreys, WE MOVE that the Administration produces a report within ninety (90) days on the pros and cons of Project Labor Agreement (PLAs). This report should include potential impacts on worker wages, labor availability, project costs, project efficiency, worker safety, workforce diversity, the bidding process, and any other relevant information. It should also include the historic context of any other similar policies implemented or studied by the City. (STATEMENT ATTACHED)

Introduction

As defined by the US Department of Labor, Project Labor Agreements are pre-hire collective bargaining agreements with one or more labor organizations that establish the terms and conditions of employment for a specific construction project. These agreements, negotiated between construction unions and employers, include provisions such as binding clauses for all contractors and subcontractors, no-strike and no-lockout clauses, and established grievance and arbitration procedures. PLAs also determine the wages and benefits for all project workers and require contractors to source labor through a union hiring hall responsible for providing skilled workers. PLAs can include goals for hiring local community members, equity plans, strategies for recruiting workers from underserved communities, and mandates for small business participation.

Additional Context on PLAs

PLAs often mandate or encourage union participation. A "signatory" contractor is one that has signed an agreement with a labor union, outlining employment terms such as wages, hours, benefits, and other workplace rules. Being a signatory means that a contractor has agreed to work under the terms of a union agreement, which can impact their hiring practices, subcontracting policies, and overall project management. As signatory contractors to the associated union, their project labor agreements impose strict rules on subcontracting:

- Under a project labor agreement (PLA), they cannot subcontract work that falls under the jurisdiction covered by the PLA to any non-signatory contractor.
- Subcontractors become subject to the terms and provisions of the PLA.

Union Membership in Construction Industry

According to the Union Membership and Coverage Database and a 2023 report published by Allied Construction Industries and the University of Cincinnati's Economics Center, the union membership rate for the construction industry in Cincinnati's MSA is estimated to be about 10.5%.

Advantages:

- **Standardized Wages and Benefits:** PLAs ensure uniform wages, benefits, and working conditions across all contractors and subcontractors.
- **Labor Peace and Stability:** PLAs typically include no-strike clauses, reducing the risk of labor disputes and work stoppages.
- **Skilled Workforce:** PLAs often require the use of union labor, ensuring a pool of skilled and trained workers.
- **Timely Project Completion:** Reduced likelihood of delays due to labor disputes can lead to on-time project completion.
- **Safety Standards:** PLAs often include stringent safety standards and training programs.
- **Enhanced Cooperation:** Facilitates better coordination and cooperation among contractors, unions, and the project owner.
- **Local Hiring Requirements:** Can include provisions for hiring local workers, promoting local employment.
- **Apprenticeship Programs:** Supports training and apprenticeship programs, fostering the development of future skilled workers.

Disadvantages:

- **Limited Competition:** Restricts bidding to unionized contractors, potentially reducing the pool of bidders and increasing project costs.
- **Exclusion of Non-Union Workers:** Non-union contractors and workers may be excluded, limiting opportunities for some local businesses.
- **Administrative Complexity:** Implementing and managing PLAs can add administrative burdens and complexity to the project.
- **Potential for Increased Disputes:** While PLAs aim to reduce disputes, differences in interpretation of PLA terms can still lead to conflicts.
- **Reduced Flexibility:** PLAs may limit flexibility in hiring practices and workforce management.
- **Impact on Small Businesses:** Small, non-union businesses may find it difficult to compete or participate in PLA-covered projects.

Outreach:

The Department of Economic Inclusion conducted a survey with city-certified businesses and union partners to gauge the knowledge level and opinions on PLAs. The survey consisted of 10 impartial questions of which 4 were yes or no answers, 5 questions provided the opportunity for written answers, and one question asked the participant to leave any additional thoughts or comments. DEI's intention was to gather feedback on PLAs through a diversity and inclusion perspective for both small businesses and members of the workforce. In total, DEI received responses from 45 individuals. A summary of the findings can be provided upon request.

PLA's Impact on Cost

There is minimal city procurement data supporting the increased costs that PLAs might impose on projects, primarily due to the lack of recent projects utilizing PLAs.

Conclusion

Many city-certified SBEs, MBEs, and WBEs are not union-affiliated. Thus, requiring prime contractors to meet all PLA criteria may inadvertently exclude non-signatory subcontractors, regardless of their certification status.

Since the establishment of the Department of Economic Inclusion in 2015, the City has worked diligently to lower the barriers to prime contract and subcontract participation on City contracts historically faced by minority-owned and women-owned businesses. There is an affirmative legislative finding in Chapter 324 of the Municipal Code that “it is in the best interest of the city to adopt measures to eliminate barriers that prohibit full and fair participation of MBEs and WBEs in city contracts.” (CMC § 324-5(4)) However, without a thorough analysis on a project-by-project basis, a broad blanket approach to PLAs may unintentionally replace old barriers with new ones.

Potential Project Labor Agreement (PLA) requirements conflict significantly with both the stated legislative purpose and the specific provisions of the MBE/WBE Program, which was designed to remedy existing disparities in city contracting with minority-owned and women-owned firms. While both PLAs and the MBE/WBE Program serve important purposes, PLAs cannot be broadly applied to construction projects without substantially undermining the MBE/WBE Program. They also have the potential to reverse much of the economic inclusion progress made in the past nine years. A case-by-case approach to determine whether a project is suitable for a PLA, coupled with increased education and outreach, is advisable.

cc: Natasha S. Hampton, Assistant City Manager
 Laura Castillo, Director, Department of Economic Inclusion

August 7, 2024

To: Mayor and Members of City Council

202401807

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Modifying CMC 304-1 Surety Bonds

Attached is an Ordinance captioned:

MODIFYING Chapter 304, “Surety Bonds,” of the Cincinnati Municipal Code by **AMENDING** Section 304-1, “Contractor’s Bond,” to remove language requiring approval as to form of personal and surety bonds, policies of insurance, and securities by the City Solicitor.

Approval of this Ordinance would modify Chapter 304, “Surety Bonds,” of the Cincinnati Municipal Code to remove the requirement that the City Solicitor approve as to form personal or surety bonds or insurance policies that secure the performance of a contract with the City or compliance with any law regarding the deposit of money of the City. Section 304-1 currently does not require the City Solicitor to review surety bonds or insurance policies related to public vehicles, and this ordinance would remove the review and approval requirement for bonds and/or insurance policies required by other provisions of the Municipal Code, such as for street contractors and parking lot and garage operators. All surety bonds and insurance policies still must be approved as to sufficiency by the responsible departments.

cc: Emily Smart Woerner, City Solicitor

MODIFYING Chapter 304, “Surety Bonds,” of the Cincinnati Municipal Code by **AMENDING** Section 304-1, “Contractor’s Bond,” to remove language requiring approval as to form of personal and surety bonds, policies of insurance, and securities by the City Solicitor.

WHEREAS, Cincinnati Municipal Code (“CMC”) Chapter 304-1, “Contractor’s Bond,” currently requires that the City Solicitor approve as to form all personal and surety bonds, policies of insurance, and securities required of City contractors, before such bonds, policies, or securities may be accepted; and

WHEREAS, the review of personal and surety bonds, policies of insurance, and securities as to form does not involve substantive legal review, but is instead limited to verification of signatures and dollar amounts; and

WHEREAS, CMC 304-1 currently requires personal and surety bonds, policies of insurance, and securities be reviewed and approved as to sufficiency by a designated officer or the Director of Finance, which adequately protects the City’s financial interests, and those designative officers may ask the City Solicitor for advice regarding any legal issues concerning bonds or insurance policies that may arise; and

WHEREAS, to reduce redundancy and use City resources more efficiently, Council wishes to modify CMC 304-1 to eliminate mandatory, duplicative review of personal and surety bonds, policies of insurance, and securities by the City Solicitor; now, therefore,

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

Section 1. That Section 304-1, “Contractor’s Bond,” of Chapter 304, “Surety Bonds,” of the Cincinnati Municipal Code is amended to read as follows:

Sec. 304-1. Contractor’s Bond.

- (a) Except as provided in this section, every personal and surety bond, policy of insurance, and security, which law or ordinance may require any person, firm, or corporation to furnish to the city of Cincinnati as a condition of:
 - (1) the issuance, renewal, or reinstatement of a license or permit; or
 - (2) the exercise of a privilege; or
 - (3) as security for (i) the performance of a contract with the city or (ii) the compliance with any law, ordinance, or administrative requirement for the deposit of public moneys of the city,

shall be approved as to sufficiency by the officer designated for that purpose or by the director of finance, ~~and as to form by the city solicitor~~, before such bond, policy, or security is accepted.

- (b) The city solicitor is not required to approve as to form and legality ~~the liability insurance policies provided to the city by public vehicle license applicants as required by Section 407-27 of the Cincinnati Municipal Code~~ any personal or surety bond, policy of insurance, or security prior to its acceptance by the city, notwithstanding any such requirement within the municipal code or any provision of the Ohio Revised Code.

Section 2. That the proper City officials are authorized to take all necessary and proper actions to carry out the provisions of Section 1, including updating applicable rules and regulations and policies and procedures in accordance with the modifications to the Cincinnati Municipal Code provided for herein.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are indicated by strikethrough; additions are indicated by underline.

Date: August 7, 2024

To: Mayor and Members of City Council 202401853
From: Sheryl M.M. Long, City Manager
Subject: **Ordinance – Amending CMC Sections 714-99 and 731-99**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING Chapters 714, “Littering,” and 731, “Weed Control,” of the Cincinnati Municipal Code by **AMENDING** Sections 714-99, “Penalties - Civil and Criminal,” and 731-99, “Penalties - Civil and Criminal,” to remove the requirement that civil fines collected under Chapters 714 and 731 be deposited into a private lot abatement fund and to require that such revenue be deposited into Stormwater Management Fund 107.

cc: Emily Smart Woerner, City Solicitor

EESW/LES(dmm)
Attachment
404818

MODIFYING Chapters 714, “Littering,” and 731, “Weed Control,” of the Cincinnati Municipal Code by **AMENDING** Sections 714-99, “Penalties - Civil and Criminal,” and 731-99, “Penalties - Civil and Criminal,” to remove the requirement that civil fines collected under Chapters 714 and 731 be deposited into a private lot abatement fund and to require that such revenue be deposited into Stormwater Management Fund 107.

WHEREAS, Cincinnati Municipal Code (“CMC”) Sections 714-99, “Penalties - Civil and Criminal,” and 731-99, “Penalties - Civil and Criminal,” currently require that all civil fines collected under Chapters 714 and 731 be deposited into a private lot abatement fund to support abatement activities and enforcement of Chapters 714 and 731; and

WHEREAS, a private lot abatement fund currently does not exist because abatement activities and code enforcement under the Private Lot Abatement Program only recently has begun to generate revenue; and

WHEREAS, because reduction in the amount of debris entering and potentially damaging the storm water system is beneficial to the maintenance of the stormwater system, the Department of Buildings and Inspections utilizes Stormwater Management Fund 107 resources for its Private Lot Abatement Program; and

WHEREAS, CMC 720-51 requires the deposit of revenue raised on behalf of the Stormwater Management Utility to be deposited in a stormwater fund for utility division purposes; and

WHEREAS, there is a need to amend CMC Sections 714-99 and 731-99 to remove the requirement that civil fines collected under Chapters 714 and 731 be deposited into a private lot abatement fund and to require the deposit of Private Lot Abatement Program revenue into Stormwater Management Fund 107; now, therefore,

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

Section 1. That Sections 714-99, “Penalties - Civil and Criminal,” of Chapter 714, “Littering,” and 731-99, “Penalties – Civil and Criminal,” of Chapter 731, “Weed Control,” of the Cincinnati Municipal Code are hereby amended as follows:

Sec. 714-99. Penalties—Civil and Criminal.

- (a) Violation of Section 714-5, 714-7, 714-9, 714-23, 714-24, 714-29, or 714-31 is a Class A1 Civil Offense.

- (b) Violation of Section 714-3, 714-17, 714-19, 714-21, 714-25, 714-27, or 714-33 is a Class B1 Civil Offense. Subsequent violation of these code provisions will constitute an additional Class B1 Civil Offense except for a subsequent violation of Section 714-33, which constitutes a Class C1 Civil Offense.
- (c) Violation of Section 714-11, 714-13, 714-15, 714-35, 714-37, or 714-39 is a Class C1 Civil Offense.
- (d) Any civil fines collected under this chapter shall be deposited into ~~the private lot abatement fund to support Sections 714-45 and 714-46 abatement activities and enforcement of Chapter 714~~ Stormwater Management Fund 107 in accordance with CMC 720-51.
- (e) As an alternative to a notice of civil offense and civil fine, a violation of:
 - 1) Section 714-7 of this chapter may be cited as a misdemeanor of the first degree and shall carry with it a mandatory fine of \$1,000.
 - 2) Section 714-3, 714-13 or 714-19 of this chapter may be cited as a misdemeanor of the third degree and shall carry with it a mandatory fine of \$500.
 - 3) Any other provision of this chapter may be cited as a minor misdemeanor if it is a first offense which shall carry a mandatory fine of \$150, and a misdemeanor of the fourth degree if it is a second offense which shall carry a mandatory fine of \$250.
- (f) If an offender of Section 714-35, 714-37 or 714-39 has been previously convicted of violating Section 714-35, 714-37 or 714-39 of this chapter, the offender is guilty of a misdemeanor of the first degree which shall carry a mandatory fine of \$1,000.

Sec. 731-99. Penalties—Civil and Criminal.

- (a) Any violation of the height restrictions specified in Section 731-3 shall constitute a Class C1 civil offense on the first day after the owner or person in charge of the property has received notice under Section 731-5 and Section 1501-13.
- (b) Any civil fines collected under this Chapter shall be deposited into ~~the private lot abatement fund to support Section 731-9 and Section 731-10 abatement activities and enforcement of Chapter 731~~ Stormwater Management Fund 107 in accordance with CMC 720-51.

- (c) As an alternative to a notice of civil offense and civil fine, a violation of any provision of this Chapter is a minor misdemeanor.
- (d) If the offender has been previously convicted of violating any Section of this Chapter, a subsequent violation is a misdemeanor of the fourth degree.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

New language is underscored. Deleted language is struck through.

Date: August 7, 2024

To: Mayor and Members of City Council

202401867

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – OTR Sidewalk Vending

Attached is an emergency ordinance captioned as follows:

MODIFYING Chapter 723, “Streets and Sidewalks, Use Regulations,” of the Cincinnati Municipal Code by **AMENDING** Section 723-16, “Sidewalk Vending,” to establish a new vending district in the Over-the-Rhine neighborhood.

The establishment of a new Sidewalk Vending district promotes expansion of sidewalk vending opportunities in the Over-the-Rhine neighborhood. This provides for identified sidewalk vending locations within the new district boundary which is adjacent to both the Downtown Vending District and the recently established FC Cincinnati Vending District.

The reason for the emergency is so new vendors can apply and begin to operate in the preferred summer and fall months this year. The Over-the-Rhine neighborhood may receive the economic and non-economic benefits associated with sidewalk vendors at the earliest possible time.

The Administration recommends passage of the attached emergency ordinance.

cc: John S. Brazina, Director, Transportation and Engineering

EMERGENCY

JRS

- 2024

MODIFYING Chapter 723, “Streets and Sidewalks, Use Regulations,” of the Cincinnati Municipal Code by **AMENDING** Section 723-16, “Sidewalk Vending,” to establish a new vending district in the Over-the-Rhine neighborhood.

WHEREAS, revocable street privileges are the primary tool used by the City to provide sidewalk vendors access to the public right-of-way and to manage those vendors’ occupancy of the public right-of-way; and

WHEREAS, Section 723-16, “Sidewalk Vending,” of the Cincinnati Municipal Code, establishes a process whereby the City Manager may grant revocable street privileges to sidewalk vendors, allowing them to establish merchandise and food vending locations on City sidewalks within sidewalk vending districts; and

WHEREAS, to support the City’s sidewalk vendors and expand access to sidewalk vending in the City, Council wishes to establish a new sidewalk vending district in the Over-the-Rhine neighborhood; now, therefore,

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

Section 1. That Section 723-16, “Sidewalk Vending,” of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 723-16. - Sidewalk Vending.

- (a) *Sidewalk Vending Program.* The city manager or his or her designee is authorized to grant revocable street privileges for the placement of sidewalk vending locations in accordance with this section. This section governs merchandise and food vending on the sidewalks in the City’s right-of-way. Mobile food vending within city streets is governed by Sections 723-41 through 723-50 of the Cincinnati Municipal Code.
- (b) *Sidewalk Vending Rules and Regulations.* The city manager is authorized to establish rules and regulations for the orderly and efficient administration of this chapter, including but not limited to rules governing application fees, vending practices, displays at vending locations, equipment and materials, health and safety standards, and authorized hours of operation. Changes to the rules and regulations must be approved by the city manager.
- (c) *Vending Districts.* The following sidewalk vending districts are the only areas in which individual sidewalk vending locations may be established by the city

manager or his or her designee. Peddlers and itinerant vendors authorized to operate under Chapter 839 of the Cincinnati Municipal Code are prohibited from operating in these sidewalk vending districts, as stated in Section 839-13 of the Cincinnati Municipal Code.

1. The “Downtown Vending District” shall be defined as follows: the area within the public right-of-way within the bounds beginning at the intersection of the north property line of East Central Parkway and the east property line of Eggleston Avenue as projected northeastwardly; thence southeastwardly along the projected east property line, the actual east property line and the projected east property line of Eggleston Avenue to the south city corporate limit; thence west along the south city corporate limit to the west property line of Central Avenue as projected southwardly to the city corporate limit; thence northwardly along the west property line of projected Central Avenue and the actual west property line of Central Avenue to the north property line of West Court Street; thence eastwardly along the north property line of West Court Street to the west property line of Plum Street; thence northwardly along the west property line of Plum Street to the projected north property line of West Central Parkway; thence east along the projected and actual north property line of Central Parkway; continuing eastwardly along the north property line of East Central Parkway to the point of beginning.
2. The “Liberty/Dalton Street Vending District” shall be defined as the area within the public right-of-way beginning at a point being the intersection of the west right-of-way line of Dalton Street and the north right-of-way line of Flint Street. Thence north along the west right-of-way line of Dalton Street to the point of intersection with the south right-of-way line of Findlay Street. Thence east along the south right-of-way line of Findlay Street to the point of intersection with the east right-of-way line of Dalton Street. Thence south along the east right-of-way line of Dalton Street to the point of intersection with the north right-of-way line of Flint Street. Thence west along the north right-of-way line of Flint Street to the point of intersection with the west right-of-way line of Dalton Street, being the point and place of beginning.
3. The “Short Vine Vending District” shall be defined as the area beginning at a point being the intersection of the north right-of-way line of Corry Street and the east right-of-way line of Vine Street. Thence north along the east right-of-way line of Vine Street to the point of intersection with the south right-of-way line of Martin Luther King Jr. Drive. Thence west along the south right-of-way line of Martin Luther King Jr. Drive to the point of intersection with the west right-of-way line of Vine Street. Thence south along the west right-of-way line of Vine Street to the point of intersection with the north right-of-way line of Corry Street. Thence east

along the north right-of-way line of Corry Street to the east right-of-way line of Vine Street, being the point and place of beginning.

4. The “University Hospital Vending District” shall be defined as the area beginning at a point being the intersection of the south right-of-way line of Piedmont Avenue and the west right-of-way line of Eden Avenue. Thence north along the west right-of-way line of Eden Avenue to the point of intersection with the north right-of-way line of Albert Sabin Way. Thence east along the north right-of-way line of Albert Sabin Way to the point of intersection with the east right-of-way line of Burnet Avenue. Thence south along the east right-of-way line of Burnet Avenue to the point of intersection with the south right-of-way line extended of Piedmont Avenue. Thence west along the south right-of-way line extended and the right-of-way line of Piedmont Avenue to the point of intersection with the west right-of-way of Eden Avenue, being the point and place of beginning.
5. The “FC Cincinnati Vending District” shall be defined as follows: the area within the public right-of-way within the bounds beginning at the intersection of the north property line of West Liberty Street and the west property line of John Street as projected easterly; thence to the east property line of Elm Street projected southerly to the south property line of West Liberty Street then projecting westerly along the south property line of West Liberty Street to the east property line of Central Parkway; thence projected southerly on the east property line of Central Parkway to the south property line of Charles Street; thence projecting westerly along the south property line of Charles Street to the west property line of Central Avenue; thence projecting northerly along the west property line of Central Avenue to the south property line of Ezzard Charles Drive; thence projecting westerly to the west property line of John Street; thence projecting northwesterly to the north property line of West Liberty Street.
6. The “OTR Vending District” shall be defined as follows: the area within the public right-of-way within the bounds beginning at the intersection of the east right-of-way line of Sycamore Street and the north right-of-way line of East Liberty Street; thence westerly along the north right-of-way line of East Liberty Street to the east right-of-way line of Vine Street; thence westerly along the north right-of-way line of West Liberty Street to the east property line of Elm Street; thence south along the projected east right-of-way line of Elm Street to the south property line of West Liberty Street; then projecting westerly along the south property line of West Liberty Street to the east right-of-way line of Central Parkway; thence southerly along the east right-of-way line of Central Parkway and then eastwardly along the north right-of-way line of Central Parkway to the east right-of-way line of Sycamore Street; thence northerly along the east right-of-way line of Sycamore Street to the north right-of-way line of East Liberty Street.

- (d) *Vending Locations.* The city manager or his or her designee may designate sites within the defined vending districts for either food vending or merchandise vending and shall identify approved sites by maps, approximate address, or both. Additional sites may be requested in writing by persons interested in vending at specific locations which have not been designated for vending of the type proposed in the request. The city manager or his or her designee shall exercise sole discretion in determining the appropriateness of the requested location and shall notify the applicant in writing of the decision.
- (e) *Temporary Locations.* Temporary locations within the vending districts established in subsection (c) of this section for use in relocating sidewalk vendors from special event areas or for handling short-term (under seven days) demand for vending locations prompted by special events, holidays, sports championships, and other such occurrences, may be established and withdrawn by the city manager or his or her designee at any time.
- (f) *Applications for Sidewalk Vending Locations.* Persons desiring to obtain a revocable street privilege for a vending location shall submit an application on a form to be provided by the city manager or his or her designee. The city manager or his or her designee is authorized to charge a non-refundable application fee to be determined by the city manager.
- (g) *Assignment of Vending Locations.* Vending revocable street privileges for sidewalk vending locations will be awarded in accordance with the following:
1. Each year, vendors with existing sidewalk vending locations may retain up to eight of their vending locations, upon provision of written notice to the city.
 2. New vending locations, and newly open vending locations not retained by a vendor, are to be awarded on a first come, first served basis.
 3. Applications for new or newly available vending locations shall be considered and awarded, in the order in which they are received, only to qualified applicants who submit proper and complete applications.
 4. Existing vendors seeking to retain one or more (up to eight) of their vending locations, and applicants seeking a new vending location, all must submit their applications within the deadlines for each step of the process. The application periods and deadlines shall be established in the rules and regulations governing the sidewalk vending program.
 5. In a given year, if deemed necessary because of high demand for new vending locations, the city manager or his or her designee may implement another method for awarding new locations, including but not limited to a

lottery or another random drawing method, to ensure fairness both to existing vendors and new vendors.

6. The provisions of this subsection (g) do not change the revocability of vending revocable street privileges addressed in subsection (h) of this section and in Chapter 718 of the Cincinnati Municipal Code.

(h) *Vending Revocable Street Privilege.* The city manager or his designee shall issue a vending revocable street privilege for each vending location awarded upon payment of the required fee set forth in the rules and regulations for the sidewalk vending program. Vending revocable street privileges for vending locations issued pursuant to this chapter are also governed by Chapter 718 of the Cincinnati Municipal Code and are revocable at any time as set forth in Chapter 718. In the event of revocation not caused by any act or omission of the vendor, the city shall make good faith efforts to accommodate the vendor by identifying an alternative vending location, or, if no alternative locations are available, the city will refund a prorated amount of the annual fee for the vending revocable street privilege based on the number of months of the year that the vendor had the vending revocable street privilege.

(i) *Vending During Special Events.* When city council passes an ordinance in connection with a special event which temporarily prohibits vending in a specified area within any vending district except that which is authorized by the special event sponsor, and such area includes established sidewalk vending locations, or when, as a result of lawful construction or demolition or a significant change in the use of the street or sidewalk space in the vending district, it is necessary to eliminate an established vending site, the city manager or his or her designee may designate a temporary alternative sidewalk vending location within one of the defined vending districts established in subsection (c) of this section. The city manager or his or her designee shall designate temporary locations for sidewalk vending on an as-needed basis. The location of such temporary sites shall be at the sole discretion of the city manager or his or her designee.

Section 2. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

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 Administration to establish vending locations so

that the Over-the-Rhine neighborhood may receive the economic and non-economic benefits associated with sidewalk vendors at the earliest possible time.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Additions indicated by underline; Deletions indicated by strikethrough.