



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Budget and Finance Committee

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

Tuesday, January 18, 2022

1:00 PM

Council Chambers, Room 300

ROLL CALL

AGENDA

- [202200051](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 1/12/2022, AMENDING Ordinance No. 079-2021 to change the funding purpose of a pending grant application with the Ohio Department of Public Safety, Office of Criminal Justice Services, from “building renovations” to “supplies and equipment,” in support of the Crime Gun Intelligence Center.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
- [202200052](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 1/12/2022, AMENDING Ordinance No. 0320-2021 to change the deposit reference from Justice Assistance Grant Fund 368, project account no. 21JAG, to Justice Assistance Grant Fund 478, project account no. 21JAG.

Sponsors: City Manager

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

3. [202200053](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 1/12/2022, AUTHORIZING the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program Grant of up to \$60,000 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and commercial and motorcycle safety infractions.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
4. [202200054](#) ORDINANCE submitted by Paula Boggs Muething, City Manager, on 1/12/2022, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Office of Criminal Justice Services, for the purpose of providing funds for the FY 2021-2022 Impaired Driving Enforcement Program; and AUTHORIZING the Director of Finance to deposit the grant funds into Fund 368, Account No. 21IDEP.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
5. [202200055](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 1/12/2022, AUTHORIZING the acceptance and deposit into General Fund Revenue account 050x8932 of \$35,750 as payment for attorney fees related to litigation in the City of Cincinnati v. FirstEnergy, et. al. court case; and AUTHORIZING the appropriation of \$35,750 to the Law Department's General Fund 050 non-personnel operating budget account no. 050x111x7200 for the purpose of providing funds for legal expenses.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)

6. [202200056](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 1/12/2022, AUTHORIZING the City Manager to accept and appropriate a grant of up to \$29,091 from the Ohio Urban Transit Program awarded by the Ohio Department of Transportation to the Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 for the purpose of providing resources for preventative maintenance on the streetcar system; and AUTHORIZING the Director of Finance to deposit the grant resources into Special Revenue Fund 455, "Streetcar Operations."

Sponsors: City Manager

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

7. [202200058](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 1/12/2022, ESTABLISHING new special revenue fund, Fund No. 401, "Transit Infrastructure Fund Grants," for the purpose of receiving and depositing grant resources from the Southwest Ohio Regional Transit Authority ("SORTA") Transit Infrastructure Fund program to be used for transit related roadway infrastructure improvements in the City of Cincinnati and the repayment of debt service for transit related roadway infrastructure improvements, including the Western Hills Viaduct; ESTABLISHING new capital improvement program project account no. 980x233x222388, "Beekman Street Transit Grant," for the purpose of providing resources for improvements including, but not limited to, street rehabilitation, retaining wall rehabilitation, and pedestrian safety on Beekman Avenue from Hopple Street to Elmore Street; ESTABLISHING new capital improvement program project account no. 980x233x222389, "Paxton Avenue Transit Grant," for the purpose of providing resources for improvements including, but not limited to, street rehabilitation and intersection improvements on Paxton Avenue from Wasson Road to Marburg Avenue; ESTABLISHING new capital improvement program project account no. 980x233x222390, "Warsaw Avenue Transit Grant," for the purpose of providing resources for improvements including, but not limited to, street rehabilitation, restriping, and pedestrian safety on Warsaw Avenue from Glenway Avenue to Grand Avenue; ESTABLISHING new capital improvement program project account no. 980x233x222391, "River Road Transit Grant," for the purpose of providing resources for improvements including, but not limited to, street rehabilitation and restriping on River Road from Fairbanks Avenue to Anderson Ferry Road; ESTABLISHING new capital improvement program project account no. 980x233x222392, "Western Hills Viaduct Transit Grant," for the purpose of providing resources for improvements including, but not limited to, the demolition and construction of the Western Hills Viaduct project; AUTHORIZING the City Manager to accept and deposit into Fund No. 401, "Transit Infrastructure Fund Grants," grant resources totaling up to \$205 million from the SORTA Transit Infrastructure Fund program, which will be received over 25 years at a rate of \$8.2 million per year for the Western Hills Viaduct project; AUTHORIZING the City Manager to accept and deposit into Fund No. 401, "Transit Infrastructure Fund Grants," grant resources totaling up to \$7.21 million from the SORTA Transit Infrastructure Fund for various other capital improvement projects; AUTHORIZING the City Manager to transfer and appropriate up to \$15.41 million from the unappropriated surplus of Fund No. 401, "Transit Infrastructure Fund Grants," to newly established capital improvement program project accounts, according to the attached schedule of transfer; and AUTHORIZING the City Manager to enter into any necessary agreements to accept grant resources.

Sponsors:

City Manager

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

8. [202200059](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 1/12/2022, AUTHORIZING the City Manager to accept an in-kind donation of third-party ballfield renovation services provided by the Cincinnati Reds Community Fund valued at \$100,000, for the purpose of ballfield renovations at select Cincinnati Recreation Commission locations.

Sponsors: City Manager

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

9. [202200060](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 1/12/2022, AUTHORIZING the City Manager to accept a rebate in the amount of up to \$100,000 from Dynegy Energy Services, LLC and deposit it in the General Fund; AUTHORIZING the City Manager to accept annual rebates in the amount of up to \$100,000 from Dynegy Energy Services, LLC and deposit them in the General Fund for each fiscal year from FY 2023 through FY 2026; and AUTHORIZING the Director of Finance to deposit rebates from Dynegy Energy Services, LLC into General Fund revenue account no. 050x8228.

Sponsors: City Manager

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

ADJOURNMENT

January 12, 2022

To: Mayor and Members of City Council 202200051
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Police: Amending Ordinance No. 0079-2021**

Attached is an Emergency Ordinance captioned:

AMENDING Ordinance No. 079-2021 to change the funding purpose of a pending grant application with the Ohio Department of Public Safety, Office of Criminal Justice Services, from “building renovations” to “supplies and equipment,” in support of the Crime Gun Intelligence Center.

Approval of this Emergency Ordinance would amend Ordinance No. 0079-2021 to change the funding purpose of a pending grant application with the Ohio Department of Public Safety, Office of Criminal Justice Services, from “building renovations” to “supplies and equipment,” in support of the Crime Gun Intelligence Center (CGIC).

On March 17, 2021, the City Council passed Ordinance No. 0079-2021, authorizing the City Manager to apply for, accept, and appropriate a grant up to the amount of \$150,000 in FY18 Project Safe Neighborhoods funds from the Office of Criminal Justice Services (OCJS), for assistance with building renovations for the Crime Gun Intelligence Center.

The OCJS denied the requested funding for building renovations at the CGIC but has permitted the City to reapply for the grant funding to be used for supplies and equipment for the CGIC. As such, the funding purpose outlined in Ordinance No. 0079-2021 must now be amended accordingly. The City resubmitted its grant application on December 8, 2021, but no grant funds for the amended purpose will be accepted without approval of the City Council.

The reason for the emergency is the immediate need to accept and appropriate the grant funds when awarded.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

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AMENDING Ordinance No. 079-2021 to change the funding purpose of a pending grant application to the Ohio Department of Public Safety, Office of Criminal Justice Services, from “building renovations” to “supplies and equipment,” in support of the Crime Gun Intelligence Center.

WHEREAS, on March 17, 2021, Council passed Ordinance No. 079-2021 authorizing the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$150,000 in FY 2018 Project Safe Neighborhood funds from the State of Ohio, Office of Criminal Justice Services (“OCJS”), for assistance with building renovations for the Crime Gun Intelligence Center (“CGIC”); and

WHEREAS, OCJS denied the requested funding for building renovations for the CGIC but permitted the City to reapply for the grant to fund supplies and equipment for the CGIC; and

WHEREAS, the City resubmitted its grant application on December 8, 2021, but no grant funds for the amended purpose will be accepted without approval of Council; now, therefore,

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

Section 1. That Section 1 of Ordinance No. 079-2021, approved by Council on March 17, 2021, is hereby amended as follows:

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant in the amount of up to \$150,000 in FY 2018 Project Safe Neighborhoods funds from the State of Ohio, Office of Criminal Justice Services, for the purpose of funding ~~building renovations~~ supplies and equipment for the Crime Gun Intelligence Center.

Section 2. That all terms of Ordinance No. 079-2021 not amended by this ordinance remain in full force and effect.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 and 2 of this ordinance.

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

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept and appropriate the grant funds when awarded.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

January 12, 2022

To: Mayor and Members of City Council 202200052
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Police: Amending Ordinance No. 0320-2021**

Attached is an Ordinance captioned:

AMENDING Ordinance No. 0320-2021 to change the deposit reference from Justice Assistance Grant Fund 368, project account no. 21JAG, to Justice Assistance Grant Fund 478, project account no. 21JAG.

Approval of this Emergency Ordinance would amend Ordinance No. 0320-2021 to change the deposit reference from Justice Assistance Grant Fund 368, project account no. 21JAG, to Justice Assistance Grant Fund 478, project account no. 21JAG.

On August 4, 2021, the City Council passed Ordinance No. 0320-2021, authorizing the City Manager to apply for, accept, and appropriate a grant of an amount up to \$290,309 from the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation (ALN #16.738), and authorizing the Director of Finance to deposit the grant funds into Justice Assistance Grant Fund 368, project account no. 21JAG

Ordinance No. 0320-2021 listed the correct fund name, but the incorrect fund number. It is necessary to correct the fund number into which the grant funds will be deposited, Justice Assistance Grant Fund 478.

The reason for the emergency is the need to adhere to the deadline for acceptance of the grant funds.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

CFG

-2022

AMENDING Ordinance No. 0320-2021 to change the deposit reference from Justice Assistance Grant Fund 368, project account no. 21JAG, to Justice Assistance Grant Fund 478, project account no. 21JAG.

WHEREAS, on August 4, 2021, Council passed Ordinance No. 0320-2021, authorizing the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$290,309 from the United States Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation (ALN #16.738), and authorizing the Director of Finance to deposit the grant funds into Justice Assistance Grant Fund 368, project account no. 21JAG; and

WHEREAS, it is necessary to correct the fund number into which the grant funds will be deposited; now, therefore,

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

Section 1. That Section 2 of Ordinance No. 0320-2021, approved by Council on August 4, 2021, is hereby amended as follows:

Section 2. That the Director of Finance is authorized to deposit the grant funds into Justice Assistance Grant Fund ~~368~~ 478, project account no. 21JAG.

Section 2. That all terms of Ordinance No. 0320-2021 not amended by this ordinance remain in full force and effect.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 and 2 of this ordinance.

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

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to adhere to the deadline for acceptance of the grant funds.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

January 12, 2022

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

Subject: Ordinance – Police: Selective Traffic Enforcement Program (STEP) Grant Program

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program Grant of up to \$60,000 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and commercial and motorcycle safety infractions.

This Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant for up to the amount of up to \$60,000.00 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding the Selective Traffic Enforcement Program (STEP). This program's aim is to reduce deaths and injuries resulting from vehicular accidents due to Operating Vehicle Under Influence (OVI), speed, loss of control, restraint violations, and commercial and motorcycle safety infractions.

This Ordinance would also authorize the Finance Director to deposit the grant funds into Fund 368, Project Code: 21STEP. The grant application deadline was May 25, 2021. As a result, the Cincinnati Police Department has already applied for this grant prior to this Ordinance receiving approval from the City Council. Should this Ordinance not be approved, the grant funding will not be accepted. The grant does not require matching funds, nor does it add any additional FTEs.

This Ordinance is in accordance with the Live goal to "Create a more livable community" as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a Selective Traffic Enforcement Program Grant of up to \$60,000 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and commercial and motorcycle safety infractions.

WHEREAS, a Selective Traffic Enforcement Program (“STEP”) Grant is available from the United States Department of Transportation through the Ohio Department of Public Safety, Ohio Traffic Safety Office, in an amount up to \$60,000; and

WHEREAS, STEP aims to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and commercial and motorcycle safety infractions; and

WHEREAS, the grant does not require matching funds; and

WHEREAS, there are no new FTEs associated with this grant; and

WHEREAS, due to the timing of the grant application deadline of May 25, 2021, staff may have already submitted an application for this grant but the grant will not be accepted without Council approval; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “Create a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a Selective Traffic Enforcement Program Grant of up to \$60,000 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding a program to reduce deaths and injuries resulting from vehicular accidents due to speeding, loss of control, restraint violations, operating a vehicle under the influence, and commercial and motorcycle safety infractions.

Section 2. That the Finance Director is hereby authorized to deposit the grant funds received by the City of Cincinnati into Law Enforcement Grant Fund 368, Project Account no. 21STEP.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

January 12, 2022

To: Mayor and Members of City Council 202200054

From: Paula Boggs Muething, City Manager

Subject: Ordinance – Police: FY 2021 - 2022 Impaired Driving Enforcement Program (IDEP) Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Office of Criminal Justice Services, for the purpose of providing funds for the FY 2021-2022 Impaired Driving Enforcement Program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 368, Account No. 21IDEP.

This Emergency Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant for up to the amount of to \$60,000.00 from the State of Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding the Impaired Driving Enforcement Program (IDEP). This program aims to reduce deaths and injuries resulting from vehicular accidents due to Operating Vehicle Under Influence (OVI), speed, loss of control, restraint violations, and commercial and motorcycle safety infractions.

This Ordinance would also authorize the Finance Director to deposit the grant funds into Fund 368, Project Account No. 21IDEP. The grant application deadline was May 25, 2021. As a result, the Cincinnati Police Department has already applied for this grant prior to this Ordinance receiving approval from the City Council. Should this Ordinance not be approved, the grant funding will not be accepted. The grant does not require matching funds, nor does it add any additional FTEs.

This Ordinance is in accordance with the Live goal to “Create a more livable community” as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Office of Criminal Justice Services, for the purpose of providing funds for the FY 2021-2022 Impaired Driving Enforcement Program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 368, Account No. 21IDEP.

WHEREAS, a grant in the amount of up to \$60,000 is available from the Ohio Department of Public Safety, Office of Criminal Justice Services, to fund the FY 2021-2022 Impaired Driving Enforcement Program; and

WHEREAS, this program aims to reduce deaths and injuries resulting from vehicular accidents due to OVI (Operating Vehicle Under Influence), speed, loss of control, restraint violations, and commercial and motorcycle safety infractions; and

WHEREAS, the grant does not require matching funds; and

WHEREAS, no new FTEs are associated with the grant; and

WHEREAS, the grant application deadline is May 25, 2021, and the City intends to apply by this date, but no grant funds will be accepted before approval by City Council; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “Create a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate an Impaired Driving Enforcement Program Grant in an amount up to \$60,000 from the Ohio Department of Public Safety, Office of Criminal Justice Services, to provide funds for the FY 2021-2022 Impaired Driving Enforcement Program.

Section 2. That the Finance Director is hereby authorized to deposit the grant funds received by the City of Cincinnati into Law Enforcement Grant Fund 368, Project Account No. 21IDEP.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

January 12, 2022

To: Mayor and Members of City Council 202200055
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Accept and Appropriate Attorney Fees from *City of Cincinnati v. FirstEnergy, et. al.***

Attached is an Emergency Ordinance captioned:

AUTHORIZING the acceptance and deposit into General Fund Revenue account 050x8932 of \$35,750 as payment for attorney fees related to litigation in the *City of Cincinnati v. FirstEnergy, et. al.* court case; and **AUTHORIZING** the appropriation of \$35,750 to the Law Department’s General Fund 050 non-personnel operating budget account no. 050x111x7200 for the purpose of providing funds for legal expenses.

This Emergency Ordinance authorizes the acceptance and deposit of \$35,750 received by the City from FirstEnergy Corporation for payment of attorney fees incurred litigating in the *City of Cincinnati v. FirstEnergy, et. al.* court case as part of a settlement. The funds will be deposited into General Fund Revenue account no. 050x8932.

Additionally, this Emergency Ordinance authorizes the appropriation of \$35,750 to the Law Department’s General Fund non-personnel operating budget account no. 050x111x7200 as the Law Department has a need for outside counsel legal expenses.

The reason for the emergency is the immediate need to authorize the necessary appropriations to ensure that the funds are available immediately.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

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AUTHORIZING the acceptance and deposit into General Fund Revenue account 050x8932 of \$35,750 as payment for attorney fees related to litigation in the *City of Cincinnati v. FirstEnergy, et. al.* court case; and **AUTHORIZING** the appropriation of \$35,750 to the Law Department's General Fund 050 non-personnel operating budget account no. 050x111x7200 for the purpose of providing funds for legal expenses.

WHEREAS, the City received \$35,750 from FirstEnergy Corporation for payment of attorney fees incurred in litigating in the *City of Cincinnati v. FirstEnergy, et. al.* court case as part of a settlement; and

WHEREAS, the Law Department has a \$35,750 need for payment of legal expenses; now, therefore,

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

Section 1. That Council hereby authorizes the acceptance of \$35,750 as payment for attorney fees related to litigation in the *City of Cincinnati v. FirstEnergy, et. al.* court case, to be deposited in the General Fund Revenue account 050x8932.

Section 2. That the sum of \$35,750 is hereby appropriated to the Law Department's General Fund non-personnel operating budget account no. 050x111x7200 for the purpose of providing funds for legal expenses.

Section 3. That the appropriate City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 and 2 herein.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need to authorize the necessary appropriations to ensure that the funds are available immediately.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

January 12, 2022

To: Mayor and Members of City Council 202200056
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – DOTE: Ohio Urban Transit Program Grant**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a grant of up to \$29,091 from the Ohio Urban Transit Program awarded by the Ohio Department of Transportation to the Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 for the purpose of providing resources for preventative maintenance on the streetcar system; and **AUTHORIZING** the Director of Finance to deposit the grant resources into Special Revenue Fund 455, “Streetcar Operations.”

This Emergency Ordinance authorizes the City Manager to accept and appropriate a grant of up to \$29,091 from the Ohio Urban Transit Program (UTP) awarded by the Ohio Department of Transportation (ODOT) to the Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 to provide resources for preventative maintenance on the streetcar system. This Emergency Ordinance also authorizes the Director of Finance to deposit the grant resources into Special Revenue Fund 455, “Streetcar Operations.”

In Ordinance No. 0268-2021, the City Council authorized the City Administration to apply for financial assistance from ODOT under the Ohio UTP for state fiscal year 2022. ODOT awarded a grant in an amount up to \$29,091 to the City for preventative maintenance expenses for the streetcar system. City Council authorization is now required to accept and appropriate grant resources.

The Ohio UTP grant does not require a local match. No new FTEs are required.

Utilizing Ohio UTP resources to support the streetcar is in accordance with the “Connect” goal to “Develop an efficient multi-modal transportation system that supports neighborhood livability,” as described on pages 129 – 138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to utilize the grant resources within the streetcar preventative maintenance schedule and expend resources within the State of Ohio’s FY 2022 budget cycle.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

City of Cincinnati

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An Ordinance No. _____

- 2021

AUTHORIZING the City Manager to accept and appropriate a grant of up to \$29,091 from the Ohio Urban Transit Program awarded by the Ohio Department of Transportation to the Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 for the purpose of providing resources for preventative maintenance on the streetcar system; and **AUTHORIZING** the Director of Finance to deposit the grant resources into Special Revenue Fund 455, "Streetcar Operations."

WHEREAS, on June 23, 2021, Council authorized the City Administration, pursuant to Ordinance 0268-2021, to apply for financial assistance from the Ohio Department of Transportation ("ODOT") for transit purposes under the Ohio Urban Transit Program ("UTP") for state fiscal year 2022; and

WHEREAS, ODOT awarded a grant in an amount up to \$29,091 to the City pursuant to the Ohio UTP to be used for preventative maintenance expenses for the streetcar system; and

WHEREAS, there is no local match required, and no new FTEs are associated with this grant; and

WHEREAS, the City will provide all annual certifications and assurances to the State of Ohio required for the projects pursuant to any grants and to its status as a grantee; and

WHEREAS, utilizing Ohio UTP resources to support the streetcar is in accordance with the "Connect" goal to "develop an efficient multi-modal transportation system that supports neighborhood livability," as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept and appropriate a grant of up to \$29,091 from the Ohio Urban Transit Program awarded by the Ohio Department of Transportation ("ODOT") to the Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 for the purpose of providing resources for preventative maintenance on the streetcar system.

Section 2. That the City Manager is authorized to execute grant and cooperative agreements with ODOT on behalf of the City of Cincinnati.

Section 3. That the Director of Finance is hereby authorized to deposit the grant resources into Special Revenue Fund 455, "Streetcar Operations."

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 hereof.

Section 5. 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 utilize the grant resources within the streetcar preventative maintenance schedule and expend resources within the State of Ohio's FY 2022 budget cycle.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

January 12, 2022

To: Mayor and Members of City Council 202200058

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – DOTE: SORTA Transit Infrastructure Fund Grants**

Attached is an Emergency Ordinance captioned:

ESTABLISHING new special revenue fund, Fund No. 401, “Transit Infrastructure Fund Grants,” for the purpose of receiving and depositing grant resources from the Southwest Ohio Regional Transit Authority (“SORTA”) Transit Infrastructure Fund program to be used for transit related roadway infrastructure improvements in the City of Cincinnati and the repayment of debt service for transit related roadway infrastructure improvements, including the Western Hills Viaduct; **ESTABLISHING** new capital improvement program project account no. 980x233x222388, “Beekman Street Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation, retaining wall rehabilitation, and pedestrian safety on Beekman Avenue from Hopple Street to Elmore Street; **ESTABLISHING** new capital improvement program project account no. 980x233x222389, “Paxton Avenue Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation and intersection improvements on Paxton Avenue from Wasson Road to Marburg Avenue; **ESTABLISHING** new capital improvement program project account no. 980x233x222390, “Warsaw Avenue Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation, restriping, and pedestrian safety on Warsaw Avenue from Glenway Avenue to Grand Avenue; **ESTABLISHING** new capital improvement program project account no. 980x233x222391, “River Road Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation and restriping on River Road from Fairbanks Avenue to Anderson Ferry Road; **ESTABLISHING** new capital improvement program project account no. 980x233x222392, “Western Hills Viaduct Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, the demolition and construction of the Western Hills Viaduct project; **AUTHORIZING** the City Manager to accept and deposit into Fund No. 401, “Transit Infrastructure Fund Grants,” grant resources totaling up to \$205 million from the SORTA Transit Infrastructure Fund program, which will be received over 25 years at a rate of \$8.2 million per year for the Western Hills Viaduct project; **AUTHORIZING** the City

Manager to accept and deposit into Fund No. 401, "Transit Infrastructure Fund Grants," grant resources totaling up to \$7.21 million from the SORTA Transit Infrastructure Fund for various other capital improvement projects; AUTHORIZING the City Manager to transfer and appropriate up to \$15.41 million from the unappropriated surplus of Fund No. 401, "Transit Infrastructure Fund Grants," to newly established capital improvement program project accounts, according to the attached schedule of transfer; and AUTHORIZING the City Manager to enter into any necessary agreements to accept grant resources.

Approval of this Emergency Ordinance does the following:

1. Establishes new special revenue fund, Fund No. 401, "Transit Infrastructure Fund Grants," for the purpose of receiving and depositing grant resources from the Southwest Ohio Regional Transit Authority ("SORTA") Transit Infrastructure Fund program to be used for transit related roadway infrastructure improvements in the City of Cincinnati and the repayment of debt service for transit related roadway infrastructure improvements, including the Western Hills Viaduct;
2. Establishes new capital improvement program project account no. 980x233x222388, "Beekman Street Transit Grant," for the purpose of providing resources for improvements including, but not limited to, street rehabilitation, retaining wall rehabilitation, and pedestrian safety on Beekman Avenue from Hopple Street to Elmore Street;
3. Establishes new capital improvement program project account no. 980x233x222389, "Paxton Avenue Transit Grant," for the purpose of providing resources for improvements including, but not limited to, street rehabilitation and intersection improvements on Paxton Avenue from Wasson Road to Marburg Avenue;
4. Establishes new capital improvement program project account no. 980x233x222390, "Warsaw Avenue Transit Grant," for the purpose of providing resources for improvements including, but not limited to, street rehabilitation, restriping, and pedestrian safety on Warsaw Avenue from Glenway Avenue to Grand Avenue;
5. Establishes new capital improvement program project account no. 980x233x222391, "River Road Transit Grant," for the purpose of providing resources for improvements including, but not limited to, street rehabilitation and restriping on River Road from Fairbanks Avenue to Anderson Ferry Road;
6. Establishes new capital improvement program project account no. 980x233x222392, "Western Hills Viaduct Transit Grant," for the purpose of providing resources for improvements including, but not limited to, the demolition and construction of the Western Hills Viaduct project;
7. Authorizes the City Manager to accept and deposit into Fund No. 401, "Transit Infrastructure Fund Grants," grant resources totaling up to \$205 million from the SORTA Transit Infrastructure Fund program, which will be received over 25 years at a rate of \$8.2 million per year for the Western Hills Viaduct project;

8. Authorizes the City Manager to accept and deposit into Fund No. 401, "Transit Infrastructure Fund Grants," grant resources totaling up to \$7.21 million from the SORTA Transit Infrastructure Fund for various other capital improvement projects;
9. Authorizes the City Manager to transfer and appropriate up to \$15.41 million from the unappropriated surplus of Fund No. 401, "Transit Infrastructure Fund Grants," to newly established capital improvement program project accounts, according to the attached schedule of transfer; and
10. Authorizes the City Manager to enter into any necessary agreements to accept grant resources.

On June 9, 2021, the City Council approved Ordinance No. 0221-2021, which authorized the City Manager to apply for grants awarded by the SORTA Transit Infrastructure Fund for the purpose of ensuring the timely completion of various road and bridge construction projects throughout the City. The Department of Transportation and Engineering (DOTE) was awarded grant resources, and City Council authorization is required to accept grant resources.

Excluding the award for the Western Hills Viaduct, local matching resources totaling \$5.86 million will come from existing and future Street Rehabilitation capital improvement program project accounts, in addition to grant resources provided by the Ohio Department of Transportation Urban Paving Program in an amount of up to \$1.35 million as authorized for River Road, per Ordinance No. 0316-2021. No new FTEs are required.

Utilizing Transit Infrastructure Fund program grant resources resources to support transit related projects is accordance with the "Connect" goal to "develop an efficient multi-modal transportation system that supports neighborhood livability," as described on pages 129-138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept and appropriate grant resources.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

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ESTABLISHING new special revenue fund, Fund No. 401, “Transit Infrastructure Fund Grants,” for the purpose of receiving and depositing grant resources from the Southwest Ohio Regional Transit Authority (“SORTA”) Transit Infrastructure Fund program to be used for transit-related roadway infrastructure improvements in the City of Cincinnati and the repayment of debt service for transit-related roadway infrastructure improvements, including the Western Hills Viaduct; **ESTABLISHING** new capital improvement program project account no. 980x233x222388, “Beekman Street Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation, retaining wall rehabilitation, and pedestrian safety on Beekman Avenue from Hopple Street to Elmore Street; **ESTABLISHING** new capital improvement program project account no. 980x233x222389, “Paxton Avenue Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation and intersection improvements on Paxton Avenue from Wasson Road to Marburg Avenue; **ESTABLISHING** new capital improvement program project account no. 980x233x222390, “Warsaw Avenue Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation, restriping, and pedestrian safety on Warsaw Avenue from Glenway Avenue to Grand Avenue; **ESTABLISHING** new capital improvement program project account no. 980x233x222391, “River Road Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation and restriping on River Road from Fairbanks Avenue to Anderson Ferry Road; **ESTABLISHING** new capital improvement program project account no. 980x233x222392, “Western Hills Viaduct Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, the demolition and construction of the Western Hills Viaduct project; **AUTHORIZING** the City Manager to accept and deposit into Fund No. 401, “Transit Infrastructure Fund Grants,” grant resources totaling up to \$205 million from the SORTA Transit Infrastructure Fund program, which will be received over 25 years at a rate of \$8.2 million per year for the Western Hills Viaduct project; **AUTHORIZING** the City Manager to accept and deposit into Fund No. 401, “Transit Infrastructure Fund Grants,” grant resources totaling up to \$7.21 million from the SORTA Transit Infrastructure Fund for various other capital improvement projects; **AUTHORIZING** the City Manager to transfer and appropriate up to \$15.41 million from the unappropriated surplus of Fund No. 401, “Transit Infrastructure Fund Grants,” to newly established capital improvement program project accounts according to the attached schedule of transfer; **AUTHORIZING** the City Manager to enter into any necessary agreements to accept grant resources.

WHEREAS, a new fund is necessary to provide for the receipt and deposit of grant resources from the Southwest Ohio Regional Transit Authority (“SORTA”) Transit Infrastructure Fund program to be used for transit-related roadway infrastructure improvements in the City of Cincinnati and the repayment of debt service for transit related roadway infrastructure improvements, including the Western Hills Viaduct; and

WHEREAS, on June 9, 2021, Council approved Ordinance No. 0221-2021, which authorized the City Manager to apply for grants awarded by the SORTA Transit Infrastructure Fund for the purpose of ensuring the timely completion of various road and bridge construction projects throughout the City; and

WHEREAS, the Department of Transportation and Engineering (“DOTe”) was awarded the grant; and

WHEREAS, excluding the award for the Western Hills Viaduct, local matching resources totaling \$5.86 million will come from existing and future Street Rehabilitation capital improvement program project accounts, in addition to grant resources provided by the Ohio Department of Transportation Urban Paving Program in an amount of up to \$1.35 million as authorized for River Road, per Ordinance No. 0316-2021; and

WHEREAS, DOTe will be required to provide capital resources for all cost overruns associated with the Western Hills Viaduct project as well as ineligible costs, including expenditures for improvements beyond basic requirements for infrastructure repair and post-construction restoration, with examples including but not limited to: (a) ornamental plants (other than trees) or structures; (b) decorative signs and other decorative items; (c) construction engineering and management; and (d) limited access highways, classified as Class 1 (such as I-275, I-75, I-74 and I-71); and

WHEREAS, there are no new FTE requirements associated with this grant; and

WHEREAS, utilizing Transit Infrastructure Fund program grant resources to support transit-related projects is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That Fund No. 401, “Transit Infrastructure Fund Grants,” is hereby established for the purpose of receiving and depositing grant resources from the Southwest Ohio Regional Transit Authority (“SORTA”) Transit Infrastructure Fund program to be used for transit-related roadway infrastructure improvements in the City of Cincinnati and the repayment of debt service for transit-related roadway infrastructure improvements, including the Western Hills Viaduct.

Section 2. That Council hereby authorizes the establishment of capital improvement program project account no. 980x233x222388, “Beekman Street Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation,

retaining wall rehabilitation, and pedestrian safety on Beekman Avenue from Hopple Street to Elmore Street.

Section 3. That Council hereby authorizes the establishment of capital improvement program project account no. 980x233x222389, “Paxton Avenue Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation and intersection improvements on Paxton Avenue from Wasson Road to Marburg Avenue.

Section 4. That Council hereby authorizes the establishment of capital improvement program project account no. 980x233x222390, “Warsaw Avenue Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation, restriping, and pedestrian safety on Warsaw Avenue from Glenway Avenue to Grand Avenue.

Section 5. That Council hereby authorizes the establishment of capital improvement program project account no. 980x233x222391, “River Road Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, street rehabilitation and restriping from Fairbanks Avenue to Anderson Ferry Road.

Section 6. That Council hereby authorizes the establishment of capital improvement program project account no. 980x233x222392, “Western Hills Viaduct Transit Grant,” for the purpose of providing resources for improvements including, but not limited to, the demolition and construction of the Western Hills Viaduct project.

Section 7. That the City Manager is authorized to accept and deposit into Fund No. 401, “Transit Infrastructure Fund Grants,” grant resources of up to \$205 million from the SORTA Transit Infrastructure Fund, which will be received over 25 years at a rate of \$8.2 million per year for the Western Hills Viaduct project.

Section 8. That the City Manager is authorized to accept and deposit into Fund No. 401, “Transit Infrastructure Fund Grants,” grant resources of up to \$7.21 million from the SORTA Transit Infrastructure Fund for various other capital improvement projects.

Section 9. That the City Manager is authorized to transfer and appropriate up to \$15.41 million from the unappropriated surplus of Fund No. 401, “Transit Infrastructure Fund Grants,” to newly established capital improvement program project accounts, according to the attached schedule of transfer.

Section 10. That the City Manager is authorized to enter into any agreements necessary for the receipt and administration of these grant resources.

Section 11. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 through 10 hereof.

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 the immediate need to accept and appropriate grant resources.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

SCHEDULE OF TRANSFER

Transfer and Appropriation: \$15,410,000.00

**Section A.
Page 1 of 1.**

DEPT. DIVISION	FUND TO BE APPROPRIATED FROM DESCRIPTION	PROJECT TO BE APPROPRIATED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
			PRIOR	REVISED	
Transportation & Engineering Engineering 233	401 Transit Infrastructure Fund Grants	222388 Beekman Street Transit Grant	0.00	1,460,000.00	1,460,000.00
	401 Transit Infrastructure Fund Grants	222389 Paxton Avenue Transit Grant	0.00	900,000.00	900,000.00
	401 Transit Infrastructure Fund Grants	222390 Warsaw Avenue Transit Grant	0.00	2,125,000.00	2,125,000.00
	401 Transit Infrastructure Fund Grants	222391 River Road Transit Grant	0.00	2,725,000.00	2,725,000.00
	401 Transit Infrastructure Fund Grants	222392 Western Hills Viaduct Transit Grant	0.00	8,200,000.00	8,200,000.00

January 12, 2022

To: Mayor and Members of City Council 202200059

From: Paula Boggs Muething, City Manager

**Subject: Emergency Ordinance – Recreation: Reds Community Fund
Baseball Field Maintenance In-Kind Donation**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of third-party ballfield renovation services provided by the Cincinnati Reds Community Fund valued at \$100,000, for the purpose of ballfield renovations at select Cincinnati Recreation Commission locations.

This Emergency Ordinance authorizes the City Manager to accept an in-kind donation of third-party ballfield renovation services provided by the Cincinnati Reds Community Fund (RCF) valued at \$100,000, for the purpose of ballfield renovations at select Cincinnati Recreation Commission (CRC) locations.

CRC and the RCF have been working cooperatively for many years to provide area youth and adult leagues the best baseball/softball experience possible. However, unpredictable Cincinnati weather patterns present challenges for the spring baseball season. This in-kind donation of ballfield renovation services provided by RCF will serve as a pilot program to address winter renovations at CRC heavily used fields. Based on results of this pilot program, CRC may invest in the program utilizing funds within their current capital budget allocations.

A prerequisite of the RCF donation states that former Cincinnati Reds head groundskeeper, Doug Gallant, and Gallant Professional Services shall perform this work because of expertise in this scope of work. There are no new FTEs associated with this donation, nor does the donation require matching funds.

The athletic field improvements are in accordance with the "Live" goal to "build a robust public life" as described on page 149 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept the donation to allow for the renovation work to occur within the winter season.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



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AUTHORIZING the City Manager to accept an in-kind donation of third-party ballfield renovation services provided by the Cincinnati Reds Community Fund valued at \$100,000, for the purpose of ballfield renovations at select Cincinnati Recreation Commission locations.

WHEREAS, Cincinnati Recreation Commission (“CRC”) and the Cincinnati Reds Community Fund (“RCF”) have been working cooperatively for several years to provide area youth and adult leagues the best baseball/softball experience possible; and

WHEREAS, the unpredictable nature of Cincinnati weather causes many fields to become unplayable during the spring baseball season; and

WHEREAS, RCF’s in-kind donation of ballfield maintenance services will serve as a pilot program to address winter renovations for CRC’s heavily used fields, and will enhance the experience of area baseball and softball teams; and

WHEREAS, as a condition for the donation, RCF requires that former Cincinnati Reds head groundskeeper, Doug Gallant, and Gallant Professional Services perform the renovation work due to their expertise with such work; and

WHEREAS, the value of the donation is approximately \$100,000; and

WHEREAS, if successful, CRC may invest in the program utilizing funds within its current capital budget allocations; and

WHEREAS, there are no new FTEs associated with acceptance of this donation; and

WHEREAS, the athletic field improvements are in accordance with the “Live” goal to “[b]uild a robust public life,” as described on page 149 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 hereby authorized to accept an in-kind donation of third-party ballfield renovation services provided by the Cincinnati Reds Community Fund valued at \$100,000, for the purpose of ballfield renovations at select Cincinnati Recreation Commission locations.

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

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 accept the donation to allow for the renovation work to occur within the winter season.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

January 12, 2022

To: Mayor and Members of City Council 202200060
From: Paula Boggs Muething, City Manager
Subject: Emergency Ordinance – Dynegy Greenback Program Rebates

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept a rebate in the amount of up to \$100,000 from Dynegy Energy Services, LLC and deposit it in the General Fund; **AUTHORIZING** the City Manager to accept annual rebates in the amount of up to \$100,000 from Dynegy Energy Services, LLC and deposit them in the General Fund for each fiscal year from FY 2023 through FY 2026; and **AUTHORIZING** the Director of Finance to deposit rebates from Dynegy Energy Services, LLC into General Fund revenue account no. 050x8228.

This Emergency Ordinance authorizes the City Manager to accept a rebate in the amount of up to \$100,000 from Dynegy Energy Services, LLC and deposit it in the General Fund. This Emergency Ordinance also authorizes the City Manager to accept annual rebates in the amount of up to \$100,000 from Dynegy Energy Services, LLC and deposit them in the General Fund for each fiscal year from FY 2023 through FY 2026. Finally, this Emergency Ordinance authorizes the Director of Finance to deposit rebates from Dynegy Energy Services, LLC into General Fund revenue account no. 050x8228.

In 2011, Cincinnati voters approved a ballot initiative to implement an opt-out electric aggregation program that enables the City to negotiate reduce energy rates on behalf of program participants and take advantage of collective purchasing power. The City entered an agreement with Dynegy Energy Services, LLC (“Dynegy”) beginning in May 2021 to administer the electric aggregation program.

The City’s agreement with Dynegy includes the Dynegy Greenback Program, which offers up to \$100,000 in annual rebates for energy efficiency work performed and completed at City services locations each calendar year from 2021 to 2025. City Council authorization is required to accept the rebates.

Acceptance of the rebates requires no matching funds, and there are no FTEs associated with the rebates.

The reason for the emergency is the immediate need to accept and deposit the first Dynegy Greenback Program rebate as soon as possible.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

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- 2022

AUTHORIZING the City Manager to accept a rebate in the amount of up to \$100,000 from Dynegy Energy Services, LLC and deposit it in the General Fund; **AUTHORIZING** the City Manager to accept annual rebates in the amount of up to \$100,000 from Dynegy Energy Services, LLC and deposit them in the General Fund for each fiscal year from FY 2023 through FY 2026; and **AUTHORIZING** the Director of Finance to deposit rebates from Dynegy Energy Services, LLC into General Fund revenue account no. 050x8228.

WHEREAS, in 2011 Cincinnati voters approved a ballot initiative to implement an opt-out electric aggregation program that enables the City to negotiate reduced energy rates on behalf of program participants and take advantage of collective purchasing power; and

WHEREAS, the City entered into an agreement with Dynegy Energy Services, LLC (“Dynegy”) beginning in May 2021 to administer the electric aggregation program; and

WHEREAS, the City’s agreement with Dynegy includes the Dynegy Greenback Program, which offers up to \$100,000 in annual rebates for energy efficiency work performed and completed at City services locations each calendar year from 2021 to 2025; and

WHEREAS, due to the City’s fiscal year beginning in July and ending in June, the intent is for the calendar year rebates to be accepted in the City’s fiscal year containing the latter 6 months of the calendar year, so for example, the calendar year 2021 rebate acceptance is intended to occur in the City’s Fiscal Year 2022, which ends on June 30, 2022; and

WHEREAS, acceptance of the rebates requires no matching funds, and there are no FTEs associated with the rebates; now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept a rebate in the amount of up to \$100,000 for calendar year 2021 from Dynegy Energy Services, LLC and deposit it in the General Fund in Fiscal Year 2022.

Section 2. That the City Manager is hereby authorized to accept annual rebates in the amount of up to \$100,000 from Dynegy Energy Services, LLC and deposit them in the General Fund in each fiscal year from Fiscal Year 2023 through Fiscal Year 2026.

Section 3. That the Director of Finance is authorized to deposit rebates from Dynegy Energy Services, LLC into General Fund revenue account no. 050x8228.

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

Section 5. 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 accept and deposit the first Dynegy Greenback Program rebate as soon as possible.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk