



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, May 5, 2021

2:00 PM

Council Chambers, Room 300

REVISED

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MAYOR CRANLEY

- [202002310](#) **STATEMENT, (DECLARATION OF EMERGENCY)** submitted by Mayor John Cranley, City Manager Paula Boggs Muething, and Commissioner Melba Moore, In response to the public danger arising from verified cases of contagion of SARS-CoV-2 and the COVID-19 pandemic, and based in part upon the declaration of a statewide emergency in Ohio by Governor DeWine, I declared a public emergency pursuant to Article III of the Cincinnati Charter and Article XVIII of the Administrative Code of the City of Cincinnati in March 2020. The March 2020 Declaration of Emergency was followed by emergency orders addressing public health concerns and related City operational needs that have arisen during the COVID-19 pandemic. After declaring a state of emergency and instituting severe measures to “flatten the curve” - including a broad stay-at-home order - rates of infection dropped. The State of Ohio began to reopen Ohio’s economy, sector by sector, in accordance with good hygiene and social distancing measures. In consultation with the City Manager and the Health Commissioner, I replaced the March 2020 declaration with a new Emergency Declaration that was consistent with the State’s reopening efforts. The June 2020 order was tailored to the State’s reopening phase of the pandemic response. Rates remained steady for much of the summer due to the diligence of our citizens and business in wearing masks and engaging in social distancing; we were optimistic that as a City we might have turned the corner on the pandemic. With the advent of cooler weather, the City of Cincinnati, the State of Ohio, and the country are all experiencing a new, pervasive, and more dangerous wave of the COVID-19 pandemic. The State of Ohio is breaking contagion records from the spring and summer on an almost daily basis, and the resulting cases threaten to overwhelm the health care system if not abated. Multiple states have issued new lockdown orders, and Governor DeWine has warned that extreme measures will be required in Ohio if the State doesn’t change its trajectory for the better. This rapidly worsening COVID-19 wave requires a new mayoral declaration of emergency to allow for a rapid response to increasing cases as the holidays and winter conditions will again test the City’s economic, social, and public health systems. By this Declaration the Mayor, in consultation with the City Manager and the Health

Commissioner, declares a public danger and emergency under Article III of the Cincinnati Charter and Article XVIII of the Administrative Code. In so doing, the Mayor has emergency authority to take such steps as may be necessary to help slow the spread of the COVID-19 pandemic in the City and to assist with the rapid delivery of vaccines that may become available in the coming months. This declaration is consistent with the statewide health emergency declared by Governor DeWine, the issuance of Ohio Department of Health's compulsory health orders and related guidelines, and the fundamental need to protect vulnerable populations during this pandemic. This Order supersedes the continuing June 29, 2020 emergency declaration as to any conflicts. All emergency orders issued under the June 29 declaration are hereby reissued. This declaration and related emergency orders shall continue in effect in accordance with the terms of Article XVIII of the Administrative Code. This amended and revised declaration shall be issued to the news media for the widest possible dissemination to the citizens of Cincinnati. DECLARED this 16th day of November 2020.

Recommendation CONSENT & FILE

Sponsors: Mayor and City Manager

MR. SEELBACH

2. [202101559](#) **RESOLUTION**, submitted by Councilmember Seelbach, from Andrew W. Garth, City Solicitor, **RECOGNIZING** and declaring the week of MAY 3 THROUGH May 9, 2021 as "Small Business Week" in Cincinnati and encouraging its observance by all citizens by supporting local small businesses during this week and throughout the year.

Recommendation PASS

Sponsors: Seelbach

3. [202101645](#) **RESOLUTION**, submitted by Councilmember Seelbach from Andrew W. Garth, City Solicitor, **RECOGNIZING** and honoring Paul Gallagher for his service to the City of Cincinnati and his contributions to the Cincinnati Parks for the beautification of Cincinnati.

Recommendation PASS

Sponsors: Seelbach

MR. YOUNG

4. [202101580](#) **MOTION**, submitted by Councilmember Young, **WE MOVE** for City Council to grant \$100,000 to the Cincinnati Music Festival for its virtual event in 2021 from the American Rescue Plan Act funding. **WE FURTHER MOVE** that City Council grant \$250,000 to the Cincinnati Music Festival for its 2022 live event from the American Rescue Plan Act funding. (STATEMENT ATTACHED)

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Young

CITY MANAGER

5. [202101523](#) **REPORT**, dated 5/5/2021, submitted by Paula Boggs Muething, City Manager, regarding MARIJUANA-ONLY WARNINGS/CITATIONS/ARRESTS

MONTHLY REPORT, MARCH 2021.

Recommendation LAW AND PUBLIC SAFETY COMMITTEE**Sponsors:** City Manager

6. [202101581](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 5/5/2021, **MODIFYING** the salary range schedule for the classification of Water Works Construction Inspector by repealing existing Section 463, Division I, of Chapter 307 of the Cincinnati Municipal Code in order to ensure that the new salary range is consistent with the level of responsibility and competitive with similar positions across internal and external job markets.

Recommendation MAJOR PROJECTS & SMART GOVERNMENT COMMITTEE**Sponsors:** City Manager

7. [202101590](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 5/5/2021, **AUTHORIZING** the City Manager to accept with gratitude an in-kind donation from FC Cincinnati Soccer Club of the construction of a mini-pitch soccer facility at the North Avondale Recreation valued at approximately \$85,000 to enhance soccer-related programming.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

8. [202101591](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 4/5/2021, **AUTHORIZING** payments totaling \$11,539.85 from various Recreation Department non-personnel operating budget accounts as detailed on the attached schedule, as moral obligations to Spectrum Cable for Cincinnati Recreation Commission purchase card transactions for fees owed for cable and wifi services and to the Cincinnati Bengals for the purchase of tickets for program participants, the cost of which was subsequently reimbursed by the Cincinnati Bengals.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

9. [202101592](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 5/5/2021, **AUTHORIZING** the transfer of the sum of \$8,362,331 within the Restricted Funds from and to various operating accounts and **AUTHORIZING** the transfer and appropriation of \$1,181,726 from the unappropriated surplus of the respective Restricted Funds to various operating accounts for the purpose of realigning and providing funds for the ongoing needs of City departments in accordance with the attached Schedules of Transfer.

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

10. [202101595](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 5/5/2021, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$171,325 from the United States Department of Homeland Security, Federal Emergency Management Agency for a grant from the FY 2021 FEMA Port Security Grant Program (CFDA 97.056), for the purpose of funding three separate equipment needs,

including Marine Rescue/Dive Team equipment and support and maintenance of the Ohio River Port Security Camera Network for the Cincinnati Police Department, and dry decon kits, a weighted rescue dummy, and ice suits for the Cincinnati Fire Department.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

11. [202101599](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 5/5/2021, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a Local Food Promotion Program (CFDA #10.177) grant in the amount of \$16,080 from the Regional Food System Partnerships ("RFSP"), which RFSP grant will be provided to Green Umbrella with the City as a subrecipient of the grant for the purpose of funding the building of a regional food system that serves all residents of Greater Cincinnati; and **AUTHORIZING** the Finance Director to deposit the grant funds into Public Health Research Fund 350.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

12. [202101600](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 5/5/2021, **AUTHORIZING** the transfer of the sum of \$18,919,722 within the General Fund, from and to various operating accounts of the General Fund according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

13. [202101615](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 5/5/2021, **AUTHORIZING** the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the implementation of various signage upgrades in the vicinity of Beechmont Circle in the Linwood neighborhood in the City of Cincinnati in connection with the Ohio Department of Transportation's project known as HAM-Eastern Corridor TSG.

Recommendation MAJOR PROJECTS & SMART GOVERNMENT COMMITTEE

Sponsors: City Manager

BUDGET AND FINANCE COMMITTEE

14. [202100679](#) **REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding City Paid-Leave Program for Live Organ and Bone Marrow Donors. (SEE REFERENCE DOCUMENT #202000807)

Recommendation APPROVE & FILE

Sponsors: City Manager

15. [202101521](#) **REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding Department of Finance Report for the Month Ended March 31, 2021

Recommendation APPROVE & FILE

Sponsors: City Manager

16. [202101579](#) **REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding Issue 3 Impact on the Cincinnati Retirement System (CRS). (SEE REFERENCE DOCUMENT #202101491)
Recommendation APPROVE & FILE
Sponsors: City Manager
17. [202101601](#) **REPORT**, dated 5/3/2021, submitted by Paula Boggs Muething, City Manager, regarding Report - Work from Home Impact on Earnings Tax. (SEE REFERENCE DOCUMENT #202101152)
Recommendation APPROVE & FILE
Sponsors: City Manager
18. [202101567](#) **MOTION**, submitted by Councilmember Mann and Kearney, **I MOVE** that the City Administration move expeditiously with payment/reimbursement of the Human Services agencies under contract with the City.
Recommendation ADOPT
Sponsors: Mann and Kearney
19. [202101461](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor John Cranley from Andrew W. Garth, City Solicitor, **AUTHORIZING** the establishment of American Rescue Plan grant project account no. 469x101xARP004, "Performing Arts Support Grants," for the purpose of providing for a grant program to support various performing arts groups, including theaters and musical organizations, and which grants will also provide for public performances around the City; and **AUTHORIZING** the appropriation of the sum of \$7,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP004, "Performing Arts Support Grants," for the purpose of providing for a grant program to support various performing arts groups, including theaters and musical organizations, and which grants will also provide for public performances around the City.
Recommendation PASS EMERGENCY
Sponsors: Mayor
20. [202101463](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor John Cranley from Andrew W. Garth, City Solicitor, **AUTHORIZING** the establishment of American Rescue Plan grant project account no. 469x101xARP002, "Restaurant Grants Phase II," for the purpose of providing resources for a local economic stimulus plan to support dining and drinking establishments; and **AUTHORIZING** the appropriation of the sum of \$4,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP002, "Restaurant Grants Phase II," to provide resources for a local economic stimulus plan to support dining and drinking establishments.
Recommendation PASS EMERGENCY
Sponsors: Mayor
21. [202101465](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor John Cranley from Andrew W. Garth, City Solicitor, **AUTHORIZING** the establishment of American Rescue Plan grant project account no. 469x232xARP001, "Outdoor Dining &

Pedestrian Safety Improvements,” for the purpose of providing resources for the design and construction of right-of-way improvements including, but not limited to, sidewalks, streets, and parklets, that facilitate outdoor dining and enhance pedestrian safety in the urban core; AUTHORIZING the appropriation of the sum of \$2,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x232xARP001, “Outdoor Dining & Pedestrian Safety Improvements,” to provide resources for the design and construction of right-of-way improvements including, but not limited to, sidewalks, streets and parklets, that facilitate outdoor dining and enhance pedestrian safety in the urban core; and further DECLARING that the “Outdoor Dining & Pedestrian Safety Improvements” capital improvement program project serves a public purpose as it will foster local improvements and investment, increase neighborhood vitality, and have an estimated life or period of usefulness of five years or more.

Recommendation PASS EMERGENCY

Sponsors: Mayor

22. [202101536](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 4/28/2021, **AUTHORIZING** the City Manager to execute a *Grant of Encroachment Easement* in favor of Vision Cincinnati, LLC, pursuant to which the City of Cincinnati will grant an encroachment easement to permit existing basement space to encroach upon the Seventh and Race Streets public rights-of-way in the Central Business District.

Recommendation PASS

Sponsors: City Manager

23. [202101539](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 4/28/2021, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant up to the amount of \$4,010 from the American Association for Retired Persons (“AARP”) and FitLot, Inc. for the purpose of funding and promoting AARP-sponsored outdoor fitness park programming; and AUTHORIZING the Finance Director to deposit the grant funds into Recreation Special Activities Fund 323, Revenue Account No. 323x8571.

Recommendation PASS

Sponsors: City Manager

24. [202101586](#) **ORDINANCE (EMERGENCY)**, dated 04/29/2021, submitted by Mayor John Cranley, from Andrew W. Garth, City Solicitor, **AUTHORIZING** the establishment of American Rescue Plan grant project account no. 469x101xARP015, “minority Business Accelerator/Ascend,” for the purpose of providing funds for Ascent*Cincy, a partnership among the City, the Urban League, the Greater Cincinnati African American Chamber of Commerce, and the Minority Business Accelerator, to provide staffing, accounting, human resources, financial coaching, and other assistance to Black-owned businesses; AUTHORIZING the appropriation of the sum of \$2,500,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP015, “Minority Business Accelerator/Ascend,” for the purpose of providing funds for Ascent*Cincy, a partnership among the City, Urban

League, the Greater Cincinnati African American Chamber of Commerce, and the Minority Business Accelerator, to provide staffing, accounting, human resources, financial coaching and other assistance to Black-owned businesses; and DECLARING expenditures from American Rescue Plan grant project account no. 469x101xARP018, "Minority Business Accelerator/Ascend," to be for a public purpose.

Recommendation PASS EMERGENCY

Sponsors: Cranley

25. [202101587](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 5/3/2021, **AUTHORIZING** the establishment of American Rescue Plan grant project account no. 469x101xARP050, "FY 2021 COVID Expenses" for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related personnel expenses incurred by the Cincinnati Fire Department during FY 2021; **AUTHORIZING** the appropriation of the sum of \$18,700,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP050, "FY 2021 COVID Expenses" for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related personnel expenses incurred by the Cincinnati Fire Department during FY 2021; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP050, "FY 2021 COVID Expenses," to be for a public purpose.

Recommendation PASS EMERGENCY

Sponsors: City Manager

26. [202101588](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 5/3/2021, **AUTHORIZING** the establishment of American Rescue Plan grant project account no. 469x101xARP051, "FY 2022 COVID Expenses," for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related expenses incurred by the various departments during FY 2021 and FY 2022; **AUTHORIZING** the appropriation of the sum of \$67,500,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP051, "FY 2022 COVID Expenses," for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related expenses incurred by the various departments during FY 2021 and FY 2022; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP051, "FY 2022 COVID Expenses," to be for a public purpose.

Recommendation PASS EMERGENCY

Sponsors: City Manager

27. [202101606](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 5/3/2021, **ESTABLISHING** new Home Investment Trust Fund 411 project account no. 411x162x4112131, "HOME-American Rescue Plan (HOME-ARP)"; and further **AUTHORIZING** the City Manager to accept and appropriate the sum of \$9,923,076, to be received pursuant to an additional award from the U.S. Department of Housing and Urban Development under the HOME Investment Partnerships Program in order to help create housing and services for people experiencing or at risk of experiencing homelessness,

to the newly-created Home Investment Trust Fund 411 project account no. 411x162x4112131, "HOME-American Rescue Plan (HOME-ARP)."

Recommendation PASS EMERGENCY

Sponsors: City Manager

28. [202101607](#)

ORDINANCE (EMERGENCY), dated 04/29/2021, submitted by Mayor John Cranley, from Andrew W. Garth, City Solicitor, **AUTHORIZING** the establishment of American Rescue Plan grant project account no. 469x101xARP025, "Social Services Operational Grants," for the purpose of providing grant funds to human service and violence prevention funding recipients under the City's FY 202 budget; **AUTHORIZING** the appropriation of the sum of \$2,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to the newly established American Rescue Plan grant project account no. 469x101xARP025, "Social Services Operational Grants," for the purpose of providing grant funds to human service and violence prevention funding recipients under the City's FY 202 budget; and further **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP025, "Social Services Operational Grants," to be for a public purpose.

Recommendation

PASS EMERGENCY

Sponsors: Cranley

29. [202101617](#)

ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 5/3/2021, **AUTHORIZING** the establishment of American Rescue Plan grant project account no. 469x101xARP052, "FY 2021 Restricted Funds Revenue Replacement," for the purpose of providing fiscal stability funds to reimburse various Restricted Funds for lost revenue due to the COVID-19 pandemic; **AUTHORIZING** the appropriation of the sum of \$20,600,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP052, "FY 2021 Restricted Funds Revenue Replacement," for the purpose of providing fiscal stability funds to reimburse various Restricted Funds for lost revenue due to the COVID-19 pandemic according to the attached schedule; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP052, "FY 2021 Restricted Funds Revenue Replacement," to be for a public purpose.

Recommendation PASS EMERGENCY

Sponsors: City Manager

30. [202101594](#)

ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, City Manager, on 5/3/2021, **AUTHORIZING** the City Manager to accept an American Rescue Plan Funding for Health Centers ("H8F") grant in the amount up to \$9,975,375 from the United States Department of the Treasury as part of the American Rescue Plan Act for the purpose of supporting health centers funded under the Health Center Program to prevent, mitigate, and respond to the Coronavirus Disease 2019 ("COVID-19") and to enhance health care services and infrastructure; **AUTHORIZING** the Finance Director to deposit the funds in Fund 469, "Local Fiscal Recovery," revenue account no. 469x8543; **AUTHORIZING** the establishment of H8F grant project account no.

469x101xARP100, "Funding for Health Centers," for the purpose of supporting health centers funded under the Health Center Program to prevent, mitigate, and respond to COVID-19 and to enhance health care services and infrastructure; AUTHORIZING the appropriation of the sum of \$9,975,375 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established H8F grant project account no. 469x101xARP100, "Funding for Health Centers," for the purpose of providing support for the Cincinnati Health Department in providing equitable access to COVID-19 vaccinations, testing, and treatment as well as other current and anticipated COVID-19 and primary health care needs within the most vulnerable communities; and further DECLARING expenditures from American Rescue Plan grant project account no. 469x101xARP100, "Funding for Health Centers," to be for a public purpose.

Recommendation PASS EMERGENCY

Sponsors: City Manager

ANNOUNCEMENTS

Adjournment



202002310

Office of Mayor John Cranley

801 Plum Street, Suite 150
Cincinnati, Ohio 45202
Phone (513) 352-3250
Fax (513) 352-5201
Email: John.Cranley@cincinnati-oh.gov

DECLARATION OF EMERGENCY

In response to the public danger arising from verified cases of contagion of SARS-CoV-2 and the COVID-19 pandemic, and based in part upon the declaration of a statewide emergency in Ohio by Governor DeWine, I declared a public emergency pursuant to Article III of the Cincinnati Charter and Article XVIII of the Administrative Code of the City of Cincinnati in March 2020. The March 2020 Declaration of Emergency was followed by emergency orders addressing public health concerns and related City operational needs that have arisen during the COVID-19 pandemic.

After declaring a state of emergency and instituting severe measures to “flatten the curve” – including a broad stay-at-home order – rates of infection dropped. The State of Ohio began to reopen Ohio’s economy, sector by sector, in accordance with good hygiene and social distancing measures. In consultation with the City Manager and the Health Commissioner, I replaced the March 2020 declaration with a new Emergency Declaration that was consistent with the State’s reopening efforts. The June 2020 order was tailored to the State’s reopening phase of the pandemic response. Rates remained steady for much of the summer due to the diligence of our citizens and businesses in wearing masks and engaging in social distancing; we were optimistic that as a City we might have turned the corner on the pandemic.


With the advent of cooler weather, the City of Cincinnati, the State of Ohio, and the country are all experiencing a new, pervasive, and more dangerous wave of the COVID-19 pandemic. The State of Ohio is breaking contagion records from the spring and summer on an almost daily basis, and the resulting cases threaten to overwhelm the health care system if not abated. Multiple states have issued new lockdown orders, and Governor DeWine has warned that extreme measures will be required in Ohio if the State doesn’t change its trajectory for the better. This rapidly worsening

COVID-19 wave requires a new mayoral declaration of emergency to allow for a rapid response to increasing cases as the holidays and winter conditions will again test the City's economic, social, and public health systems.

By this Declaration the Mayor, in consultation with the City Manager and the Health Commissioner, declares a public danger and emergency under Article III of the Cincinnati Charter and Article XVIII of the Administrative Code. In so doing, the Mayor has emergency authority to take such steps as may be necessary to help slow the spread of the COVID-19 pandemic in the City and to assist with the rapid delivery of vaccines that may become available in the coming months. This declaration is consistent with the statewide health emergency declared by Governor DeWine, the issuance of Ohio Department of Health's compulsory health orders and related guidelines, and the fundamental need to protect vulnerable populations during this pandemic.

This Order supersedes the continuing June 29, 2020 emergency declaration as to any conflicts. All emergency orders issued under the June 29 declaration are hereby reissued. This declaration and related emergency orders shall continue in effect in accordance with the terms of Article XVIII of the Administrative Code. This amended and revised declaration shall be issued to the news media for the widest possible dissemination to the citizens of Cincinnati.

DECLARED this 16 th day of November, 2020.

BY: 
John Cranley, Mayor

City of Cincinnati

DATE: 11/16/2020

BY: 
Paula Boggs Muething, City Manager

City of Cincinnati

DATE: 11/16/2020

BY: 
Melba Moore, Health Commissioner

City of Cincinnati

DATE: 11/16/2020

202101559

Date: April 20, 2021

To: Councilmember Chris Seelbach
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Resolution – Small Business Week**

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING and declaring the week of May 3 through May 9, 2021 as “Small Business Week” in Cincinnati and encouraging its observance by all citizens by supporting local small businesses during this week and throughout the year.

AWG/CFG/(lnk)
Attachment
336436

PPZ101808

1995-01-14

1995-01-14

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1995-01-14

1995-01-14

1995-01-14

1995-01-14

RESOLUTION NO. _____ -2021

RECOGNIZING and declaring the week of May 3 through May 9, 2021 as “Small Business Week” in Cincinnati and encouraging its observance by all citizens by supporting local small businesses during this week and throughout the year.

WHEREAS, this nation’s thirty million small businesses create nearly two of every three jobs in the United States’ economy; and

WHEREAS, small businesses comprise 67% of Greater Cincinnati businesses, and Cincinnati ranks 46th among the 50 largest metropolitan areas with respect to small business dominance, according to the Cincinnati Business Courier; and

WHEREAS, as reported by Civic Economics, shopping at local businesses keeps more dollars in the community, as \$68 of every \$100 spent at a local business remains in the community, in comparison to \$43 of every \$100 spent at national chains; and

WHEREAS, small businesses support the City of Cincinnati’s local economy, employ local residents, encourage youth entrepreneurship, engage in philanthropic and civic campaigns, and contribute to the vibrancy of Cincinnati’s neighborhoods and business districts; and

WHEREAS, small businesses comprise 99.9% of the over 1.1 million women-owned businesses with employees in the United States, with an increase of 114% in the number of female entrepreneurs in the past twenty years, generating \$1.9 trillion in revenue for this nation’s economy, according to the federal Small Business Administration; and

WHEREAS, small businesses make up 99.9% of the nearly 1.1 million minority-owned businesses with employees in the United States, employing over eight million Americans with a total payroll of over \$280 billion, according to the federal Small Business Administration; and

WHEREAS, according to the University of Cincinnati Economics Center, Black-owned businesses in the Cincinnati regional economy generate \$1.44 billion in revenue and are responsible for employing 8,680 people; and

WHEREAS, shopping at a local small business in a walkable neighborhood business district can be better for the environment by reducing emissions from transportation; and

WHEREAS, the City of Cincinnati honors and celebrates the entrepreneurial spirit that makes our community great and reaffirms our commitment to helping small businesses thrive and prosper; now, therefore,

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

Section 1. That the Mayor and Cincinnati City Council recognize and declare the week of May 3 through May 9, 2021 as "Small Business Week" in Cincinnati and encourage its observance by all citizens by supporting local small businesses during this week and throughout the year.

Section 2. That a copy of this resolution be spread upon the minutes of Council.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Submitted by Councilmember Seelbach

Date: April 29, 2021

To: Councilmember Chris Seelbach
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Resolution – Paul Gallagher Cincinnati Parks Contributions**

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING and honoring Paul Gallagher for his service to the City of Cincinnati and his contributions to the Cincinnati Parks for the beautification of Cincinnati.

AWG/LES/(lnk)
Attachment
337089

AWB

RESOLUTION NO. _____ - 2021

RECOGNIZING and honoring Paul Gallagher for his service to the City of Cincinnati and his contributions to the Cincinnati Parks for the beautification of Cincinnati.

WHEREAS, Paul Gallagher moved to Klotter Avenue in Cincinnati's Clifton Heights, University Heights, and Fairview ("CUF") community in 1971; and

WHEREAS, Mr. Gallagher became interested in expanding the urban tree canopy as an attempt to reduce the heat coming into his home from the sun on the mostly treeless street; and

WHEREAS, in 1975, Mr. Gallagher and two neighbors made their first attempt at planting trees along two blocks of Klotter Avenue; and

WHEREAS, after the initial trees died one month later, Mr. Gallagher replanted each new tree; and

WHEREAS, over the last four decades Mr. Gallagher has planted more than 1000 trees across Cincinnati neighborhoods, working with the Parks Department, residents, and landlords to bring new trees to city streets; and

WHEREAS, Mr. Gallagher's infectious love of trees brought others such as neighbors, rental property owners, and the Little Sisters of the Poor Church together to contribute their time and talents in care of CUF's trees and community; and

WHEREAS, Mr. Gallagher purchased a 125 gallon water tank in order to water newly planted trees during the summer; and

WHEREAS, Mr. Gallagher uses his own truck to pick up, deliver, and plant trees; and

WHEREAS, in 1992, Mr. Gallagher was one of two recipients of the National Arbor Day Foundation Lawrence Enerson Award, recognizing outstanding individuals who have made a positive impact on the environment through a lifelong commitment to tree planting and conservation at a community level; and

WHEREAS, Mr. Gallagher retired from the Cincinnati Fire Department as a Captain in 1986 after 33 years of service and has served on the Urban Forestry Advisory Board since 1999; and

WHEREAS, today, at 94 years of age, Mr. Gallagher is still personally planting trees in Cincinnati neighborhoods to the benefit of all citizens; and

WHEREAS, the immeasurable impact Mr. Gallagher has, and continues to make, in our City is felt in cooler and more attractive streets across our City, by capturing carbon dioxide, providing shade, and improving the livability of the City of Cincinnati for all people; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize Paul Gallagher for his service to the City of Cincinnati and contributions to the Cincinnati Parks for the beautification of Cincinnati.

Section 2. That a copy of this resolution be spread upon the minutes of Council and that a copy be provided to Paul Gallagher through the office of Councilmember Chris Seelbach.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Submitted by Councilmember Chris Seelbach

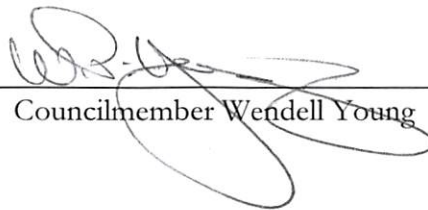


April 29, 2021

MOTION

WE MOVE for City Council to grant \$100,000 to the Cincinnati Music Festival for its virtual event in 2021 from the American Rescue Plan Act funding.

We FURTHER MOVE that City Council grant \$250,000 to the Cincinnati Music Festival for its 2022 live event from the American Rescue Plan Act funding.



Councilmember Wendell Young

_____	_____
_____	_____
_____	_____
_____	_____

STATEMENT

The Cincinnati Music Festival is one of the longest running in the nation, and one of the largest. In 2019, total attendance at the three-day festival surpassed 70,000. That year, the University of Cincinnati Economics Center studied the effect of the Cincinnati Music Festival on Cincinnati's economy and found that the economic impact of the weekend was more than \$107 million. Cincinnati's tourism industry, including hotels, restaurants, and retailers, as well as small businesses and Cincinnati's budget reaped huge rewards from the Cincinnati Music Festival. Due to the COVID pandemic, the Cincinnati Music Festival had to be cancelled in July 2020 and again in July 2021. We must support this institutional tradition in our City that has brought tremendous benefits to our city.

May 5, 2021

To: Mayor and Members of City Council

202101523

From: Paula Boggs Muething, City Manager

Subject: Marijuana-Only Warnings/Citations/Arrests Monthly Report, March 2021

REFERENCE DOCUMENT #201901197

On August 7, 2019 the following item was referred for a report:

MOTION, submitted Vice Mayor Smitherman and Councilmembers Landsman and Sittenfeld and Pastor WE MOVE that the administration provide a monthly report to the Law and Public Safety Committee on the number of marijuana-only warnings/citations/arrests the Cincinnati Police Department has made by age, race, and neighborhood under City and state law. The report should include only warnings/citations/arrests for individuals with 100 grams or less of marijuana. The date to begin tracking the Marijuana violations is July 12, 2019 when the new marijuana city ordinance became law. (Statement Attached) (BALANCE OF MOTION ON FILE IN CLERK'S OFFICE)

Response

Attached is a report which breaks down the number of 910-23 warning violations issued by Cincinnati Police Officers during the month of March 2021. A total of 175 warnings were issued within the five districts and Central Business Section respectively. The race and age range of those receiving warnings is also broken down.

Attachment- 910-23 Monthly Warnings

CC: Colonel Eliot K. Isaac, Police Chief

March 2021, CMC 910-23; Marijuana Ordinance Violations

	<u>AGE BREAKDOWN</u>					<u>RACE BREAKDOWN</u>			
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>		<u>B</u>	<u>W</u>	<u>O</u>	
<u>District</u>	<u>18-25</u>	<u>26-35</u>	<u>36-45</u>	<u>46+</u>	<u>Totals per District:</u>	<u>Black</u>	<u>White</u>	<u>Other</u>	<u>Totals by Race:</u>
CBS	0	2	2	0	4	4	0	0	4
Dst. 1	13	14	7	1	35	35	0	0	35
Dst. 2	0	0	1	0	1	1	0	0	1
Dst. 3	14	19	5	6	44	42	2	0	44
Dst. 4	19	31	9	3	62	60	1	1	62
Dst. 5	12	14	1	2	29	29	0	0	29
All	58	80	25	12	175	171	3	0	



City of Cincinnati

May 5, 2021

To: Mayor and Members of City Council

202101581

From: Paula Boggs Muething, City Manager


Subject: Emergency Ordinance – Modifying the salary range for the classification of Water Works Construction Inspector (**B Version**)

Attached is an Emergency ordinance captioned:

MODIFYING the salary range schedule for the classification of Water Works Construction Inspector by repealing existing Section 463, Division I, of Chapter 307 of the Cincinnati Municipal Code in order to ensure that the new salary range is consistent with the level of responsibility and competitive with similar positions across internal and external job markets.

This modification, at the request of the GCWW, addresses concerns of inequity raised by employees within the Water Works Construction Inspector classification. GCWW and HR conducted a market analysis to assess the compensation range against industry trends and the research confirmed that the salary range for this classification is below market and requires amendment based on the level of responsibility, liability, and the scope of the work performed by the classification.

The Administration recommends approval of this Emergency Ordinance.

cc: William M. Brown, Human Resources Director 
Cathy Bailey, Greater Cincinnati Water Works Director

EMERGENCY

City of Cincinnati

KKF/B

AWB

An Ordinance No. _____

-2021

MODIFYING the salary range schedule for the classification of Water Works Construction Inspector by amending existing Section 463, Division I, of Chapter 307 of the Cincinnati Municipal Code in order to ensure that the new salary range is consistent with the level of responsibility of this position and competitive with similar positions across internal and external job markets.

WHEREAS, the Greater Cincinnati Water Works (“GCWW”) and Human Resources Department are recommending a modification to the current salary for the classification of Water Works Construction Inspector to ensure that the new salary range is consistent with the level of responsibility of this position and competitive with similar positions across internal and external job markets; and

WHEREAS, GCWW and the City’s Department of Human Resources was approached by employees with concerns of wage inequity based on a comparison to like classifications in comparable external governmental water and wastewater utilities; and

WHEREAS, GCWW and the City's Department of Human Resources conducted a market analysis to further assess the compensation range against industry trends, and the research confirmed that the maximum salary range for this classification is below market and requires amendment based on the level of responsibility, liability, and scope of work performed by the classification; and

WHEREAS, the Department of Human Resources has done due diligence to ensure that the new salary range is consistent with the scope of services and the level of responsibility of the position of Water Works Construction Inspector, with factors considered throughout the evaluation process including liability, scope of responsibility, judgment and independent action, and accountability; now, therefore,

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

Section 1. That Section 463 of Division 1, Chapter 307 of the Cincinnati Municipal Code is hereby amended as shown below:

Classification	Minimum Annual	Maximum Annual
Water Works Construction Inspector	57,626.85	64,612.94 <u>65,617.40</u>

Step 1 (Hourly)	27.705217
Step 2 (Hourly)	28.809337
Step 3 (Hourly)	29.931034
Step 4 (Hourly)	31.063914 <u>31.546826</u>

Section 2. That existing Section 463, Division 1, of Chapter 307 of the Cincinnati Municipal Code is hereby repealed.

Section 3. That the proper City officials are thereby authorized to do all things necessary 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 adjust the salary range of the classification to ensure that the new salary range is consistent with the level of responsibility of this position and competitive with similar positions across internal and external job markets.

Passed: _____, 2021


John Cranley, Mayor

Attest: _____
Clerk

New language is underscored. Deleted language is struck through.

March 17, 2021

To: William Brown, Human Resources Director, Human Resources Department
Latisha Hazell, Division Manager, Human Resources Dept., Workforce Management

From: Cathy B. Bailey, Executive Director, Greater Cincinnati Water Works 

CC: Sheryl Long, Assistant City Manager
Chris Bigham, Assistant City Manager
Verna Arnette, Deputy Director of Operations, Greater Cincinnati Water Works
Andy Orth, Engineering Division Superintendent, Greater Cincinnati Water Works

Subject: Salary Analysis – Water Works Construction Inspector

Executive Summary

Greater Cincinnati Water Works (GCWW) recognizes a current salary inequity for the Water Works Construction Inspector position. GCWW HR staff has completed a salary analysis and now provides information for consideration of changing the compensation range for this position. GCWW recommends and asks for approval to seek a new compensation range for the Water Works Construction Inspector position. GCWW completed a salary analysis that is now being revised. GCWW is requesting and seeking approval for the maximum annual salary to be increased to \$67,328.26 for the Water Works Construction Inspector position.

Background

The Water Works Construction Inspector position is a critical position for Greater Cincinnati Water Works (GCWW). Water Works Construction Inspectors are responsible for the oversight, inspection, and quality control for construction activities at various locations throughout the Cincinnati Water Works and Stormwater Systems. They ensure adherence to the legal standards and specifications for water and stormwater construction activities by contractors and others involved in Water and stormwater construction. The employees are entrusted with working independently with minimal supervision.

GCWW currently has twenty-six Water Works Construction Inspector positions with the Engineering Section and nine within Stormwater Management.

GCWW conducted a salary inequity study for the Water Works Construction Inspector at the request of the employees and GCWW leadership. Employees brought information forward to explain the salary differences and their concerns regarding compensation. The employees hold that the position is underpaid for the classification when compared to like classifications in other water or wastewater utilities.

Methodology

GCWW HR staff gathered and analyzed salary data from like or similar classifications from the City's classification system and other cities with a similar cost of living. The data was retrieved using NEOGOV's salary study, which provides the most recent salary information for cities that are customers of the provider. Additional information was retrieved by contacting other water and wastewater utilities. GCWW HR compared the salary and experience against the salary and experience of the Water Works Construction Inspector to ensure a fair comparison.

For the analysis, GCWW HR evaluated positions in the external and internal job market that were similar in terms of education, experience, and job duties. The analysis excluded positions where experience required trades programs, such as cement finisher. The positions within the City's services excluded were the Public Works Inspectors 1 & 2 (all parentheticals). The comparison demonstrated that the City aligns with the market in terms of education, experience, and job duties. Only those positions that were similar were included in the study.

Findings

The salary of the Water Works Construction Inspector was compared to the average minimum and maximum salary of the internal and external job market. The comparison against the external market shows that the Water Works Construction Inspector is 10.6% above the annual minimum wage but is 2.3% below the average of the maximum yearly salary (Table A). The comparison against the internal and external market shows that the Water Works Construction Inspector is 8.7% above the annual minimum wage but is 3.1% below the average of the yearly maximum salary (Table A).

Table A – Initial Salary Averages

Municipality/Utility	Job Title	Minimum Annual	Maximum Annual
City and County of Denver, CO	Construction Inspector	\$ 52,164.00	\$ 76,164.00
City of Akron, OH	Construction Inspector	\$ 41,556.00	\$ 50,148.00
City of Boca Raton, FL	Construction Inspector	\$ 49,800.00	\$ 82,596.00
City of Cincinnati	Sewer Construction Inspector	\$ 57,503.89	\$ 61,661.63
City of Cincinnati	Wastewater Collection Inspector	\$ 57,503.89	\$ 61,661.63
City of Cincinnati	Water Works Construction Inspector (all parentheticals)	\$ 57,626.85	\$ 64,612.94
City of Colleyville, TX	Construction Inspector	\$ 45,822.40	\$ 56,160.00
City of Columbus, OH	Construction Inspector II	\$ 50,460.80	\$ 62,774.40
City of Davenport, IA	Construction Inspector	\$ 52,899.18	\$ 69,394.21
City of Fairfield, OH	Construction Inspector	\$ 63,900.00	\$ 66,456.00
City of Frisco, TX	Construction Inspector	\$ 45,176.30	\$ 65,505.96
City of Las Vegas	Construction Inspector	\$ 57,804.00	\$ 81,336.00
City of Louisville, KY	Construction Inspector	\$ 50,940.00	\$ 58,572.00
City of Madison, WI	Construction Inspector 2	\$ 59,090.20	\$ 70,500.82
Toho Water Authority, FL	Construction Inspector	\$ 42,552.00	\$ 65,556.00
Town of Addison, TX	Construction Inspector	\$ 44,054.40	\$ 55,068.00
Average Salary (external job market)		\$ 50,534.94	\$ 64,802.95
Average Salary (internal job market)		\$ 57,544.88	\$ 62,645.40
Average Salary (All)		\$ 51,803.37	\$ 65,510.47

Table B: Revised Salary Averages

Municipality/Utility	Job Title	Minimum Annual	Maximum Annual
City and County of Denver, CO	Construction Inspector	\$ 52,164.00	\$ 76,164.00
City of Akron, OH	Construction Inspector	\$ 41,556.00	\$ 50,148.00
City of Boca Raton, FL	Construction Inspector	\$ 49,800.00	\$ 82,596.00
City of Cincinnati	Sewer Construction Inspector	\$ 57,503.89	\$ 61,661.63
City of Cincinnati	Wastewater Collection Inspector	\$ 57,503.89	\$ 61,661.63
City of Cincinnati	Water Works Construction Inspector (all parentheses)	\$ 57,626.85	\$ 64,612.94
City of Cincinnati	Public Works Inspector 2	\$ 63,825.26	\$ 67,328.26
City of Colleyville, TX	Construction Inspector	\$ 45,822.40	\$ 56,160.00
City of Columbus, OH	Construction Inspector II	\$ 50,460.80	\$ 62,774.40
City of Davenport, IA	Construction Inspector	\$ 52,899.18	\$ 69,394.21
City of Fairfield, OH	Construction Inspector	\$ 63,900.00	\$ 66,456.00
City of Frisco, TX	Construction Inspector	\$ 45,176.30	\$ 65,505.96
City of Las Vegas	Construction Inspector	\$ 57,804.00	\$ 81,336.00
City of Louisville, KY	Construction Inspector	\$ 50,940.00	\$ 58,572.00
City of Madison, WI	Construction Inspector 2	\$ 59,090.20	\$ 70,500.82
Toho Water Authority, FL	Construction Inspector	\$ 42,552.00	\$ 65,556.00
Town of Addison, TX	Construction Inspector	\$ 44,054.40	\$ 55,068.00
Average Salary (external job market)		\$ 50,534.94	\$ 64,802.95
Average Salary (internal job market)		\$ 59,114.97	\$ 63,816.12
Average Salary (All)		\$ 52,510.54	\$ 65,617.40

Initial Recommendation

The data demonstrates the need to align the current salary of the Water Works Construction Inspector with that of the internal and external job market. **GCWW requests that the maximum annual salary is increased to the average market salary of \$65,510.47.** The minimum salary will remain unchanged since the annual minimum wage is higher than the internal and external market and changing the minimum salary will jeopardize GCWW’s opportunity to stay competitive.

Revised Recommendation:

The recommendation was presented to Council via the Budget and Finance Committee meeting where the recommendation was held at the request of AFSCME Local 223. The Union then submitted a proposal to have the Water Works Construction Inspector’s maximum salary range align with the City of Cincinnati’s Public Works Inspector 2 maximum salary. The City of Cincinnati’s Human Resources Department (Central HR) and GCWW Leadership discussed the proposal and next steps. GCWW Leadership is in agreement with the proposal and requests that the maximum annual salary is increased to \$67,328.26.

If you have any questions regarding the salary comparison, please contact Alexandria White at 591-5061.

References

1. City and County of Denver, Co – Construction Inspector
2. City of Akron, OH – Construction Inspector
3. City of Boca Raton, FL – Construction Inspector
4. City of Cincinnati – Sewer Construction Inspector
5. City of Cincinnati – Wastewater Collection Inspector
6. City of Cincinnati – Water Works Construction Inspector (all parentheticals)
7. City of Colleyville, TX – Construction Inspector
8. City of Columbus, OH – Construction Inspector II
9. City of Davenport, IA – Construction Inspector
10. City of Fairfield, OH – Construction Inspector
11. City of Frisco, TX – Construction Inspector
12. City of Las Vegas – Construction Inspector
13. City of Louisville, KY – Construction Inspector
14. City of Madison, WI – Construction Inspector 2
15. City of Toledo, OH – Construction Inspector
16. Toho Water Authority, FL – Construction Inspector
17. Town of Addison, TX – Construction Inspector
18. AFSCME Local 223 Proposal

May 5, 2021

To: Mayor and Members of City Council 202101590
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Acceptance of In-Kind Donation
from FC Cincinnati**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept with gratitude an in-kind donation from FC Cincinnati Soccer Club of the construction of a mini-pitch soccer facility at the North Avondale Recreation valued at approximately \$85,000 to enhance soccer-related programming.

This Emergency Ordinance authorizes the City Manager to accept an in-kind donation from FC Cincinnati for the construction of a mini-pitch soccer facility at the North Avondale Recreation Center located in the Avondale neighborhood.

Once complete, the improvements will allow for afterschool soccer programs, tournaments, clinics, training sessions, and other soccer-related activities and events. The improvements are valued at approximately \$85,000, and the City will have no financial responsibilities associated with this construction. The donation requires no matching funds, and no new FTE are associated with this donation.

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

The reason for the emergency is the immediate need to accept the in-kind donation and begin construction.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment



EMERGENCY

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- 2021

AUTHORIZING the City Manager to accept with gratitude an in-kind donation from FC Cincinnati Soccer Club of the construction of a mini-pitch soccer facility at the North Avondale Recreation valued at approximately \$85,000 to enhance soccer-related programming.

WHEREAS, FC Cincinnati Soccer Club intends to donate the construction of a mini-pitch soccer facility at the North Avondale Recreation Center to allow the Cincinnati Recreation Commission to provide afterschool soccer programs, tournaments, clinics, training sessions, and other soccer-related activities and events; and

WHEREAS, the value of the donation is approximately \$85,000; and

WHEREAS, the donation does not require matching funds or the creation of new FTEs; 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 hereby authorized to accept the generous in-kind donation from FC Cincinnati Soccer Club of the construction of a mini-pitch soccer facility at the North Avondale Recreation valued at approximately \$85,000 to enhance soccer-related programming.

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

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 in-kind donation and begin construction.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 5, 2021

To: Mayor and Members of City Council 202101591
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – CRC: Moral Obligation for Purchase Card Transactions**

Attached is an Emergency Ordinance captioned:

AUTHORIZING payments totaling \$11,539.85 from various Recreation Department non-personnel operating budget accounts as detailed on the attached schedule, as moral obligations to Spectrum Cable for Cincinnati Recreation Commission purchase card transactions for fees owed for cable and wifi services and to the Cincinnati Bengals for the purchase of tickets for program participants, the cost of which was subsequently reimbursed by the Cincinnati Bengals.

This Ordinance authorizes the payment of \$11,539.85 as a moral obligation for Cincinnati Recreation Commission (CRC) purchase card transactions occurring in October and November of 2020. The list of charges applicable to this Emergency Ordinance is attached.

This Emergency Ordinance is necessary due to policies and processing of expenditures without a prior encumbrance. The purchases were duly authorized for relevant purposes; however, the CRC was in a transition period with new staff members within the CRC's financial management team. Policies regarding purchase card usage were not fully understood by staff when the error occurred. Once the error was detected, refresher training on purchase card processes and procedures was held, and no further errors have occurred since.

The reason for the emergency is the immediate need for the City to pay Spectrum Cable and the Cincinnati Bengals for their goods and services in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

AKS

- 2021

AUTHORIZING payments totaling \$11,539.85 from various Recreation Department non-personnel operating budget accounts as detailed on the attached schedule, as moral obligations to Spectrum Cable for Cincinnati Recreation Commission purchase card transactions for fees owed for cable and wifi services and to the Cincinnati Bengals for the purchase of tickets for program participants, the cost of which was subsequently reimbursed by the Cincinnati Bengals.

WHEREAS, the various purchases for cable and wifi services and football tickets were duly authorized and were for appropriate purposes; and

WHEREAS, the Cincinnati Bengals (“Bengals”) agreed to donate the cost of providing Bengals tickets to Cincinnati Recreation Center (“CRC”) program participants, but time limitations required that CRC purchase the tickets prior to receiving the money from the Bengals and before the money was properly encumbered; and

WHEREAS, due to various transitions within the Cincinnati Recreation Center’s financial management staff, the policies regarding purchase card usage were not fully understood by staff when the purchases were made; and

WHEREAS, upon discovering the error, refresher training on purchase card processes and procedures was held, and no further errors have occurred; and

WHEREAS, sufficient funds are available from various Recreation Department non-personnel operating budget accounts to pay for the services and goods provided by Spectrum and the Cincinnati Bengals; and

WHEREAS, City Council desires to provide payment to Spectrum Cable and the Cincinnati Bengals in a total amount of \$11,539.85 as provided in the attached schedule; now, therefore,

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

Section 1. That the Finance Director is authorized to make payments totaling \$11,539.85 as detailed on the attached schedule from the various Recreation Department non-personnel operating budget accounts as moral obligations to Spectrum Cable for Cincinnati Recreation Commission purchase card transactions for fees owed for cable and wifi services and to the

Cincinnati Bengals for the purchase of tickets for program participants, the cost of which was subsequently reimbursed by the Cincinnati Bengals.

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

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 for the City to pay Spectrum Cable and the Cincinnati Bengals for their goods and services in a timely manner.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 5, 2021

To: Mayor and Members of City Council 202101592
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – FY 2021 Restricted Funds Operating Budget Final Adjustment Ordinance (FAO)**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of the sum of \$8,362,331 within the Restricted Funds from and to various operating accounts and **AUTHORIZING** the transfer and appropriation of \$1,181,726 from the unappropriated surplus of the respective Restricted Funds to various operating accounts for the purpose of realigning and providing funds for the ongoing needs of City departments in accordance with the attached Schedules of Transfer.

The attached Emergency Ordinance balances the City's Restricted Fund accounts as required by state law and authorizes transfers for 10 appropriated restricted funds. These include transfers within the FY 2021 Approved Budget Update, as well as increases to appropriations for six funds.

RESTRICTED FUND TRANSFERS WITHIN CURRENT APPROPRIATION

The recommended transfers within the current FY 2021 appropriation are for the following 10 funds: Water Works Fund 101, Parking System Facilities Fund 102, Convention Center Fund 103, Stormwater Management Fund 107, Street Construction, Maintenance, and Repair Fund 301, Income Tax-Infrastructure Fund 302, Parking Meter Fund 303, Recreation Special Activities Fund 323, Community Health Center Activities Fund 395, and the Cincinnati Health District Fund 416.

The information below summarizes the need and transfers for each fund.

Water Works Fund 101 – \$2,539,000

Department of Water Works – \$2,539,000

A transfer in the amount of \$2,539,000 is needed for the following: The Business Services Division has a need in personnel and benefits due to actual position vacancy allowance (PVA) of Early Retirement Incentive Program (ERIP) positions being less than budgeted. Additionally, there is a need in fixed charges due to the water main break at Riverside Drive. The Supply Division has a need in non-personnel services due to additional cleaning of facilities in response to COVID-19 as well as safety improvements made to help allow employees to return to a safer work environment. The Distribution Division has a need in personnel services to offset overtime spent related to water main leak repairs, and a need in non-personnel due to additional materials. The Information

Technology Division has a need in personnel and benefits due to actual position vacation savings of ERIP positions being less than budgeted. The Engineering Division transfers will provide funding for Enterprise Technology Solutions (ETS) Security Services (Virtual Private Network (VPN) Firewall).

Parking System Facilities Fund 102 – \$50,000

Department of Enterprise Services – \$50,000

The Division of Parking Facilities will require a transfer within appropriations in the amount of \$50,000 for a need in fringe benefits and the Sixth Street Garage insurance premium.

Convention Center Fund 103 – \$80,000

Duke Energy Convention Center – \$80,000

A transfer in the amount of \$80,000 is needed for salary reimbursements.

Stormwater Management Fund 107 – \$125,000

Department of Buildings and Inspections – \$125,000

Buildings and Inspections will require a transfer within appropriations in the amount of \$125,000 for a need in contractual services related to the Private Lot Abatement Program (PLAP).

Street Construction, Maintenance, and Repair Fund 301 – \$317,772

Department of Public Services – \$317,772

A transfer in the amount of \$317,772 will be necessary to account for a need in the Transportation and Road Operations Division (TROD) for increased ice control expenses and equipment.

Income Tax-Infrastructure Fund 302 – \$496,716

Department of Transportation & Engineering – \$496,716

A transfer in the amount of \$496,716 is needed to account for a shortfall in personnel costs in the Office of the Director, Division of Transportation Planning, and Division of Traffic Engineering.

Parking Meter Fund 303 – \$60,000

Department of Enterprise Services – \$60,000

An amount of \$60,000 is needed in the Parking Facilities Division to cover fringe benefits.

Recreation Special Activities Fund 323 – \$176,000

Department of Recreation – \$176,000

An amount of \$176,000 is needed to cover additional personnel and non-personnel needs in the Seniors Division and Support Services Division.

Community Health Center Activities Fund 395 – \$3,164,000

Health Department – \$3,164,000

A transfer in the amount of \$3,164,000 is needed due to higher than budgeted expenses for building rent and software costs, fringe benefits, reimbursements, and an increase in various medical supplies and service supplies as a result of the COVID-19 pandemic.

Cincinnati Health District Fund 416 – \$1,259,771

Health Department – \$1,259,771

A transfer in the amount of \$1,259,771 to the Office of the Commissioner, Technical Resources, and Community Health & Environmental Services agencies is needed to cover the following: higher than expected temporary personnel costs due to the COVID-19 pandemic, reassignments and the shifting of positions between divisions due to the pandemic, personal protective equipment (PPE), unbudgeted software costs, unbudgeted membership costs, equipment updates, uniforms, increased sewage costs, and IT costs for the new software system being installed at clinics.

TRANSFERS RESULTING IN A SUPPLEMENTAL APPROPRIATION

The following six funds require supplemental increases in appropriations in FY 2021 as described below:

Stormwater Management Fund 107 – \$191,537

Department of Public Services – \$191,537

A supplemental appropriation in the amount of \$191,537 is needed to cover an anticipated funding shortfall due to increased automotive repair fees and funds transferred to the Department of Building and Inspections to accommodate for the Private Lot Abatement Program (PLAP).

Street Construction, Maintenance and Repair Fund 301 – \$198,060

Department of Public Services – \$198,060

A need of \$198,060 exists in the Transportation and Road Operations Division (TROD) for an anticipated funding shortfall due to increased ice control expenses in winter operations.

Income Tax-Infrastructure Fund 302 – \$92,793

Department of Transportation and Engineering – \$92,793

A supplemental appropriation in the amount of \$92,793 is needed to cover a personnel shortfall in the Division of Traffic Engineering.

Parking Meter Fund 303 – \$1,279

Non-Departmental Accounts – \$1,279

A need of \$1,279 exists in the Public Employees Assistance Program (PEAP) non-departmental account based on employees' usage of the program.

Recreation Special Activities Fund 323 – \$170,000

Department of Recreation – \$170,000

An amount of \$170,000 is needed in the Support Services Division to cover the installation of Wi-Fi at all recreation centers and pools. This installation was partially reimbursed by CARES Act funding and the remaining expenses can be covered by existing fund balance within Fund 323.

Cincinnati Health District Fund 416 – \$622,129

Health Department – \$622,129

An amount of \$622,129 is needed in the Office of the Commissioner, Primary Health Care Centers, and School & Adolescent Health to cover personnel expenses due to actual costs exceeding budgeted amounts in FY 2021.

The reason for the emergency is the immediate need to provide for the ongoing needs of City departments through the end of the fiscal year.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

CFG

- 2021

AUTHORIZING the transfer of the sum of \$8,362,331 within the Restricted Funds from and to various operating accounts and **AUTHORIZING** the transfer and appropriation of \$1,181,726 from the unappropriated surplus of the respective Restricted Funds to various operating accounts for the purpose of realigning and providing funds for the ongoing needs of City departments in accordance with the attached Schedules of Transfer.

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

Section 1. That the sum of \$8,362,331 existing within various Restricted Funds is hereby transferred from and to various operating accounts and the sum of \$1,181,726 is hereby transferred and appropriated from the unappropriated surplus of the respective Restricted Funds to various operating accounts, all according to the Schedules of Transfer attached hereto and by this reference made a part hereof, for the purpose of realigning certain accounts and providing funds for the ongoing needs of City departments until the end of fiscal year 2021, and appropriating certain amounts from the unappropriated surplus for the current fiscal year operating expenses.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 hereof and the Schedules of Transfer attached hereto.

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 provide for the ongoing needs of City departments through the end of the fiscal year.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

FY 2021 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 101 Water Works

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
TRANSFERS WITHIN APPROPRIATIONS					TRANSFERS WITHIN APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
DEPARTMENT OF WATER WORKS					DEPARTMENT OF WATER WORKS				
DEPARTMENTAL SUPPORT SERVICES	101	301	7200	80,000	DEPARTMENTAL SUPPORT SERVICES	101	301	7100	105,000
COMMERCIAL SERVICES	101	302	7100	300,000	DEPARTMENTAL SUPPORT SERVICES	101	301	7400	1,500,000
COMMERCIAL SERVICES	101	302	7200	140,000	DEPARTMENTAL SUPPORT SERVICES	101	301	7500	75,000
DIVISION OF SUPPLY	101	303	7100	300,000	DIVISION OF SUPPLY	101	303	7200	300,000
DIVISION OF SUPPLY	101	303	7500	100,000	DIVISION OF SUPPLY	101	303	7300	50,000
DIVISION OF DISTRIBUTION	101	304	7500	100,000	DIVISION OF DISTRIBUTION	101	304	7100	100,000
WATER QUALITY DIVISION	101	305	7300	310,000	DIVISION OF DISTRIBUTION	101	304	7300	50,000
ENGINEERING	101	306	7100	400,000	DIVISION OF DISTRIBUTION	101	304	7400	50,000
ENGINEERING	101	306	7500	209,000	DEPARTMENTAL SUPPORT SERVICES	101	307	7100	200,000
DEBT SERVICE	101	309	7700	600,000	DEPARTMENTAL SUPPORT SERVICES	101	307	7200	34,000
					DEPARTMENTAL SUPPORT SERVICES	101	307	7500	75,000
					Subtotal Transfers Within Appropriations				
				2,539,000					2,539,000
TOTAL FUND 101 REDUCTIONS				2,539,000	TOTAL FUND 101 INCREASES				2,539,000

FY 2021 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 102 Parking System Facilities

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
TRANSFERS WITHIN APPROPRIATIONS					TRANSFERS WITHIN APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
DEPARTMENT OF ENTERPRISE SERVICES					DEPARTMENT OF ENTERPRISE SERVICES				
DIVISION OF PARKING FACILITIES	102	248	7100	35,000	DIVISION OF PARKING FACILITIES	102	248	7400	30,000
DIVISION OF PARKING FACILITIES	102	248	7200	15,000	DIVISION OF PARKING FACILITIES	102	248	7500	20,000
Subtotal Transfers Within Appropriations				50,000	Subtotal Transfers Within Appropriations				50,000
TOTAL FUND 102 REDUCTIONS				50,000	TOTAL FUND 102 INCREASES				50,000

FY 2021 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 107 Stormwater Management

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
TRANSFERS WITHIN APPROPRIATIONS					TRANSFERS WITHIN APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
DEPARTMENT OF BUILDINGS AND INSPECTIONS					DEPARTMENT OF BUILDINGS AND INSPECTIONS				
	107	212	7100	125,000		107	212	7200	125,000
				<u>125,000</u>					<u>125,000</u>
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
UNAPPROPRIATED SURPLUS					DEPARTMENT OF PUBLIC SERVICES				
	107			191,537		107	253	7200	181,142
						107	253	7500	10,395
				<u>191,537</u>					<u>191,537</u>
TOTAL FUND 107 REDUCTIONS					TOTAL FUND 107 INCREASES				
				316,537					316,537

FY 2021 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 301 Street Construction, Maintenance, and Repair

<i>REDUCTIONS</i>					<i>INCREASES</i>					
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount	
TRANSFERS WITHIN APPROPRIATIONS					TRANSFERS WITHIN APPROPRIATIONS					
SOURCE ACCOUNTS					USE ACCOUNTS					
DEPARTMENT OF PUBLIC SERVICES					DEPARTMENT OF PUBLIC SERVICES					
TRANSPORTATION AND ROAD OPERATIONS	301	252	7100	17,218	TRANSPORTATION AND ROAD OPERATIONS	301	252	7300	217,772	
TRANSPORTATION AND ROAD OPERATIONS	301	252	7500	94,737	TRANSPORTATION AND ROAD OPERATIONS	301	252	7600	100,000	
NEIGHBORHOOD OPERATIONS	301	253	7100	101,196						
NEIGHBORHOOD OPERATIONS	301	253	7500	104,621						
				<u>317,772</u>					<u>317,772</u>	
Subtotal Transfers Within Appropriations					Subtotal Transfers Within Appropriations					
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS					
SOURCE ACCOUNTS					USE ACCOUNTS					
UNAPPROPRIATED SURPLUS					DEPARTMENT OF PUBLIC SERVICES					
	301			198,060	TRANSPORTATION AND ROAD OPERATIONS	301	252	7300	198,060	
				<u>198,060</u>					<u>198,060</u>	
Subtotal Supplemental Appropriations					Subtotal Supplemental Appropriations					
TOTAL FUND 301 REDUCTIONS					515,832	TOTAL FUND 301 INCREASES				
						515,832				

FY 2021 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Fund 323 Recreation Special Activities

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
TRANSFERS WITHIN APPROPRIATIONS					TRANSFERS WITHIN APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
CINCINNATI RECREATION COMMISSION					CINCINNATI RECREATION COMMISSION				
WEST REGION	323	191	7100	150,000	SENIORS	323	197	7100	115,000
WEST REGION	323	191	7500	6,000	SUPPORT SERVICES	323	199	7100	41,000
EAST REGION	323	192	7100	10,000	SUPPORT SERVICES	323	199	7400	20,000
CENTRAL REGION	323	193	7100	10,000					
Subtotal Transfers Within Appropriations				176,000	Subtotal Transfers Within Appropriations				176,000
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
UNAPPROPRIATED SURPLUS					CINCINNATI RECREATION COMMISSION				
	323			170,000	SUPPORT SERVICES	323	199	7200	170,000
Subtotal Supplemental Appropriations				170,000	Subtotal Supplemental Appropriations				170,000
TOTAL FUND 323 REDUCTIONS				346,000	TOTAL FUND 323 INCREASES				346,000

FY 2021 RESTRICTED FUNDS FINAL ADJUSTMENT ORDINANCE

Cincinnati Health District Fund 416

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
TRANSFERS WITHIN APPROPRIATIONS					TRANSFERS WITHIN APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
DEPARTMENT OF HEALTH					DEPARTMENT OF HEALTH				
TECHNICAL RESOURCES	416	262	7100	6,500	OFFICE OF THE COMMISSIONER	416	261	7100	391,000
TECHNICAL RESOURCES	416	262	7500	14,500	OFFICE OF THE COMMISSIONER	416	261	7200	139,000
COMM. HEALTH & ENVIRONMENTAL SERVICES	416	263	7500	22,500	OFFICE OF THE COMMISSIONER	416	261	7300	37,000
PRIMARY HEALTH CARE PROGRAMS CENTERS S.P.	416	264	7100	87,500	OFFICE OF THE COMMISSIONER	416	261	7400	13,700
PRIMARY HEALTH CARE PROGRAMS CENTERS S.P.	416	264	7200	18,000	OFFICE OF THE COMMISSIONER	416	261	7500	146,000
PRIMARY HEALTH CARE PROGRAMS CENTERS S.P.	416	264	7500	84,200	TECHNICAL RESOURCES	416	262	7200	211,000
PRIMARY HEALTH CARE PROGRAMS CENTERS H.C.	416	265	7100	212,171	TECHNICAL RESOURCES	416	262	7300	46,900
PRIMARY HEALTH CARE PROGRAMS CENTERS H.C.	416	265	7500	97,300	TECHNICAL RESOURCES	416	262	7400	4,600
SCHOOL & ADOLESCENT HEALTH	416	266	7100	522,000	COMM. HEALTH & ENVIRONMENTAL SERVICES	416	263	7100	219,000
SCHOOL & ADOLESCENT HEALTH	416	266	7200	15,100	COMM. HEALTH & ENVIRONMENTAL SERVICES	416	263	7200	51,571
SCHOOL & ADOLESCENT HEALTH	416	266	7500	180,000					
Subtotal Transfers Within Appropriations				1,259,771	Subtotal Transfers Within Appropriations				1,259,771
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
UNAPPROPRIATED SURPLUS					DEPARTMENT OF HEALTH				
	416			622,129	OFFICE OF THE COMMISSIONER	416	261	7100	226,800
					COMM. HEALTH & ENVIRONMENTAL SERVICES	416	263	7200	89,429
					COMM. HEALTH & ENVIRONMENTAL SERVICES	416	263	7300	25,100
					COMM. HEALTH & ENVIRONMENTAL SERVICES	416	263	7400	2,000
					PRIMARY HEALTH CARE PROGRAMS CENTERS S.P.	416	264	7300	69,800
					PRIMARY HEALTH CARE PROGRAMS CENTERS S.P.	416	264	7400	142,500
					PRIMARY HEALTH CARE PROGRAMS CENTERS H.C.	416	265	7200	6,500
					PRIMARY HEALTH CARE PROGRAMS CENTERS H.C.	416	265	7300	20,000
					SCHOOL & ADOLESCENT HEALTH	416	266	7300	40,000
Subtotal Supplemental Appropriations				622,129	Subtotal Supplemental Appropriations				622,129
TOTAL FUND 416 REDUCTIONS				1,881,900	TOTAL FUND 416 INCREASES				1,881,900

May 5, 2021

To: Mayor and Members of City Council 202101595

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – FY 2021 Port Security Grant Program**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$171,325 from the United States Department of Homeland Security, Federal Emergency Management Agency for a grant from the FY 2021 FEMA Port Security Grant Program (CFDA 97.056), for the purpose of funding three separate equipment needs, including Marine Rescue/Dive Team equipment and support and maintenance of the Ohio River Port Security Camera Network for the Cincinnati Police Department, and dry decon kits, a weighted rescue dummy, and ice suits for the Cincinnati Fire Department.

This Emergency Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant for up to the amount of \$171,325 from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), for Marine Rescue/Dive Team equipment, and support/maintenance of the Ohio River Port Security Camera Network for the Police Department (CPD), and Dry Decon Kits, Weighted Rescue Dummy, and Ice Suits for the Fire Department (CFD).

The grant requires matching funds of up to \$57,108. Of that amount, \$51,608 would come from CPD and \$5,500 from CFD. The CPD match source for the Marine Rescue/Dive Team equipment (\$30,522) is Federal Asset Forfeiture Fund 367. Designated CPD staff time will serve as an in-kind match for the Ohio River Port Security Camera Network (\$21,086). CPD grant funds will be deposited into Law Enforcement Grant Fund 368, Program Code 21PORT. The CFD source for matching funds is 050x271x7300, and grant funds will be deposited into Fire Grants Fund 472.

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

The reason for the emergency is the need to accept the awarded funds in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment





EMERGENCY

City of Cincinnati

CFG

AWB

An Ordinance No. _____

-2021

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$171,325 from the United States Department of Homeland Security, Federal Emergency Management Agency for a grant from the FY 2021 FEMA Port Security Grant Program (CFDA 97.056), for the purpose of funding three separate equipment needs, including Marine Rescue/Dive Team equipment and support and maintenance of the Ohio River Port Security Camera Network for the Cincinnati Police Department, and dry decon kits, a weighted rescue dummy, and ice suits for the Cincinnati Fire Department.

WHEREAS, through a FY 2021 FEMA Port Security Grant Program grant (CFDA 97.056), up to \$171,325 is available from the United States Department of Homeland Security, Federal Emergency Management Agency, which would be used by the Cincinnati Police Department (“CPD”) and the Cincinnati Fire Department (“CFD”) to fund up to three separate equipment needs; and

WHEREAS, the grant requires matching funds of up to \$57,108; and

WHEREAS, CPD would provide \$51,608 of the matching funds through application of Federal Asset Forfeiture, Fund 367 funds in the amount of \$30,522 to the Marine Rescue/Dive Team equipment, and contribution of CPD designated staff time in the amount of \$21,086 toward the Ohio River Port Security Camera Network; and

WHEREAS, CFD would provide \$5,500 of matching funds for the dry decon kits, weighted rescue dummy, and ice suits, from project account no. 050x271x7300; and

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

WHEREAS, due to the grant application deadline of May 14, 2021, CPD and CFD already applied for this grant, but grant funding shall not be accepted without approval from 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 hereby authorized to apply for, accept, and appropriate a grant in the amount of up to \$171,325 from the United States Department of Homeland Security, Federal Emergency Management Agency, from the FY 2021 FEMA Port Security Grant Program

(CFDA 97.056), for the purpose of funding three separate equipment needs, including Marine Rescue/Dive Team equipment and support and maintenance of the Ohio River Port Security Camera Network for the Cincinnati Police Department, and dry decon kits, a weighted rescue dummy, and ice suits for the Cincinnati Fire Department.

Section 2. The Finance Director is hereby authorized to deposit the Cincinnati Police Department allocation into Law Enforcement Grant Fund 368, Program Code 21PORT.

Section 3. The Finance Director is further authorized to deposit the Cincinnati Fire Department allocation into Fire Grants Fund 472.

Section 4. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of the grant and 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 the awarded funds in a timely manner.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 5, 2021

To: Mayor and Members of City Council

202101599

From: Paula Boggs Muething, City Manager

Subject: Ordinance – Local Food Promotion Program Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a Local Food Promotion Program (CFDA #10.177) grant in the amount of \$16,080 from the Regional Food System Partnerships (“RFSP”), which RFSP grant will be provided to Green Umbrella with the City as a subrecipient of the grant for the purpose of funding the building of a regional food system that serves all residents of Greater Cincinnati; and **AUTHORIZING** the Finance Director to deposit the grant funds into Public Health Research Fund 350.

This Ordinance will authorize the City Manager to apply for, accept, and appropriate a grant in the amount of \$16,080 from the Regional Food System Partnerships (RFSP). The RFSP grant will be provided to Green Umbrella with the City as a subrecipient of the grant for the purpose of funding the building of a regional food system that serves all residents of Greater Cincinnati. The Ordinance will also authorize the Director of Finance to deposit the grant funds into Public Health Research Fund 350.

There is no local match required and no new FTEs are associated with this grant.

Building a regional food system is in accordance with the “Sustain” goal to “become a healthier Cincinnati” as described on page 181 of Plan Cincinnati (2012).

The administration recommends passage of this Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager to apply for, accept, and appropriate a Local Food Promotion Program (CFDA #10.177) grant in the amount of \$16,080 from the Regional Food System Partnerships (“RFSP”), which RFSP grant will be provided to Green Umbrella with the City as a subrecipient of the grant for the purpose of funding the building of a regional food system that serves all residents of Greater Cincinnati; and **AUTHORIZING** the Finance Director to deposit the grant funds into Public Health Research Fund 350.

WHEREAS, Green Umbrella, the regional sustainability alliance of Greater Cincinnati, is the recipient of a Regional Food System Partnerships Regional Food System Partnerships grant, and the City is a subrecipient of the grant; and

WHEREAS, funding from this grant will support the salary of the Cincinnati Health Department’s (“CHD”) Healthy Eating Coordinator who will assist Green Umbrella with achieving its objective to improve household access to local foods by expanding neighborhood-scale distribution of local foods to corner stores in low-income neighborhoods; and

WHEREAS, Green Umbrella already applied for the grant, but CHD will not accept any funds without approval of Council; and

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

WHEREAS, this ordinance is in accordance with the “Sustain” goal to “Become a healthier Cincinnati,” as described on page 181 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 Local Food Promotion Program (CFDA #10.177) grant in the amount of \$16,080 from the Regional Food System Partnerships (“RFSP”), which RFSP grant will be provided to Green Umbrella with the City as a subrecipient of the grant for the purpose of funding the building of a regional food system that serves all residents of Greater Cincinnati.

Section 2. That the Director of Finance is hereby authorized to deposit the grant resources into Public Health Research Fund 350.

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

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

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 5, 2021

To: Mayor and Members of City Council 202101600
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – FY 2021 General Fund Operating Budget Final Adjustment Ordinance (FAO)**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of the sum of \$18,919,722 within the General Fund, from and to various operating accounts of the General Fund according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments.

The attached Emergency Ordinance balances the City's General Fund operating budget accounts for FY 2021. The accounts are balanced by transferring appropriations within and between General Fund departments.

This Emergency Ordinance relies on prior authorization of an appropriation in the amount of \$18,700,000 of American Rescue Plan (ARP) Act funding to reimburse the General Fund for eligible COVID-19 related personnel expenses incurred by the Cincinnati Fire Department during FY 2021. The sum of \$18,700,000 will cover an anticipated shortfall of \$3,264,000 in the Cincinnati Fire Department (CFD) and allow the balance of \$15,436,000 in General Fund resources to be transferred to address other FY 2021 needs. The anticipated shortfall of \$3,264,000 in the CFD is primarily related to greater than anticipated overtime costs and lump sum payments due to the attrition of sworn personnel.

GENERAL FUND TRANSFERS WITHIN CURRENT APPROPRIATIONS

A total of \$2,863,131 will be transferred within current appropriations in order to offset various anticipated needs.

City Manager's Office – \$171,200

A transfer of \$171,200 in personnel savings will be necessary to offset non-personnel needs in the Office of Environment and Sustainability (OES) related to temporary labor costs in the amount of \$60,000, Center Hill Landfill management and energy payments in the amount of \$56,200, wheeled recycling cart management in the amount of \$15,000, and personnel needs in the Office of Performance and Data Analytics in the amount of \$40,000.

Human Resources – \$86,000

Benefit savings in the amount of \$86,000 will be transferred to address \$59,200 in personnel needs, \$21,000 for testing services for sworn personnel, and \$5,800 for software licenses in the Human Resources computer lab.

Department of Finance – \$225,000

A total of \$225,000 in personnel and benefit savings will be transferred between various agencies to offset non-personnel needs, including property insurance premiums and software needs in the Division of Purchasing.

Department of Community & Economic Development – \$228,775

A total of \$228,775 will be transferred between agencies to align appropriations with anticipated expenditures. Personnel and benefit needs are offset by savings in the amount of \$200,000, all of which is primarily related to fluctuations in work assignments for associated activities eligible for reimbursement.

The FY 2020 leveraged support contracts for the Urban League of Greater Cincinnati and the Immigration and Refugee Law Center extended to FY 2021 without the corresponding resources resulting in a net non-personnel need of \$18,025. A net non-personnel need of \$10,750 is also primarily due to telephone charges. These non-personnel needs will be fully offset by \$28,775 in various contractual services savings.

Department of City Planning – \$13,317

A transfer of \$13,317 in personnel savings will be necessary to offset a need in costs associated with temporary personnel, professional memberships required to be held by City Planning staff, and various other necessary non-personnel items.

Department of Recreation – \$412,500

A transfer of \$412,500 in personnel and benefit savings will be necessary to cover various non-personnel needs related to automotive maintenance, utility expenses, and information technology (IT) related needs.

Department of Parks – \$158,010

A transfer of \$158,010 in non-personnel savings will offset personnel needs due to a position restoration and unfavorable personnel reimbursements.

Department of Buildings and Inspections – \$240,000

Personnel savings from Building Construction Inspections in the amount of \$240,000 will be transferred to offset personnel needs of \$140,000 in Building Administration as well as a non-personnel need for legal services in the amount of \$100,000.

Department of Public Services – \$19,829

A total of \$19,829 in savings will be transferred among agencies to address both personnel and non-personnel needs. Primarily, these transfers will satisfy needs related to increased personnel costs within the Neighborhood Operations Division (NOD) and increased stormwater utility charges for city-owned buildings.

Cincinnati Fire Department – \$243,000

A total of \$243,000 in various non-personnel savings will be transferred to address recruit class personnel and benefit needs as well as instructor overtime.

Department of Economic Inclusion – \$39,500

A total of \$39,500 in non-personnel savings will be transferred to address various personnel needs.

Non-Departmental Accounts – \$385,000

Savings in the lump sum payments account will be transferred to address a \$350,000 need in the State Unemployment Compensation account as well as a \$35,000 need in the Police and Firefighters' Insurance account.

TRANSFERS RESULTING IN A SUPPLEMENTAL APPROPRIATION

Four departments and one non-departmental account require supplemental appropriations totaling \$16,697,591. These needs will be offset by expenditure savings generated by five other city departments and a non-departmental account. Departmental savings are primarily due to the reimbursement of eligible COVID-19 related expenses in the Fire Department by the American Rescue Plan Act of 2021. These Fire department savings combined with savings from other various departments will be transferred to offset General Fund needs in other departments.

City Manager's Office – \$142,000

The City Manager's Office (CMO) need of \$72,000 in benefits is primarily due to various staffing changes resulting in additional benefit costs. The projected non-personnel need of \$70,000 in the Office of Environment and Sustainability is primarily related to the Rumpke Recycling contract. The 1% inflationary increase built into the non-personnel budget did not match the annual increase of the recycling contract, resulting in a shortfall.

Human Resources – \$103,000

The department anticipates a contractual services need related to sworn promotional and eligibility testing due to a shortfall in FY 2021.

Cincinnati Police Department – \$15,436,000

Supplemental appropriations totaling \$15,436,000 are needed in the Cincinnati Police Department.

The amount of \$9,300,000 is related to salary-based personnel expenses. These needs have developed due to an extremely high level of lump sum payments, negotiated wage increases for sworn personnel during FY 2021, increase in the sick sell back benefit, and a reduction in position vacancy savings due to a larger proportion of officers using the 'Option 1' retirement method to remain on the payroll through the terminal leave phase. Benefits based personnel expenses in the amount of \$3,638,000 have a direct correlation with the salary-based personnel expenses needs as indicated.

Non-personnel needs projected in the amount \$2,498,030 have developed due to expenses in fleet and fuel that have exceeded budgeted expectations, shortages in supplies, equipment, and ammunition that required additional expenditures outside of normal purchasing periods, and increased costs related to the Hamilton County Central Warrants contract.

Department of Public Services – \$928,591

A supplemental appropriation in the amount of \$928,591 is required due to various factors. The personnel need of \$113,043 in the Director's Office is primarily due to

unrealized Early Retirement Incentive Program (ERIP) savings. Personnel and benefit needs of \$200,577 in the Neighborhood Operations Division (NOD) is primarily due to unrealized position vacancy allowance (PVA) combined with double filling 10 Sanitation Helper positions in an effort to mitigate high turnover. Non-personnel needs are anticipated in the amount of \$616,400 in the City Facility Management division of the General Fund due to increased stormwater expenses at City-owned facilities.

Non-Departmental Accounts – \$88,000

A supplemental appropriation in the amount of \$88,000 in the Audit & Examiner's Fees non-departmental account is also needed due to higher than anticipated costs for production of the Comprehensive Annual Financial Report (CAFR).

The reason for the emergency is the immediate need to allow for the continuation of uninterrupted services through the end of the fiscal year.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

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2021

AUTHORIZING the transfer of the sum of \$18,919,722 within the General Fund, from and to various operating accounts of the General Fund according to the attached Schedule of Transfer, for the purpose of realigning and providing funds for the ongoing needs of City departments.

WHEREAS, a need has arisen since the beginning of Fiscal Year 2021 to transfer various sums according to the attached Schedule of Transfer in order to realign and provide funds for the ongoing needs of City departments; now, therefore,

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

Section 1. That the sum of \$18,919,722 existing within the General Fund is hereby transferred within said fund according to the attached Schedule of Transfer for the purpose of realigning certain operating accounts and for providing funds for the ongoing needs of City departments.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1 hereof and the Schedule of Transfer attached hereto.

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 for the continuation of uninterrupted services through the end of the fiscal year.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Date: May 5, 2021

To: Mayor and Members of City Council 202101615
From: Paula Boggs Muething, City Manager
Subject: ORDINANCE – CONSENT LEGISLATION FOR SIGNAGE IMPROVEMENTS IN THE VICINITY OF BEECHMONT CIRCLE

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the implementation of various signage upgrades in the vicinity of Beechmont Circle in the Linwood neighborhood in the City of Cincinnati in connection with the Ohio Department of Transportation's project known as HAM-Eastern Corridor TSG.

The Ohio Department of Transportation (ODOT) intends to make improvements at various locations near Beechmont Circle in the neighborhood of Linwood. The improvements are intended to enhance vehicular traffic service and flow by upgrading existing signage. Proposed ODOT improvements within the City's public right of way are part of the ODOT project formally known as HAM-Eastern Corridor TSG (PID No. 112171) which includes improvements outside of the City and within Hamilton County.

The City's Department of Transportation and Engineering has reviewed and approves of the proposed project. Upon completion of the project, the City will continue its existing right of way maintenance responsibilities.

The State of Ohio will provide 100% of the cost of the Project except for any features requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project. At this time, no features have been identified.

Except as needed for temporary access, no transfer of City right of way is required for the project and no change in use of City streets is expected to arise from the project. Changes in the use of City streets are subject to review and approval by the City Planning Commission, but no changes requiring their review have been identified.

The Administration recommends passage of the attached ordinance.

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

City of Cincinnati

JRS

AWB

An Ordinance No. _____ - 2021

AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation to facilitate the implementation of various signage upgrades in the vicinity of Beechmont Circle in the Linwood neighborhood in the City of Cincinnati in connection with the Ohio Department of Transportation's project known as HAM-Eastern Corridor TSG.

WHEREAS, the City is the owner of certain public rights-of-way within Eastern Corridor Segments II and III, in particular State Route 32 straight line mile 0.30 to 0.50 in the vicinity of Beechmont Circle in the Linwood neighborhood in the City of Cincinnati, at which the Ohio Department of Transportation ("ODOT") intends to make signage upgrades in connection with ODOT's project known as HAM-Eastern Corridor TSG (PID No. 112171) (the "Project"); and

WHEREAS, except as needed for temporary access, no transfer of City right-of-way is required for the Project, and no change in the use of City streets is expected to arise from the Project; and

WHEREAS, the State of Ohio shall provide 100% of the eligible cost of the Project; and

WHEREAS, ODOT has requested that all necessary rights-of-way in the Project area be made available for the Project in accordance with current state and federal regulations; and

WHEREAS, the City's Department of Transportation & Engineering has reviewed and approved the proposed Project; and

WHEREAS, the extent of City streets and changes in their use are subject to review and approval by the City Planning Commission, but no changes requiring the commission's review have been identified at this stage of the Project; and

WHEREAS, upon completion of the Project, ODOT and the City desire for the City to continue its existing maintenance responsibilities for the right-of-way in the Project area, as applicable, and other duties required by applicable state and federal law; now, therefore,

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

Section 1. That the City of Cincinnati consents to and shall cooperate with the Director of the Ohio Department of Transportation ("ODOT"), on behalf of the State of Ohio, to facilitate the implementation of signage upgrades to City right-of-way within Eastern Corridor Segments II and

III, in particular State Route 32 straight line mile 0.30 to 0.50 in the vicinity of Beechmont Circle in the Linwood neighborhood in the City of Cincinnati, in connection with ODOT's project known as HAM-Eastern Corridor TSG (PID No. 112171) (the "Project").

Section 2. That the State of Ohio will assume and bear 100% of the cost of the improvements proposed as part of the Project.

Section 3. That the City shall bear 100% of the cost of those features, if any, requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project; as of the date of this ordinance, no such features have been identified.

Section 4. That the City agrees to make available to ODOT all City rights-of-way required for the Project, including utility relocation, in accordance with current state and federal regulations and subject to any additional City approvals required for the encumbrance or acquisition of City property or change in use of City streets. The City acknowledges that all utility accommodation, relocation, and reimbursement in connection with the Project will comply with the current provisions of 23 C.F.R. 645 and the ODOT Utilities Manual.

Section 5. That, from time to time, change orders and extra-work contracts may be required to fulfill the Project, and ODOT shall provide written notice to the City, which shall process such as needed and contribute the City's share of the costs of those items; as of the date of this ordinance, no such costs have been identified.

Section 6. To the extent applicable and unless otherwise agreed, the City upon completion of the Project shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for any City maintenance responsibilities in connection

with the Project; (3) to the extent required by state and federal law, maintain the right of way and keep it free of obstructions; and (4) hold said right of way inviolate for public highway purposes.

Section 7. That the City Manager is hereby authorized to enter into any agreements and process any change orders or extra-work orders connected thereto with the Director of ODOT, or ODOT-prequalified consultants, as necessary to complete the Project in accordance with the terms of this ordinance.

Section 8. That the City Manager is further authorized to execute any documents, upon the request of ODOT, necessary to allow ODOT to recover damages or exercise its rights and remedies under any contracts arising from any errors or omissions of any contractors or consultants.

Section 9. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to cooperate with the Director of ODOT to facilitate the Project.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

April 28, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager 202100679
Subject: City Paid-Leave Program for Live Organ and Bone Marrow Donors

REFERENCE DOCUMENT #202000807

On June 24, 2020, the Budget and Finance Committee referred the following item for report:

MOTION, submitted by Councilmember Sittenfeld, WE MOVE that the Administration provide a report on the feasibility on implementing a City paid-leave program for organ and bone marrow donors.

The following report assesses the feasibility of creating a new City paid-leave program for organ and bone marrow donors.

CURRENT CITY OF CINCINNATI POLICY

Employees who need time off to recover from a living organ or bone marrow donation are covered by existing Sick Leave provisions in the Human Resources Policies and Procedures manual or applicable union contract. In each instance, employees may use accrued sick leave. Employees who exhaust sick leave may be eligible for Sick Without Pay or can request Donated Time.

CITY OF CINCINNATI EMPLOYEES

Anthem, the City of Cincinnati's health insurance provider, reported that over the last five years, eight members of the City's plan received transplants from deceased donors and no members received live donor transplants. The average cost to the City was approximately \$240,000 per transplant, or approximately \$386,000 per year. Anthem is unable to provide data showing how many City employees have donated a living organ or bone marrow since the medical insurance provider of the recipient of a living organ or bone marrow donation would cover those costs.

IMPACT OF NEW LEAVE PLAN ON CITY EMPLOYEES

The immediate costs to create a new paid-leave program may be relatively low; however, the cost of supplemental overtime and eventual cash out retirement payments of sick or vacation balances not expensed would be extensive.

Establishing a new bank of time to replace the use of an existing, accrued bank of time could create a future liability, with the new paid leave program replacing instant usage of sick leave or vacation time. Unused sick leave is eligible for cash out at a 2:1 ratio upon an employee's retirement. Unused vacation is eligible for cash out at a 1:1 ratio upon separation from City services. Because sick leave

would be the most appropriate bank of time for an employee to use if making a living organ donation or a bone marrow donation, vacation time would only be used once an employee's sick leave is exhausted. Accordingly, if an employee were to be provided with an additional bank of paid time to provide for leave taken in recovery from a living organ or bone marrow donation, a likely cost would be the one half of the allotted time off, in cash, at their future date of retirement.

Costs associated with absenteeism may have a more immediate effect based on the loss of work provided by the employee. This includes overtime and temporary transfer/promotion pay to complete the work of the temporarily empty position and, in the absence of a replacement worker, a loss of productivity.

Should a living organ and bone marrow donation leave program be created, administrative safeguards will be necessary to limit extensive direct or indirect costs. Such safeguards would include:

- Requiring appropriate proof of donation.
- Limiting the program to permanent full-time employees.
- Basing compensation on an employee's regular rate of pay like Parental Leave.
- Creating the new leave to have no accrual or cash value at retirement.
- Requiring sick leave usage before vacation usage.
- Requiring notice of an employee's intent to donate so management can prepare for coverage during the absence.

SUMMARY

Given the overall low percentage of donors, and the unlikely chance that a City employee would become a living organ donor, the Administration does not see the merit in creating a new leave program. Additionally, the creation of a new bank of time would replace the use of existing sick leave or vacation balances, thereby creating a future financial liability for the City. Currently, employees who need time off to recover from living organ or bone marrow donation are covered by existing Sick Leave provisions in the Human Resources Policies and Procedures manual or applicable union contract.

cc: William M. Brown, Human Resources Director
Karen Alder, Finance Director

April 28, 2021

TO: Mayor and Members of City Council

202101521

FROM: Paula Boggs Muething, City Manager

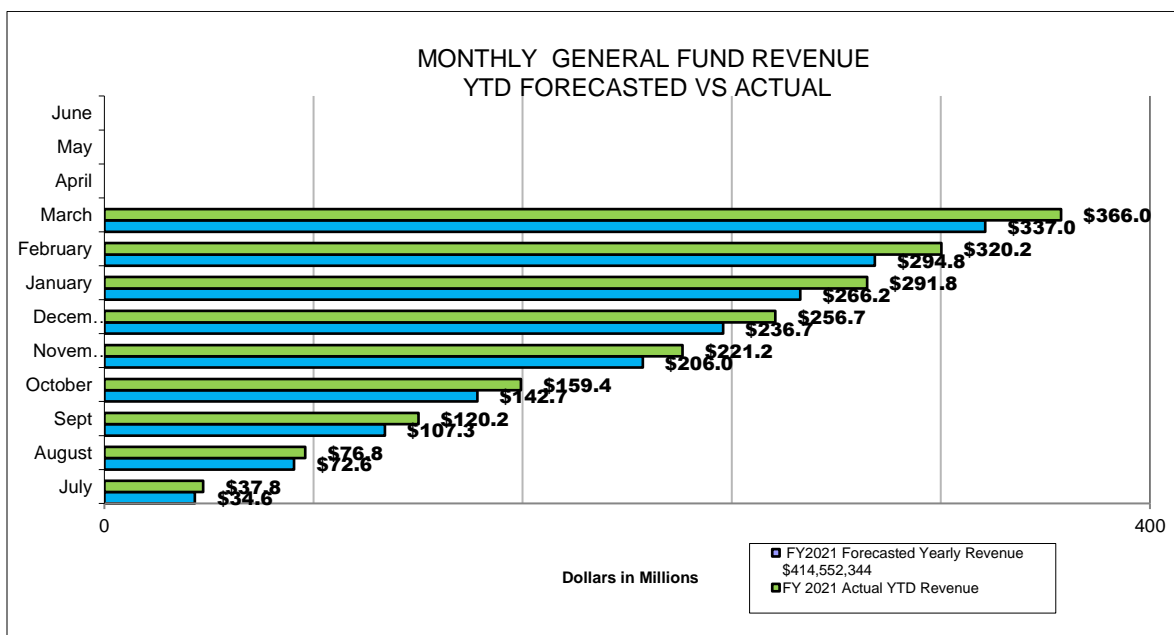
SUBJECT: Department of Finance Report for the Month Ended March 31, 2021

**MARCH 2021
MONTHLY FINANCIAL REPORTS**

The following report provides an update on the City of Cincinnati’s financial condition as of the month ending March 31, 2021. Variances are based on current year estimates and prior year activity in attached schedules.

A more detailed explanation of revenues is attached for review, including reports comparing current year actual revenue vs. forecasted revenue and prior year actual revenue vs. current year actual revenue. Both of those reports are presented on a monthly and year to date basis.

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through March 31, 2021 and shows that actual revenue of \$366 million was above forecasted revenue of \$337 million by \$29 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year to date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs

significantly from forecasted collections will be discussed in further detail.

GENERAL FUND REVENUE SOURCES		
	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax	\$754,045	
City Income Tax	\$33,128,174	
Admission Tax		(\$1,359,335)
Short Term Rental		
Excise Tax	\$175,155	
Licenses & Permits		(\$494,028)
Fines, Forfeitures, & Penalties		(\$1,976,610)
Investment Income	\$281,227	
Local Government	\$645,001	
Casino	\$930,483	
Police		(\$149,011)
Buildings and Inspections	\$550,066	
Fire	\$578,013	
Parking Meter		(\$1,729,939)
Other		(\$2,696,641)
	\$37,042,164	(\$8,405,564)
Difference	\$28,636,600	

General Fund (favorable variance) is \$28.6 million above the amount forecasted thru March in the FY 2021 Budget. What follows is an explanation of significant variances of individual General Fund revenue components.

Income Tax (favorable variance) is \$33 million above the forecasted amount. The work from home exception due to the pandemic has been challenged in the courts. If the courts rule in favor of the plaintiff, a large portion of these revenues would need to be refunded. The Income Tax component represents 71% of the total General Fund percentage. The Administration continues to evaluate the continued trend of employees working from home and the effect it will have on income tax revenue into the future.

Admission Tax (unfavorable variance) is \$1.4 million below estimate. Most venues that generate admission tax have been closed or open with very limited capacity most of the fiscal year due to the pandemic. While additional venues are starting to open with limited capacity, the estimate in this revenue category will still not be met for the fiscal year.

License & Permits (unfavorable variance) is down \$494k. The Beer and Liquor Tax permit application and payment deadline was extended by the State due to the pandemic. The delayed first quarter payment should be received in FY 2022; therefore, this category will stay below the estimate this year.

Fines, Forfeitures & Penalties (unfavorable variance) is down \$2 million. Parking fines make up most of the revenue in this category, and parking fines continue to be significantly below estimate. As the pandemic continues, the demand for parking remains

below normal around the City and will result in this estimate not being met for the fiscal year.

Local Government (favorable variance) is \$645k above the forecasted amount. The favorable variance is the result of increased revenue collection from the State of Ohio General Revenue tax sources.

Casino (favorable variance) is up \$930k. Despite the pandemic and limited capacities, the casino revenues continue to exceed estimates.

Buildings and Inspections (favorable variance) is up \$550k. This favorable variance is due to collections related to elevator inspections which are billed one time a year.

Fire (favorable variance) is \$578k above the forecasted amount. The Fire Department enlisted an outside vendor to improve their billing and collection processes. The positive results of that show with this favorable variance. The estimates are based on historical collections and will take some time to level out with the new processes.

Parking Meter (unfavorable variance) is \$1.7 million below estimate. The unfavorable variance is due to reduced economic activity as a result of the COVID-19 pandemic.

Other (unfavorable variance) is \$2.7 million below forecast. This category is made up of many small sources of revenue that fluctuate from time to time. Finance will continue to monitor these various revenue sources.

Restricted Funds:

Convention Center (unfavorable) is down \$4.3 million. Many conventions cancelled this fiscal year due to the COVID-19 pandemic. The convention center has hosted some smaller events; however, the estimate in this revenue category will still not be met for the fiscal year.

Municipal Golf (favorable variance) is up \$1.9 million. The Cincinnati Recreation Commission has experienced an increase in the utilization of the golf courses as people are looking for outside activities during the pandemic, resulting in increased revenue.

Parking Meter (unfavorable variance) is down \$502k. Parking Meter revenue is not meeting estimates due to reduced economic activity as a result of the COVID-19 pandemic.

Sawyer Point (unfavorable variance) is down \$323k. The unfavorable variance is due to less economic activity at the park as a result of the pandemic restrictions.

Recreation Special (unfavorable variance) is down \$2.8 million. The Cincinnati Recreation Commission has experienced a reduction in revenue due to the cancellation of recreation center programs as a result of the pandemic.

Hazard Abatement (unfavorable variance) is down \$606K. The Vacant Buildings Maintenance License revenue is down due to the number of license waivers requested due to the pandemic. In addition, Vacant Foreclosure License revenue is below estimate as a result of the reduced number of foreclosures being processed during the pandemic.

Submitted herewith are the following Department of Finance reports:

1. Comparative Statement of Revenue (Actual, Forecast and Prior Year) as of March 31, 2021.

2. Audit of the City Treasurer's Report for the month ended February 28, 2021.
3. Statement of Balances in the various funds as of March 31, 2021.

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

c: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachments

April 28, 2021

202101579

TO: Mayor and Members of City Council

FROM: Paula Boggs Muething, City Manager

SUBJECT: Report – Issue 3 Impact on the Cincinnati Retirement System (CRS)

REFERENCE DOCUMENT #202101491

City Council adopted at its session on April 21, 2021 the following Motion:

MOTION, dated 04/15/2021, submitted by Councilmember Sundermann, WE MOVE the Administration provide a report on the potential impact that passage of ISSUE 3, the charter amendment that would mandate at least \$50 million each year be allocated solely for affordable housing, could have on the financial health of the Cincinnati Retirement System given the predictions of mass layoffs in the event of its passage.

On March 2, 2021, a presentation was made by the City Administration to the Economic Growth and Zoning Committee to outline the “Impact of an Additional \$50 Million General Fund Reduction.” The presentation outlined the specific reductions that the Administration would recommend if the City were faced with a \$50 million unfunded mandate in the General Fund. Reductions included the elimination of leveraged support, the elimination of multiple departments, reducing the sworn complement of Police and Fire positions which would reduce police patrols and necessitate the brownouts of three Fire engine companies, reducing trash collection to every other week, eliminating the recycling program, as well as service reductions in Parks and Recreation.

These various reductions would impact City staffing levels with an estimated elimination of 237 full-time positions as well as all part-time staff in the Department of Recreation and all part-time maintenance positions in the Cincinnati Parks Department. While the elimination of these positions would dramatically impact service delivery, it would also result in fewer employees paying into retirement systems.

Public safety reductions would result in the elimination of 120 FTEs (75 in Police and 45 in Fire). These employees are in the Ohio Police & Fire Pension Fund (OP&F) for their retirement benefits. The remaining 117 FTEs to be eliminated would be in the Cincinnati Retirement System (CRS) for their retirement benefits.

The elimination of positions would directly impact the health of the CRS as fewer employees would be contributing into the system. The impact on the CRS is based the reduction of covered payroll related to the eliminated positions. Covered payroll is expected to decline by approximately \$14.4 million with these position eliminations. CRS would no longer receive the 16.25% employer contribution or the 9.0% employee contribution on that covered payroll amount. That amounts to an annual reduction of contributions to CRS of approximately \$3.6 million.

The CRS would experience long-term consequences based on this annual reduction. Based on an analysis by the actuarial consulting firm that works with CRS, the funded ratio in 2047 would be reduced up to 14%, dependent on the employees impacted from the layoff. Further analysis would need to be completed if the layoffs occur to fully understand the scope of the negative consequences to the CRS.

cc: Christopher A. Bigham, Assistant City Manager

May 3, 2021

To: Members of Budget and Finance Committee 202101601
From: Paula Boggs Muething, City Manager
Subject: Report – Work from Home Impact on Earnings Tax

REFERENCE DOCUMENT #202101152

On March 24, 2021 Cincinnati City Council passed the following motion:

MOTION, submitted by Councilmember Goodin, Vice Mayor Smitherman, Councilmember Sundermann, Keating and Kearney, During the COVID-19 pandemic, Cincinnati workers have adopted remote working at an amazing pace. Many routine office activities have been replaced by video conferencing and digital access to documents. While these innovations have kept our economy moving, they also present a looming crisis for Ohio's cities. More than 70 percent of Cincinnati's revenue is derived from its earning tax, and a significant portion of that percentage is derived from non-City residents who formerly worked in downtown offices. Recent litigation and potential legislation have called into question our ability to tax those workers in the long term. These actions notwithstanding, many businesses may simply choose to close their offices or reduce their physical footprint in the City, thus shrinking the tax base over time. Accordingly, **WE MOVE** that the Administration prepare a report outlining the loss in revenue to the City per annum if, variably, 10, 20 or 30 percent of non-resident City workers would no longer be subject to the City's earnings tax.

There are two outstanding issues related to the work from home issue referenced in the motion. The first issue relates to potential refunds that could be due for income tax revenue collected from non-residents during the pandemic, and the second issue is the loss of income tax revenue if non-residents continue to work from home once the pandemic emergency order is lifted.

The City of Cincinnati has collected income tax from non-resident City workers who are working from home due to the COVID-19 pandemic in accordance with State of Ohio House Bill 197.

There is ongoing litigation challenging H.B. 197's authorization during the pandemic for a city to continue collecting municipal income taxes from remote-working employees that would be commuting to offices within the city but for the pandemic. While there

has been a positive ruling in a trial court in Franklin County dismissing the case in the city’s favor, there is still risk to the City of Cincinnati in the court case filed against the City in Hamilton County. In addition, there is risk that an appellate court could overturn the favorable rulings in Hamilton County or Franklin County. If the City does not prevail in this litigation and any possible appeals, it could result in an order to refund City income taxes to individuals who worked remotely due to the pandemic. The UC Economics Center estimates refunds could range from \$137 million to \$173 million in the General Fund. The Administration will continue to monitor this situation closely and revise the plan if necessary.

Going forward, the UC Economics Center predicts that many companies will shift to hybrid work environments which allow employees to continue to work from home either full-time or part-time. Individuals who shift to working from home outside the City will no longer be subject to the Cincinnati earnings tax on income earned while working at home. On the otherhand, individuals who are City residents and previously worked in another jurisdiction will no longer receive a credit from the City for taxes paid to the other jurisdiction. The UC Economics Center estimates approximately 16.4 to 24 percent of the City’s individual and withholding income tax revenue will be at risk as a result of this shift. The chart below provides the potential annual loss in revenue for FY 2022 based on the percentages in the motion as well as the 16.4 to 24 percent range provided by the UC Economics Center.

Revenue Loss Estimates due to Work from Home

	FY2022	FY2022
	All Funds	General Fund
<i>Per the motion:</i>		
10%	\$ 32,264,568	\$ 27,747,528
20%	\$ 64,529,135	\$ 55,495,056
30%	\$ 96,793,703	\$ 83,242,585
<i>Per UC report:</i>		
16.4%	\$ 52,913,891	\$ 45,505,946
24%	\$ 77,434,963	\$ 66,594,068

The Administration has revised income tax revenue estimates for the Recommended FY 2022 - 2023 Biennial Budget to account for the potential loss of revenue due to the work from home issue. In addition, the Administration will continue to monitor both work from home issues closely and provide updates to the Mayor and City Council as more information becomes available.

Attachment

- c: Karen Alder, Finance Director
- Christopher A. Bigham, Assistant City Manager
- William Weber, Assistant City Manager

Income Tax Forecast

FY2020-2026



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HIGHLIGHTS OF KEY FINDINGS

- Aggregate net income tax revenues are projected to grow at 0.43 percent annually on average from FY 2020 through FY 2026. However, the compound annual average growth rate for collections from 2021 through 2026 is expected to be higher at 1.34 percent, or -0.66 percent real growth when controlling for inflation.
- When isolating near-term job growth, the City of Cincinnati is expected to grow at a rate of 1.4 percent from 2021-2026 compared to 4.8 percent nationally. Similarly, much of the job growth in the Cincinnati Metropolitan Statistical Area (Cincinnati, OH-KY-IN) is expected to occur outside of the City of Cincinnati.¹
- COVID-19 related tax refund liability is variable throughout 2021 and 2026. The Economics Center estimates that taxable earnings (withholding and individual) are at risk for approximately 40 to 50 percent of taxable collections in 2021 and between 2022 and 2026 this risk is estimated to be approximately 16.4 to 24.0 percent due to a portion of workers in the City returning to the office but some also maintaining a hybrid work environment. The timing of these refunds, however, is variable and potentially still undetermined. The FY2021 refunds are therefore treated as liabilities and not “reductions” in collections in the year in which they are levied or are accrued whereas moving forward they may be considered a reduction or foregone future income.

¹ Emsi

EXECUTIVE SUMMARY

To assist the City of Cincinnati in planning, the Economics Center has completed an updated six-year forecast of net income tax revenues and components. Estimates for the net income tax forecast and general fund estimates for the period of FY 2020- FY 2026 appear in Table ES-1.

Aggregate net income tax revenues are projected to grow at 0.43 percent annually on average from FY 2020 through FY 2026². However, the estimated compound annual growth rate for 2021-2026 is expected to be approximately 1.34 percent, or -0.66 percent real growth when controlling for inflation. While any individual year may deviate from this annual average, realized net revenue growth may be slightly lower or higher, on average the year-over-year growth is anticipated to approximate this annual average compound rate. Inflation is projected to be 2.0 percent over this time period according to the Federal Reserve Bank.³ The real growth rate includes inflation and is used to better understand future net revenues when taking into account costs of goods and services.

Table ES-1: Net Income Tax Revenue Forecast, FY 2021 - FY 2026

Fiscal Year	Income Tax Net Revenues (\$M)	Net Revenues Growth Rate	General Fund (\$M)	General Fund Growth Rate
2020 ⁴	\$400.74		\$295.79	
2021 ⁵	\$384.73	-4.00%	\$319.46	8.00%
2022	\$381.46	-0.85%	\$328.48	2.82%
2023	\$388.88	1.95%	\$334.86	1.95%
2024	\$396.30	1.91%	\$341.25	1.91%
2025	\$403.72	1.87%	\$347.64	1.87%
2026	\$411.14	1.84%	\$354.03	1.84%
<i>Average</i>	<i>Compound Annual Growth Rate* (2020-2026)</i>	<i>0.43%</i>		<i>3.04%</i>

Source: Economics Center model results and calculations.

*compound average annual rate

Figures ES-1 and ES-2 show the estimated collections and general fund actuals and forecasts between 2010 and 2026. A key difference between forecasted collections and general fund is that the net tax collections are expected to have a slight downturn in 2021 and 2022 whereas collections are expected to see consistent, albeit slow, growth through 2026.

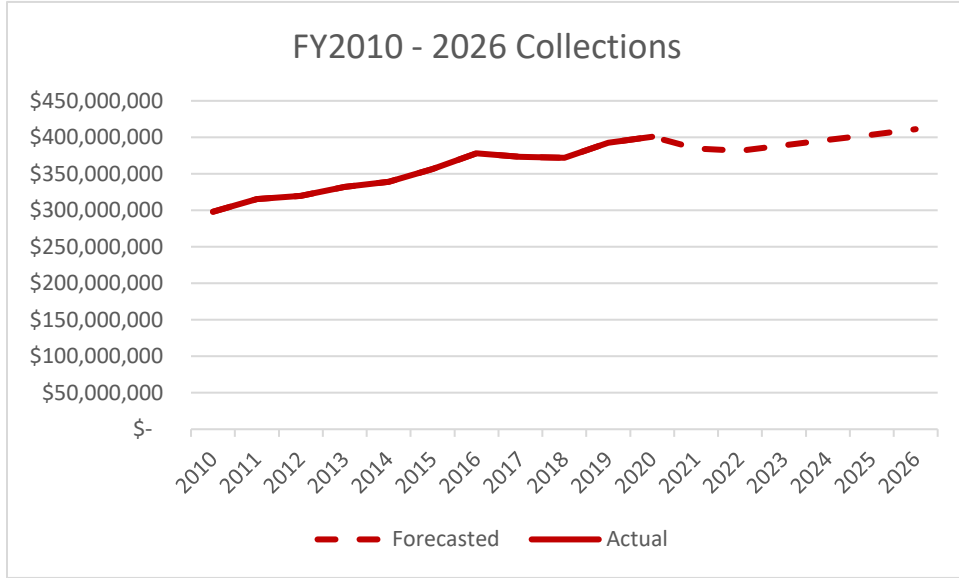
² Compound annual growth rate (2020-2026). Compound annual growth rates can be thought of as an average amount of growth when looking over a time series with multiple years. It is applied to an initial amount of money for each year.

³ Federal Reserve Bank, Table 1. Economic Projections of Federal Reserve Board Members and Federal Reserve Bank Presidents Under Their Individual Assumptions of Projected Appropriate Monetary Policy, March 2021

⁴ \$13.1 million was collected in 2021 but levied in 2020.

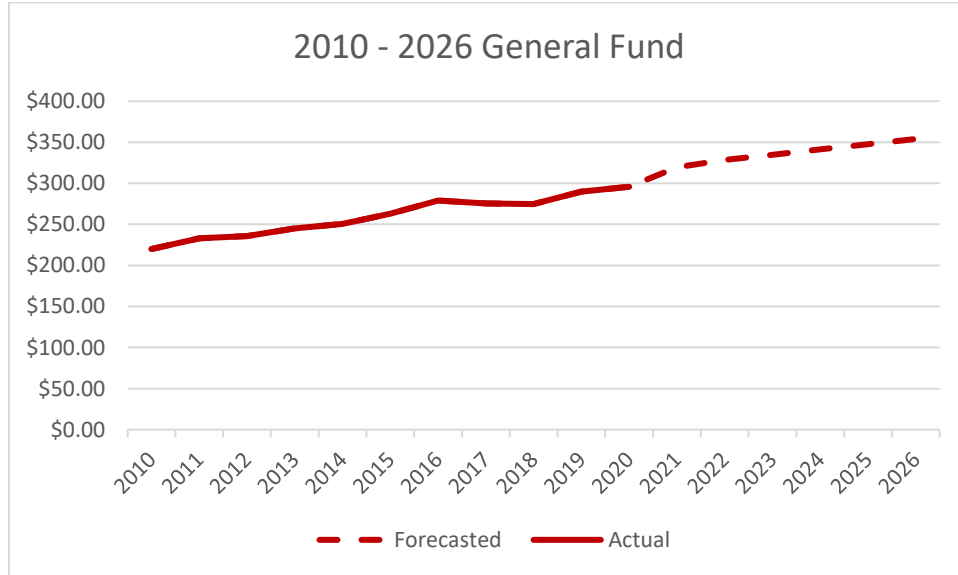
⁵ This analysis includes adjustments for the earnings tax rate change of 2.1 percent to 1.8 percent effective 10/2/2021.

Figure ES-1: Net Tax Collection Forecasts, FY 2010 – FY 2026



Source: Economics Center model results and calculations.

Figure ES-2: General Fund Actuals and Forecast, FY 2010 – FY 2026



The forecast provides directionality of how the economy is expected to recover through 2026. There are many factors that could affect future growth patterns, most notably the federal stimulus act that will provide more than \$290 million to the City of Cincinnati.

INTRODUCTION

To assist the City of Cincinnati in planning and projections, the Economics Center estimated a six-year forecast of net income tax revenues and major components for the period of fiscal year (FY) 2021 to FY 2026. In 2013 the City of Cincinnati adjusted its accounting schedule from calendar year to a July-June fiscal year. All estimates presented in this report are for a July-June fiscal year, including historical data.

To prepare the forecast, the Economics Center analyzed historical tax revenue trends for the City of Cincinnati, as well as information on tax incentive payments and additional transfers of funds. This information was combined with data on national economic trends to develop the forecast projections. The Economics Center also examined data on regional industry employment and wages for the City. This analysis identified significant industry sectors influencing the local economy and illustrates the benefits to the local economy from its relatively diverse commercial base. While the City's economy is subject to national trends affecting its most significant industries, the diverse commercial base allows declines in one sector to be offset by growth in another.

Tax Revenue Trends

In FY2020 the City of Cincinnati received approximately \$400.74 million in net income tax revenues. The City has had variable growth patterns from 2004 to 2020 ranging from -3.69 percent decline during the Great Recession to higher levels of growth exceeding 6 percent. The compound annual average growth rate from 2004 to 2020 was approximately 3.0 percent. The growth from 2015 to 2020 was approximately 3.3 percent annual, with most of the earnings in 2015 and 2016 as well as 2019 and 2020.

Table 1: Net Income Tax Revenues, FY 2004 - FY 2020*

Fiscal Year	Total Net Revenues (\$M)	Growth Rate
2004	\$257.71	
2005	\$275.22	6.79%
2006	\$292.22	6.18%
2007	\$305.11	4.41%
2008	\$318.91	4.52%
2009	\$307.15	-3.69%
2010	\$298.03	-2.97%
2011	\$315.59	5.89%
2012	\$319.64	1.29%
2013	\$332.03	3.88%
2014	\$339.24	2.17%
2015	\$356.60	5.12%
2016	\$377.93	5.98%
2017	\$373.30	-1.23%
2018	\$372.11	-0.32%
2019	\$392.75	5.55%

2020 ⁶	\$400.74	5.37%
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Source: Economics Center calculations

Compound annual average growth rates are used to better explain the trend of growth. For example, a compound annual average growth rate is the calculated rate of growth that, if applied annually, will sum to the correct amount over time. It provides a relative smoothness to understand on average how much growth occurs per year over a series of many years. However, the decrease in revenues in 2017 caused a slight decrease in the average growth rate. As a result, a linear extrapolation of the nominal growth rate indicates continued growth, but at a slower pace than in prior years. After adjusting for inflation, there has not been significant long-term growth in income tax revenues as the longest post-recession growth period was the two-year period in fiscal years 2015 and 2016.

FORECAST

To forecast net income tax revenues for the six-year horizon, FY 2021 through FY 2026, the Economics Center analyzed historical patterns for total net revenues and its components.

Table 2 shows the estimated forecasted net income tax as well as general fund rates for 2020-2026.

Table 2: Forecasted Net Income Tax Revenue and General Fund FY 2020 - FY 2026

Fiscal Year	Collections (\$M)	Growth Rate	General Fund (\$M)	Growth Rate (GF)	Real Growth Rate (GF)
2020	\$400.74		\$295.79		
2021	\$384.73	-4.00%	\$319.46	8.00%	6.00%
2022	\$381.46	-0.85%	\$328.48	2.82%	0.82%
2023	\$388.88	1.95%	\$334.86	1.95%	-0.05%
2024	\$396.30	1.91%	\$341.25	1.91%	-0.09%
2025	\$403.72	1.87%	\$347.64	1.87%	-0.13%
2026	\$411.14	1.84%	\$354.03	1.84%	-0.16%
Average	Compound Annual Growth Rates* (2020-2026)	0.43%		3.04%	1.04%

Source: Economics Center model results and calculations. US inflation projection calculated from NECC forecast.

*compound annual average rate

Figures 1 and 2 below shows both the net tax collections and the general fund actuals from 2010-2020 and the forecasted values for the remainder of 2021 through 2026. While the net tax collections values experience a downturn following 2020 through 2022 and then a return to slight increases through 2026, the forecast shows that the general fund is expected to continue increasing, albeit at a slower rate than historically seen. As noted previously, the injection of PPP money and other federal stimulus dollars could result in faster than expected growth moving forward.

⁶ \$13.1 million was collected in 2021 but levied in 2020.

Figure 1: Net Tax Collections Forecast, FY 2010 - FY 2026

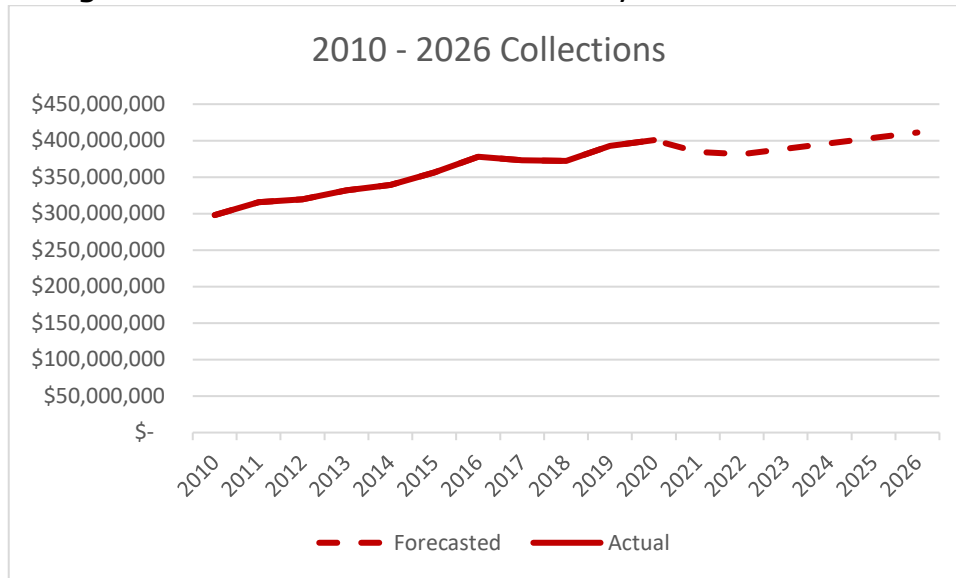
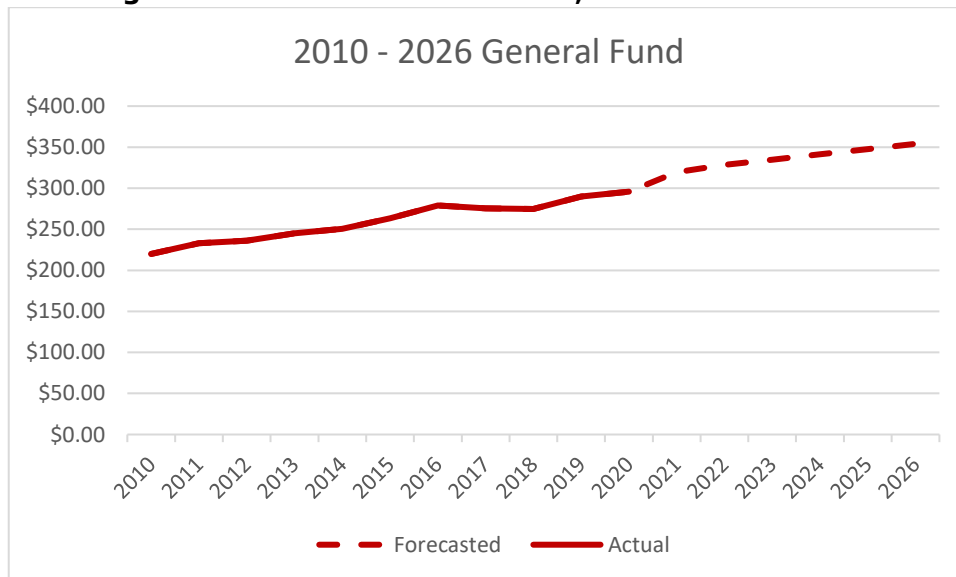


Figure 2: General Fund Forecast, FY 2010 - FY 2026



Additionally, the Economics Center analyzed the potential impacts of refunds due to increased levels of work from home and hybrid work environments. Fiscal year 2021 is expected to be impacted at a higher rate of telework earnings tax refund than years 2022-2026. This is due to the mandated quarantine in the Spring and into the Summer of calendar year 2020. As of April 2021, many companies are still operating as a hybrid environment. It is also important to note that individuals whom were able to telework likely had higher taxable earnings than occupations in such industries as food service, accommodations, or retail.

Based on national and local research, it is expected that approximately 40 to 50 percent of individual and withholding tax collections could be at risk of potentially needing to be refunded from collections in FY2021.

This risk is expected to taper down to approximately 16.4 to 24.0 percent for years 2022-2026. However, many factors ranging from individual company policies to the national vaccine rollout could affect these estimates. The range of 16.4 to 24.0 of risk is based on a number of national surveys and estimates that were localized to match the industrial make-up of the City of Cincinnati. These estimates provide the amount of potential “foregone” collections that the City may have historically projected.

Table 3: Forecasted Adjusted Collections and Growth Rates FY 2021 - FY 2026

Fiscal Year	Forecasted General Fund	Risk Adj. Lower Bound	Risk Adj. Upper Bound
	(\$M)	(\$M)	(\$M)
2022	\$328.48	\$259.10	\$281.07
2023	\$334.86	\$264.14	\$286.54
2024	\$341.25	\$269.18	\$292.00
2025	\$347.64	\$274.22	\$297.47
2026	\$354.03	\$279.26	\$302.94

ECONOMIC CONDITIONS

Regional Demographic Characteristics

Population within the City of Cincinnati is expected to grow at a rate of 0.85 percent from 2019-2026, a nominal increase of 2,600 net new residents, compared to 2.82 percent nationally, as shown in Table 4. Much of the population growth expected to occur in the Cincinnati MSA will take place outside of the City of Cincinnati. The Cincinnati MSA is projected to grow by approximately 44,000 net new residents over this period, or at a rate of 1.97 percent, while the State of Ohio is estimated to remain relatively flat at 0.68 percent growth.

Table 4: Projected Population Growth, 2019 – 2026

Region	Population		Growth Rate
	2019	2026	
City of Cincinnati	301,394	303,953	0.85%
Cincinnati MSA	2,221,208	2,264,953	1.97%
State of Ohio	11,689,100	11,768,710	0.68%
United States	328,239,523	337,491,691	2.82%

Source: 2019 ACS Baseline, Emsi, Q1 2021 (calendar year) Data Set growth rates

As shown in Table 5, The City of Cincinnati has a labor force participation rate of 63.0 percent, which is approximately four percentage points stronger than the national rate of 58.9 percent and the State of Ohio’s rate of 58.7 percent. The rate of labor force

participation in the Cincinnati MSA of 62.8 percent mirrors that of the City. Unemployment in the City of Cincinnati is at 5.0 percent, which lower than both the national rate of 5.2 percent and the State of Ohio at 5.2 percent.

Table 5: Labor Force Characteristics

Region	Labor Force Participation Rate	Unemployment Rate
City of Cincinnati	63.0%	5.0%
Cincinnati MSA	62.8%	4.7%
State of Ohio	58.7%	5.2%
United States	58.9%	5.2%

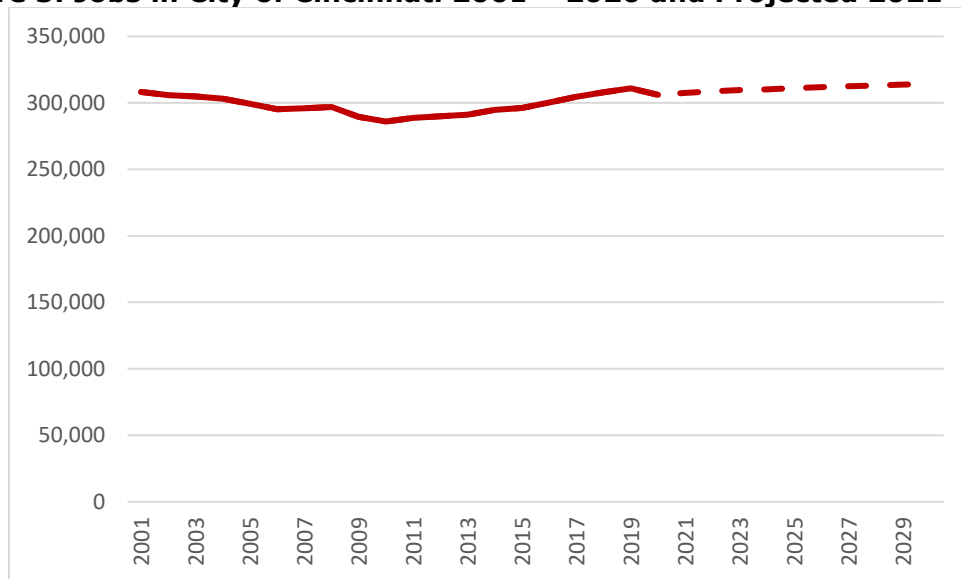
Source: Emsi Q1 2021 Data Set

Regional Employment Characteristics

Employment and wage data for the City illustrate key industries which are main drivers of earnings, and thus income tax revenues, locally. National conditions for these industries are likely to affect local performance.

Figure 3 shows the number of jobs in Cincinnati from 2001-2020 and estimates moving forward to 2030. While the Great Recession increased the rate at which jobs were leaving the City, Cincinnati experienced steady job decline from 2001 to 2010. Since 2010, there has been moderate recovery. Based on the Emsi estimates, the City of Cincinnati’s total job count is expected to remain relatively flat through 2030 with a 2021-2030 growth rate of approximately 2 percent.

Figure 3: Jobs in City of Cincinnati 2001 – 2020 and Projected 2021 - 2030



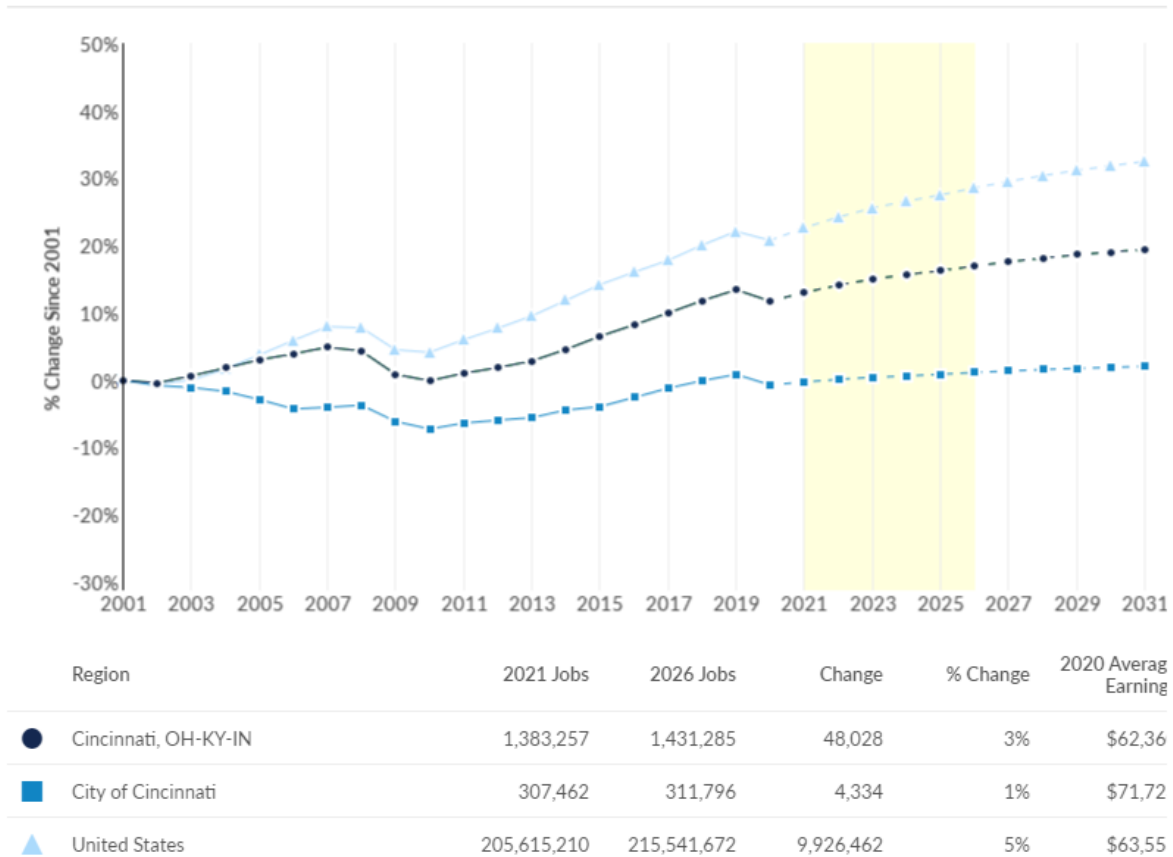
Source: EMSI Data for Cincinnati, Ohio

Additionally, it is notable when comparing the City of Cincinnati to the MSA, Hamilton County, State of Ohio, and nationally, the City has very limited growth in the number of jobs, as shown in Figure 4. When isolating near-term job growth, the City of Cincinnati is expected to grow 1.0 percent from 2021-2026 compared to 5.0 percent nationally.

Similarly, much of the job growth in the Cincinnati Metropolitan Statistical Area (Cincinnati, OH-KY-IN) is expected to occur outside of the City of Cincinnati in neighboring jurisdictions.

Figure 4: Jobs by Region, Projected 2021 – 2026

Industry Change Summary



Source: EMSI

The types of jobs within the City of Cincinnati’s economy have also changed since 2001. Table 6 shows the top five industries in 2001 and 2020 as well as projected in 2030. Health Care and Social Assistance is consistently the top industry for employment in all three years. It also accounts for approximately 15 percent of jobs in 2001 and increases to an estimated 21 percent of jobs in 2028. The top five industries represent 51 percent, 53 percent, and 55 percent of all jobs in all industries in 2001, 2018, and 2028 respectively.

While manufacturing was the second largest employer in 2001, it dropped off of the top-5 list to sixth in 2020. In 2020, the second through fourth rank includes: Professional, Scientific, and Technical Services; Finance and Insurance; Government; and Accommodation and Food Services.

Estimated 2030 industry composition for the top-five matches the 2020 ranking except that Finance and Insurance is projected to surpass Professional, Scientific, and Technical Services in terms of jobs. Between 2020 and 2030, Management of Companies and Enterprises is expected to shed approximately 2,300 jobs in the City of Cincinnati. This is notable because the average earnings per job in the Management of Companies and Enterprises industry is the highest average wage of all industries in the City of Cincinnati at

\$140,199 in 2020. Finance and Insurance is estimated to add 3,016 net new jobs in the City with average earnings per job \$97,590 (2020\$) and is projected to become the second largest industry in the City in terms of number of jobs in 2030. This projected job change in Management of Companies and Enterprises and associated wages and the net new jobs added in Finance and Insurance will result in net total payroll losses of approximately \$31.1 million in the City.

Manufacturing is expected to lose more than 12,300 jobs from 2001 to 2030. This is also notable because the average wages associated with Accommodation and Food Services are substantially lower than all other industries.

Additionally, the number of jobs within these industries come from a varied industrial mix, some being non-profit, education, government, and banks. Many of the businesses in these industries may not be required to file a net profit tax return, which reduce the business' potential contributions to the City's gross revenues.

Table 6: Top Five Industries, 2001, 2020, and 2030 Projected

2001		2020		2030	
Industry	Jobs	Industry	Jobs	Industry	Jobs
Health Care and Social Assistance	41,498	Health Care and Social Assistance	54,595	Health Care and Social Assistance	59,341
Manufacturing	29,070	Professional, Scientific, and Technical Services	26,543	Finance and Insurance	28,145
Government	28,425	Finance and Insurance	25,129	Professional, Scientific, and Technical Services	27,500
Professional, Scientific, and Technical Services	23,232	Government	24,539	Government	24,515
Management of Companies and Enterprises	22,646	Accommodation and Food Services	21,614	Accommodation and Food Services	22,385

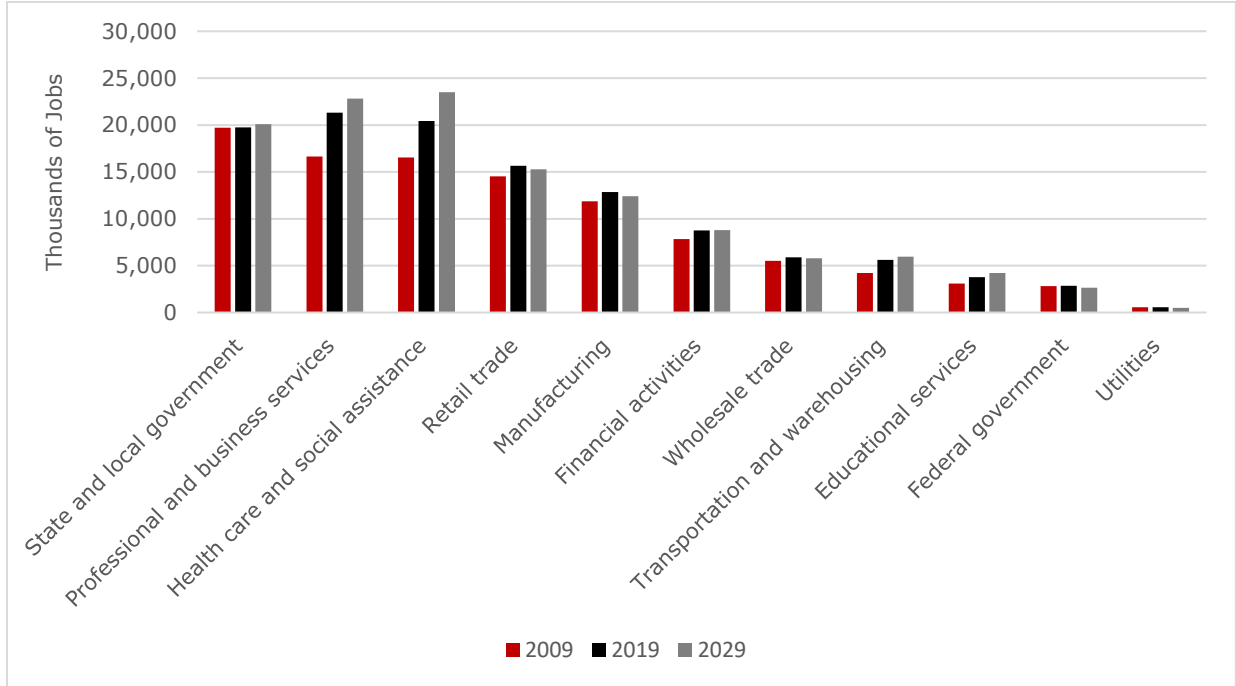
Source: EMSI Data for Cincinnati, Ohio

National and Regional Economic Outlook

National economic dynamics influence the performance of the local economy. National projections for the key sectors previously discussed anticipate continued slowed growth in Manufacturing and accelerated growth in Education and Health Services. Growth in Education and Health Services real GDP nationally is anticipated to be strong through 2026, followed by Professional and Business Services. As illustrated in Figures 5 and 6, two of the highest value producing industries nationally are associated with the largest, projected employment growth.

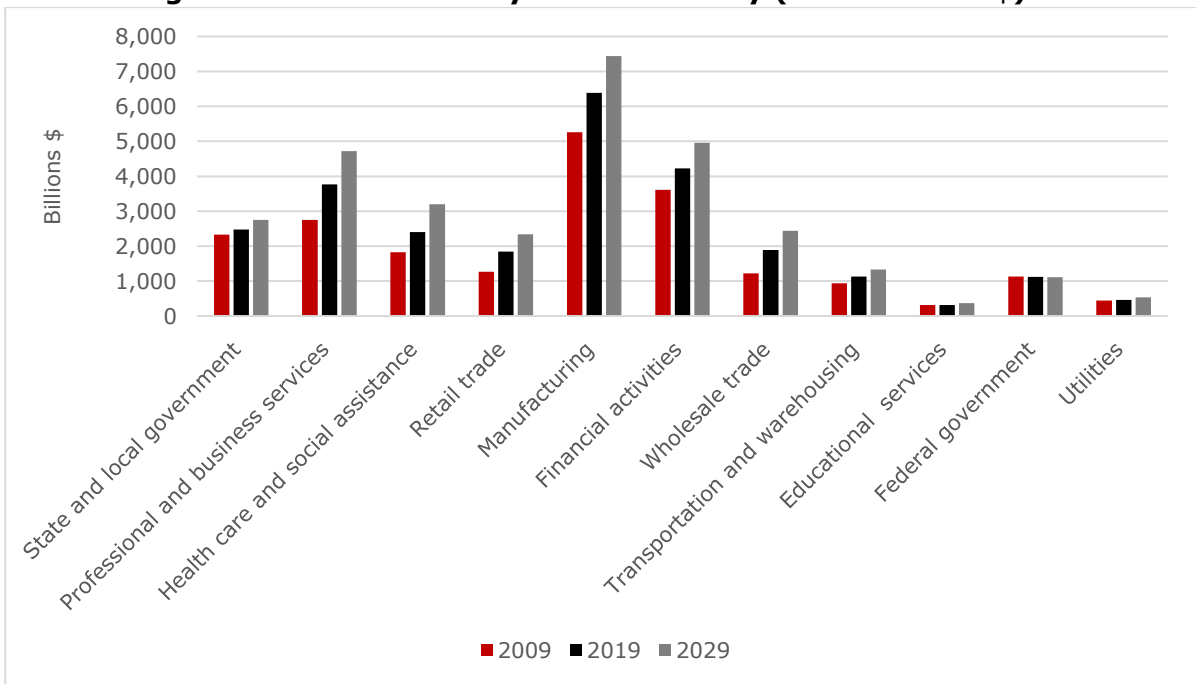
The groupings most significant to the local economy in terms of total employment and wages – Health Care and Social Assistance and Professional and Business Services – are expected to see greater growth in employment nationally, and also account for significant economic output as measured by real GDP. Assuming the City economy follows national trends, gains in Health Care and Social Assistance and Financial Activities sectors, along with gains to their respective output, may offset any losses from declining Manufacturing employment.

Figure 5: National Employment by Select Industry



Source: Bureau of Labor Statistics, Table 2.1 - Employment by Major Industry Sector, 2009, 2019, and Projected 2029

Figure 6: National GDP by Select Industry (Chained 2012\$)



Source: Bureau of Labor Statistics, Table 2.2-Output by Major Industry Sector, 2009, 2019, and Projected 2026

In January of 2021, the Ohio Chamber of Commerce released its Economic Outlook, which is optimistic given the economic shock the Coronavirus Pandemic had on many industries and households. The Ohio Chamber cited significant losses in employment, production, and profits due to the pandemic as major contributing factors to the State of Ohio's worst quarter in its economic history. However, the Ohio Chamber is optimistic regarding the State's ability to rebound post-pandemic given the booming housing industry and Ohio consumers have more than \$1 trillion dollars in savings and revolving debt. Further, the 2021 Outlook noted that retail spending has rebounded and exceeded pre-pandemic spending levels. The Ohio Chamber of Commerce is expecting continued, albeit slowing economic growth.

The Cleveland Federal Reserve Bank, in its most recent Beige Book entry,⁷ notes improved customer demand in the Fourth District, due, in part, to declining rates of coronavirus infections, increased availability of vaccine, and fiscal relief. Labor demand remains varied across industry sectors. In particular, the Freight Sector reported strong demand for labor and many firms have claimed they would like to hire additional employees. Labor demand was the weakest for the Financial Services Sector. Companies in several sectors including Construction, Manufacturing, and Retail have a need to increase employment but have had trouble finding candidates for open positions. Further, it is important to note that more employers reported increasing wages that at any other time during the Coronavirus Pandemic. Raises were between 2.0 percent to 3.0 percent.

JP Morgan's 2021 Economic Outlook is considerably optimistic and concludes that 2021 will experience strong economic growth and expects Real GDP to exceed pre-pandemic levels by September 2021.⁸ Employment is likely to make small job gains during the first two quarters of 2021 and then accelerate as a result of vaccination which is likely to drive demand for social activities including vacation travel, family gatherings, and live sporting events. Further, JP Morgan expects employment to fully recover in the third quarter of 2022.

⁷ [Fourth District Beige Book \(clevelandfed.org\)](https://www.clevelandfed.org/publications/beige-book/2021-01-29)

⁸ [The pandemic and the recovery | J.P. Morgan Asset Management](https://www.jpmorgan.com/press-releases/2021/01/29/the-pandemic-and-the-recovery)

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David S. Mann
Councilmember

April 27, 2021

MOTION

I move that the City Administration move expeditiously with payment/ reimbursement of the Human Services agencies under contract with the City.



Councilmember David Mann



Statement:

The City has not been efficient in dealing with its contractual obligations to the Human Services agencies.

In February 2021, I sounded the alarm about contracts that had not been finalized nine months after passing the last City budget. This delay caused incredible hardship, especially since this funding is to help organizations providing essential services to the most fragile of our citizens. Now, with contracts finally in place, these Human Services agencies struggle to receive payment per the terms of their contracts. It is clearly unacceptable and is at odds with a major initiative of Council to support these agencies.

In addition, the anti-poverty initiative ProjectLift, which Council funded in the amount of \$600K, has been waiting for a contract and funding since August 2019.

I am restating my request of motion 202100670 that a focus group be formed with members of the city administration, including Law and DCED, and representatives of the Human Service agencies, to analyze how Council decisions concerning Human Services can be implemented more expeditiously.

EMERGENCY

City of Cincinnati

CMZ

AWB

An Ordinance No. _____

- 2021

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP004, "Performing Arts Support Grants," for the purpose of providing for a grant program to support various performing arts groups, including theaters and musical organizations, and which grants will also provide for public performances around the City; and **AUTHORIZING** the appropriation of the sum of \$7,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP004, "Performing Arts Support Grants," for the purpose of providing for a grant program to support various performing arts groups, including theaters and musical organizations, and which grants will also provide for public performances around the City.

WHEREAS, the City is eligible to receive funding from the United States Department of the Treasury pursuant to the American Rescue Plan (ARP) Act as part of the Coronavirus Local Fiscal Recovery Fund (LFRF) Act; and

WHEREAS, the City's performing arts organizations occupy an essential role in contributing to the region's cultural, community, and economic vitality; and

WHEREAS, arts organizations attract persons and business from throughout the region to Cincinnati, which greatly enhances the vibrancy of the City and supports the local economy; and

WHEREAS, performing arts organizations have experienced substantial losses in revenue and suffered other negative economic consequences due to the COVID-19 pandemic; and

WHEREAS, funding will be provided for Performing Arts Support Grants as part of support provided to cultural institutions; now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish American Rescue Plan grant project account no. 469x101xARP004 "Performing Arts Support Grants," for the purpose of providing for a grant program to support various performing arts groups, including theaters and musical organizations, and which grants will also provide for public performances around the City.

Section 2. That the sum of \$7,000,000 is hereby appropriated to newly established American Rescue Plan grant project account 469x101xARP004 "Performing Arts Support

Grants,” for the purpose of providing for a grant program to support various performing arts groups, including theaters and musical organizations, and which grants will also provide for public performances around the City.

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 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 implement authorized American Rescue Plan-related support programs.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Date: April 13, 2021

To: Mayor John Cranley
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – ARP for Performing Arts Support Grants**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP004, “Performing Arts Support Grants,” for the purpose of providing for a grant program to support various performing arts groups, including theaters and musical organizations, and which grants will also provide for public performances around the City; and **AUTHORIZING** the appropriation of the sum of \$7,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP004, “Performing Arts Support Grants,” for the purpose of providing for a grant program to support various performing arts groups, including theaters and musical organizations, and which grants will also provide for public performances around the City.

AWG/CMZ/(lnk)
Attachment
336215

EMERGENCY

City of Cincinnati

CMZ

An Ordinance No. _____

- 2021

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP002, “Restaurant Grants Phase II,” for the purpose of providing resources for a local economic stimulus plan to support dining and drinking establishments; and **AUTHORIZING** the appropriation of the sum of \$4,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP002, “Restaurant Grants Phase II,” to provide resources for a local economic stimulus plan to support dining and drinking establishments.

WHEREAS, the City is eligible to receive funding from the United States Department of the Treasury pursuant to the American Rescue Plan (ARP) Act as part of the Coronavirus Local Fiscal Recovery Fund (LFRF) Act; and

WHEREAS, the City’s dining and drinking retail establishments occupy an essential role in the vitality of the region’s culture, community, workforce, and economy; and

WHEREAS, such establishments attract persons from throughout the region to Cincinnati and greatly enhance the vibrancy of the City to the direct benefit of its citizens and its economy; and

WHEREAS, dining and drinking establishments have experienced substantial losses in revenue and suffered substantial economic hardship caused by the COVID-19 pandemic; and

WHEREAS, Coronavirus Relief Funds (CRF) were previously allocated to fund a local economic stimulus plan to support dining and drinking establishments, and now ARP funding will be provided for a second phase of this plan; now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish American Rescue Plan grant project account no. 469x101xARP002 “Restaurant Grants Phase II,” for the purpose of providing resources for a local economic stimulus plan to support dining and drinking establishments.

Section 2. That the sum of \$4,000,000 is hereby appropriated to newly established American Rescue Plan grant project account 469x101xARP002 “Restaurant Grants Phase II,” for

the purpose of providing resources for a local economic stimulus plan to support dining and drinking establishments.

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 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 implement authorized American Rescue Plan-related support programs.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

202101463

Date: April 13, 2021

To: Mayor John Cranley
From: Andrew W. Garth, City Solicitor *AWG*
Subject: Emergency Ordinance – ARP for Restaurant Grants Phase II

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP002, “Restaurant Grants Phase II,” for the purpose of providing resources for a local economic stimulus plan to support dining and drinking establishments; and **AUTHORIZING** the appropriation of the sum of \$4,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP002, “Restaurant Grants Phase II,” to provide resources for a local economic stimulus plan to support dining and drinking establishments.

AWG/CMZ/(lnk)
Attachment
336220

EMERGENCY

City of Cincinnati

CMZ
AWB

An Ordinance No. _____ - 2021

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x232xARP001, “Outdoor Dining & Pedestrian Safety Improvements,” for the purpose of providing resources for the design and construction of right-of-way improvements including, but not limited to, sidewalks, streets, and parklets, that facilitate outdoor dining and enhance pedestrian safety in the urban core; **AUTHORIZING** the appropriation of the sum of \$2,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x232xARP001, “Outdoor Dining & Pedestrian Safety Improvements,” to provide resources for the design and construction of right-of-way improvements including, but not limited to, sidewalks, streets, and parklets, that facilitate outdoor dining and enhance pedestrian safety in the urban core; and further **DECLARING** that the “Outdoor Dining & Pedestrian Safety Improvements” capital improvement program project serves a public purpose as it will foster local improvements and investment, increase neighborhood vitality, and have an estimated life or period of usefulness of five years or more.

WHEREAS, resources in the amount of \$2,000,000 are immediately needed for the design and construction of improvements located in the right-of-way including, but not limited to, sidewalks, streets, and parklets, that facilitate outdoor dining and enhance pedestrian safety in the urban core; and

WHEREAS, the City’s dining establishments occupy an essential role in the vitality of the region’s culture, community, workforce, and economy; and

WHEREAS, such establishments attract persons from throughout the region to Cincinnati and greatly enhance the vibrancy of the City to the direct benefit of its citizens and its economy; and

WHEREAS, dining establishments have experienced substantial losses in revenue and suffered substantial economic hardship caused by the COVID-19 pandemic; and

WHEREAS, the ability to expand operations onto sidewalks, streets, and in other public spaces provides critical economic assistance for the recovery and continued viability of restaurants during the COVID-19 pandemic and its aftermath; now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish American Rescue Plan grant project account no. 469x232xARP001 “Outdoor Dining & Pedestrian Safety Improvements,” for the purpose of providing resources for the design and construction of right-of-

way improvements including, but not limited to, sidewalks, streets, and parklets (the “Outdoor Dining ROW Improvements”), that facilitate outdoor dining and enhance pedestrian safety in the urban core.

Section 2. That the sum of \$2,000,000 is hereby appropriated to newly established American Rescue Plan grant project account 469x232xARP001, “Outdoor Dining & Pedestrian Safety Improvements,” to provide resources for the design and construction of improvements that facilitate outdoor dining and enhance pedestrian safety in the urban core.

Section 3. That the Outdoor Dining ROW Improvements capital improvement program project will foster local improvements and investment, increase neighborhood vitality, and have an estimated life or period of usefulness of five years or more is hereby declared to serve a public purpose.

Section 4. 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 5. That this ordinance shall be an emergency measure necessary for the preservation of 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 implement authorized American Rescue Plan-related support programs.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

202101465

Date: April 13, 2021

To: Mayor John Cranley
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – ARP for Outdoor Dining ROW**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x232xARP001, “Outdoor Dining & Pedestrian Safety Improvements,” for the purpose of providing resources for the design and construction of right-of-way improvements including, but not limited to, sidewalks, streets, and parklets, that facilitate outdoor dining and enhance pedestrian safety in the urban core; **AUTHORIZING** the appropriation of the sum of \$2,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x232xARP001, “Outdoor Dining & Pedestrian Safety Improvements,” to provide resources for the design and construction of right-of-way improvements including, but not limited to, sidewalks, streets, and parklets, that facilitate outdoor dining and enhance pedestrian safety in the urban core; and further **DECLARING** that the “Outdoor Dining & Pedestrian Safety Improvements” capital improvement program project serves a public purpose as it will foster local improvements and investment, increase neighborhood vitality, and have an estimated life or period of usefulness of five years or more.

AWG/CMZ/(lnk)
Attachment
336221

Date: April 28, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager
Subject: ORDINANCE – GRANT OF ENCROACHMENT EASEMENT FOR 636 RACE STREET

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to execute a *Grant of Encroachment Easement* in favor of Vision Cincinnati, LLC, pursuant to which the City of Cincinnati will grant an encroachment easement to permit existing basement space to encroach upon the Seventh and Race Streets public rights-of-way in the Central Business District.

Vision Cincinnati, LLC (“Grantee”) owns the building located at 636 Race Street in the Central Business District and has requested an encroachment easement from the City to permit an existing basement space to encroach upon portions of the Seventh and Race Streets public rights-of-way.

The City Manager, in consultation with the Department of Transportation and Engineering, has determined that granting the easement is not adverse to the City’s retained interest in the public rights-of-way and that granting the easement will not have an adverse effect on the usability or accessibility of any existing public right-of-way facilities.

The fair market value of the easement is approximately \$14,795, which Grantee has agreed to pay.

The City Planning Commission approved the easement at its meeting on March 19, 2021.

The Administration recommends passage of the attached ordinance.

Attachment I – Grant of Encroachment Easement

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

City of Cincinnati

CHM

AWB

An Ordinance No. _____

- 2021

AUTHORIZING the City Manager to execute a *Grant of Encroachment Easement* in favor of Vision Cincinnati, LLC, pursuant to which the City of Cincinnati will grant an encroachment easement to permit existing basement space to encroach upon the Seventh and Race Streets public rights-of-way in the Central Business District.

WHEREAS, Vision Cincinnati, LLC, an Ohio limited liability company (“Grantee”), owns the building located at 636 Race Street in the Central Business District; and

WHEREAS, the City of Cincinnati owns the adjoining Seventh and Race Streets public rights-of-way, which are under the management of the City’s Department of Transportation and Engineering (“DOT E”); and

WHEREAS, Grantee has requested an encroachment easement from the City, as more particularly depicted and described in the *Grant of Encroachment Easement* attached to this ordinance as Attachment A and incorporated herein by reference, to permit existing basement space to encroach upon portions of the Seventh and Race Streets public rights-of-way; and

WHEREAS, the City Manager, in consultation with DOT E, has determined (i) that granting the easement to Grantee is not adverse to the City’s retained interest in the public rights-of-way and (ii) that granting the easement will not have an adverse effect on the usability or accessibility of any existing public right-of-way facilities; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, the City Council may authorize the encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City’s Real Estate Services Division has determined by appraisal that the fair market value of the easement is approximately \$14,795, which Grantee has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on March 19, 2021; 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 execute a *Grant of Encroachment Easement* in favor of Vision Cincinnati, LLC, an Ohio limited liability company

(“Grantee”), owner of the building located at 636 Race Street in the Central Business District in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee an encroachment easement to permit existing basement space to encroach upon portions of the Seventh and Race Streets public rights-of-way.

Section 2. That granting the easement to Grantee (i) is not adverse to the City’s retained interest in the Seventh and Race Streets public rights-of-way and (ii) will not have an adverse effect on the usability or accessibility of any existing Seventh and Race Streets public rights-of-way facilities.

Section 3. That it is in the best interest of the City to grant the easement without competitive bidding because, as a practical matter, no one other than Grantee would have any use for the easement.

Section 4. That the fair market value of the easement, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$14,795, which Grantee has agreed to pay.

Section 5. That the proceeds from the grant of easement shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the easement, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City’s Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, “Street Improvements,” in which “YY”

represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Grant of Encroachment Easement*, including, without limitation, by executing any and all ancillary agreements, plats, and other real estate documents.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF ENCROACHMENT EASEMENT

(building basement encroachment upon Seventh and Race Streets at 636 Race Street)

This Grant of Encroachment Easement is made as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "City"), in favor of **VISION CINCINNATI, LLC**, an Ohio limited liability company, the tax-mailing address of which is One Lakeside Commons, 990 Hammond Drive, Atlanta, GA 30328 ("**Grantee**").

Recitals:

A. By virtue of instruments recorded in Official Record 13319, Page 1604, Official Record 13994, Page 3090, and Official Record 13996, Page 2373, Hamilton County, Ohio Recorder's Office, Grantee holds title to certain real property located at 636 Race Street, Cincinnati, Ohio, generally located at the southeast corner of the intersection of West Seventh and Race Streets in the Central Business District of Cincinnati, as more particularly described on Exhibit A – (*Legal Description – Benefitted Property*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining West Seventh Street and Race Street public rights-of-way, which are under the management and control of the City's Department of Transportation and Engineering ("**DOT**").

C. Grantee has requested an encroachment easement from the City for a building encroachment for basement/subbasement space (the "**Improvement**").

D. The City Manager, in consultation with DOTE, has determined (i) that the easement will not have an adverse effect on the City's retained interest in the public right-of-way, and (ii) that granting the easement will not have an adverse effect on the usability or accessibility of any existing public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easement, as determined by appraisal, is \$14,795, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on March 19, 2021.

G. Cincinnati City Council approved the easement by Ordinance No. ____-2021, passed on _____, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Encroachment Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, the following non-exclusive easement for the maintenance of the Improvement: an encroachment easement for building subspace that encroaches into the West Seventh Street and Race Street rights-of-way, as depicted on Exhibit B (Easement Plat) and described on Exhibit C (Legal Description – Basement Easement) hereto (the “**Encroachment Easement**”, or the “**Encroachment Easement Area**”, as applicable). Grantee’s easement rights are subordinate and subject to the City’s duties and responsibilities related to the care, supervision, and control of the public right-of-way. Grantee acknowledges and agrees to provide the City access to inspect the Improvement within the Encroachment Easement Area upon request. Grantee shall not make any modifications to the Improvement without the City’s prior written consent. Notwithstanding anything herein to the contrary, the Encroachment Easement shall automatically terminate upon (i) the complete demolition of the building; (ii) any permanent alteration of the building that entails the elimination of the Improvement within the Encroachment Easement Area such that the Encroachment Easement would be rendered unnecessary; or (iii) upon written notice from the City if the City determines that it needs the Encroachment Easement Area or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act (“**ADA**”) regulations compliance or accessibility standards; (iv) or upon written notice from the City if the City determines that the Improvement are creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

2. Maintenance and Repairs. Grantee, at no cost to the City, shall at all times maintain the Improvement in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines and related facilities in the vicinity of the Encroachment Easement (“**Third Party Utility Lines**”). In connection with Grantee’s activities within the Encroachment Easement Area, Grantee shall not interfere with the access of any relevant utility company to maintain and repair the Third Party Utility Lines, and shall, at Grantee’s expense, promptly repair any and all damage to the Third Party Utility Lines caused by Grantee, its agents, employees or contractors. Any relocation of Third Party Utility Lines necessitated by Grantee’s activities shall be handled entirely at Grantee’s expense. All work undertaken by Grantee hereunder shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

3. Insurance; Indemnification. At all times during which Grantee is undertaking construction activities within the Encroachment Easement Area, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$2,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City’s request and, in any event, prior to undertaking any construction activities within the easement areas. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee’s insurers, rights of subrogation, in connection with any damage to the Improvement, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the construction, maintenance, repair or other matters associated with the Improvement.

4. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of the City and be binding upon Grantee and its successors-in-interest with respect to the Benefitted Property.

5. Coordinated Report Conditions (CR #79-2020). The following additional conditions shall apply:

(a) Cincinnati Bell: Cincinnati Bell has existing underground telephone facilities at this location. The existing facilities must remain in place, in service and able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as a result of this request will be handled entirely at the property owner's expense.

6. Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Legal Description - Benefitted Property*
Exhibit B – *Easement Plat*
Exhibit C – *Legal Description – Basement Easement*

Executed on the date of acknowledgement indicated below (the "Effective Date").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

Acknowledged and Accepted:

VISION CINCINNATI, LLC,
an Ohio limited liability company

By: _____

Printed name: _____

Title: _____

Date: _____, 2021

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Encroachment Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

Property Address: 636 Race Street, Cincinnati, Ohio 45202

Auditor's Parcel No.: 077-0002-0347-00

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HAMILTON, STATE OF OHIO, AND IS DESCRIBED AS FOLLOWS:

TRACT 1:

SITUATED IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON AND STATE OF OHIO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SEVENTH AND RACE STREETS; THENCE RUNNING EASTWARDLY ON THE SOUTH SIDE OF SEVENTH STREET, 67 FEET TO THE WEST LINE OF IN-LOT SOLD BY JAMES FERGUSON TO JAMES JOHNSON BY DEED RECORDED IN BOOK 61, PAGE 439, HAMILTON COUNTY, OHIO RECORDS; THENCE SOUTH ALONG SAID LINE, 90 FEET, MORE OR LESS, TO AN ALLEY; THENCE WEST WITH SAID ALLEY 67 FEET TO RACE STREET AND THENCE NORTH ON RACE STREET, 90 FEET TO THE PLACE OF BEGINNING, BEING LOTS 232, 231 AND 17 FEET OFF OF THE WEST SIDE OF LOT 230 OF JAMES FERGUSON SUBDIVISION.

TOGETHER WITH THE APPURTENANT EASEMENT AS SHOWN IN GENERAL WARRANTY DEED OF EASEMENT GRANTED BY FEDERATED DEPARTMENT STORES, INC., THE JOHN SHILLITO COMPANY DIVISION, TO GEORGE P. DESILVER DISCLOSED BY INSTRUMENT RECORDED APRIL 24, 1972 VOLUME 3845, PAGE 96.

TRACT 2:

SITUATED IN CITY OF CINCINNATI, HAMILTON COUNTY, OHIO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET IRON PIN AT THE NORTHWEST CORNER OF LOT 3 OF SEVEN WEST SEVENTH SUBDIVISION AS RECORDED IN PLAT BOOK 463, PAGE'S 65-80 OF THE HAMILTON COUNTY RECORDER'S OFFICE AND A POINT IN THE EAST LINE OF A TRACT CONVEYED TO VISION CINCINNATI, LLC AS RECORDED IN OFFICIAL RECORD 13319, PAGE 1604 OF THE HAMILTON COUNTY RECORDER'S OFFICE AND IN THE SOUTH LINE OF W. SEVENTH STREET.

THENCE WITH THE EAST LINE OF SAID VISION CINCINNATI, LLC, NORTH 09°19'20" WEST, 0.00 FEET TO A POINT IN THE ORIGINAL SOUTH LINE OF W. SEVENTH STREET. SAID POINT BEING REFERENCED BY A SET CROSS NOTCH AT NORTH 09°19'20" WEST, 3.0 FEET

THENCE ALONG SAID SOUTH LINE, NORTH 81°04'10" EAST, 23.61 FEET TO A SET CROSS NOTCH;

THENCE ALONG A NEW DIVISION LINE, SOUTH 08°58'50" EAST, 10.00 FEET TO A SET CROSS NOTCH AT THE NORTHEAST CORNER OF AFORESAID LOT 3 OF SEVEN WEST SEVENTH SUBDIVISION;

THENCE WITH THE NORTH LINE OF SAID LOT 3 OF SEVEN WEST SEVENTH SUBDIVISION, SOUTH 81°04'10" WEST, 23.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0054 ACRES AND BEING SUBJECT TO ALL LEGAL EASEMENTS AND HIGHWAY OF RECORD.

THE ABOVE DESCRIBED PARCEL BEING PART OF THOSE LANDS CONVEYED TO THE CITY OF CINCINNATI IN DEED BOOK 3646, PAGE 885 OF THE HAMILTON COUNTY RECORDER'S OFFICE AND FURTHER IDENTIFIED AS PART OF HAMILTON COUNTY PARCEL NUMBER 077-0002-0303-90.

BEARINGS ARE BEARINGS ARE BASED ON SEVEN WEST SEVENTH SUBDIVISION, PLAT BOOK 463, PAGE'S 65-80.

ALL IRON PINS SET ARE 5/8" X 30'REBAR WITH CAP STAMPED "G.J. BERDING SURVEYING, INC". PREPARED BY G.J. BERDING SURVEYING, INC. ON MARCH 5, 2018. BASED ON A STREET SALE PLAT PREPARED BY G.J. BERDING SURVEYING, INC. ON MARCH 5, 2018.

TRACT NO. 3:

SITUATED IN SECTION 18, TOWN 4, FRACTIONAL RANGE 1, BTM, AND IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO, AND BEING ALL OF LOT 3 OF SEVEN WEST SEVENTH SUBDIVISION, AS SET FORTH ON THE RECORD PLAT RECORDED IN PLAT BOOK 463, PAGE 65, OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE.

EXHIBIT B

to Grant of Encroachment Easement

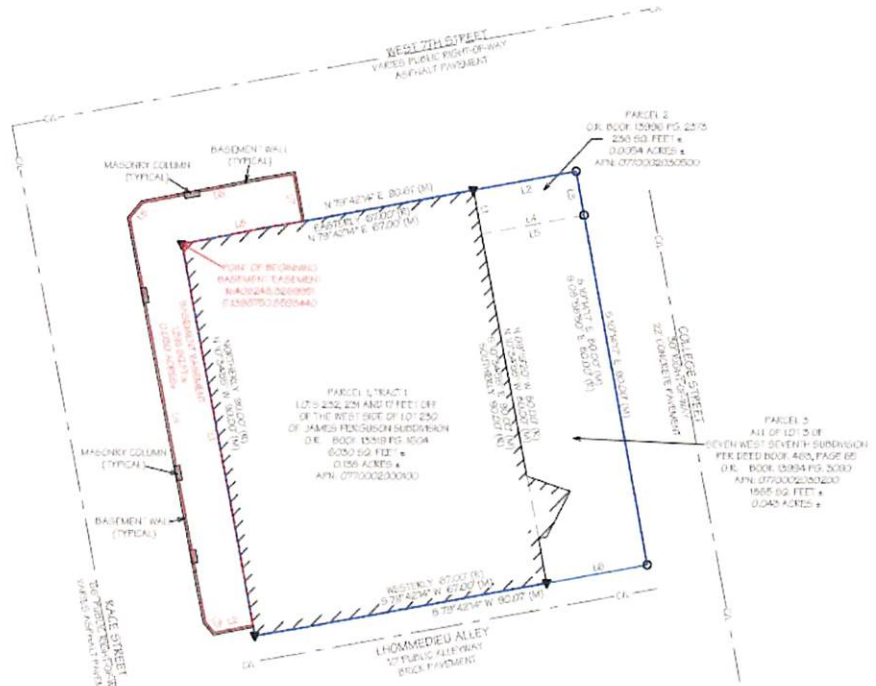
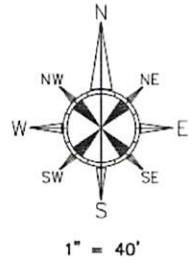
Easement Plat

SET CHISELED X
 BUILDING CORNER
 IS PROPERTY CORNER
 (M) MEASURED/CALCULATED DIMENSION
 (R) RECORD DIMENSION
 BOUNDARY LINE
 CENTERLINE OF ROAD
 EASEMENT LINE

LEGEND

EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L1(M)	S 13° 54' 55" E	23.55'
L2(M)	S 77° 42' 14" W	23.61'
L3(M)	N 81° 04' 10" E	23.61'
L4(M)	N 03° 34' 55" W	10.00'
L5(M)	N 79° 42' 14" E	23.61'
L6(M)	N 79° 42' 14" E	23.61'
L7(M)	S 13° 54' 55" E	23.55'
L8(M)	S 77° 42' 14" W	23.61'



FEE LINE TABLE

LINE	BEARING	DISTANCE
L1 (M)	N 03° 34' 55" W	10.00'
L1 (R)	N 09° 19' 20" W	10.00'
L2 (M)	N 79° 42' 14" E	23.61'
L2 (R)	N 81° 04' 10" E	23.61'
L3 (M)	S 10° 14' 17" E	10.00'

EXHIBIT C

to Grant of Encroachment Easement

Legal Description – Basement Easement

THE EASEMENT REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HAMILTON, STATE OF OHIO, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A BUILDING CORNER BEING THE INTERSECTION OF SEVENTH STREET AND RACE STREET; THENCE RUN S 10°34'55" E ALONG THE EASTERLY RIGHT OF WAY LINE OF RACE STREET A DISTANCE OF 87.55'; THENCE, LEAVING SAID RIGHT OF WAY LINE, RUN S 79°28'24" W A DISTANCE OF 8.87'; THENCE RUN N 40°11'18" W A DISTANCE OF 3.16'; THENCE RUN N 10°36'12" W A DISTANCE OF 92.58'; THENCE RUN N 40°14'04" E A DISTANCE OF 4.48'; THENCE RUN N 79°28'24" E A DISTANCE OF 34.71'; THENCE RUN S 10°31'36" E A DISTANCE OF 10.73' TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF WEST 7TH STREET; THENCE RUN S 79°42'14" W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 27.70' TO THE POINT OF BEGINNING.

CONTAINING IN ALL 0.030 ACRES, MORE OR LESS.

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF ENCROACHMENT EASEMENT

(building basement encroachment upon Seventh and Race Streets at 636 Race Street)

This Grant of Encroachment Easement is made as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **VISION CINCINNATI, LLC**, an Ohio limited liability company, the tax-mailing address of which is One Lakeside Commons, 990 Hammond Drive, Atlanta, GA 30328 ("**Grantee**").

Recitals:

A. By virtue of instruments recorded in Official Record 13319, Page 1604, Official Record 13994, Page 3090, and Official Record 13996, Page 2373, Hamilton County, Ohio Recorder's Office, Grantee holds title to certain real property located at 636 Race Street, Cincinnati, Ohio, generally located at the southeast corner of the intersection of West Seventh and Race Streets in the Central Business District of Cincinnati, as more particularly described on Exhibit A – (*Legal Description – Benefitted Property*) hereto (the "**Benefitted Property**").

B. The City owns the adjoining West Seventh Street and Race Street public rights-of-way, which are under the management and control of the City's Department of Transportation and Engineering ("**DOT**").

C. Grantee has requested an encroachment easement from the City for a building encroachment for basement/subbasement space (the "**Improvement**").

D. The City Manager, in consultation with DOTE, has determined (i) that the easement will not have an adverse effect on the City's retained interest in the public right-of-way, and (ii) that granting the easement will not have an adverse effect on the usability or accessibility of any existing public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easement, as determined by appraisal, is \$14,795, which has been deposited with the Real Estate Services Division.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on March 19, 2021.

G. Cincinnati City Council approved the easement by Ordinance No. ____-2021, passed on _____, 2021.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Encroachment Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, the following non-exclusive easement for the maintenance of the Improvement: an encroachment easement for building subspace that encroaches into the West Seventh Street and Race Street rights-of-way, as depicted on Exhibit B (Easement Plat) and described on Exhibit C (Legal Description – Basement Easement) hereto (the “**Encroachment Easement**”, or the “**Encroachment Easement Area**”, as applicable). Grantee’s easement rights are subordinate and subject to the City’s duties and responsibilities related to the care, supervision, and control of the public right-of-way. Grantee acknowledges and agrees to provide the City access to inspect the Improvement within the Encroachment Easement Area upon request. Grantee shall not make any modifications to the Improvement without the City’s prior written consent. Notwithstanding anything herein to the contrary, the Encroachment Easement shall automatically terminate upon (i) the complete demolition of the building; (ii) any permanent alteration of the building that entails the elimination of the Improvement within the Encroachment Easement Area such that the Encroachment Easement would be rendered unnecessary; or (iii) upon written notice from the City if the City determines that it needs the Encroachment Easement Area or any portion thereof for a municipal purpose, including, without limitation to the implementation of Americans with Disabilities Act (“**ADA**”) regulations compliance or accessibility standards; (iv) or upon written notice from the City if the City determines that the Improvement are creating a public safety issue, such as noncompliance with ADA accessibility regulations, contributing to adverse impacts on the usability or accessibility of any public right-of-way facilities.

2. Maintenance and Repairs. Grantee, at no cost to the City, shall at all times maintain the Improvement in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines and related facilities in the vicinity of the Encroachment Easement (“**Third Party Utility Lines**”). In connection with Grantee’s activities within the Encroachment Easement Area, Grantee shall not interfere with the access of any relevant utility company to maintain and repair the Third Party Utility Lines, and shall, at Grantee’s expense, promptly repair any and all damage to the Third Party Utility Lines caused by Grantee, its agents, employees or contractors. Any relocation of Third Party Utility Lines necessitated by Grantee’s activities shall be handled entirely at Grantee’s expense. All work undertaken by Grantee hereunder shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

3. Insurance; Indemnification. At all times during which Grantee is undertaking construction activities within the Encroachment Easement Area, and in addition to whatever other insurance and bond requirements as the City may from time to time require, Grantee shall maintain a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$2,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City’s request and, in any event, prior to undertaking any construction activities within the easement areas. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee’s insurers, rights of subrogation, in connection with any damage to the Improvement, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including without limitation reasonable attorneys fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the construction, maintenance, repair or other matters associated with the Improvement.

4. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of the City and be binding upon Grantee and its successors-in-interest with respect to the Benefitted Property.

5. Coordinated Report Conditions (CR #79-2020). The following additional conditions shall apply:

(a) Cincinnati Bell: Cincinnati Bell has existing underground telephone facilities at this location. The existing facilities must remain in place, in service and able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as a result of this request will be handled entirely at the property owner's expense.

6. Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Legal Description - Benefitted Property*
Exhibit B – *Easement Plat*
Exhibit C – *Legal Description – Basement Easement*

Executed on the date of acknowledgement indicated below (the "Effective Date").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

Acknowledged and Accepted:

VISION CINCINNATI, LLC,
an Ohio limited liability company

By: _____

Printed name: _____

Title: _____

Date: _____, 2021

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Encroachment Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

Property Address: 636 Race Street, Cincinnati, Ohio 45202

Auditor's Parcel No.: 077-0002-0347-00

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HAMILTON, STATE OF OHIO, AND IS DESCRIBED AS FOLLOWS:

TRACT 1:

SITUATED IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON AND STATE OF OHIO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SEVENTH AND RACE STREETS; THENCE RUNNING EASTWARDLY ON THE SOUTH SIDE OF SEVENTH STREET, 67 FEET TO THE WEST LINE OF IN-LOT SOLD BY JAMES FERGUSON TO JAMES JOHNSON BY DEED RECORDED IN BOOK 61, PAGE 439, HAMILTON COUNTY, OHIO RECORDS; THENCE SOUTH ALONG SAID LINE, 90 FEET, MORE OR LESS, TO AN ALLEY; THENCE WEST WITH SAID ALLEY 67 FEET TO RACE STREET AND THENCE NORTH ON RACE STREET, 90 FEET TO THE PLACE OF BEGINNING, BEING LOTS 232, 231 AND 17 FEET OFF OF THE WEST SIDE OF LOT 230 OF JAMES FERGUSON SUBDIVISION.

TOGETHER WITH THE APPURTENANT EASEMENT AS SHOWN IN GENERAL WARRANTY DEED OF EASEMENT GRANTED BY FEDERATED DEPARTMENT STORES, INC., THE JOHN SHILLITO COMPANY DIVISION, TO GEORGE P. DESILVER DISCLOSED BY INSTRUMENT RECORDED APRIL 24, 1972 VOLUME 3845, PAGE 96.

TRACT 2:

SITUATED IN CITY OF CINCINNATI, HAMILTON COUNTY, OHIO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET IRON PIN AT THE NORTHWEST CORNER OF LOT 3 OF SEVEN WEST SEVENTH SUBDIVISION AS RECORDED IN PLAT BOOK 463, PAGE'S 65-80 OF THE HAMILTON COUNTY RECORDER'S OFFICE AND A POINT IN THE EAST LINE OF A TRACT CONVEYED TO VISION CINCINNATI, LLC AS RECORDED IN OFFICIAL RECORD 13319, PAGE 1604 OF THE HAMILTON COUNTY RECORDER'S OFFICE AND IN THE SOUTH LINE OF W. SEVENTH STREET.

THENCE WITH THE EAST LINE OF SAID VISION CINCINNATI, LLC, NORTH 09°19'20" WEST, 0.00 FEET TO A POINT IN THE ORIGINAL SOUTH LINE OF W. SEVENTH STREET. SAID POINT BEING REFERENCED BY A SET CROSS NOTCH AT NORTH 09°19'20" WEST, 3.0 FEET

THENCE ALONG SAID SOUTH LINE, NORTH 81°04'10" EAST, 23.61 FEET TO A SET CROSS NOTCH;

THENCE ALONG A NEW DIVISION LINE, SOUTH 08°58'50" EAST, 10.00 FEET TO A SET CROSS NOTCH AT THE NORTHEAST CORNER OF AFORESAID LOT 3 OF SEVEN WEST SEVENTH SUBDIVISION;

THENCE WITH THE NORTH LINE OF SAID LOT 3 OF SEVEN WEST SEVENTH SUBDIVISION, SOUTH 81°04'10" WEST, 23.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0054 ACRES AND BEING SUBJECT TO ALL LEGAL EASEMENTS AND HIGHWAY OF RECORD.

THE ABOVE DESCRIBED PARCEL BEING PART OF THOSE LANDS CONVEYED TO THE CITY OF CINCINNATI IN DEED BOOK 3646, PAGE 885 OF THE HAMILTON COUNTY RECORDER'S OFFICE AND FURTHER IDENTIFIED AS PART OF HAMILTON COUNTY PARCEL NUMBER 077-0002-0303-90.

BEARINGS ARE BEARINGS ARE BASED ON SEVEN WEST SEVENTH SUBDIVISION, PLAT BOOK 463, PAGE'S 65-80.

ALL IRON PINS SET ARE 5/8" X 30'REBAR WITH CAP STAMPED "G.J. BERDING SURVEYING, INC". PREPARED BY G.J. BERDING SURVEYING, INC. ON MARCH 5, 2018. BASED ON A STREET SALE PLAT PREPARED BY G.J. BERDING SURVEYING, INC. ON MARCH 5, 2018.

TRACT NO. 3:

SITUATED IN SECTION 18, TOWN 4, FRACTIONAL RANGE 1, BTM, AND IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO, AND BEING ALL OF LOT 3 OF SEVEN WEST SEVENTH SUBDIVISION, AS SET FORTH ON THE RECORD PLAT RECORDED IN PLAT BOOK 463, PAGE 65, OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE.

EXHIBIT B

to Grant of Encroachment Easement

Easement Plat

○ SET CHISELED X
IS PROPERTY CORNER

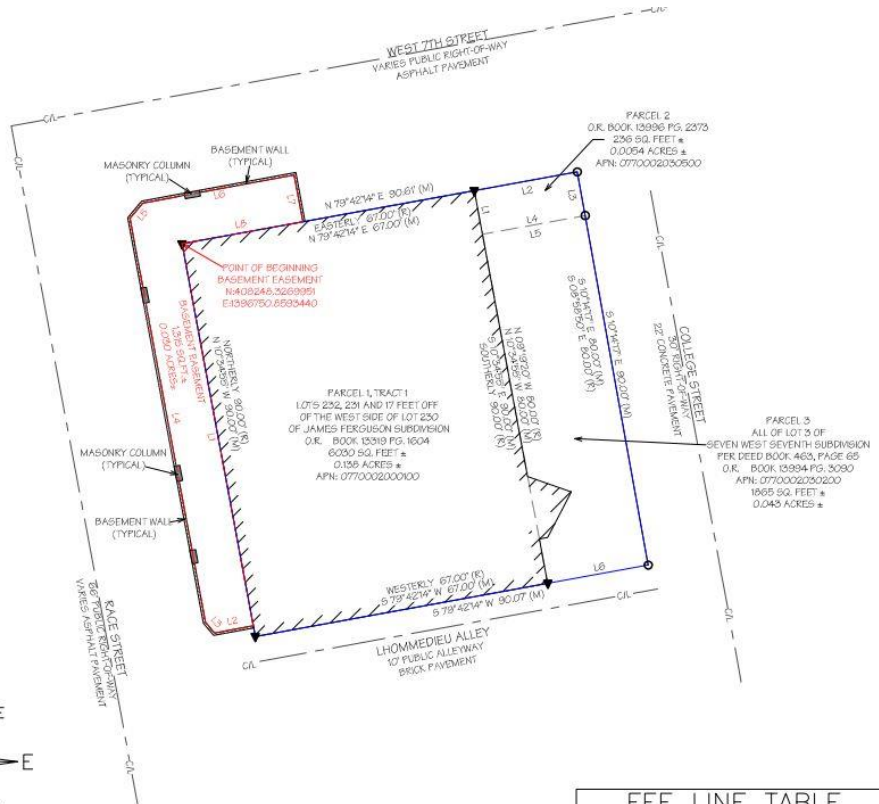
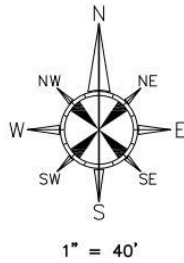
▼ MEASURED/CALCULATED DIMENSION
(M) RECORD DIMENSION

— BOUNDARY LINE
- - - CENTERLINE OF ROAD
- - - - - EASEMENT LINE

LEGEND

EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L1(M)	S 10°34'55"E	87.55'
L2(M)	S 79°28'24"W	8.87'
L3(M)	N 46°11'51"W	5.36'
L4(M)	N 10°36'12"W	92.59'
L5(M)	N 42°14'04"E	4.45'
L6(M)	N 79°28'24"E	34.71'
L7(M)	S 10°31'36"E	10.75'
L8(M)	S 79°42'14"W	27.70'



FEE LINE TABLE

LINE	BEARING	DISTANCE
L1 (M)	N 10°34'55" W	10.00'
L1 (R)	N 09°19'20" W	10.00'
L2 (M)	N 79°42'14" E	23.61'
L2 (R)	N 81°04'10" E	23.61'
L3 (M)	S 10°14'17" E	10.00'

EXHIBIT C

to Grant of Encroachment Easement

Legal Description – Basement Easement

THE EASEMENT REFEREED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HAMILTON, STATE OF OHIO, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A BUILDING CORNER BEING THE INTERSECTION OF SEVENTH STREET AND RACE STREET; THENCE RUN S 10°34'55" E ALONG THE EASTERLY RIGHT OF WAY LINE OF RACE STREET A DISTANCE OF 87.55'; THENCE, LEAVING SAID RIGHT OF WAY LINE, RUN S 79°28'24" W A DISTANCE OF 8.87'; THENCE RUN N 40°11'18" W A DISTANCE OF 3.16'; THENCE RUN N 10°36'12" W A DISTANCE OF 92.58'; THENCE RUN N 40°14'04" E A DISTANCE OF 4.48'; THENCE RUN N 79°28'24" E A DISTANCE OF 34.71'; THENCE RUN S 10°31'36" E A DISTANCE OF 10.73' TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF WEST 7TH STREET; THENCE RUN S 79°42'14" W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 27.70' TO THE POINT OF BEGINNING.

CONTAINING IN ALL 0.030 ACRES, MORE OR LESS.

April 28, 2021

To: Mayor and Members of City Council 202101539
From: Paula Boggs Muething, City Manager
Subject: Ordinance – AARP / FitLot Fitness Program Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant up to the amount of \$4,010 from the American Association for Retired Persons (“AARP”) and FitLot, Inc. for the purpose of funding and promoting AARP-sponsored outdoor fitness park programming; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Special Activities Fund 323, Revenue Account No. 323x8571.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$4,010 from the American Association for Retired Persons (AARP) and FitLot, Inc. for the purpose of funding and promoting AARP sponsored outdoor fitness park programming. The Ordinance also authorizes the Finance Director to deposit and receive these funds in account no. 323x193x3280x8571 within Recreation Special Activities Fund 323.

There is no match funding requirement, and there are no new FTE are associated with the grant. The Cincinnati Recreation Commission anticipates finalizing their agreement with FitLot Inc. during April 2021. As a result, the Cincinnati Recreation Commission will have 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.

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: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment





City of Cincinnati

KMB

AWB

An Ordinance No. _____ - 2021

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant up to the amount of \$4,010 from the American Association for Retired Persons (“AARP”) and FitLot, Inc. for the purpose of funding and promoting AARP-sponsored outdoor fitness park programming; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Special Activities Fund 323, Revenue Account No. 323x8571.

WHEREAS, the American Association for Retired Persons (“AARP”) funded the purchase and installation of a FitLot Outdoor Fitness Feature, a series of stationary outdoor fitness equipment designed to accommodate twenty-two exercise stations that are suitable for a wide range of fitness activities, at Hoffner Park, which the City accepted through Ordinance No. 184-2019; and

WHEREAS, there is an additional grant available for the Cincinnati Recreation Commission (“CRC”) in the amount of up to \$4,010 from AARP and FitLot, Inc. to activate and promote the Hoffner Park fitness park programming with fitness professionals who will host regular, no-cost community classes at the AARP Sponsored Outdoor Fitness Park; and

WHEREAS, the grant requires CRC to donate all unspent fitness class grant funds remaining at the conclusion of each funding period to a local 501(c)(3) organization with a health-related mission with FitLot’s and AARP’s approval; and

WHEREAS, CRC already applied for the grant but will not accept any funds without approval of Council; and

WHEREAS, there is no local match required and no FTEs are associated with this grant; 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 hereby authorized to apply for, accept, and appropriate a grant in the amount of up to approximately \$4,010 from the American Association for Retired Persons (“AARP”) and FitLot, Inc. for the purpose of funding and promoting AARP-sponsored outdoor fitness park programming.

Section 2. That the Director of Finance is hereby authorized to deposit the grant resources into Recreation Special Activities Fund 323, Revenue Account No. 323x8571.

Section 3. That the City Manager is hereby authorized to donate all unspent fitness class grant funds remaining at the conclusion of each funding period to a local 501(c)(3) organization with a health-related mission with FitLot's and AARP's approval.

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

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

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Date: April 29, 2021

202101586

To: Mayor John Cranley
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – Use of ARP Act Funds for Minority Business Accelerator/Ascend**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP015, “Minority Business Accelerator/Ascend,” for the purpose of providing funds for Ascend*Cincy, a partnership among the City, the Urban League, the Greater Cincinnati African American Chamber of Commerce, and the Minority Business Accelerator, to provide staffing, accounting, human resources, financial coaching, and other assistance to Black-owned businesses; **AUTHORIZING** the appropriation of the sum of \$2,500,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP015, “Minority Business Accelerator/Ascend,” for the purpose of providing funds for Ascend*Cincy, a partnership among the City, Urban League, the Greater Cincinnati African American Chamber of Commerce, and the Minority Business Accelerator, to provide staffing, accounting, human resources, financial coaching, and other assistance to Black-owned businesses; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP018, “Minority Business Accelerator/Ascend,” to be for a public purpose.

AWG/AEP/(lnk)
Attachment
337450

EMERGENCY

City of Cincinnati

MSS



An Ordinance No. _____

- 2021

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP015, “Minority Business Accelerator/Ascend,” for the purpose of providing funds for Ascend*Cincy, a partnership among the City, the Urban League, the Greater Cincinnati African American Chamber of Commerce, and the Minority Business Accelerator, to provide staffing, accounting, human resources, financial coaching, and other assistance to Black-owned businesses; **AUTHORIZING** the appropriation of the sum of \$2,500,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP015, “Minority Business Accelerator/Ascend,” for the purpose of providing funds for Ascend*Cincy, a partnership among the City, Urban League, the Greater Cincinnati African American Chamber of Commerce, and the Minority Business Accelerator, to provide staffing, accounting, human resources, financial coaching, and other assistance to Black-owned businesses; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP018, “Minority Business Accelerator/Ascend,” to be for a public purpose.

WHEREAS, the City is eligible to receive funding from the United States Department of the Treasury pursuant to the American Rescue Plan Act as part of the Coronavirus Local Fiscal Recovery Fund Act; and

WHEREAS, Black-owned businesses have experienced substantial losses in revenue and suffered other negative economic consequences due to the COVID-19 pandemic; and

WHEREAS, Black-owned businesses are particularly in need of assistance with staffing, accounting, human resources, financial coaching, and other assistance; and

WHEREAS, Ascend*Cincy, which is a partnership among the City, the Urban League, the Greater Cincinnati African American Chamber of Commerce, and the Minority Business Accelerator, is capable of providing such assistance through a program to support Black-owned businesses; now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish American Rescue Plan grant project account no. 469x101xARP015, “Minority Business Accelerator/Ascend,” for the purpose of providing funds for Ascend*Cincy, a partnership among the City, Urban League, the Greater Cincinnati African American Chamber of Commerce, and the Minority Business

Accelerator, to provide staffing, accounting, human resources, financial coaching, and other assistance to Black-owned businesses.

Section 2. That the sum of \$2,500,000 is hereby appropriated from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP015, “Minority Business Accelerator/Ascend,” for the purpose of providing funds for Ascend*Cincy, a partnership among the City, Urban League, the Greater Cincinnati African American Chamber of Commerce, and the Minority Business Accelerator, to provide staffing, accounting, human resources, financial coaching, and other assistance to Black-owned businesses.

Section 3. That expenditures from American Rescue Plan grant project account no. 469x101xARP015, “Minority Business Accelerator/Ascend,” are hereby declared to be for a public purpose because providing funds for Ascend*Cincy, a partnership among the City, Urban League, the Greater Cincinnati African American Chamber of Commerce, and the Minority Business Accelerator, to provide staffing, accounting, human resources, financial coaching, and other assistance to Black-owned businesses improves the economic and general well-being of the people of the City, which is necessary because of the impacts of the COVID-19 pandemic.

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 implement authorized American Rescue Plan-related support programs.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 3, 2021

To: Members of the Budget and Finance Committee 202101587
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Use of American Rescue Plan (ARP) Act Funds for FY 2021 Fiscal Stability COVID-Related Expenses**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses” for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related personnel expenses incurred by the Cincinnati Fire Department during FY 2021; **AUTHORIZING** the appropriation of the sum of \$18,700,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses” for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related personnel expenses incurred by the Cincinnati Fire Department during FY 2021; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” to be for a public purpose.

Included in the Administration’s recommended plan for use of American Rescue Plan (ARP) funds is the designation of funds for fiscal stability, specifically for the Approved FY 2021 Budget Update. This Emergency Ordinance would establish American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses” for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related personnel expenses incurred by the Cincinnati Fire Department during FY 2021. Furthermore, this Emergency Ordinance would appropriate the sum of \$18,700,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses.” Finally, the use of these funds is declared to be for a public purpose.

Ultimately these reimbursements will free up appropriation in the Cincinnati Fire Department’s budget which will be utilized to transfer funds to other General Fund Departments in the General Fund Final Adjustment Ordinance (FAO) which will be presented to the City Council in May 2021.

The reason for the emergency is the immediate need to implement authorized American Rescue Plan-related support programs.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

AEP



An Ordinance No. _____

- 2021

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related personnel expenses incurred by the Cincinnati Fire Department during FY 2021; **AUTHORIZING** the appropriation of the sum of \$18,700,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related personnel expenses incurred by the Cincinnati Fire Department during FY 2021; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” to be for a public purpose.

WHEREAS, the City is eligible to receive funding from the United States Department of the Treasury pursuant to the American Rescue Plan (“ARP”) Act as part of the Coronavirus Local Fiscal Recovery Fund Act; and

WHEREAS, the Cincinnati Fire Department has incurred General Fund personnel expenses responding to the COVID-19 pandemic; and

WHEREAS, ARP funds will be used to reimburse these expenses for the purpose of fiscal stability for FY 2021; now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” for the purpose of providing funds to reimburse the General Fund for COVID related personnel expenses incurred by the Cincinnati Fire Department during FY 2021.

Section 2. That the sum of \$18,700,000 is hereby appropriated to newly established American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” for the purpose of providing funds to reimburse the General Fund for COVID related personnel expenses incurred by the Cincinnati Fire Department during FY 2021.

Section 3. That expenditures from American Rescue Plan grant project account no. 469x101xARP050, “FY 2021 COVID Expenses,” are hereby declared to be for a public purpose because providing funds for the fiscal stability of the City improves the general well-being of the people of the City, which is necessary because of the impacts of the COVID-19 pandemic.

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 implement authorized American Rescue Plan-related support programs.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 3, 2021

To: Members of the Budget and Finance Committee 202101588
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Use of American Rescue Plan (ARP) Act Funds for FY 2022 Fiscal Stability COVID-Related Expenses**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP051, “FY 2022 COVID Expenses,” for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related expenses incurred by the various departments during FY 2021 and FY 2022; **AUTHORIZING** the appropriation of the sum of \$67,500,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP051, “FY 2022 COVID Expenses,” for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related expenses incurred by the various departments during FY 2021 and FY 2022; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP051, “FY 2022 COVID Expenses,” to be for a public purpose.

Included in the Administration’s recommended plan for use of American Rescue Plan (ARP) funds is the designation of funds for fiscal stability, specifically as a source of funds in the FY 2022 Budget. This Emergency Ordinance would establish American Rescue Plan grant project account no. 469x101xARP051, “FY 2022 COVID Expenses” for the purpose of providing fiscal stability funds to funds to reimburse the General Fund for COVID related expenses incurred by various departments during FY 2021 and FY 2022. Furthermore, this Emergency Ordinance would appropriate the sum of \$67,500,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP051, “FY 2022 COVID Expenses.” Finally, the use of these funds is declared to be for a public purpose.

Ultimately funds will be utilized to close the projected FY 2022 Budget deficit which has been exacerbated by a loss of revenue as well as increased expenditures directly related to the impact of the COVID-19 pandemic.

The reason for the emergency is the immediate need to implement authorized American Rescue Plan-related support programs.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

CMZ

AWB

An Ordinance No. _____

- 2021

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP051, "FY 2022 COVID Expenses," for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related expenses incurred by the various departments during FY 2021 and FY 2022; **AUTHORIZING** the appropriation of the sum of \$67,500,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP051, "FY 2022 COVID Expenses," for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related expenses incurred by the various departments during FY 2021 and FY 2022; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP051, "FY 2022 COVID Expenses," to be for a public purpose.

WHEREAS, the City is eligible to receive funding from the United States Department of the Treasury pursuant to the American Rescue Plan ("ARP") Act as part of the Coronavirus Local Fiscal Recovery Fund Act; and

WHEREAS, various City departments have and will continue to incur General Fund expenses responding to the COVID-19 pandemic; and

WHEREAS, ARP funds will be used to reimburse these expenses for the purpose of fiscal stability for FY 2022; now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish American Rescue Plan grant project account no. 469x101xARP051, "FY 2022 COVID Expenses," for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related expenses incurred by the various departments during FY 2021 and FY 2022.

Section 2. That the sum of \$67,500,000 is hereby appropriated to newly established American Rescue Plan grant project account no. 469x101xARP051, "FY 2022 COVID Expenses," for the purpose of providing fiscal stability funds to reimburse the General Fund for COVID related expenses incurred by the various departments during FY 2021 and FY 2022.

Section 3. That expenditures from American Rescue Plan grant project account no. 469x101xARP051, “FY 2022 COVID Expenses,” are hereby declared to be for a public purpose because providing funds for the fiscal stability of the City improves the general well-being of the people of the City, which is necessary because of the impacts of the COVID-19 pandemic.

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 implement authorized American Rescue Plan-related support programs.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 3, 2021

To: Members of the Budget and Finance Committee 202101606

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – HOME Investment Partnership Program (HOME) 2021 American Rescue Plan Act Stimulus**

Attached is an Emergency Ordinance captioned:

ESTABLISHING new Home Investment Trust Fund 411 project account no. 411x162x4112131, “HOME-American Rescue Plan (HOME-ARP)”; and further **AUTHORIZING** the City Manager to accept and appropriate the sum of \$9,923,076, to be received pursuant to an additional award from the U.S. Department of Housing and Urban Development under the HOME Investment Partnerships Program in order to help create housing and services for people experiencing or at risk of experiencing homelessness, to the newly-created Home Investment Trust Fund 411 project account no. 411x162x4112131, “HOME-American Rescue Plan (HOME-ARP).”

Approval of this Emergency Ordinance will establish new HOME Investment Trust Fund 411 project account no. 411x162x4112131, “HOME-American Rescue Plan (HOME-ARP)”. This Emergency Ordinance will further authorize the acceptance and appropriation the sum of \$9,923,076 to be received pursuant to an additional award from the U.S. Department of Housing and Urban Development under the HOME Investment Partnerships Program as part of the American Rescue Plan in order to help create housing and services for people experiencing or at risk of experiencing homelessness, to the newly-created Home Investment Trust Fund 411 project account no. 411x162x4112131, “HOME-American Rescue Plan (HOME-ARP).”

The U.S. Department of Housing and Urban Development (HUD) announced the initial entitlement grant allocation to the City for the 2021 HOME program per Assistance Listing Number (ALN) No. 14.239 via Award M-21-MC-39-0213 on February 25, 2021.

HUD received an additional federal appropriation through the American Rescue Plan (ARP) Act for use in funding additional HOME awards to entitlement grantees in order to meet the needs of people experiencing or at risk of experiencing homelessness, and announced that the City would receive \$9,923,076 (the “HOME ARP Grant”).

Additional guidance may be forthcoming from HUD on eligible uses of the HOME ARP Grant, and one or more additional ordinances may be presented to Council to appropriate the funds.

Accepting and appropriating funds for the HOME program is in accordance with the “Live” goal to “support and stabilize our neighborhoods” as described on page 160 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide funding for vital City programs.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment





EMERGENCY

City of Cincinnati

SSB *AWB*

An Ordinance No. _____

- 2021

ESTABLISHING new Home Investment Trust Fund 411 project account no. 411x162x4112131, “HOME-American Rescue Plan (HOME-ARP)”; and further **AUTHORIZING** the City Manager to accept and appropriate the sum of \$9,923,076, to be received pursuant to an additional award from the U.S. Department of Housing and Urban Development under the HOME Investment Partnerships Program in order to help create housing and services for people experiencing or at risk of experiencing homelessness, to the newly-created Home Investment Trust Fund 411 project account no. 411x162x4112131, “HOME-American Rescue Plan (HOME-ARP).”

WHEREAS, through the HOME Investment Partnerships (“HOME”) Program, the U.S. Department of Housing and Urban Development (“HUD”) provides annual grants to local communities for projects that include buying, building, and rehabilitating affordable housing for rent or ownership, as well as projects that provide down payment assistance; and

WHEREAS, HUD announced the initial entitlement grant allocation to the City for the 2021 HOME program per Assistance Listing Number (ALN) 14.239 via Award M-21-MC-39-0213 on February 25, 2021; and

WHEREAS, HUD received an additional federal appropriation through the American Rescue Plan (ARP) Act for use in funding additional HOME awards to entitlement grantees in order to meet the needs of people experiencing or at risk of experiencing homelessness, and announced that the City would receive \$9,923,076 (the “HOME ARP Grant”); and

WHEREAS, in order to make the funding under the HOME ARP Grant available, the City must appropriate these funds; and

WHEREAS, additional guidance may be forthcoming from HUD on eligible uses of the HOME ARP Grant, and one or more additional ordinances may be presented to Council to appropriate the funds; and

WHEREAS, accepting and appropriating funds from the HOME program is in accordance with the “Live” goal to “Support and stabilize our neighborhoods,” as described on page 160 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 Home Investment Trust Fund 411 project account no. 411x162x4112131, “HOME-American Rescue Plan (HOME-ARP),” for the purpose of meeting the needs of people experiencing or at risk of experiencing homelessness.

Section 2. That Council hereby authorizes the acceptance and appropriation of the sum of \$9,923,076, to be received pursuant to an additional HOME Investment Partnerships (“HOME”) Program award from the U.S. Department of Housing and Urban Development (“HUD”) to HOME Investment Trust Fund 411 project account no. 411x162x4112131, “HOME-American Rescue Plan (HOME-ARP),” for the purpose of meeting the needs of people experiencing or at risk of experiencing homelessness.

Section 3. That the City Manager is hereby authorized to (a) submit, modify, or amend any and all necessary documents required to be sent to HUD to carry out the provisions of this ordinance, and (b) take all actions necessary to carry out the provisions of this ordinance and otherwise make the herein described funding available to meet the needs of people experiencing or at risk of experiencing homelessness, all in accordance with federal requirements and necessary federal approvals.

Section 4. That the proper City officials are authorized to use and expend the described funds in accordance with 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 provide funding for vital City programs.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Date: April 29, 2021

202101607

To: Mayor John Cranley
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – Use of ARP Act Funds for Social Services Operational Grants**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP025, “Social Services Operational Grants,” for the purpose of providing grant funds to human service and violence prevention funding recipients under the City’s FY 2020 budget; **AUTHORIZING** the appropriation of the sum of \$2,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to the newly established American Rescue Plan grant project account no. 469x101xARP025, “Social Services Operational Grants,” for the purpose of providing grant funds to human service and violence prevention funding recipients under the City’s FY 2020 budget; and further **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP025, “Social Services Operational Grants,” to be for a public purpose.

AWG/KMB/(lnk)
Attachment
337751

EMERGENCY

City of Cincinnati

KMB

AWB

An Ordinance No. _____

- 2021

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP025, “Social Services Operational Grants,” for the purpose of providing grant funds to human service and violence prevention funding recipients under the City’s FY 2020 budget; **AUTHORIZING** the appropriation of the sum of \$2,000,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to the newly established American Rescue Plan grant project account no. 469x101xARP025, “Social Services Operational Grants,” for the purpose of providing grant funds to human service and violence prevention funding recipients under the City’s FY 2020 budget; and further **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP025, “Social Services Operational Grants,” to be for a public purpose.

WHEREAS, the City is eligible to receive funding from the United States Department of the Treasury pursuant to the American Rescue Plan (ARP) Act as part of the Coronavirus Local Fiscal Recovery Fund (LFRF) Act and additional guidance is forthcoming regarding eligible uses of such funds; and

WHEREAS, the COVID-19 pandemic negatively impacted FY 2020 human service and violence prevention funding recipients; and

WHEREAS, many of these human service and violence prevention funding recipients returned funds up to 25% of their original appropriation to the City at the end of FY 2020; and

WHEREAS, a grant program will be established to restore funding to FY 2020 human service and violence prevention funding recipients; now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish American Rescue Plan grant project account no. 469x162xARP025, “Social Services Operational Grants,” for the purpose of providing grant funds to human service and violence prevention funding recipients under the City’s FY 2020 budget.

Section 2. That the sum of \$2,000,000 is hereby appropriated from the unappropriated surplus of Local Fiscal Recovery Fund 469 to the newly established American Rescue Plan grant project account 469x162xARP025, “Social Services Operational Grants,” for the purpose of

providing grant funds to human service and violence prevention funding recipients under the City's FY 2020 budget.

Section 3. That expenditures from American Rescue Plan grant project account 469x162xARP022, "Social Services Operation Grants," are hereby declared to be for a public purpose because the leveraged support recipients provide services that improve the economic and general well-being of the people of the City, which is necessary because of the impacts of the COVID-19 pandemic.

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 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 implement authorized American Rescue Plan-related support programs.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

May 3, 2021

To: Members of the Budget and Finance Committee 202101617
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Use of American Rescue Plan (ARP) Act Funds for FY 2021 Restricted Funds Revenue Replacement**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP052, “FY 2021 Restricted Funds Revenue Replacement,” for the purpose of providing fiscal stability funds to reimburse various Restricted Funds for lost revenue due to the COVID-19 pandemic; **AUTHORIZING** the appropriation of the sum of \$20,600,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP052, “FY 2021 Restricted Funds Revenue Replacement,” for the purpose of providing fiscal stability funds to reimburse various Restricted Funds for lost revenue due to the COVID-19 pandemic according to the attached schedule; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP052, “FY 2021 Restricted Funds Revenue Replacement,” to be for a public purpose.

Included in the Administration’s recommended plan for use of American Rescue Plan (ARP) funds is the designation of funds for fiscal stability, specifically as a source for revenue replacement to reimburse various Restricted Funds for the lost revenue due to the COVID-19 pandemic. This Emergency Ordinance would establish American Rescue Plan grant project account no. 469x101xARP052, “FY 2021 Restricted Funds Revenue Replacement,” for the purpose of providing fiscal stability funds to reimburse various Restricted Funds for lost revenue due to the COVID-19 pandemic. Furthermore, this Emergency Ordinance would appropriate the sum of \$20,600,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP052, “FY 2021 Restricted Funds Revenue Replacement.” Finally, the use of these funds is declared to be for a public purpose.

Various Restricted Funds experienced revenue shortfalls since the beginning of the global pandemic. The amount of those shortfalls, net of expenditure savings over the same period, and the affected funds are included on the attached Schedule.

The reason for the emergency is the immediate need to implement authorized American Rescue Plan-related support programs.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

CMZ



An Ordinance No. _____

- 2021

AUTHORIZING the establishment of American Rescue Plan grant project account no. 469x101xARP052, “FY 2021 Restricted Funds Revenue Replacement,” for the purpose of providing fiscal stability funds to reimburse various Restricted Funds for lost revenue due to the COVID-19 pandemic; **AUTHORIZING** the appropriation of the sum of \$20,600,000 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established American Rescue Plan grant project account no. 469x101xARP052, “FY 2021 Restricted Funds Revenue Replacement,” for the purpose of providing fiscal stability funds to reimburse various Restricted Funds for lost revenue due to the COVID-19 pandemic according to the attached schedule; and **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP052, “FY 2021 Restricted Funds Revenue Replacement,” to be for a public purpose.

WHEREAS, the City is eligible to receive funding from the United States Department of the Treasury pursuant to the American Rescue Plan (“ARP”) Act as part of the Coronavirus Local Fiscal Recovery Fund Act; and

WHEREAS, various Restricted Funds have experienced revenue shortfalls due to changes in various activities caused by the COVID-19 pandemic; and

WHEREAS, ARP funds will be used as revenue replacement to those funds for the purpose of fiscal stability for FY 2021; now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish American Rescue Plan grant project account no. 469x101xARP052, “FY 2021 Restricted Funds Revenue Replacement,” for the purpose of providing fiscal stability funds to reimburse various Restricted Funds for lost revenue due to the COVID-19 pandemic.

Section 2. That the sum of \$20,600,000 is hereby appropriated to newly established American Rescue Plan grant project account no. 469x101xARP052, “FY 2021 Restricted Funds Revenue Replacement,” for the purpose of providing fiscal stability funds to reimburse various Restricted Funds for lost revenue due to the COVID-19 pandemic according to the attached schedule.

Section 3. That expenditures from American Rescue Plan grant project account no. 469x101xARP052, "FY 2021 Restricted Funds Revenue Replacement," are hereby declared to be for a public purpose because providing funds for the fiscal stability of the City improves the general well-being of the people of the City, which is necessary because of the impacts of the COVID-19 pandemic.

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 implement authorized American Rescue Plan-related support programs.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Schedule

Restricted Funds Revenue Replacement: For Period March 1, 2020 through February 28, 2021

Fund		Amount
102 - Parking System Facilities	\$	2,000,000
103 - Convention Center	\$	10,000,000
303 - Parking Meter	\$	2,000,000
318 - Sawyer Point	\$	650,000
323 - Recreation Special Activities	\$	2,050,000
326 - Park Donations/Special Activities	\$	500,000
329 - Cincinnati Riverfront Park	\$	700,000
332 - Krohn Conservatory	\$	500,000
347 - Hazard Abatement	\$	300,000
363 - Solid Waste Disposal Control	\$	50,000
412 - Food Service License Fees	\$	950,000
446 - Health Network	\$	900,000
Total	\$	20,600,000

Schedule

Restricted Funds Revenue Replacement: For Period March 1, 2020 through February 28, 2021

Fund		Amount
102 - Parking System Facilities	\$	2,000,000
103 - Convention Center	\$	10,000,000
303 - Parking Meter	\$	2,000,000
318 - Sawyer Point	\$	650,000
323 - Recreation Special Activities	\$	2,050,000
326 - Park Donations/Special Activities	\$	500,000
329 - Cincinnati Riverfront Park	\$	700,000
332 - Krohn Conservatory	\$	500,000
347 - Hazard Abatement	\$	300,000
363 - Solid Waste Disposal Control	\$	50,000
412 - Food Service License Fees	\$	950,000
446 - Health Network	\$	900,000
Total	\$	20,600,000

May 3, 2021

To: Members of the Budget and Finance Committee 202101594

From: Paula Boggs Muething, City Manager

Subject: **Emergency Ordinance – American Rescue Plan Funding for Health Centers**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept an American Rescue Plan Funding for Health Centers (“H8F”) grant in the amount up to \$9,975,375 from the United States Department of the Treasury as part of the American Rescue Plan Act for the purpose of supporting health centers funded under the Health Center Program to prevent, mitigate, and respond to the Coronavirus Disease 2019 (“COVID-19”) and to enhance health care services and infrastructure; **AUTHORIZING** the Finance Director to deposit the funds in Fund 469, “Local Fiscal Recovery,” revenue account no. 469x8543; **AUTHORIZING** the establishment of H8F grant project account no. 469x101xARP100, “Funding for Health Centers,” for the purpose of supporting health centers funded under the Health Center Program to prevent, mitigate, and respond to COVID-19 and to enhance health care services and infrastructure; **AUTHORIZING** the appropriation of the sum of \$9,975,375 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established H8F grant project account no. 469x101xARP100, “Funding for Health Centers,” for the purpose of providing support for the Cincinnati Health Department in providing equitable access to COVID-19 vaccinations, testing, and treatment as well as other current and anticipated COVID-19 and primary health care needs within the most vulnerable communities; and further **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP100, “Funding for Health Centers,” to be for a public purpose.

This Emergency Ordinance will authorize the City Manager to accept an American Rescue Plan Funding for Health Centers (H8F) grant in the amount up to \$9,975,375 from the United States Department of the Treasury as part of the American Rescue Plan (ARP) Act for the purpose of supporting health centers funded under the Health Center Program to prevent, mitigate, and respond to the Coronavirus Disease 2019 (COVID-19) and to enhance health care services and infrastructure. The Emergency Ordinance will also authorize the Director of Finance to deposit the grant funds in Fund 469, “Local Fiscal Recovery,” revenue account no. 469x8543. Further, this Emergency Ordinance will authorize the establishment of H8F grant project account no. 469x101xARP100, “Funding for Health Centers,” and authorizing the appropriation of the sum of \$9,975,375 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established H8F grant project account no. 469x101xARP100, “Funding for Health Centers.”

Additionally, this Emergency Ordinance will declare expenditures from ARP grant project account no. 469x101xARP100, "Funding for Health Centers," to be for a public purpose.

Funds will be used to provide equitable access to COVID-19 vaccinations, testing, and treatment as well as other current and anticipated COVID-19 and primary health care needs within the most vulnerable communities.

There is no local match required and no FTEs are associated with this funding.

The reason for the emergency is the immediate need to implement H8F-related programs in City health centers.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

City of Cincinnati

KMB

AWB

An Ordinance No. _____

- 2021

AUTHORIZING the City Manager to accept an American Rescue Plan Funding for Health Centers (“H8F”) grant in the amount up to \$9,975,375 from the United States Department of the Treasury as part of the American Rescue Plan Act for the purpose of supporting health centers funded under the Health Center Program to prevent, mitigate, and respond to the Coronavirus Disease 2019 (“COVID-19”) and to enhance health care services and infrastructure; **AUTHORIZING** the Finance Director to deposit the funds in Fund 469, “Local Fiscal Recovery,” revenue account no. 469x8543; **AUTHORIZING** the establishment of H8F grant project account no. 469x101xARP100, “Funding for Health Centers,” for the purpose of supporting health centers funded under the Health Center Program to prevent, mitigate, and respond to COVID-19 and to enhance health care services and infrastructure; **AUTHORIZING** the appropriation of the sum of \$9,975,375 from the unappropriated surplus of Local Fiscal Recovery Fund 469 to newly established H8F grant project account no. 469x101xARP100, “Funding for Health Centers,” for the purpose of providing support for the Cincinnati Health Department in providing equitable access to COVID-19 vaccinations, testing, and treatment as well as other current and anticipated COVID-19 and primary health care needs within the most vulnerable communities; and further **DECLARING** expenditures from American Rescue Plan grant project account no. 469x101xARP100, “Funding for Health Centers,” to be for a public purpose.

WHEREAS, the City is eligible to receive funding from the United States Department of the Treasury pursuant to the American Rescue Plan (“ARP”) Act’s Funding for Health Centers (“H8F”) grant program, and additional guidance is forthcoming regarding eligible uses of such funds; and

WHEREAS, the H8F grant program provides funds to support health centers funded under the Health Center Program to prevent, mitigate, and respond to the Coronavirus Disease 2019 (“COVID-19”) and to enhance health care services and infrastructure; and

WHEREAS, the Cincinnati Health Department (“CHD”) will utilize these funds to provide equitable access to COVID-19 vaccinations, testing, and treatment as well as other current and anticipated COVID-19 and primary health care needs within the most vulnerable communities; and

WHEREAS, the CHD was already awarded the grant through ARP but will not accept any funds without approval of Council; and

WHEREAS, there is no local match required and no FTEs are associated with this grant; 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 American Rescue Plan Funding for Health Centers (“H8F”) grant in an amount up to \$9,975,375 as part of the American Rescue Plan Act for the purpose of supporting health centers funded under the Health Center Program to prevent, mitigate, and respond to the Coronavirus Disease 2019 (“COVID-19”) and to enhance health care services and infrastructure.

Section 2. That the Director of Finance is hereby authorized to receive and deposit the funds into Fund 469, “Local Fiscal Recovery,” revenue account no. 469x8543.

Section 3. That the Director of Finance is hereby authorized to establish H8F grant project account no. 469x101xARP100, “Funding for Health Centers,” for the purpose of supporting health centers funded under the Health Center Program to prevent, mitigate, and respond to COVID-19 and to enhance health care services and infrastructure.

Section 4. That the sum of \$9,975,375 is hereby appropriated to newly established H8F grant project account no. 469x101xARP100, “Funding for Health Centers,” for the purpose of providing support for the Cincinnati Health Department in providing equitable access to COVID-19 vaccinations, testing, and treatment as well as other current and anticipated COVID-19 and primary health care needs within the most vulnerable communities.

Section 5. That expenditures from ARP grant project account no. 469x101xARP100, “Funding for Health Centers,” are hereby declared to be for a public purpose because supporting health centers and enhancing health care services and infrastructure improves the economic and general well-being of the people of the City, which is necessary because of the impacts of the COVID-19 pandemic.

Section 6. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 5 hereof.

Section 7. 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 implement H8F-related programs in City health centers.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk