



EMERGENCY

City of Cincinnati

KKF *ESW/RAH*

An Ordinance No. 119

- 2024

ESTABLISHING new capital improvement program project account nos. 980x233x242372, “WHV OKI STBG 2020 HC Match,” 980x233x242373, “WHV OKI STBG 2021 HC Match,” 980x233x242374, “WHV TRAC 2021 HC Match,” and 980x233x242375, “WHV Earmark 2022 HC Match”; **AUTHORIZING** the City Manager to accept and appropriate contributions from Hamilton County up to \$3,500,000 to be used as fifty percent of the required local match for federal grants, in accordance with the attached Schedule of Appropriation; **AUTHORIZING** the Director of Finance to deposit up to \$3,500,000 from Hamilton County to the various newly established capital improvement program project accounts as set forth in the attached Schedule of Appropriation; **AMENDING** Ordinance 8-2022 to reconcile a difference between Ordinance 8-2022 and the project grant agreement for the scheduled payment of funds awarded to the Western Hills Viaduct project; **AUTHORIZING** the City Manager to transfer and appropriate up to \$8,200,000 from the unappropriated surplus of Fund No. 401, “Transit Infrastructure Fund Grants,” to existing capital improvement program project account no. 980x233x222392, “Western Hills Viaduct Transit Grant”; and **AUTHORIZING** the City Manager to do all things necessary and enter into any agreements necessary to accept these grant and matching resources.

WHEREAS, on December 7, 2022, Council approved Ordinance No. 369-2022 authorizing the City Manager to accept and appropriate an Ohio-Kentucky-Indiana (OKI) Surface Transportation Block Grant (STBG), a Transportation Review Advisory Council (TRAC) Grant, a Nationally Significant Freight and Highway Projects (INFRA) grant, and federal funding earmarked in the Consolidation Appropriations Act of 2022 for Highway Infrastructure Programs, all to provide resources for the Western Hills Viaduct project, (“Project”); and

WHEREAS, Hamilton County will provide matching resources up to \$3,500,000 for these grants, which requires Council authorization to accept and appropriate; and

WHEREAS, on January 20, 2022, Council approved Ordinance No. 8-2022 authorizing the City Manager to accept and deposit into Fund No. 401, “Transit Infrastructure Fund Grants,” grant resources totaling up to \$205,000,000 from the Southwest Ohio Regional Transit Authority (“SORTA”) Transit Infrastructure Fund program, with payments to be received over 25 years at a rate of \$8,200,000 annually for the Project; and

WHEREAS, under the terms of the project grant agreement executed December 8, 2023, between the City and SORTA, grant resources of up to \$205,000,000 from the SORTA Transit Infrastructure Fund will be disbursed in the following manner: \$16,400,000 will be deposited into Fund No. 401, “Transit Infrastructure Fund Grants,” followed by twelve annual installments of \$14,500,000 and one final payment of \$14,600,000, totaling up to \$188,600,000, will be assigned to the Transportation Improvement District or its Trustee to pay debt service and related costs on bonds issued for the Project; and

WHEREAS, in order to reconcile the difference in the payment schedule from Ordinance No. 8-2022 and the project grant agreement, it is necessary to amend Section 7 of Ordinance No. 8-2022; and

WHEREAS, Council authorization is required to transfer and appropriate up to \$8,200,000 from the unappropriated surplus of Fund No. 401, "Transit Infrastructure Fund Grants," to capital improvement program project account no. 980x233x222392, "Western Hills Viaduct Transit Grant"; and

WHEREAS, there are no new FTEs/full time equivalents associated with these grants; and

WHEREAS, the Project is in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability" as well as the strategy to "[p]lan, design and implement a safe and sustainable transportation system" as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is authorized to establish new capital improvement program project account nos. 980x233x242372, "WHV OKI STBG 2020 HC Match," 980x233x242373, "WHV OKI STBG 2021 HC Match," 980x233x242374, "WHV TRAC 2021 HC Match," and 980x233x242375, "WHV Earmark 2022 HC Match."

Section 2. That the City Manager is authorized to accept and appropriate contributions from Hamilton County of up to \$3,500,000 to be used as fifty percent of the required local match for federal grants, in accordance with the attached Schedule of Appropriation.

Section 3. That the Director of Finance is authorized to deposit up to \$3,500,000 from Hamilton County to the various newly established capital improvement program project accounts as set forth in the attached Schedule of Appropriation.

Section 4. That Section 7 of Ordinance No. 8-2022, approved by Council on January 20, 2022, is amended as follows:

Section 7. That the City Manager is authorized to accept and deposit into Fund No. 401, "Transit Infrastructure Fund Grants," grant resources of up to \$205 million from the SORTA Transit Infrastructure Fund, which will be received over 25 years at a rate of \$8.2 million per year for the Western Hills Viaduct project in the following manner: \$16,400,000 to be deposited into Fund No. 401 "Transit Infrastructure Fund Grants," and twelve annual installments of \$14,500,000 and

one final payment of \$14,600,000, totaling up to \$188,600,000, to be assigned to the Transportation Improvement District or its Trustee to be used by the Transportation Improvement District or Trustee to pay debt service and related costs on bonds issued for the Western Hills Viaduct project.

Section 5. That all terms of Ordinance No. 8-2022 not amended by this ordinance remain in full force and effect.

Section 6. That the City Manager is authorized to transfer and appropriate up to \$8,200,000 from the unappropriated surplus of Fund No. 401, "Transit Infrastructure Fund Grants," to existing capital improvement program project account no. 980x233x222392, "Western Hills Viaduct Transit Grant."

Section 7. That the City Manager is authorized to do all things necessary and proper to enter into any agreements necessary for the receipt and administration of these resources.

Section 8. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of these funding sources and Sections 1 through 7.

Section 9. 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 accept matching resources to meet established contractual deadlines.

Passed: April 10, 2024

Attest: [Signature]
Clerk

[Signature]
Aftab Pureval, Mayor
I HEREBY CERTIFY THAT ORDINANCE NO. 118 2024
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 4/23/2024
[Signature]
CLERK OF COUNCIL

New language is underscored. Deleted language is struck through.