

EMERGENCY

CFG

-2023

AUTHORIZING the transfer of \$1,480,602.25 from the General Fund balance sheet reserve account no. 050x2580, “Reserve for Weather Related Events, Other Emergency and One-Time Needs,” to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$3,280,602.25 from the unappropriated surplus of General Fund 050 to the non-departmental Judgments Against the City General Fund non-personnel operating budget account no. 050x951x7400 for the purpose of satisfying a legal judgment against the City as well as associated legal fees in *White v. The City of Cincinnati*.

WHEREAS, Council passed Ordinance No. 0448-1986 on December 17, 1986 enacting Chapter 807 of the Cincinnati Municipal Code (“CMC”), which authorized assessment of registration fees and penalties on alarm system users arising from issuance of false alarms; and

WHEREAS, the City was a defendant in a lawsuit captioned *White v. The City of Cincinnati*, 2021-Ohio-4003 (“the litigation”), which challenged the fees and penalties contained in CMC Chapter 807; and

WHEREAS, the First Appellate District of Ohio reversed the trial court’s ruling in the litigation and held that the residential and nonresidential alarm user fees imposed by CMC Chapter 807 were an unconstitutional tax; and

WHEREAS, the City has been ordered to pay an estimated judgment of \$2,559,486.25 to the plaintiffs in the litigation, as well as attorney fees of \$721,116; and

WHEREAS, in order to comply with a legally required deadline, the attorney fees have already been paid from the Cincinnati Police Department’s General Fund non-personnel operating budget, but the payment from that fund needs to be reimbursed; and

WHEREAS, an additional \$2,559,486.25 is needed for the settlement payment to the plaintiffs; and

WHEREAS, the Finance Department has increased FY 2023 revenue estimates due to FY 2023 State Shared Revenues from the Local Government Fund exceeding estimates by \$1,800,000, which has increased the unappropriated surplus of the General Fund, which will serve as a source for a portion of the settlement of the judgment; and

WHEREAS, the General Fund balance sheet reserve account no. 050x2580, “Reserve for Weather Related Events, Other Emergency and One-Time Needs,” is the source of funds for the remaining \$759,486.25 needed for the settlement payment to the plaintiffs and the \$721,116 for

the reimbursement of the Cincinnati Police Department's General Fund non-personnel operating budget; now, therefore,

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

Section 1. That the sum of \$1,480,602.25 is hereby transferred from the General Fund balance sheet reserve account no. 050x2580, "Reserve for Weather Related Events, Other Emergency and One-Time Needs," to the unappropriated surplus of General Fund 050.

Section 2. That the sum of \$ 3,280,602.25 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050 to the non-departmental Judgments Against the City General Fund non-personnel operating budget account no. 050x951x7400 for the purpose of satisfying a legal judgment against the City as well as associated legal fees in *White v. The City of Cincinnati*.

Section 3. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement 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 meet a legally required deadline for payment of the judgment.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk