

## EMERGENCY

SSB

- 2026

**DECLARING** a hotel to be developed on property located at 240 W. Fourth Street and 251 W. Fifth Street in the Central Business District of Cincinnati to be designated a convention center headquarters hotel for purposes of Ohio Revised Code Section 5739.093; **DECLARING** such convention center headquarters hotel and any associated convention center headquarters hotel facilities to be a public purpose; **DECLARING** lodging transactions occurring at such convention center headquarters hotel to be exempt from City of Cincinnati's lodging taxes levied pursuant to Cincinnati Municipal Code Chapter 312 for a period of thirty years; **REQUIRING** the convention center headquarters hotel's qualifying vendor to make payments in lieu of qualifying lodging taxes; **ESTABLISHING** new Fund 406, "Convention Center Hotel Lodging Tax Equivalent Fund," for the purpose of receiving payments in lieu of qualifying lodging taxes associated with the convention center headquarters hotel; and **AUTHORIZING** expenditures from the newly-created Fund 406, "Convention Center Hotel Lodging Tax Equivalent Fund," to facilitate construction financing for the convention center headquarters hotel and any associated convention center headquarters hotel facilities.

WHEREAS, as authorized by separate ordinance passed on or about the date hereof, the City of Cincinnati (the "City"), the Board of County Commissioners of Hamilton County, Ohio (the "County"), and Cincinnati CH (OH), LLC ("Developer") anticipate entering into a Development Agreement (the "Development Agreement") pertaining to the development of a first-class, premium branded, full-service convention center hotel (the "Convention Center Hotel") on real property located at 240 W. Fourth Street and 251 W. Fifth Street in the Central Business District of Cincinnati, which property is more particularly described on Attachment A to this ordinance; and

WHEREAS, as described in the Development Agreement, the Port of Greater Cincinnati Development Authority (the "Port Authority") intends to issue revenue bonds (the "Port Authority Bonds"), the State of Ohio intends to issue bonds through its Ohio Enterprise Bond Fund (the "OEBF Bonds" and together with the Port Authority Bonds, the "Bonds"), and the City intends to loan an estimated \$50,000,000 to Developer, the repayment of which will be evidenced by a promissory note (the "Note"), a portion of the proceeds of each of which will be made available to Developer to pay a portion of the costs to construct the Convention Center Hotel; and

WHEREAS, pursuant to the Development Agreement, the City has agreed to support the repayment of the Bonds through a pledge of, and expects the Note to be repaid through the receipt of, various revenues to be generated by the Convention Center Hotel; and

WHEREAS, pursuant to Section 5739.08(A) of the Ohio Revised Code ("R.C.") and Ordinance No. 89-1969, as amended, supplemented, renewed, or restated, the City has levied an excise tax of one and one-half percent (1.50%) on transactions by which lodging by a hotel is or is to be furnished to transient guests within Cincinnati (including the revenues therefrom, the "City 1969 1.50% TOT"); and

WHEREAS, pursuant to R.C. Section 5739.08(A) and Ordinance No. 41-2002, as amended, supplemented, renewed, or restated, the City has levied an excise tax of one and one-half percent (1.50%) on transactions by which lodging by a hotel is or is to be furnished to transient guests within Cincinnati (including the revenues therefrom, the “City 2002 1.50% TOT”); and

WHEREAS, pursuant to R.C. Section 5739.09(B)(2) and Ordinance No. 311-2002, as amended, supplemented, renewed, or restated, the City has levied an excise tax of one percent (1.00%) on transactions by which lodging by a hotel is or is to be furnished to transient guests within Cincinnati (including the revenues therefrom, the “City 2002 1.00% TOT” and collectively with the City 1969 1.50% TOT and the City 2002 1.50% TOT, the “City TOT”); and

WHEREAS, the City constitutes an eligible municipal corporation as defined in R.C. Section 5739.093 (the “Statute”); and

WHEREAS, the Statute authorizes the City, by ordinance, to designate a hotel as a convention center headquarters hotel and to declare that the hotel and any convention center headquarters hotel facilities (as defined in the Statute and referred to herein as the “Headquarters Hotel Facilities”) associated with the hotel to be a public purpose; and

WHEREAS, in accordance with the Statute, the City has provided the required notice to the County and the Greater Cincinnati Convention and Visitors Bureau; and

WHEREAS, the Statute authorizes the City, by ordinance, to exempt from applicable qualifying lodging taxes such as the City TOT, transactions by which lodging by the hotel is to be furnished to transient guests (the “TOT Exemption”); and

WHEREAS, the Statute authorizes the City, by ordinance, to require a convention center headquarters hotel’s qualifying vendor to make monthly payments in lieu of qualifying lodging taxes in an amount equal to the City TOT that would have been payable but for the TOT Exemption (the “TOT Service Payments”); and

WHEREAS, the Statute requires the City to establish a lodging tax equivalent fund (the “TOT Service Payment Fund”) into which TOT Service Payments and minimum payment obligation payments, if any, shall be deposited; and

WHEREAS, the Port Authority constitutes an issuing authority under the Statute and moneys in the TOT Service Payment Fund shall be pledged to the Port Authority to repay the Port Authority Bonds and further used to pay debt service on the OEBF Bonds and the Note and other eligible expenditures; and

WHEREAS, in order to effect the transactions described in these recitals and in the Development Agreement in accordance with the Statute, the City has determined that it is necessary and appropriate, in furtherance of the City’s redevelopment activities, and in the best interest of the City, to (i) designate the Convention Center Hotel as a convention center headquarters hotel; (ii) declare that the Convention Center Hotel and related Headquarters Hotel Facilities are for a public purpose; (iii) declare that certain lodging transactions of the Convention

Center Hotel are exempt from 100 percent the City TOT for a period of thirty years; (iv) declare that TOT Service Payments are required to be paid by Developer or other applicable Convention Center Hotel qualifying vendor(s); and (v) create the TOT Service Payment Fund into which the TOT Service Payments shall be deposited; now, therefore,

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

Section 1. That, pursuant to and in accordance with the provisions of Ohio Revised Code (“R.C.”) Section 5739.093 (the “Statute”), Council hereby declares that the hotel to be developed on and within real property located at 240 W. Fourth Street and 251 W. Fifth Street in the Central Business District of Cincinnati (the “Convention Center Hotel”), which property is more particularly described on Attachment A to this ordinance (the “Convention Center Hotel Project Site”), is hereby designated as a convention center headquarters hotel for purposes of the Statute.

Section 2. That, pursuant to and in accordance with the provisions of the Statute, Council hereby declares that the Convention Center Hotel is and shall be associated with the City-owned convention center located at 525 Elm Street in the Central Business District of Cincinnati (the “Convention Center”).

Section 3. That, pursuant to and in accordance with the provisions of the Statute, Council hereby declares that the Convention Center Hotel and convention center headquarters hotel facilities (as defined in the Statute and referred to herein as “Headquarters Hotel Facilities”), associated with the Convention Center Hotel are for a public purpose.

Section 4. That, pursuant to and in accordance with the provisions of the Statute, Council hereby declares that transactions by which lodging by the Convention Center Hotel is to be furnished to transient guests shall be 100 percent exempt from the City TOT, as defined below, for a period of thirty years (the “TOT Exemption”), commencing on the first day of the month immediately preceding the date on which the Convention Center Hotel’s qualifying vendor (as defined in the Statute and referred to herein as the “Qualifying Vendor”) would collect the City

TOT but for the TOT Exemption. For purposes of this ordinance, “City TOT” shall mean, collectively, the City 1969 1.50% TOT, the City 2002 1.50% TOT, and the City 2002 1.00% TOT; “City 1969 1.50% TOT” shall mean the excise tax of one and one-half percent (1.50%) levied on transactions by which lodging by a hotel is or is to be furnished to transient guests within Cincinnati pursuant to R.C. Section 5739.08(A) and Ordinance No. 89-1969, as amended, supplemented, renewed, or restated; “City 2002 1.50% TOT” shall mean the excise tax of one and one-half percent (1.50%) levied on transactions by which lodging by a hotel is or is to be furnished to transient guests within Cincinnati pursuant to R.C. Section 5739.08(A) and Ordinance No. 41-2002, as amended, supplemented, renewed, or restated; and “City 2002 1.00% TOT” shall mean the excise tax of one percent (1.00%) levied on transactions by which lodging by a hotel is or is to be furnished to transient guests within Cincinnati pursuant to R.C. Section 5739.09(B)(2) and Ordinance No. 311-2002, as amended, supplemented, renewed, or restated.

Section 5. That, pursuant to and in accordance with the provisions of the Statute, Council hereby declares that the Qualifying Vendor is hereby required to make monthly payments in lieu of the City TOT (the “TOT Service Payments”) on or before the final dates on which the Qualifying Vendor would be required to pay the City TOT but for the TOT Exemption. The TOT Service Payments shall be charged to and collected from the Qualifying Vendor in the same amount as the City TOT would have been charged and collected but for the TOT Exemption, subject to the specific terms and conditions provided for in the service agreement to be entered into with respect to the TOT Exemption, in substantially the form attached to the Development Agreement among the City, the Board of County Commissioners of Hamilton County, Ohio (the “County”), and Cincinnati CH (OH), LLC (“Developer”), pertaining to the development of the Convention Center Hotel. The Qualifying Vendor shall remit all payments to the City or the

issuing authority as determined by the City Manager in accordance with Section 8 hereof. The TOT Service Payments shall be used for the purpose of paying the costs to acquire, construct, renovate, or maintain the Convention Center Hotel, the Convention Center, and other Headquarters Hotel Facilities, including paying bonds or notes issued in anticipation of the issuance of bonds issued to finance such costs.

Section 6. That, pursuant to and in accordance with the provisions of the Statute, the City Manager is authorized to enter into an agreement with the Qualifying Vendor to make payments of minimum payment obligations, as defined in the Statute (the “Minimum Service Payments”), for deposit into the TOT Service Payment Fund (as defined below), to the extent the City Manager determines such Minimum Service Payments are appropriate and in the best interest of the City.

Section 7. That, pursuant to and in accordance with the provisions of the Statute, the Director of Finance is hereby authorized to (a) establish new Fund 406, “Convention Center Hotel Lodging Tax Equivalent Fund,” and (b) deposit into such fund all TOT Service Payments and Minimum Service Payments received by the City, being the City’s lodging tax equivalent fund for the purposes of the Statute (the “TOT Service Payment Fund”).

Section 8. That, pursuant to and in accordance with the provisions of the Statute, the TOT Service Payments and Minimum Service Payments, if any, shall be used in accordance with the Development Agreement, the Service Agreement, and any such other agreements as may be necessary and appropriate to facilitate construction financing for the Convention Center Hotel and Headquarters Hotel Facilities, including, without limitation, a cooperative agreement among the City, the County, Developer, the Port of Greater Cincinnati Development Authority (the “Port Authority”), and any other applicable parties, that may include provisions for the assignment, pledge, and transfer of the TOT Service Payments and Minimum Service Payments to the Port

Authority, an agent of the Port Authority, or a bond trustee, for the purpose of paying debt service on bonds, notes authorized in anticipation of bonds, and/or other obligations the proceeds of which are to be used to pay the costs of the Convention Center Hotel and Headquarters Hotel Facilities (the “Convention Center Hotel Obligations”). To the extent necessary to secure such obligations, Council hereby pledges such TOT Service Payments and Minimum Service Payments to secure any obligations of the City or the Port Authority to finance the development of the Convention Center Hotel. The TOT Service Payments and Minimum Service Payments, if any, shall be collected and enforced by the City; provided, however, that the City Manager may delegate the authority to collect and enforce the TOT Service Payment obligation and the Minimum Service Payment obligation, if any, to the Port Authority or an agent of the Port Authority.

Section 9. That the proper City officials are hereby authorized to take all necessary and appropriate actions to fulfill the terms of this ordinance, including, without limitation, executing any and all ancillary agreements, documents, and other instruments required to establish the TOT Exemption, collect the TOT Service Payments and Minimum Service Payments, if any, and ensure the availability of the TOT Service Payments and Minimum Service Payments, if any, to pay debt service on the Convention Center Hotel Obligations.

Section 10. That it is hereby found and determined that all formal actions of Council concerning and relating to the passage of this ordinance were taken in an open meeting of Council, and that all deliberations of Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements, including R.C. Section 121.22.

Section 11. That, pursuant to R.C. Section 5709.093(C), the Clerk of Council is hereby directed to deliver a copy of this ordinance to the County at County Administration Building, 138

E. Court Street, Room 603, Cincinnati, Ohio 45202, Attention: County Administrator, and the Greater Cincinnati Convention and Visitors Bureau at 525 Vine Street, Suite 1200, Cincinnati, Ohio 45202, Attention: President and CEO, each within thirty days after its passage.

Section 12. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to enable the parties to close on financing for construction of the improvements to the Convention Center Hotel Project Site as described in the Development Agreement to commence at the earliest possible time, for the economic welfare of the citizens of Cincinnati.

Passed: \_\_\_\_\_, 2026

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Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk