

EMERGENCY

MSS

-2023

AUTHORIZING the City Manager to accept additional franchise fee resources of \$175,000 from Duke Energy, Inc. (“Duke”) to provide resources for the WarmUp Cincy program; **AUTHORIZING** the Director of Finance to deposit the additional Duke franchise fee resources into General Fund revenue account no. 050x8221; and **AUTHORIZING** the transfer and appropriation of \$175,000 from the unappropriated surplus of the General Fund to the Office of Environment and Sustainability non-personnel operating budget account no. 050x104x7400 to provide resources for the WarmUp Cincy program.

WHEREAS, the Office of Environment and Sustainability (“OES”) established the WarmUp Cincy program pursuant to Ordinance No. 319-2019, using resources from a settlement between Duke Energy, Inc. (“Duke”), and the Public Utilities Commission of Ohio (“PUCO”) regarding rate-setting proceedings, in which the City had intervened; and

WHEREAS, on December 14, 2022, PUCO approved a tariff increase for Duke and, pursuant to a stipulation with the City and other parties, Duke agreed to pay the City an annual franchise fee of \$1,326,743 in quarterly installments starting in 2023; and

WHEREAS, the City committed to use at least \$350,000 of the Duke franchise fee annually to provide weatherization, energy efficiency improvements, and utility bill assistance to qualifying Duke customers through the City’s WarmUp Cincy program; and

WHEREAS, the first \$175,000 of the Duke franchise fee will be received in FY 2023 and must be appropriated to the OES operating budget and expended in FY 2023 to satisfy this commitment; and

WHEREAS, the WarmUp Cincy program is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 181-186 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to accept additional Duke franchise fee resources of \$175,000 from Duke Energy, Inc. (“Duke”) to provide resources for the WarmUp Cincy program.

Section 2. That the Director of Finance is authorized to deposit the additional Duke franchise fee resources into General Fund revenue account no. 050x8221.

Section 3. That the transfer and appropriation of \$175,000 from the unappropriated surplus of the General Fund to the Office of Environment and Sustainability non-personnel operating budget account no. 050x104x7400 is authorized to provide resources for the WarmUp Cincy program.

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.

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 transfer and appropriate resources for the WarmUp Cincy program to avoid a delay in service delivery.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk