

April 3, 2024

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – DOTE: Western Hills Viaduct (WHV) Transit Infrastructure Fund Grant and Matching Resources**

202400995

Attached is an Emergency Ordinance captioned:

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 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.

Approval of this Emergency Ordinance accomplishes the following:

1. establishes four new Western Hills Viaduct capital improvement program project accounts to provide local matching resources from Hamilton County for various federal grants;
2. authorizes 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 various federal grants;
3. authorizes the Finance Director to deposit up to \$3,500,000 from Hamilton County to the various newly established capital improvement program project accounts;
4. amends Ordinance No. 0008-2022 to reconcile a difference between Ordinance No. 0008-2022 and the project grant agreement for the scheduled payment of funds awarded to the Western Hills Viaduct project (“the Project”);
5. authorizes 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
6. authorizes the City Manager to do all things necessary to enter into any agreements necessary to accept these grant and matching resources.

On December 7, 2022, the City Council approved Ordinance No. 0369-2022 authorizing the City Manager to accept and appropriate the following grants for the Project: Ohio-Kentucky-Indiana (OKI) Surface Transportation Block Grant (STBG), Transportation Review Advisory Council (TRAC) Grant, Nationally Significant Freight and Highway Projects (INFRA) grant, and federal funding earmarked in the Consolidation Appropriations Act of 2022 for Highway Infrastructure Programs. Hamilton County will provide matching resources up to \$3,500,000 for these grants, which requires City Council authorization to accept and appropriate.

On January 20, 2022, the City Council approved Ordinance No. 0008-2022, authorizing the City Manager to accept and deposit into Fund No. 401, "Transit Infrastructure Fund Grants," grant resources 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 million annually for the Project.

Under the terms of the project grant agreement executed December 8, 2023 between the City and SORTA, grant resources of up to \$205 million 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 12 annual installments of \$14,500,000 and one final payment of \$14,600,000, totaling up to \$188,600,000, will be assigned to be used by the Transportation Improvement District (TID) or its Trustee to pay debt service and related costs on bonds issued for the Project. To reconcile the difference in the payment schedule from Ordinance No. 0008-2022 and the project grant agreement, it is necessary to amend Section 7 of Ordinance No. 0008-2022.

There are no new FTEs/full time equivalents associated with these grants.

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" described on pages 129-138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept matching resources to meet established contractual deadlines.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment