

EMERGENCY

MSS

-2024

PROVIDING for the appropriation for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati in the total amount of \$502,945,670, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance, and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; the Streetcar Operations Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund for operating requirements, capital outlay, and debt service for the fiscal year beginning July 1, 2024, and ending June 30, 2025, according to the attached Schedules of Appropriation; **AUTHORIZING** the transfer of \$12,330 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$840 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$107,980 from the unappropriated surplus of the Street Construction, Maintenance, and Repair Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements in the amount of \$60,430 and the Early Retirement Incentive Program in the amount of \$47,550; **AUTHORIZING** the transfer of \$798,680 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements in the amount of \$610,600 and the Early Retirement Incentive Program in the amount of \$188,080; **AUTHORIZING** the transfer of \$38,480 from the unappropriated surplus of the Municipal Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements in the amount of \$3,620 and the Early Retirement Incentive Program in the amount of \$34,860; **AUTHORIZING** the transfer of \$19,440 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund the Early Retirement Incentive Program; **AUTHORIZING** transfers from the unappropriated surplus of the Parking System Facilities Fund of \$50,000 to reserve account no. 102x3441, "U-Square Garage – Reserve for Capital Projects," and \$20,000 to reserve account no. 102x3442, "VP3 Garage – Reserve for Capital Projects," all within the Parking System Facilities Fund, to make contractually obligated payments for repairs for each identified garage; **AUTHORIZING** the transfer and appropriation

of \$275,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to the Department of Finance non-personnel operating budget account no. 481x133x7200 to provide resources to facilitate Whex Garage LLC's financing to acquire certain real property located at 212 W. Fourth Street in the Central Business District, upon which is located a 780-space parking garage commonly known as the Whex Garage; **DECLARING** that expenditures from the Department of Finance non-personnel operating budget account no. 481x133x7200 are for a public purpose and constitute a "Public Infrastructure Improvement" (as defined in Ohio Revised Code Section 5709.40(A)(8)) that will benefit and/or serve the District 2-Downtown South/Riverfront District Incentive District, subject to compliance with R.C. Sections 5709.40 through 5709.43; **AUTHORIZING** the transfer of \$650,000 from the unappropriated surplus of the Convention Center Fund to reserve account no. 103x3481, "Convention Center," to make resources available to secure repayment of transient occupancy tax bonds related to the Convention Center Project; **AUTHORIZING** the transfer and appropriation of up to \$650,000 from reserve account no. 103x3481, "Convention Center," to the Convention Center Fund debt service operating budget account no. 103x243x7700 for repayment of transient occupancy tax bonds related to the Convention Center Project as necessary during FY 2025; **AUTHORIZING** the City Manager to accept and appropriate formula grant resources of \$13,747 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507) to provide funding for streetcar operations in FY 2025 in accordance with the attached Schedules of Appropriation; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a formula grant of up to \$300,000 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507) to provide funding for streetcar operations in FY 2025; and **AUTHORIZING** the Director of Finance to deposit the Federal Transit Administration formula grant funds into Streetcar Operations Fund 455x8554.

WHEREAS, resources must be transferred from various restricted funds to the Bond Retirement Fund to pay the City's FY 2025 General Fund Debt Service obligations related to those restricted funds; and

WHEREAS, resources must be transferred from the Parking System Facilities Fund to various reserve accounts for City-owned garages to make contractually obligated payments for repairs at each of the garages; and

WHEREAS, the Mayor and Council expressed support in Resolution No. 6-2022 for a comprehensive strategy to redevelop the Duke Energy Convention Center and the surrounding area; and

WHEREAS, in execution of that strategy and pursuant to Ordinance No. 84-2023, the City entered into a Funding Agreement dated March 30, 2023, with Whex Garage LLC, a wholly owned subsidiary of the Cincinnati City Center Development Corporation (3CDC), to facilitate the company's financing to acquire the Whex Garage, a 780-space parking garage located at 212 W. Fourth Street in the Central Business District that will benefit the Duke Energy Convention Center and surrounding area (the "Whex Garage Financing"); and

WHEREAS, pursuant to the Funding Agreement, the City agreed to provide an annual amount not to exceed \$275,000 for up to seven years, subject to Council appropriation each year, to facilitate acquisition financing for the Whex Garage; and

WHEREAS, Whex Garage LLC has obtained financing for the acquisition of the Whex Garage for the benefit of the Duke Energy Convention Center and surrounding area; and

WHEREAS, Ordinances No. 84-2023 and 281-2023 authorized the first two annual appropriations of \$275,000 each for the Whex Garage Financing; and

WHEREAS, passage of this ordinance constitutes the third annual appropriation of \$275,000 for the Whex Garage Financing; and

WHEREAS, in further execution of Council's strategy to redevelop the Duke Energy Convention Center and the surrounding area, resources must be transferred to the Convention Center Fund for repayment of transient occupancy tax bonds related to the Convention Center Project as necessary during FY 2025; and

WHEREAS, prior Ordinance No. 70-2023 authorized the acceptance and appropriation of \$256,517 from the Federal Transit Administration Urbanized Area Formula Funding program; and

WHEREAS, the City received an additional \$13,747 in formula grant resources through that program, which must now be accepted and appropriated; and

WHEREAS, the Federal Transit Administration Formula Funds program requires a twenty percent local match of \$3,437, which will be provided from existing preventative maintenance resources; and

WHEREAS, the FY 2025 Budget Update includes \$300,000 in formula grant resources from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507), in the Streetcar Operations Fund, and this ordinance authorizes the City Manager to apply for, accept, and appropriate those grant resources; and

WHEREAS, funds must be appropriated for the purposes set forth in this ordinance and in the attached Schedules of Appropriation to provide for the usual daily operations of various departments of the City, financed from Restricted Revenue Funds during FY 2025; now, therefore,

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

Section 1. That, to provide for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street

Construction, Maintenance, and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; the Streetcar Operations Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund for the fiscal year beginning July 1, 2024, and ending June 30, 2025, \$502,945,670 is appropriated out of monies in the treasury, or any accruing revenues of the City available for such purposes, as set forth in the Schedules of Appropriation attached to and incorporated within this ordinance.

Section 2. That the transfer of \$12,330 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements.

Section 3. That the transfer of \$840 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements.

Section 4. That the transfer of \$107,980 from the unappropriated surplus of the Street Construction, Maintenance, and Repair Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements in the amount of \$60,430 and the Early Retirement Incentive Program in the amount of \$47,550.

Section 5. That the transfer of \$798,680 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements in the amount of \$610,600 and the Early Retirement Incentive Program in the amount of \$188,080.

Section 6. That the transfer of \$38,480 from the unappropriated surplus of the Municipal Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements in the amount of \$3,620 and the Early Retirement Incentive Program in the amount of \$34,860.

Section 7. That the transfer of \$19,440 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2025 General Fund Debt Service obligations related to bonds issued to fund the Early Retirement Incentive Program.

Section 8. That transfers of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to the "U-Square Garage – Reserve for Capital Projects," reserve account no. 102x3441, and \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to the "VP3 Garage – Reserve for Capital Projects," reserve account no. 102x3442, all within the Parking System Facilities Fund, are authorized to make contractually obligated payments for repairs for each identified garage.

Section 9. That the transfer and appropriation of \$275,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to the Department of Finance non-personnel operating budget account no. 481x133x7200 is authorized to provide resources to

facilitate Whex Garage LLC's financing to acquire certain real property located at 212 W. Fourth Street in the Central Business District, upon which is located a 780-space parking garage commonly known as the Whex Garage (the "Whex Financing").

Section 10. That Council declares that expenditures for the Whex Financing from the Department of Finance non-personnel operating budget account no. 481x133x7200 are for a public purpose and constitute a "Public Infrastructure Improvement" (as defined in Ohio Revised Code Section 5709.40(A)(8)) that will benefit and/or serve the District 2-Downtown South/Riverfront District Incentive District, subject to compliance with R.C. Sections 5709.40 through 5709.43.

Section 11. That the transfer of \$650,000 from the unappropriated surplus of the Convention Center Fund to reserve account no. 103x3481, "Convention Center," is authorized to make resources available to secure repayment of transient occupancy tax bonds related to the Convention Center Project.

Section 12. That the transfer and appropriation of up to \$650,000 from reserve account 103x3481, "Convention Center," to the Convention Center Fund debt service operating budget account no. 103x243x7700 is authorized for repayment of transient occupancy tax bonds related to the Convention Center Project as necessary during FY 2025.

Section 13. That the City Manager is authorized to accept and appropriate additional formula grant resources of \$13,747 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507), to provide funding for streetcar operations in FY 2025 in accordance with the attached Schedules of Appropriation.

Section 14. That the City Manager is authorized to apply for, accept, and appropriate a formula grant of up to \$300,000 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507), to provide funding for streetcar operations in FY 2025.

Section 15. That the Director of Finance is authorized to receive and deposit Federal Transit Administration formula grant funds into Streetcar Operations Fund 455x8554.

Section 16. That any sums that shall be expended in accordance with the appropriations set forth in the attached Schedules of Appropriation that are a proper charge against any other department or fund, or against any person, firm, or corporation, shall, if repaid within the period covered by such appropriations, be credited to the fund from which such payment was made and be considered as reappropriated for such original purposes, provided that the net total of expenditures under any item of such appropriation shall not exceed the amount of such item.

Section 17. That the Director of Finance is authorized to draw the Director of Finance's warrant upon the treasury of the City for the amounts appropriated and for the purposes stated in this ordinance and the attached Schedules of Appropriation and, upon receiving the proper certificates and vouchers approved by the City Manager or the City Manager's designee, or by City boards or commissions or other officers authorized by law to approve such certificates and vouchers or authorized by an ordinance or resolution of Council to make or approve such expenditures, provided that vouchers for payment out of any of the foregoing appropriations by order of a court decree shall be approved by the City Solicitor in addition to any other authority required by law.

Section 18. That the City Manager is authorized and the proper boards or other officials are authorized to enter into any contract or contracts involving an expenditure of more than \$3,000 for any or all of the purposes provided in this ordinance and the attached Schedules of Appropriation, and that said board or official shall execute said contracts in accordance with law, the Charter, and ordinances of the City.

Section 19. 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, but in no event later than July 1, 2024. The reason for the emergency is the immediate need to provide for the current operating expenses of the City to be consistent with the Fiscal Year 2025 Budget Update expenses of the City prior to the beginning of Fiscal Year 2025 which begins on July 1, 2024.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk