



Legislation Details (With Text)

File #: 0171-2010 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 1/21/2010 **In control:** Utilities Committee

On agenda: 2/22/2010 **Final action:** 2/24/2010

Title: To authorize the Director of Public Utilities to execute an agreement by and between the City and parties that may include , Franklin County, Central Ohio Contractors, Inc., C.O.C. Landfill, and Inland Products, Inc., 800 Frank Road LLC, H and L Trust, and Gary Bass, Individually and as Trustee for Farm Trust Agreement, in order to establish the amount of each party's contribution to matching funds required for the award of grant funds for the purpose of eliminating future risk of damage to properties located in the area of Whims Ditch, to authorize the transfer of \$150,000.00 within the Storm B.A.B.s Fund; to authorize the amendment of the 2009 Capital Improvements Budget; to authorize the appropriation and expenditure of matching funds required by the acceptance of the grant in the amount of \$150,000.00; and to declare an emergency. (\$150,000.00)

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 2/24/2010 | 2 | CITY CLERK | Attest | |
| 2/23/2010 | 2 | MAYOR | Signed | |
| 2/22/2010 | 1 | Columbus City Council | Amended as submitted to the Clerk | Pass |
| 2/22/2010 | 2 | Columbus City Council | Approved as Amended | Pass |
| 2/22/2010 | 2 | COUNCIL PRESIDENT | Signed | |
| 1/29/2010 | 1 | CITY ATTORNEY | Reviewed and Approved | |
| 1/29/2010 | 1 | CITY ATTORNEY | Reviewed and Approved | |
| 1/29/2010 | 1 | Utilities Drafter | Sent to Clerk's Office for Council | |
| 1/28/2010 | 1 | FINANCE DIRECTOR | Reviewed and Approved | |
| 1/28/2010 | 1 | Utilities Drafter | Sent for Approval | |
| 1/28/2010 | 1 | Auditor Reviewer | Reviewed and Approved | |
| 1/28/2010 | 1 | CITY AUDITOR | Reviewed and Approved | |
| 1/28/2010 | 1 | Utilities Drafter | Sent for Approval | |
| 1/27/2010 | 1 | Finance Reviewer | Reviewed and Approved | |
| 1/27/2010 | 1 | Finance Reviewer | Reviewed and Approved | |
| 1/26/2010 | 1 | Utilities Drafter | Sent for Approval | |
| 1/26/2010 | 1 | Utilities Reviewer | Sent for Approval | |
| 1/26/2010 | 1 | UTILITIES DIRECTOR | Reviewed and Approved | |
| 1/26/2010 | 1 | Utilities Drafter | Sent for Approval | |

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|-----------|---|--------------------|-----------------------|
| 1/22/2010 | 1 | Utilities Drafter | Sent for Approval |
| 1/22/2010 | 1 | Utilities Reviewer | Reviewed and Approved |
| 1/21/2010 | 1 | Utilities Drafter | Sent for Approval |
| 1/21/2010 | 1 | Utilities Reviewer | Reviewed and Approved |

Background

This legislation will authorize the Director of Public Utilities to execute a contribution agreement to provide matching funds related to the award of a grant under the federal Hazard Mitigation Grant Program (HMGP). The grant funds will be used to eliminate future risk of damage to properties located in the area of Whims Ditch.

Whims Ditch is a petitioned county ditch that was constructed to provide drainage to the surrounding area. However, due to changes in land use and the general development of the surrounding area in conjunction with the area's generally flat topography, residents in the area of Whims Ditch have experienced repeated flooding of their homes. The U.S. Army Corps of Engineers performed a study of the area and determined that, while it would be possible to make some improvements to the ditch, the improvements would be costly and would not entirely alleviate the recurring flooding. This flooding has resulted in litigation by the affected homeowners against the City, Franklin County, and **several** private landowners ~~C.O.C. Landfill and Inland Products~~. Although there has been no determination of liability, **and the lawsuit has been dismissed**, the City **and other parties** ~~, C.O.C. Landfill and Inland Products~~ have supported Franklin County's application for grant funds to remediate the effects of flooding in the area of Whims Ditch.

Franklin County has applied to the Ohio Emergency Management Agency for the award of federal HMGP funds for the purpose of alleviating the existing threat of flooding in the Whims Ditch area. The grant application requested funding in the amount of \$3,081,600. If awarded, the grant funds will be used for the acquisition and demolition of the existing homes, assistance in the relocation of the affected residents, and maintenance of the area by Franklin County in perpetuity. This grant requires a minimum twenty-five percent contribution of local matching funds. The City, Franklin County, **and private landowners** ~~C.O.C. Landfill, and Inland Products~~ have agreed to contribute a total of ~~\$775,000~~ \$475,000 in matching funds. Of this amount, the City's contribution will be \$150,000. The grant is anticipated to be awarded in the near future. Prior to finalization of the grant project, an agreement establishing each party's contribution toward the matching fund amount must be executed.

This ordinance will also authorize the appropriation and expenditure of matching funds required by the grant award.

Emergency action is requested to allow for the finalization of the grant award within the specified timeframe in order to ensure the receipt of grant funds.

Fiscal Impact:

This legislation includes a transfer of cash within the Storm B.A.B.s Fund and an amendment to the 2009 Capital Improvements Budget to allow sufficient cash and authority in the proper account to fund the City's portion of the required matching funds of \$150,000.00 for this project.

To authorize the Director of Public Utilities to execute an agreement by and between the City **and parties that may include** ; Franklin County, **Central Ohio Contractors, Inc.,** ~~C.O.C. Landfill, and Inland Products, Inc.,~~ **800 Frank Road LLC, H and L Trust, and Gary Bass, Individually and as Trustee for Farm Trust Agreement, in order** to establish the amount of each party's contribution to matching funds required for the award of grant funds for the purpose of eliminating future risk of damage to properties located in the area of Whims Ditch, to authorize the transfer of \$150,000.00 within the Storm B.A.B.s Fund; to authorize the amendment of the 2009 Capital Improvements Budget; to authorize the appropriation and expenditure of matching funds required by the acceptance of the grant in the amount of \$150,000.00; and to declare an emergency. (\$150,000.00)

WHEREAS, residents in the area of Whims Ditch have experienced repeated flooding of their homes and filed a lawsuit naming the City, Franklin County, **and several private landowners** ~~C.O.C. Landfill and Inland Products~~ as defendants; and

WHEREAS, although there has been no determination of liability, **and the lawsuit has been dismissed**, the City, along with Franklin County **and other parties have** ~~, C.O.C. Landfill and Inland Products,~~ has determined that it would be in the best interest of the City to seek grant funds to remediate the effects of flooding in the area of Whims Ditch; and

WHEREAS, Franklin County has applied to the Ohio Emergency Management Agency for the award of federal HMGP funds for the purpose of alleviating the existing threat of flooding in the Whims Ditch area; and

WHEREAS, the City, Franklin County, **and private landowners C.O.C. Landfill and Inland Products** have agreed to contribute a total of **\$775,000** ~~\$475,000~~ in matching funds as required for award of the grant; and

WHEREAS, of the **\$775,000** ~~\$475,000~~ in matching funds, the City's contribution will be \$150,000; and

WHEREAS, the grant is anticipated to be awarded in the near future; and

WHEREAS, prior to finalization of the grant project, an agreement establishing each party's contribution toward the matching fund amount must be executed; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer funds within the Storm B.A.B.s Fund; and

WHEREAS, it is necessary to authorize an amendment to the 2009 Capital Improvements Budget for purposes of providing sufficient budget authority for the project expenditure; and

WHEREAS, it is necessary for the City Council to authorize the expenditure of funds from the Storm B.A.B.s Fund; and

WHEREAS, an emergency exists in the daily operation of the Department of Public Utilities in that it is necessary to immediately execute the contribution agreement and to appropriate the expenditure of matching funds so that the grant award may be finalized within the specified timeframe in order to ensure receipt of the grant funds and for the preservation of the public health, peace, property, safety and welfare; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

SECTION 1. That the City Auditor be and hereby is authorized and directed to transfer \$150,000.00 from within the Storm B.A.B.s Fund, Fund No. 676, Division 60-15, Object Level Three No. 6601:

PROJECT NUMBER | PROJECT NAME | OCA | CHANGE

610775-100000 | Evergreen & Dewberry Storm Sewer | 676775 | -\$150,000.00

611017-100000 | Whims Ditch | 676017 | +\$150,000.00

SECTION 2. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 3. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 4. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 5. That the Director of Public Utilities be and hereby is authorized to execute a contribution agreement by and between the City **and parties that may include**, Franklin County, **Central Ohio Contractors, Inc., C.O.C. Landfill, and Inland Products, Inc., 800 Frank Road LLC, H and L Trust, and Gary Bass, Individually and as Trustee for Farm Trust Agreement, in order** to establish the City's contribution of \$150,000 toward the matching funds necessary for the acceptance a grant to alleviate the threat of flooding in the area of Whims Ditch.

SECTION 6. That the 2009 Capital Improvements Budget Ordinance 0806-2009 is hereby amended as follows, to provide sufficient budget authority for services stated in the ordinance herein:

PROJ NO | PROJ NAME | CURRENT AUTHORITY | REVISED AUTHORITY | CHANGE

610775-100000 | Evergreen & Dewberry Storm Sewer | \$1,100,000 | \$950,000 | (-\$150,000)

611017-100000 | Whims Ditch | \$0 | \$150,000 | (+\$150,000)

SECTION 7. That the expenditure of \$150,000 is hereby authorized from the Storm B.A.B.s Fund, Fund No. 676, Division of

Sewerage and Drainage, 60-15, Project Whims Ditch, 611017-100000, OCA Code 676017, Object Level 6601.

SECTION 8. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.