



## Legislation Details (With Text)

**File #:** 0531-2011      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 3/24/2011      **In control:** Public Utilities Committee

**On agenda:** 5/2/2011      **Final action:** 5/4/2011

**Title:** To authorize and direct the Director of Public Utilities to enter into a Section 319 Grant Agreement with the Ohio Environmental Protection Agency for the Lower Olentangy River Ecosystem Restoration (5th Avenue Dam) Project; to accept a grant in the amount of \$500,000.00; to authorize the appropriation and expenditure of \$500,000.00 from the Ohio EPA Section 319 Grant; to authorize the Director of Public Utilities to enter into contracts with The Ohio State University and the Friends of the Lower Olentangy Watershed; and to declare an emergency. (\$500,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Fifth Ave Dam OEPA 319 Grant Letter.pdf

| Date      | Ver. | Action By             | Action                             | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 5/4/2011  | 1    | CITY CLERK            | Attest                             |        |
| 5/3/2011  | 1    | MAYOR                 | Signed                             |        |
| 5/2/2011  | 1    | Columbus City Council | Approved                           | Pass   |
| 5/2/2011  | 1    | COUNCIL PRESIDENT     | Signed                             |        |
| 4/20/2011 | 1    | CITY ATTORNEY         | Reviewed and Approved              |        |
| 4/20/2011 | 1    | Utilities Drafter     | Sent to Clerk's Office for Council |        |
| 4/19/2011 | 1    | Finance Reviewer      | Reviewed and Approved              |        |
| 4/19/2011 | 1    | FINANCE DIRECTOR      | Reviewed and Approved              |        |
| 4/19/2011 | 1    | Utilities Drafter     | Sent for Approval                  |        |
| 4/19/2011 | 1    | Auditor Reviewer      | Reviewed and Approved              |        |
| 4/19/2011 | 1    | CITY AUDITOR          | Reviewed and Approved              |        |
| 4/19/2011 | 1    | Utilities Drafter     | Sent for Approval                  |        |
| 4/18/2011 | 1    | Finance Reviewer      | Reviewed and Approved              |        |
| 4/15/2011 | 1    | FINANCE DIRECTOR      | Reviewed and Approved              |        |
| 4/13/2011 | 1    | UTILITIES DIRECTOR    | Reviewed and Approved              |        |
| 4/13/2011 | 1    | Utilities Drafter     | Sent for Approval                  |        |
| 4/12/2011 | 1    | Utilities Drafter     | Sent for Approval                  |        |
| 4/12/2011 | 1    | Utilities Reviewer    | Sent for Approval                  |        |
| 4/11/2011 | 1    | Utilities Reviewer    | Reviewed and Approved              |        |
| 3/31/2011 | 1    | Utilities Reviewer    | Reviewed and Approved              |        |
| 3/30/2011 | 1    | Utilities Reviewer    | Reviewed and Approved              |        |

|           |   |                   |                   |
|-----------|---|-------------------|-------------------|
| 3/30/2011 | 1 | Utilities Drafter | Sent for Approval |
| 3/29/2011 | 1 | Utilities Drafter | Sent for Approval |

**1. BACKGROUND:**

This legislation will authorize the Director of Public Utilities to enter into an Ohio Environmental Protection Agency (Ohio EPA) Clean Water Act Section 319 Grant Agreement and accept the Ohio EPA grant money for the purpose of completing the Lower Olentangy River Ecosystem Restoration (5<sup>th</sup> Ave. Dam) Project.

The Lower Olentangy River Ecosystem Restoration (5<sup>th</sup> Avenue Dam) Project, CIP No. 650706, primarily involves the modification or removal of the 5th Ave. Dam and restoration of 10,560 linear feet of the Olentangy River. The overall project will include stream restoration project design and construction; project coordination, public education and outreach; and contract administration services.

**2. PROFESSIONAL SERVICES CONTRACT AWARD:**

The Director of Public Utilities will be entering into project contract services with the Ohio State University (OSU) and the Friends of the Lower Olentangy Watershed (FLOW) in accordance with the applicable procurement provisions of Columbus City Code Section 329.14. The OSU and FLOW project services have already been identified and are included as project deliverables within the grant agreement.

**3. EMERGENCY:**

The Division of Sewerage and Drainage is requesting City Council deem this legislation an emergency measure to allow the Director to enter into the grant agreement and related project contracts as soon as possible, to meet the requirements of the grant. Upon passage of this ordinance, the Division will proceed with contract execution in order to facilitate the immediate commencement of the Grant Agreement, mutual covenants and stipulations between the City and the Ohio EPA.

**4. FISCAL IMPACT:**

The contracts for this project will be funded from the proceeds of the Section 319 grant, in the amount of \$500,000.00, issued from the Ohio EPA's Division of Surface Water and \$125,120.00 in In-Kind Match Services from the City of Columbus's Department of Public Utilities. This ordinance requests the authority for the City Auditor to appropriate the proceeds of said grant for the purposes of funding this project work.

To authorize and direct the Director of Public Utilities to enter into a Section 319 Grant Agreement with the Ohio Environmental Protection Agency for the Lower Olentangy River Ecosystem Restoration (5<sup>th</sup> Avenue Dam) Project; to accept a grant in the amount of \$500,000.00; to authorize the appropriation and expenditure of \$500,000.00 from the Ohio EPA Section 319 Grant; to authorize the Director of Public Utilities to enter into contracts with The Ohio State University and the Friends of the Lower Olentangy Watershed; and to declare an emergency. (\$500,000.00)

**WHEREAS**, the Ohio Environmental Protection Agency, Division of Surface Water, has issued a grant in accordance with the Section 319(h) Nonpoint Source Implementation Program, in connection with improving water quality in the Lower Olentangy Watershed by restoring, enhancing and creating habitat for native fish, other aquatic species and wildlife, and facilitating a natural stream flow on the Olentangy River; and

**WHEREAS**, it is necessary to accept said grant; and to appropriate and expend the funds; and

**WHEREAS**, the Director of Public Utilities is required to be authorized by Council to enter into the grant agreement, to accept the grant money, and to enter into project contracts with The Ohio State University and the Friends of the Lower Olentangy Watershed; and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities in that it is immediately necessary to enter into the grant agreement, in order to expedite the project contracts with OSU and FLOW so that the terms and conditions of the grant agreement between the City of Columbus and the Ohio Environmental Protection Agency are accomplished before the project closure date; for the preservation of the public health, peace, property and safety; **now, therefore,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of Public Utilities be and hereby is authorized and directed to enter into a grant agreement with the Ohio Environmental Protection Agency for the Lower Olentangy River Ecosystem Restoration (5<sup>th</sup> Avenue Dam) Project through the Clean Water Act Section 319 (h) Nonpoint Source Implementation Program; to accept said grant in the amount of \$500,000.00 from the Ohio EPA.

**Section 2.** That the Director of Public Utilities be, and hereby is, authorized to enter into contract with the Ohio State University for grant project services; and to enter into contract with Friends of the Lower Olentangy Watershed for public education and outreach; for the Sewer System Engineering Section of the Division of Sewerage and Drainage; in accordance with the terms and conditions as shown in the forthcoming contracts to be filed in the office of the Division of Sewerage and Drainage.

**Section 3.** That the City of Columbus, Department of Public Utilities, as Subgrantee, has committed to administer the grant through grant coordination, grant reporting, grand fund pay requests, and contract administration services through In-Kind Match Services in the amount of \$125,120.00

**Section 4.** That from the unappropriated monies in the Ohio EPA Grant Fund, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending, December 31, 2011, the sum of \$500,000.00 is appropriated to the Department of Public Utilities, Department/Division 60-05, as follows:

**Grant Title:** Lower Olentangy River Ecosystem Restoration (5th Ave. Dam) Project | **Fund Name:** Ohio EPA Grant Fund | **Fund No:** 655 | **Grant No:** to be assigned by the City Auditor | **OCA Code:** to be assigned by the City Auditor | **Object Level 3:** 6676

**Section 5:** That for the purpose of paying the cost of the aforementioned grant project services contracts, the expenditure of \$500,000.00 is hereby authorized within the Division 60-05 | Ohio EPA Grant Fund | OCA Code | Object Level 3: 6676 | Amount \$500,000.00

**Section 6.** 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 approved nor vetoes the same.