



Legislation Details (With Text)

File #: 3003-2020 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 12/22/2020 **In control:** Public Service & Transportation Committee
On agenda: 1/25/2021 **Final action:** 1/29/2021

Title: To amend the 2020 Capital Improvement Budget; to authorize the City Auditor to transfer funds and appropriation within the Streets and Highways Bond Fund; to authorize the City Auditor to establish an Auditor's Certificate for the purpose of encumbering funds to be used to pay railroad charges; to authorize the expenditure of up to \$150,000.00 from the Streets and Highways Bond Fund to pay railroad charges; and to declare an emergency. (\$150,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 3003-2020 Accounting Codes

Date	Ver.	Action By	Action	Result
1/29/2021	1	CITY CLERK	Attest	
1/28/2021	1	MAYOR	Signed	
1/25/2021	1	COUNCIL PRESIDENT	Signed	
1/25/2021	1	Columbus City Council	Approved	Pass

1. BACKGROUND

This ordinance authorizes the establishment of an Auditor's Certificate to allow payments to be made to railroad companies, or companies subcontracted by railroad companies, for work they have performed on Department of Public Service projects, and authorizes the Director of Public Service to use the Auditor's Certificate to pay those charges.

The Department of Public Service administers and manages capital improvement projects within the public right-of-way, including resurfacing, roadway reconstruction, bridge rehabilitation and replacement, bikeway paths, sidewalks, and other transportation related projects. On occasion, the successful completion of those efforts requires work to be performed on or near railroad property or facilities. Railroad companies will not allow others to perform work on their property or facilities. They perform the required work and charge the Department of Public Service for this work. When it is known work will be required on railroad property or facilities in advance of the project starting, Public Service contracts with the railroad and encumbers funds to pay for the work. These contracted amounts are estimates provided by the railroads. Public Service is responsible for paying any expenses that exceed the estimates provided by the railroad companies. In addition, there are occasions when work needs to be performed on or near railroad facilities on an emergency basis or that was not anticipated to be needed when a project was planned and designed. Projects then get delayed while contracts get put in place or modified and the funding is legislated.

To prevent these delays, the Department of Public Service would like to put in place an Auditor's Certificate encumbering funds in the amount of \$150,000.00 to allow payments to be made to railroad companies for these miscellaneous expenses. For several years City Council has been approving the establishment of Auditor's Certificates for similar dollar amounts for the Department of Public Service to use for utility relocations, acquiring right-of-way, and paying for construction inspection to prevent the delay of construction projects when small amounts of additional funding are unexpectedly needed for a project for those purposes. The railroad funds would be used in a similar manner. .

2. FISCAL IMPACT

Funding in the amount of \$150,000.00 is available for this project within the Streets and Highways Bond Fund, Fund

7704. An amendment to the 2020 Capital Improvement Budget is necessary for the purpose of providing sufficient budget authority for the establishment of the Auditor's Certificate. A transfer of funds and appropriation between projects within Fund 7704 is required to align cash and appropriation with the proper project.

3. EMERGENCY DESIGNATION

Emergency action is requested in order for the funds to be available to prevent construction delays as soon as possible.

To amend the 2020 Capital Improvement Budget; to authorize the City Auditor to transfer funds and appropriation within the Streets and Highways Bond Fund; to authorize the City Auditor to establish an Auditor's Certificate for the purpose of encumbering funds to be used to pay railroad charges; to authorize the expenditure of up to \$150,000.00 from the Streets and Highways Bond Fund to pay railroad charges; and to declare an emergency. (\$150,000.00)

WHEREAS, the Department of Public Service administers and manages capital improvement projects within the public right-of-way, including resurfacing, roadway reconstruction, bridge rehabilitation and replacement, bikeway paths, sidewalks, and other transportation related projects; and

WHEREAS, on occasion, the successful completion of those efforts requires work to be performed on or near railroad facilities; and

WHEREAS, railroad companies will not allow other organizations to do this work, and they charge the Department of Public Service for work performed; and

WHEREAS, sometimes the work performed exceeds the estimated amount, or emergency work must be performed, or work on or near railroad property and facilities was not anticipated to be needed prior to the project starting; and

WHEREAS, the establishment of an Auditor's Certificate encumbering funds to pay for these unexpected costs would prevent delays in construction projects; and

WHEREAS, it is necessary to authorize an amendment to the 2020 Capital Improvement Budget for the purpose of providing sufficient budget authority for the establishment of this Auditor's Certificate; and

WHEREAS, cash and appropriation must be transferred between projects within the Streets and Highways Bond Fund to align cash and appropriation with the proper project for this encumbrance; and

WHEREAS, the Director of Public Service must be authorized to pay miscellaneous charges from railroad companies or their subcontractors against the Auditor's Certificate; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the City Auditor to establish an Auditor's Certificate for the purpose of encumbering funds to be used to pay railroad charges in order for the funds to be available to prevent construction delays as soon as possible, thereby preserving the public health, peace, property, safety, and welfare; **now therefore**,

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

SECTION 1. That the 2020 Capital Improvement Budget, authorized by Ordinance 2521-2020, be and is hereby amended as follows:

Fund / Project / Project Name / Current / Change / Amended

7704 / P531005-100000 / Roadway - Nationwide Blvd and Hocking Street (Voted Carryover) / \$255,802.00 / (\$150,000.00) / \$105,802.00

7704 / P531019-100000 / Roadway - Railroad Services for CIP Projects (Voted Carryover) / \$0.00 / \$150,000.00 / \$150,000.00

SECTION 2. That the transfer of \$150,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Division of Design and Construction), Project P531005-100000 (Roadway - Nationwide Blvd and Hocking Street), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Division of Design and Construction), Project P531019-100000 (Roadway - Railroad Services for CIP Projects), Object Class 06

(Capital Outlay), per the accounting codes in the attachment to this Ordinance.

SECTION 3. That the City Auditor is authorized to establish an Auditor Certificate Purchase Order (ACPO) in the amount of \$150,000.00 per the accounting codes in the attachment to this ordinance for the purpose of the Department of Public Service to use to pay miscellaneous charges from railroad companies or from companies the railroad companies have subcontracted to perform work on Department of Public Service projects.

SECTION 4. That the expenditure of \$150,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Division of Design and Construction), Project P531019-100000 (Roadway - Railroad Services for CIP Projects), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this Ordinance.

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 6. 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 7. That the City Auditor is hereby authorized to transfer the unencumbered balance in a 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.

SECTION 8. That for the reasons stated in the preamble hereto, which is made a part hereof, this Ordinance is 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 (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.