



Legislation Details (With Text)

File #: 0535-2011 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/24/2011 **In control:** Public Service & Transportation Committee
On agenda: 4/25/2011 **Final action:** 4/27/2011

Title: To authorize the Director of Public Service to reimburse the Street Construction, Maintenance and Repair Fund for labor and equipment costs associated with alley rehabilitation work performed by and for the Division of Planning and Operations; to amend the 2011 C.I.B.; to authorize the transfer of monies within the Build America Bonds Fund and the Streets and Highways G.O. Bonds Fund; to authorize and direct the City Auditor to transfer \$901,318.04 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$901,318.04 within the Streets and Highways G.O. Bonds Fund; and to authorize the expenditure of \$1,528,715.00 from the Streets and Highways G.O. Bonds Fund and the Build America Bonds Fund for this purpose and to declare an emergency. (\$1,528,715.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/27/2011	1	MAYOR	Signed	
4/27/2011	1	CITY CLERK	Attest	
4/25/2011	1	Columbus City Council	Approved	Pass
4/25/2011	1	COUNCIL PRESIDENT	Signed	
4/13/2011	1	CITY ATTORNEY	Reviewed and Approved	
4/13/2011	1	Service Drafter	Sent to Clerk's Office for Council	
4/11/2011	1	Service Drafter	Sent for Approval	
4/11/2011	1	Auditor Reviewer	Reviewed and Approved	
4/11/2011	1	CITY AUDITOR	Reviewed and Approved	
4/11/2011	1	Service Drafter	Sent for Approval	
4/6/2011	1	FINANCE DIRECTOR	Reviewed and Approved	
4/5/2011	1	Finance Reviewer	Reviewed and Approved	
4/4/2011	1	Finance Reviewer	Reviewed and Approved	
3/28/2011	1	SERVICE DIRECTOR	Reviewed and Approved	
3/28/2011	1	Finance Reviewer	Reviewed and Approved	
3/25/2011	1	Service Drafter	Sent for Approval	
3/24/2011	1	Service Drafter	Sent for Approval	
3/24/2011	1	Service Reviewer	Reviewed and Approved	

1. BACKGROUND

The Division of Planning and Operations is engaged in a project for the rehabilitation of City Alleys. As part of the Alley Rehabilitation - Miscellaneous project, the Division of Planning and Operations Crews will perform work such as surface grading and leveling, drainage improvements and repaving.

The costs incurred for City Staff and equipment associated with these alley improvements will be tracked. The Street Construction Maintenance and Repair Fund will then be reimbursed from Capital Funds.

This legislation authorizes reimbursement to the Street Construction, Maintenance and Repair Fund, the division's operating fund, for capital improvement labor and equipment associated with this alley rehabilitation project.

2. FISCAL IMPACT

This project is budgeted within the 2011 Capital Improvement Budget. This expense can be accommodated by utilizing existing Bond Funds within the Streets and Highways G.O. Bonds Fund and Build America Bonds Fund, and by appropriating and transferring the remaining funds needed in the amount of \$901,318.04 from the Special Income Tax Fund. This funding method is a temporary measure and this amount will be restored to the Special Income Tax Fund subsequent to the next note/bond sale for the Division of Design and Construction Capital Improvement Projects.

3. EMERGENCY DESIGNATION

Emergency legislation is requested in order to process reimbursements to the Street Construction Maintenance and Repair Fund as expenses occur for this work and promote proper accounting practices.

To authorize the Director of Public Service to reimburse the Street Construction, Maintenance and Repair Fund for labor and equipment costs associated with alley rehabilitation work performed by and for the Division of Planning and Operations; to amend the 2011 C.I.B.; to authorize the transfer of monies within the Build America Bonds Fund and the Streets and Highways G.O. Bonds Fund; to authorize and direct the City Auditor to transfer \$901,318.04 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$901,318.04 within the Streets and Highways G.O. Bonds Fund; and to authorize the expenditure of \$1,528,715.00 from the Streets and Highways G.O. Bonds Fund and the Build America Bonds Fund for this purpose and to declare an emergency. (\$1,528,715.00)

WHEREAS, the Division of Planning and Operations is engaged in a project to rehabilitate City Alleys; and

WHEREAS, it is necessary to reimburse the Street Construction, Maintenance and Repair Fund for the cost of labor and equipment utilized for this project; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to provide necessary funding for this reimbursement; and

WHEREAS, the City will sell notes or bonds to fund this reimbursement and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount which the city will issue to finance this project is presently expected not to exceed \$901,318.04; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to process this payment prior to the close of the calendar year, 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 Director of Public Service be and hereby is authorized to reimburse the Street Construction, Maintenance and Repair Fund for alley rehabilitation work performed by the Division of Planning and Operations.

SECTION 2. That the 2011 Capital Improvement Budget authorized by ordinance 0266-2011 be and is hereby amended due to encumbrance cancellations from completed projects as follows:

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

746 / 771010-100000 / Hayden Run- Leppert Road / \$0.00 (Carryover) / \$407,659.00 (Carryover) / \$407,659.00 (Carryover)

SECTION 3. That the 2011 Capital Improvement Budget authorized by ordinance 0266-2011 be and is hereby amended to provide sufficient authority for this project as follows:

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

704 / 530103-100000 / Arterial Street Rehabilitation / \$1,910.00 (Carryover) / (\$1,910.00)(Carryover) / (\$0.00)(Carryover)

746 / 530058-100009 / NCR - Lincoln Theatre Phase 2 / \$601,375.00 (Carryover) / (\$397,055.00) (Carryover) / \$204,320.00 (Carryover)

746 / 590105-100031 / Pedestrian Safety Improvements - Obetz Road Sidewalks / \$67,000.00 (Carryover) / (\$11,854.00) (Carryover) / \$55,146.00 (Carryover)

746 / 590105-100034 / Pedestrian Safety Improvements - Valleyview / \$58,920.00 (Carryover) / (\$58,920.00) (Carryover) / \$0.00 (Carryover)

746 / 771010-100000 / Hayden Run- Leppert Road / \$407,659.00 (Carryover) / (\$157,659.00) (Carryover) / \$250,000 (Carryover)

704 / 530104-100004 / Alley Rehabilitation - Miscellaneous / \$70,000.00 (Carryover) / \$1,910.00 (Carryover) / \$71,910.00 (Carryover)

746 / 530104-100004 / Alley Rehabilitation - Miscellaneous / \$397,054.00 (Carryover) / \$625,487.00 (Carryover) / \$1,022,541.00 (Carryover)

SECTION 4. That the Transfer of cash and appropriation within the Build America Bonds Fund, No. 746, be authorized as follows:

Transfer from:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 530103-100000 / Arterial Street Rehabilitation / 06-6600 / 590041 / \$1,910.00

746 / 530058-100009 / NCR - Lincoln Theatre Phase 2 / 06-6600 / 765809 / \$397,054.93

746 / 590105-100031 / Pedestrian Safety Improvements - Obetz Road Sidewalks / 06-6600 / 760531 / \$11,853.45

746 / 590105-100034 / Pedestrian Safety Improvements - Valleyview Sidewalks / 06-6600 / 760534 / \$58,920.29

746 / 771010-100000 / Hayden Run- Leppert Road / 06-6600 / 746010 / \$157,658.29

Total Transfer from: \$627,396.96

Transfer to:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 530104-100004 / Alley Rehabilitation - Miscellaneous / 06-6600 / 740404 / \$1,910.00

746 / 530104-100004 / Alley Rehabilitation - Miscellaneous / 06-6600 / 760404 / \$625,486.96

Total Transfer To: \$627,396.96

SECTION 5. The sum of \$901,318.04 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, 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 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 6. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 7. That \$901,318.04 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-11, and \$11,853.45 is hereby appropriated within Fund 746, The Build America Bonds Fund for The Division of Planning and Operations as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 530104-100004 / Alley Rehabilitation - Miscellaneous / 06-6631 / OCA Code 530104 / \$901,318.04

SECTION 8. That the monies appropriated in the foregoing Section 7 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 9. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 6 above.

SECTION 10. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$901,318.04 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 11. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 12. That for the purpose of reimbursing the Street Construction Maintenance and Repair Fund for said alley rehabilitation work, the sum of \$1,528,715.00 is hereby authorized to be expended from the Streets and Highways G.O. Bonds Fund, Fund 704, Department No. 59-11, Division of Planning and Operations as follows:

<u>Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount</u>
704 / 530104-100004 / Alley Rehabilitation - Miscellaneous / 06-6631 / 740404 / \$903,228.04
746 / 530104-100004 / Alley Rehabilitation - Miscellaneous / 06-6631 / 760404 / \$625,486.96

SECTION 13. That the City Auditor is authorized to make any accounting changes to revise the funding source for any contract(s) or contract modification(s) associated with the expenditure of the funds transferred under Section 3 above.

SECTION 14. 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 15. 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.