



City of Columbus

Office of City Clerk
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Legislation Text

File #: 1291-2009, **Version:** 1

Background: Ordinance No. 0453-2009, passed April 6, 2009, authorized the City Attorney to acquire certain property rights, and to expend certain monies in connection with the Chatterton Road Water Main Improvement Project. The original amount of funding made available for this project was done so with the understanding that additional monies may be needed at a later date. It is now necessary to increase the Auditor's Certificate established by the aforementioned ordinance by the amount of \$50,000.00 to pay for additional costs in connection with this project.

Fiscal Impact: This legislation includes a transfer of funds from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund as a temporary measure until such time as the proceeds from an upcoming bond sale can be made available. An amendment to the 2009 Capital Improvements Budget is also necessary.

Emergency Justification: is requested to allow right-of-way acquisition to begin immediately so that the City can meet current acquisition schedules.

To increase an existing Auditor's Certificate by \$50,000.00 for the Chatterton Road Water Main Improvement Project; to authorize the appropriation and transfer of \$50,000.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; to authorize the expenditure of \$50,000.00 from the Water Works Enlargement Voted Bonds Fund; to authorize an amendment to the 2009 Capital Improvements Budget; and to declare an emergency. (\$50,000.00)

WHEREAS, the City of Columbus is engaged in the Chatterton Road Water Main Improvement Project; and

WHEREAS, the original amount of funding made available for this project was done so with the understanding that additional monies may be needed at a later date; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer funds from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; 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 construction of the Project described in this Ordinance (collectively, the "Project"); and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Water Reserve Fund the amount transferred; and

WHEREAS, the aggregate principal amount which the City will issue to finance this phase of the project is presently expected not to exceed \$50,000.00; and

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

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Power and Water, in that it is immediately necessary to increase an Auditor's Certificate to pay additional professional service costs and other fees incidental to the acquisition of real estate for the Chatterton Road Water Main Improvement Project, in an emergency manner to allow right-of-way acquisition to begin immediately so that the City can meet current acquisition schedules, to authorize the appropriation and transfer of funds from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund, for the immediate

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 from the unappropriated monies in the Water System Reserve 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, 2009, the sum of \$50,000.00, is hereby appropriated to the Division of Power and Water, Division 60-09, Object level One 10, Object level Three 5502, OCA 695056.

SECTION 2. That the City Auditor is hereby authorized and directed to transfer \$50,000.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund, Fund No. 606, into the appropriate project account as specified within Section 3 herein, at such time as deemed necessary by him, and to expend said funds, or so much thereof as may be necessary.

SECTION 3. That the appropriation of \$50,000.00 is hereby authorized for the Chatterton Road Water Main Improvement Project as follows: Division of Power and Water, Fund No. 606, Division 60-09, Water Works Enlargement Voted Bonds Fund, Auditor's Certificate No. AC029744, Project No. 690483-100000, Object Level Three 6601, OCA Code 690483.

SECTION 4. That the expenditure of \$50,000.00, or so much thereof as may be necessary from the Water Works Enlargement Voted Bonds Fund No. 606; Dept./Div. 60-09; Project No. 690483; OCA Code 690483-100000; Object Level Three 6601; AC029744 for the aforesaid purpose is hereby authorized.

SECTION 5. That the 2009 Capital Improvements Budget is hereby amended as follows (to make corrections under for Ordinances that have already passed):

<u>Fund No.</u>	<u>Project No.</u>	<u>Project Name</u>	<u>Current Authority</u>	<u>Revised Authority</u>	<u>change</u>
606	690449-100000 (New)	Dublin Rd. 36" W.M. Imp's	\$7,416,835	\$7,366,835	-\$50,000
606	690483-100000 (New)	Chatterton Rd. 30" W.M.	\$4,695,000	\$4,745,000	+\$50,000

SECTION 6. That upon obtaining other funds for the purpose of funding water system capital improvement work, the City Auditor is hereby authorized to repay the Water System Reserve Fund the amount transferred under Section 3 above, and said funds are hereby deemed appropriated for such purpose.

SECTION 7. 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 8. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance 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 no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

SECTION 9. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

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 \$50,000.00 (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 Water System Reserve Fund 603, which is the fund from which the advance for costs of the Project will be made.

SECTION 11. That for the reasons stated in the preamble hereto, 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 its passage if the Mayor neither approves nor vetoes the same.