



Legislation Text

File #: 0496-2009, **Version:** 1

Background: Ordinance No. 1814-2007, passed November 19, 2007 which authorized the City Attorney to acquire certain property rights, and to expend monies in connection with the OSIS Downtown Odor Control Facilities Project. The preliminary amount of funding originally made available for this project was done with the understanding that additional monies may be needed at a later date. It is now necessary to authorize the City Attorney to acquire additional fee simple title and lesser interests, contract for any additional necessary professional services, and to expend additional money for payment of acquisition costs in connection with the OSIS Downtown Odor Control Facilities Project.

Fiscal Impact: This ordinance authorizes the transfer and appropriation of funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund for this expenditure, and also allows for an amendment to the 2008 Capital Improvements Budget to establish sufficient funds and budget authority to cover the expenditure upon passage of the ordinance. Monies for this contract from the Sanitary Sewer Reserve Fund will be provided from an upcoming Bond Sale via the transfer detailed in this Ordinance.

Emergency Justification: Emergency action is requested to allow for the acquisition of real property necessary to the completion of this project to proceed without delay.

To authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services, and to authorize the transfer and appropriation of \$2,470,000.00 from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund; to authorize the expenditure of \$2,470,000.00 within the Voted Sanitary Sewer Bond Fund; to amend the 2008 Capital Improvement Budget for the Division of Sewerage and Drainage for costs in connection with the OSIS Downtown Odor Control Facilities Project; and to declare an emergency. (\$2,470,000.00).

WHEREAS, the City of Columbus is engaged in the OSIS Downtown Odor Control Facilities Project; and

WHEREAS, Ordinance No. 1814-2007, passed November 19, 2007, which authorized the City Attorney to acquire certain property rights, and to expend monies in connection with the OSIS Downtown Odor Control Facilities Project; and

WHEREAS, the preliminary amount of funding originally made available for this project was done so with the understanding that additional monies may be needed at a later date; and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 to authorize the transfer and appropriation of funds from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund to provide sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary to authorize an amendment to the 2008 Capital Improvement Budget for the purpose of providing sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary for City Council to authorize the expenditure of \$2,470,000.00 from the Voted Sanitary Sewer Bond Fund; and

WHEREAS, the City anticipates incurring certain Original Expenditure (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"); and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, in that it is immediately necessary to authorize the City Attorney to acquire fee simple title and lesser interests in and to

certain parcels of real estate and to contract for the aforesaid professional services necessary in connection with said project 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 City Attorney be, and hereby is, authorized to acquire fee simple title and lesser interests in and to certain parcels of real estate and to contract for the OSIS Downtown Odor Control Facilities Project, Project #650691.

Section 2. That from the unappropriated monies in the Sanitary Sewer Reserve Fund No. 654, 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 \$2,470,000.00 is hereby appropriated to the Division of Sewerage and Drainage: Division 60-05| OCA Code 901654 | Object Level One 10 | Object Level Three 5502.

Section 3. That the City Auditor is hereby authorized to transfer \$2,470,000.00 from the Sanitary Sewer Reserve Fund to the Voted Sanitary Sewer Bond Fund, Fund 664, into the OSIS Downtown Odor Control Facilities Project, Project 650691, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

Section 4. That the \$2,470,000.00 is hereby appropriated for the OSIS Downtown Odor Control Facilities Project, within the Voted Sanitary Sewer Bond Fund| Fund 664| Division 60-05| Project 650691 | OCA Code 664691 | Object Level Three 6601.

Section 5. That the 2008 Capital Improvements Budget Ordinance No. 0690-2008 is hereby amended as follows, to provide sufficient budget authority for the execution of the cost agreement increase stated herein:

Proj. No. | Proj. Name | Current Authority | Revised Authority | (Change)

650725 | Large Diameter Sewer Rehab. Olentangy & Alum Creek| \$5,465,889 | \$3,700,889 | (-\$1,765,000)
650691 OSIS Downtown Odor Control Facilities Project | \$705,000 | (+\$2,470,000) | \$1,765,000

Section 6. That the expenditure of \$2,470,000.00, or as much thereof as may be needed, is hereby authorized from the Voted Sanitary Sewer Bond Fund| Fund No. 664| Division 60-05| Project 650691 | OCA Code 664691 | Object Level Three 6601.

Section 7. That upon obtaining other funds for the purpose of funding sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary Sewer Reserve Fund the amount transferred above, and said funds are hereby deemed appropriated for such purposes.

Section 8. 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 the obligations to be issued by the City in a principal amount currently estimated to be \$2,470,000.00 (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 Sanitary/Sewer Reserve Fund 654, which is the fund from which the advance for costs of the Project will be made.

Section 9. That the City Auditor is hereby authorized 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 are no longer required for said project; except that no transfer shall be made from a project by monies from more than one source.

Section 10. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

Section 11. 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 12. 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 not vetoes the same.