



Legislation Text

File #: 0021-2026, **Version:** 1

1. BACKGROUND

This ordinance authorizes the Director of the Department of Public Utilities to execute loan documents necessary for a supplemental loan to increase the amount of a Water Pollution Control Loan Fund (WPCLF) loan to match the amount of the cost of construction for the 650870-100802/650870-153002 Blueprint Hilltop - Eureka/Fremont Area Integrated Solution and Permeable Pavers project, in an amount not to exceed \$774,089.64.

The Department of Public Utilities is engaged in the CIP #650870-100802, 650870-153002, 690236-100143 & 530282-100147 Blueprint Hilltop - Eureka/Fremont Area Integrated Solution, Permeable Pavers, Water Line Improvements, & Resurfacing project. This project consists of constructing bioretention basins/rain gardens within the City's Right-of-Way and on City owned properties in the Hilltop/Eureka Fremont area to store and treat storm water runoff as part of the City of Columbus' Wet Weather Integrated Plan mandated by the Ohio Environmental Protection Agency. The goal of the project is to enhance water quality within the streams that receive the storm water and to address flooding issues in the area.

The WPCLF is a loan program jointly administered by the Ohio EPA's Division of Environmental and Financial Assistance and the Ohio Water Development Authority (OWDA). City Council authorized the WPCLF loan application for this project and the acceptance of WPCLF loan funding via Ordinance 2767-2023, passed by City Council on 10/30/2023. Ordinance 1297-2024, passed by City Council on 6/10/24, authorized awarding the construction contract for this project to Danbert, Inc., in an amount up to \$21,774,461.74. Ordinance 2061-2023, passed by City Council on 7/24/23, authorized awarding the construction administration/inspection work to CTL Engineering for this project in a dollar amount up to \$1,733,433.48. The dollar amount of the needed WPCLF loan was not known at the time Ordinance 2767-2023 was approved. Ordinances 1297-2024 and 2061-2023 shows the Ohio EPA and OWDA that City Council authorizes acceptance of the WPCLF loan in the dollar amount indicated in the ordinances.

The project was planned to be financed with two loans, with one loan financing the construction portion and a second loan financing construction administration/inspection. After the administration/inspection loan application was submitted it was determined the two loans could be combined into one loan at more favorable terms to the City. While the administration and inspection loan was then cancelled, the second loan amount was not adjusted to include the administration and inspection cost. The loan amount approved by the OWDA Board for the project is now less than is needed for the project. OWDA has requested an ordinance showing City Council authorizes a supplemental loan to increase the overall loan amount to the cost of construction and construction administration/inspection.

2. FISCAL IMPACT

There is no additional financial impact to the City. City Council authorized the total amount needed for the contract and the loan in Ordinance 1927-2024. The Auditor's Office issued an Auditor's Certificate for the amount needed. With the loan application submitted to OWDA for a lesser amount than needed, OEPA/OWDA needs an additional ordinance showing City Council approval to increase the loan amount before the OWDA Board can approve increasing the loan amount. The supplemental loan is expected to be approved in January of 2026. The Department of Public Utilities will inform the Auditor's Office when this loan has been approved.

3. EMERGENCY DESIGNATION

Emergency designation is requested to allow this ordinance to be effective by the time the Ohio Water Development Authority Board meets in January to approve this supplemental loan request so the contract amount, the contract amount authorized by City Council, and the approved loan amount all match so work will not need to be halted on a project required to be completed to be in compliance with an environmental consent order.

To authorize the Director of the Department of Public Utilities to execute loan documents necessary for a supplemental loan to increase the amount of a Water Pollution Control Loan Fund (WPCLF) loan to match the amount of the project cost for the Blueprint Hilltop - Eureka/Fremont Area Integrated Solution and Permeable Pavers project; and to declare an emergency. (\$0.00)

WHEREAS, the Department of Public Utilities is engaged in the CIP #650870-100802, 650870-153002, 690236-100143 & 530282-100147 Blueprint Hilltop - Eureka/Fremont Area Integrated Solution, Permeable Pavers, Water Line Improvements, & Resurfacing project; and

WHEREAS, Ordinance 2767-2023, passed by City Council on 10/30/23, authorized the Director of Public Utilities to fund projects with Water Pollution Control Loan Fund (WPCLF) loans; and

WHEREAS, Ordinance 2061-2023, passed by City Council on 7/24/23, authorized awarding the construction administration/inspection work to CTL Engineering for this project; and

WHEREAS, Ordinance 1297-2024, passed by City Council on 6/10/24, authorized awarding the construction contract for the #650870-100802, 650870-153002, 690236-100143 & 530282-100147 Blueprint Hilltop - Eureka/Fremont Area Integrated Solution, Permeable Pavers, Water Line Improvements, & Resurfacing project to Danbert, Inc., and also funding the Division of Water Reclamation portion of the contract through a WPCLF loan; and

WHEREAS, the amounts needed for the construction contract and the construction administration/inspection for this project are to be loan funded through the WPCLF loan program; and

WHEREAS, an error on the loan application paperwork caused the loan to be approved for an amount less than needed and that City Council approved; and

WHEREAS, a supplemental loan application must be submitted to correct this error; and

WHEREAS, the Ohio EPA and the Ohio Water Development Authority require a new ordinance from City Council to increase the loan amount; and

WHEREAS, an Auditor's Certificate is still reserving the funds shorted in the original loan against the Division of Water Reclamation's reserves; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary for this ordinance to be effective by the time the Ohio Water Development Authority Board meets in January to approve this supplemental loan request so the contract amount, the contract amount authorized by City Council, and the approved loan amount all match so work will not need to be halted on a project required to be completed to be in compliance with an environmental consent order, thereby preserving the public peace, property, health, welfare, and safety; **NOW, THEREFORE**,

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

SECTION 1. The Director of the Department of Public Utilities is authorized to execute loan documents necessary for a supplemental loan to increase the amount of a Water Pollution Control Loan Fund (WPCLF) loan to match the project cost for the 650870-100802/650870-153002 Blueprint Hilltop - Eureka/Fremont Area Integrated Solution and Permeable Pavers project, in an amount not to exceed \$774,089.64.

SECTION 2. Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

SECTION 3. 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 4. That the City Auditor is 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 5. That this ordinance, for the reasons stated in the preamble, which are made a part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.