



Legislation Details (With Text)

**File #:** O-465-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 9/16/2019      **In control:** Public Utilities Department  
**On agenda:** 10/1/2019      **Final action:** 10/1/2019

**Title:** Authorizing the mayor to apply for, enter into agreements, accept and deposit loan proceeds of up to \$48,000,000 from the Ohio EPA Water Supply Revolving Loan Account (WSRLA) and/or the Ohio Water Development Authority (OWDA) into the Water Replacement Loan Fund; authorizing the appropriation and expenditure of said loan proceeds from the unappropriated balance of the Water Replacement Fund for the Filter and Pipe Gallery Improvements; authorizing a dedicated source for repayment of said loan(s); authorizing the mayor to execute all necessary documentation for said loan (s) and to execute the necessary documentation for all contracts related to construction, professional services, contingencies, capitalized interest, testing, fees, and miscellaneous project costs; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** ,

Date	Ver.	Action By	Action	Result
10/1/2019	1	City Council		
10/1/2019	1	City Council		
10/1/2019	1	City Council		

DPU100119FILTERANDPIPEGALLERY  
Water Treatment  
W. Henry (x1840)  
Revised

**Authorizing the mayor to apply for, enter into agreements, accept and deposit loan proceeds of up to \$48,000,000 from the Ohio EPA Water Supply Revolving Loan Account (WSRLA) and/or the Ohio Water Development Authority (OWDA) into the Water Replacement Loan Fund; authorizing the appropriation and expenditure of said loan proceeds from the unappropriated balance of the Water Replacement Fund for the Filter and Pipe Gallery Improvements; authorizing a dedicated source for repayment of said loan(s); authorizing the mayor to execute all necessary documentation for said loan(s) and to execute the necessary documentation for all contracts related to construction, professional services, contingencies, capitalized interest, testing, fees, and miscellaneous project costs; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

On August 2, 2014, the City of Toledo issued a “Do Not Drink” advisory impacting over 400,000 residents in the Toledo region due to the presence of the algal toxin microcystin in the finished drinking water. The city subsequently applied for and was successful in securing Ohio EPA - Water Supply Revolving Loan Account (WSRLA) funding for two projects to treat Harmful Algal Bloom (HAB) toxins. The first project constructed in 2015 were chemical feed improvements designed as a short term HAB control measure and a second project,

Ozone Treatment Facilities are now being constructed that will serve as the long-term HAB control measure. The third project that will provide the final barrier for removal of HAB toxins is the Filter and Pipe Gallery Improvements. This project will convert the existing filters to biologically active units that will metabolize oxidized HAB organics following ozonation. Prior to loan approval, the Ohio EPA requires an ordinance be passed authorizing the loan application, acceptance, and the execution of an agreement as well as designating a dedicated repayment source for the WSRLA funds.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$48,000,000
- The expenditure budget line item: 663L-32000-4UL2319STDSTD
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)?: no
- Is this a capital project (yes/no)?: yes
- If yes, is it new or existing (new/existing)?: existing
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) yes
  - o Quality Community Investment (Livable City, Development) (yes/no) yes
  - o Workplace Culture & Customer Service (yes/no) yes
  - o Environment (yes/no) yes

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor is authorized to apply for, enter into agreement(s), accept and deposit loan proceeds of up to \$48,000,000 from the Ohio EPA and/or the Ohio Water Development Authority into the Water Replacement Fund, Account Code 663L-32000-4UL2319STDSTD, for the Harmful Algal Bloom Filter and Pipe Gallery Improvements.

SECTION 2. That an amount not to exceed \$48,000,000 are appropriated from the unappropriated loan proceeds in the Water Replacement Fund into Account Code 663L-32000-4UL2319STDSTD; and authorizing the expenditure of same for the Harmful Algal Bloom Filter and Pipe Gallery Improvements.

SECTION 3. That various adjustments and line item expenditure transfers be, and the same are authorized, to comply with said loan agreement(s).

SECTION 4. That the dedicated source of repayment for said loan(s) shall be the unappropriated balance of the Water Replacement Fund provided, however, that any loans for this project shall be subordinate to all of the city's water revenue bonds.

SECTION 5. That the mayor is authorized to accept bids, enter into contracts, and all related documentation necessary to acquire said loan(s) and to undertake and pay for all equipment, construction, professional services, loan fees, capitalized interest, contingencies, testing, permits and miscellaneous fees for this project.

SECTION 6. That the Finance Director is authorized to issue her warrant or warrants in amounts not to exceed those authorized in Section 2 against the above mentioned account code in payment of the obligations incurred pursuant to the contracts authorized in Section 5 above upon presentation of the proper voucher or vouchers.

SECTION 7. That the disappropriation of any remaining budget to fund balance at project closeout is authorized.

SECTION 8. That this ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this ordinance must be immediately effective in order to ensure the uninterrupted distribution of quality potable drinking water to the citizens of the entire region.

**Vote on emergency clause: yeas 12, nays 0.**

**Passed: October 1, 2019, as an emergency measure: yeas 12, nays 0.**

**Attest:**

**Gerald E. Dendinger  
Clerk of Council**

**Matt Cherry  
President of Council**

**Approved:**

**October 1, 2019  
Wade Kapszukiewicz  
Mayor**