

December 19, 2017

Honorable Board of County Commissioners  
Hamilton County, Ohio  
% Mr. Jeff Aluotto  
Hamilton County Administrator  
County Administration Building  
138 E. Court Street, Room 603  
Cincinnati, Ohio 45202

Honorable Commissioners:

Attached for your consideration are revised resolutions to effect the adoption of the Metropolitan Sewer District of Greater Cincinnati's ("MSD") 2018-2022 Capital Improvement Program (CIP). On November 8 and November 15, 2017, the Board of County Commissioners of Hamilton County, Ohio held public hearings on the MSD CIP.

The 2018 MSD CIP represents the final year of the Phase 1 Wet Weather Improvement Program (WWIP). While wrapping up the Phase 1 of the WWIP, MSD also worked to develop a schedule of projects for consideration and recommendation for the 5-Year CIP in anticipation of a future Phase 2 WWIP as required by the 2004 Global Consent Decree. Given the complexity, size, affordability constraints, lessons learned, innovation, and watershed evaluations, the Phase 2 Program must be implemented in phases. Therefore, this CIP encompasses both the WWIP, including sustainable infrastructure projects, as well as a comprehensive district-wide Asset Management (AM) program), and includes a number of "Early Action" projects, also referred to as a "Bridge Schedule," for WWIP work that will be completed through 2019, as well as Allowances. While still subject to pending discussions with the Consent Decree Regulators and U.S. District Court approval of a time extension for the filing of the Phase 2 schedule these "Bridge" projects are recommended to advance immediately after the Commissioners adoption of this 2018 CIP. If Regulator approval does not occur, then all or some of these projects may be reevaluated with the County Commissioners and MSD/City. For 2018, there are a total of **58** projects on the proposed capital plan, which include the WWIP Projects and Allowances; local and lateral sewers; Asset Management (AM) Projects and Allowances; and Program Contingency estimated at **\$129,118,155**.

MSD further details this cost in its 2018 Proposed Capital Budget and Capital Improvement Program book, dated December 19, 2017. The proposed CIP reflects the collaborative efforts between Hamilton County's Administration, Monitor, and MSD.

*...continued*

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MSD has conducted a thorough analysis of infrastructure assets to develop the capital plan and program for the District for the next 5 years. Due to the affordability limitations and challenges of its service area and its central cities, MSD has reprioritized the need to address known problems that reduce effectiveness and reliability of the collection and treatment system. The CIP focuses on necessary improvements and upgrades to wastewater treatment facilities, sewers and pump stations as well as allowances for each of the asset groups. MSD's plan will address the most critical and aging infrastructure assets as well as implementing projects to meet the requirements of the Consent Decree, NPDES permits and customer expectations.

The Phase 2A Schedule was due for submission to the Regulators on June 30, 2017; on June 27, 2017, the Consent Decree Regulators granted a four-month extension to the original June 2017 deadline. The Consent Decree Regulators and Co-Defendants are in discussion of an additional extension that would allow the parties to work toward a June 30, 2018 deadline. Therefore, **specific** MSD capital projects and costs listed herein for 2019, 2020, 2021, and 2022 **are subject to change**; the projects listed **are placeholders based on historical information**. The MSD capital projects to be advanced for legislation in 2019, 2020, 2021, and 2022 will be dependent upon future discussions with the Consent Decree Regulators.

Through the attached legislation, the City of Cincinnati requests the County Commissioners to consider, approve, and appropriate a total of **\$65,962,588** for the following actions:

- (1) Approve, in general, the submitted 2018-2022 MSD CIP; and
- (2) Order the commencement of planning, design, and easement acquisition activities (**Exhibit A**) for 32 projects contained in the 2018 MSD CIP and appropriate \$23,126,588 of the above-referenced \$65.9M for the same; and
- (3) Take all actions necessary for nine construction projects (**Exhibit B**) contained in the 2018 MSD CIP and appropriate \$28,536,000 of the above-referenced \$65.9M for the same. These nine projects encompass construction activities that are either essential to the continuous operation of MSD, or address wastewater system asset stabilizations or asset maintenance.
- (4) Approve, per the requirement of the 2018 CIP, the use of MSD Programmatic Contingency fund and appropriate **\$14,300,000** of the above-referenced \$65.9M for the same.

**RECOMMENDED:**



Gérald R. Checco  
Director, MSD

Approved:



Harry Black  
City Manager

Provided to the Hamilton County Clerk of the Board on 12/19/2017.

Reviewed by \_\_\_\_\_, and recommended by County Administration.

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the following resolutions were adopted....

MSD RESOLUTION

APPROVING AND ADOPTING THE  
2018-2022 CAPITAL IMPROVEMENT PROGRAM  
FOR THE  
THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI,  
HAMILTON COUNTY, OHIO,  
AND APPROPRIATING FUNDS THEREFOR

WHEREAS, the Director of the Metropolitan Sewer District of Greater Cincinnati (“MSD”) is required to annually submit to the Board of County Commissioners of Hamilton County, Ohio (the “Board”) a Capital Improvement Program (“CIP”) and has done so for the program years 2018-2022; and

WHEREAS, after legal advertisement, this Board did conduct public hearings on November 8 and November 15, 2017 on the 2018-2022 MSD CIP, at which hearing all persons desiring to ask questions and make statements were afforded such opportunity; and

WHEREAS, this Board did, on November 15, 2017, conclude said public hearings on said 2018-2022 MSD CIP; and

WHEREAS, this Board of County Commissioners has reviewed said 2018-2022 MSD CIP; and

WHEREAS, by approving this 2018-2022 MSD CIP, the Board is **specifically** authorizing the preparation of detailed plans, specifications, estimates of cost, and/or other relevant documents for the 32 projects and allowances contained and outlined in **Exhibit A**, attached hereto, and by reference made a part hereof; and

WHEREAS, by approving this 2018-2022 MSD CIP, the Board is **specifically** approving the detailed plans, specifications and/or other relevant documents, and estimates of cost for the nine WWIP and Asset Management Allowance projects contained and outlined in **Exhibit B**, which are attached hereto, and by reference made a part hereof; and

WHEREAS, by approving this 2018-2022 MSD CIP, the Board is **specifically** approving the use of Programmatic Contingency to cover needed contingency for all projects legislated, consistent with the requirements of Section 2405-2(A)(3), “Contingency” in the MSD Rules and Regulations; and

WHEREAS, by approving this 2018-2022 MSD CIP the Board is requiring that any project contained in **Exhibit A**, when ordered constructed, have specific authorization and appropriation of funds through legislation passed by the Board; and

WHEREAS, on June 27, 2017, the Consent Decree Regulators granted a four-month extension to the original June 30, 2017 Phase 2 deadline, which was subsequently further extended, so therefore, by approving this 2018-2022 MSD CIP the Board is approving, *in concept only*, the submitted project lists and total project cost estimates *for projects listed in 2019, 2020, 2021, and 2022* which scope and budget will be dependent upon the outcome of ongoing discussions with the Consent Decree Regulators. Additionally, the outlier years 2019-2022 represent a near 50-50 split between WWIP and Asset Management projects, per the Commissioners direction. Further, the outlier years 2019-2022 are subject to further refinement and Regulator negotiation. MSD will strive to achieve the desired 50-50 split given these aforementioned circumstances. As such, the cost and specific projects listed herein

are subject to change. When ordered designed or constructed, these projects will require specific authorization and appropriation of funds through legislation passed by the Board; and

WHEREAS, MSD uses best professional judgment and industry standards with regards to project planning, design construction, and performance evaluation (post construction monitoring); and

WHEREAS MSD provides monthly Enterprise Management Reports and quarterly Project Activity Reports, posting such reports at [www.projectgroundwork.org](http://www.projectgroundwork.org) and submitting the same to City and County Administrations, in order to report and track progress on program performance and health at the project level, reporting on cash flow, schedule, risks, regulatory and stakeholder engagement and various other key performance indicators; and

WHEREAS, the respective Project[s'] and Allowance[s'] activities as contained in **Exhibit A, Exhibit B**, or funds for use as Programmatic Contingency, are for the purpose of acquiring, constructing, and improving capital assets to be used in the operation and maintenance of the MSD, as operated by this Board under Chapter 6117 Revised Code of Ohio and in compliance with Section 133.01(Z) R.C.; and

WHEREAS, it has been determined sufficient unappropriated funds are available for use by the Metropolitan Sewer District to temporarily finance construction costs prior to the issuance of long-term revenue bonds.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hamilton County, Ohio, that the 2018-2022 Capital Improvement Program of the Metropolitan Sewer District of Greater Cincinnati for the period of January 1, 2018 – December 31, 2018, which is inclusive of **Exhibits A, and B**, and for use as Programmatic Contingency be and hereby is approved and adopted.

BE IT FURTHER RESOLVED that:

SECTION 1. By approving this 2018-2022 MSD CIP, the Board is **specifically** appropriating funds amounting to \$23,126,588.00 for either (a) planning activities and studies; (b) the preparation of detailed project plans, specifications, cost estimate; (c) project easement acquisition; or (d) a combination of only these project activities for 32 projects contained in and outlined in **Exhibit A**; and

SECTION 2. By approving this 2018-2022 MSD CIP, the Board is **specifically** appropriating funds amounting to \$28,536,000 for construction and authorizing the construction of the following projects, as identified in **Exhibit B**:

Project Identifiers (ID / Name)	Funds Requested
10180118 Main Sewer Renewal Program 2018	\$1,800,000.00
10180218 Manhole Renewal Program 2018	\$700,000.00
10180250 Small Diameter Sewer Rehabilitation - Phase 1	\$2,500,000.00
10180260 Large Diameter Sewer Rehabilitation - Phase 1	\$2,500,000.00
10190418 Home Sewage Treatment System Eliminations 2018, Design & Construction	\$1,036,000.00
10280318 Emergency Sewer Repairs 2018	\$6,000,000.00
10280518 WWC High Risk Asset Renewal 2018	\$6,000,000.00
10280608 Building Sewer Renewal Program 2018	\$2,000,000.00
10280718 Critical Asset Management Projects 2018	\$6,000,000.00
<b>Grand Total</b>	<b>\$28,536,000.00</b>

SECTION 3. By approving this 2018-2022 MSD CIP, the Board is **specifically** appropriating funds amounting to **\$14,300,000** for Programmatic Contingency.

BE IT FURTHER RESOLVED that the sum of sixty five million, nine hundred sixty-two, five hundred eighty eight dollars (\$65,962,588.00) currently existing in unappropriated funds available for use by the Metropolitan Sewer District in Capital Improvement Fund 704 maintained by the City of Cincinnati, and the Surplus Account held at US Bank is hereby appropriated to pay costs for planning, design, easement acquisition, and/or other related pre-construction activity costs incurred in connection with the 2018-2022 MSD CIP as outlined in **Exhibit A**; and, the construction costs of projects as identified in **Exhibit B**; and Programmatic Contingency.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Hamilton County, Ohio as follows:

SECTION 1. Hamilton County, Ohio (the "County") may be expected to pay and/or incur costs with respect to the Project ("Prior Capital Expenditures") on or after the date of this resolution and prior to the issuance of the obligations (the "Obligations") which will finance the projects defined in **Exhibits A** through **C**.

SECTION 2. The Board of County Commissioners hereby approves the use of the Obligations in the maximum principal amount of sixty five million, nine hundred sixty-two, five hundred eighty eight dollars (\$65,962,588.00) to finance the costs of the Projects contained in **Exhibits A, B**, and Programmatic Contingency, and declares its intent that any Prior Capital Expenditures made by the County will be made in anticipation of the issuance of such Obligations to reimburse said prior Capital Expenditures. This declaration is made pursuant to Treas. Reg. Section 1.150-2 or any successor thereto.

SECTION 3. The County Administrator, the Director of the Metropolitan Sewer District, the Director of Finance of the City of Cincinnati, the County Auditor and/or US Bank, N.A., as Trustee, each as applicable, are hereby authorized and directed to reimburse, not later than 18 months after the later of (i) the date the original expenditure was paid or (ii) the date the item was placed in service, only those Prior Capital Expenditures from Projects contained in **Exhibits A, B**, and Programmatic Contingency and made with respect to assets having a reasonably expected economic life of at least one year, and, in addition, eligible preliminary expenditures paid and incurred in connection with the Project from the Revenue Fund, Replacement and Improvement Account and/or the Surplus Account.

SECTION 4. The Board of County Commissioners finds and determines that, consistent with the County's budgetary and financial circumstances, it does not have funds currently available and does not expect to have funds available in the future that may be allocated on a long-term basis, other than the proceeds of the Obligations, to finance the Prior Capital Expenditures from Projects contained in **Exhibits A, B,** and Programmatic Contingency.

SECTION 5. The Board of County Commissioners hereby directs the County Administrator, the Director of the Metropolitan Sewer District, the Director of Finance of the City of Cincinnati, the County Auditor and/or US Bank, N.A., as Trustee, each as applicable, to take the following action at the time the Prior Capital Expenditures from Projects contained in **Exhibits A, B,** and Programmatic Contingency are reimbursed from proceeds of the Obligations only if said reimbursement relieves the proceeds used for reimbursement from any restrictions imposed by both legal documents under which the Obligations were issued and applicable state law: (1) evidence the reimbursement on the books and records maintained with respect to the Obligations, and (2) identify either the actual prior expenditure to be reimbursed or, in the case of reimbursement of a fund or account, the fund or account from which the expenditure was paid.

SECTION 6. The books, records and proceedings of the County with respect to this resolution shall be made reasonably available by the County, for inspection by the general public at the County's administrative office every business day during normal business hours commencing no later than 30 days after the passage of this resolution. Said books, records and proceedings of the County with respect to this resolution will continue to be reasonably available to the general public until the date of issuance of the Obligations.

BE IT FURTHER RESOLVED, that the Board is requiring that any project contained in the 2018 CIP, exclusive of and WWIP or AM Allowances listed in Exhibit B, when ordered constructed, have specific authorization and appropriation of funds through legislation passed by this Board.

BE IT FURTHER RESOLVED, that Project 10180117, Main Sewer Renewal Program 2017, is authorized to continue use of appropriated 2017 funds in an amount not to exceed \$4,200,000 in order to complete contract requirements for renewal of assets identified in that contract and for which MSD has sufficient legal title.

BE IT FURTHER RESOLVED, that 10280608, Building Sewer Renewal Program 2018 is dedicated to addressing structurally failed privately owned sewers located within the public right-of-way in accordance with MSD Rules and Regulations, Section 2008.

BE IT FURTHER RESOLVED, 10280518 WWC High Risk Asset Renewal 2018 will allow MSD to replace entire high-risk assets or portions of system assets that are currently unable, or anticipated to be unable to meet their defined level of service. This project is necessary to cost effectively extend asset life while protecting and preserving public health and the environment. The scope of work does not include addressing building sewers as those are the legal responsibility of the building owner/operator/MSD.

BE IT FURTHER RESOLVED, 10280318 Emergency Sewer Repairs 2018 will allow MSD to quickly respond to sudden, unexpected sewer system failures which may threaten public health, welfare or safety. Conditions that warrant emergency repairs include cave-ins, and structurally failed mainline sewers or manholes. The scope of work does not include addressing building sewers.

BE IT FURTHER RESOLVED, the 2018 CIP includes program related mandatory costs associated with the performance evaluation efforts of LMCPR and Werk and Westbourne EHRT projects. These projects are considered to be capital expenditures because of their applicability to future project planning and design, as well as multi-year compliance and performance evaluation of Consent Decree projects. If determined that any expenditures from these efforts are not contributing to the creation of an asset, MSD will reclassify the costs in the end-of-year Financial Statement.

BE IT FURTHER RESOLVED, that as several allowances allow capitalization of staff time that cannot otherwise be allocated to a specific capital project, including the Hamilton County Utility Oversight allowance, the Hamilton County Transition allowance, Phase 2 WWIP Planning allowance, CIP Project Management allowance, and the Program Management and the Support Services 2018 allowance, capitalization of labor will follow standard GASB accounting procedures and costs will be allocated to capital assets on a pro-rated basis annually. This capitalization effort shall serve to reduce the burden on the MSD annual operating budget and on ratepayers.

BE IT FURTHER RESOLVED MSD provides monthly Enterprise Management Reports and quarterly Project Activity Reports, posting such reports at [www.projectgroundwork.org](http://www.projectgroundwork.org) and submits to City and County Administrations to report and track progress on program performance and health at the project level, reporting on cash flow, schedule, risks, regulatory and stakeholder engagement and various other key performance indicators.

BE IT FURTHER RESOLVED, that Early Action project schedules have been condensed, which may result in less than ideal time to implement. MSD uses best professional judgment and industry standards with regards to project planning, design and construction, and performance evaluation (post construction monitoring)..

BE IT FURTHER RESOLVED, that projects listed herein for 2019, 2020, 2021, and 2022 are subject to change and are approved *in concept only*; the submitted project lists and total project cost estimates are placeholders based on historical information. Additionally, the outlier years 2019-2022 represent a near 50-50 split between WWIP and Asset Management projects, per the Commissioners direction. Further, the outlier years 2019-2022 are subject to further refinement and Regulator negotiation. MSD will strive to achieve the desired 50-50 split given these aforementioned circumstances. The Phase 2A Schedule was due for submission to the Regulators on June 30, 2017; on June 27, 2017, the Consent Decree Regulators granted a four-month extension to the original June 2017 deadline. The Consent Decree Regulators and Co-Defendants are in discussion of additional extension that would allow parties to work toward a June 30, 2018 deadline. As such, the cost and specific projects listed herein are subject to change. When ordered designed or constructed, these projects will require specific authorization and appropriation of funds through legislation passed by the Board.

BE IT FURTHER RESOLVED, that the Clerk of this Board be and hereby is directed to certify copies of this resolution to Jeff Aluotto, Hamilton County Administrator; Harry Black, Cincinnati City Manager; and Gérald R. Checco, Director, MSD.

BE IT FURTHER RESOLVED, that this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Hamilton County, Ohio, this

\_\_\_\_\_ day of \_\_\_\_\_, 2017

Ms. Driehaus \_\_\_\_\_

Mr. Monzel \_\_\_\_\_

Mr. Portune \_\_\_\_\_



OFFICE OF THE DIRECTOR  
THE METROPOLITAN SEWER DISTRICT  
OF GREATER CINCINNATI

December 19, 2017

2018 CAPITAL IMPROVEMENT PROGRAM  
EXHIBIT B

THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI

Honorable Board of County Commissioners  
Hamilton County, Ohio

I herewith certify for your approval the detailed plans, specifications, estimate of cost, and/or other relevant documents for the sanitary sewer projects contained in the 2018 Capital Improvement Program's **Exhibit B**, attached hereto and by reference made a part thereof, in the Metropolitan Sewer District of Greater Cincinnati.

Accompanying this certification and contained in **Exhibit B**, attached hereto and by reference made a part thereof, is an itemized listing of the costs of these improvements. I further certify that the detailed plans, specifications, estimates of cost, and/or other relevant documents have remained open to inspection of all persons interested in such improvements.

Respectfully submitted,



Michael Pittinger, P.E.  
Sewers Chief Engineer, MSD  
City of Cincinnati Department of Sewers  
Hamilton County Sanitary Engineer  
(for the purposes of the Metropolitan Sewer District of Greater Cincinnati  
as authorized in the Resolution of February 28, 2007,  
Comm. Minutes, Vol. 305, Images 4190 - 4191)

MSD RESOLUTION

AUTHORIZING THE PREPARATION OF DETAILED PLANS, SPECIFICATIONS,  
ESTIMATES OF COST, AND/OR OTHER RELEVANT DOCUMENTS  
2018-2022 CAPITAL IMPROVEMENT PROGRAM

THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI

WHEREAS, the Board of County Commissioners of Hamilton County, Ohio (the "Board") did, by resolution adopted on a date even herewith, approve the 2018-2022 Capital Improvement Program ("CIP") for the Metropolitan Sewer District of Greater Cincinnati ("MSD"); and

WHEREAS, the Board wishes to proceed with the completion of detailed plans, specifications, other relevant documents, cost estimates, right-of-way activities, administrative and other miscellaneous activities associated with and necessary to the projects contained in **Exhibit A** located in the MSD, attached hereto and by this reference incorporated herein; and

NOW, THEREFORE, BE IT RESOLVED, by this Board of County Commissioners of Hamilton County, Ohio, that the Director of the Metropolitan Sewer District of Greater Cincinnati be, and he is hereby authorized and directed to complete preparation and submit forthwith, for the consideration and approval of this Board, detail plans, specifications, estimate of cost, and/or other relevant documents for projects contained in **Exhibit A**.

BE IT FURTHER RESOLVED, that this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Board of County Commissioners and that all deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Hamilton County, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Ms. Driehaus \_\_\_\_\_

Mr. Monzel \_\_\_\_\_

Mr. Portune \_\_\_\_\_

MSD RESOLUTION

APPROVING THE  
DETAILED PLANS, SPECIFICATIONS,  
ESTIMATES OF COST, AND/OR OTHER RELEVANT DOCUMENTS

2018 CAPITAL IMPROVEMENT PROGRAM  
EXHIBIT B

THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI

WHEREAS, the Board of County Commissioners of Hamilton County, Ohio (the "Board") did, by resolution adopted on a date even herewith, approve the 2018 - 2022 Capital Improvement Program ("CIP") for the Metropolitan Sewer District of Greater Cincinnati ("MSD"); and

WHEREAS, the said detailed plans, specifications, estimate of cost, and/or other relevant documents for the 2018 MSD CIP, **Exhibit B** have been presented to this Board by the Hamilton County Sanitary Engineer (for the purposes of the Metropolitan Sewer District of Greater Cincinnati as authorized in the Resolution of February 28, 2007, Comm. Minutes, Vol. 305, Images 4190 - 4191), with his recommendation for approval by this Board.

WHEREAS, said projects as contained in **Exhibit B** are for the purpose of acquiring, constructing, and improving capital assets to be used in the operation and maintenance of the MSD, as operated by this Board under Chapter 6117 Revised Code of Ohio and in compliance with Section 133.01(Z) R.C.

NOW, THEREFORE, BE IT RESOLVED, by this Board of County Commissioners of Hamilton County, Ohio, that the aforesaid detailed plans, specifications estimate of cost, and/or other relevant documents for the sanitary sewer projects contained in **Exhibit B** be, and the same are, hereby approved by this Board of County Commissioners.

BE IT FURTHER RESOLVED, that this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Board of County Commissioners and that all deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Hamilton County, Ohio, this

\_\_\_\_\_ day of \_\_\_\_\_, 2017.

Ms. Driehaus \_\_\_\_\_

Mr. Monzel \_\_\_\_\_

Mr. Portune \_\_\_\_\_

MSD RESOLUTION

DECLARING THE NECESSITY TO CONSTRUCT  
SEWER PROJECTS IDENTIFIED IN  
EXHIBIT B  
2018 CAPITAL IMPROVEMENT PLAN

THE METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI  
HAMILTON, COUNTY, OHIO

AND DETERMINING TO PROCEED WITH THE IMPROVEMENTS

WHEREAS, this Board of County Commissioners of Hamilton County, Ohio has heretofore approved a General Plan for the construction, maintenance, and operation of a sanitary sewer system in the Metropolitan Sewer District of Greater Cincinnati, Hamilton County, Ohio (the "Metropolitan Sewer District"); and

WHEREAS, the Board of County Commissioners of Hamilton County, Ohio did approve, on a date even herewith the detailed plans, specifications, estimates of cost, and/or other relevant documents for the sanitary sewer projects as contained in **Exhibit B**; and

WHEREAS, said projects as contained in **Exhibit B** are for the purpose of acquiring, constructing, and improving capital assets to be used in the operation and maintenance of the MSD, as operated by this Board under Chapter 6117 Revised Code of Ohio and in compliance with Section 133.01(Z) R.C.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Hamilton County:

SECTION 1. That it is hereby declared necessary for the preservation and promotion of the public health and welfare to proceed with the construction of the sanitary sewer projects contained in **Exhibit B**.

SECTION 2. That the construction of the projects contained in **Exhibit B**, together with the necessary appurtenances thereto, shall be in accordance with the General Plan of sewerage of the Metropolitan Sewer District of Greater Cincinnati.

SECTION 3. The total estimated cost of construction, including engineering and incidental expenses, is more fully described in **Exhibit B**.

SECTION 4. That to provide a means to pay for the said improvements contained in **Exhibit B**, bonds and certificates of indebtedness in anticipation thereof may be issued in accordance with Chapters 6117 and 133 of the Ohio Revised Code which will be retired from unencumbered sewerage service charge revenues of the Metropolitan Sewer District. No part of the cost of the said improvements shall be assessed against the benefited properties.

SECTION 5. That said projects as contained in **Exhibit B**, together with the necessary appurtenances thereto, shall be located as more fully described under the "EXPLANATION/DESCRIPTION" and the "LOCATION" columns of each project in said Exhibit and of the materials set forth in the approved detailed plans, specifications, and/or other relevant documents.

BE IT FURTHER RESOLVED, that said projects as contained in **Exhibit B** in the Metropolitan Sewer District, be and the same is hereby ordered to be constructed in accordance with the detailed plans, specifications, and/or other relevant documents heretofore adopted and approved by this Board, which hereby ratifies the same.

BE IT FURTHER RESOLVED, that this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Board of County Commissioners and that all deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Hamilton County, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Ms. Driehaus \_\_\_\_\_

Mr. Monzel \_\_\_\_\_

Mr. Portune \_\_\_\_\_

MSD RESOLUTION

AUTHORIZING THE CITY MANAGER  
TO ADVERTISE FOR BIDS

WHEREAS, on a date even herewith this Board of County Commissioners of Hamilton County, Ohio, determined to proceed with the construction of projects as contained in **Exhibit B** in the Metropolitan Sewer District of Greater Cincinnati ("MSD"), in accordance with the detailed plans, specifications, estimate of cost, and/or other relevant documents, heretofore approved and ratified; and

WHEREAS, said projects as contained in **Exhibit B** are for the purpose of acquiring, constructing, and improving capital assets to be used in the operation and maintenance of the MSD, as operated by this Board under Chapter 6117 Revised Code of Ohio and in compliance with Section 133.01(Z) R.C.

WHEREAS, it is deemed advisable to proceed at once with the next legislative step required by law, which is the offering of said contract for competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Hamilton County, Ohio, that the City Manager of Cincinnati, Ohio, is hereby authorized to proceed at once, at the earliest possible time, in accordance with the pertinent competitive bidding procedures and requirements, to advertise the contract for said projects as contained in **Exhibit B**, in the Metropolitan Sewer District of Greater Cincinnati.

BE IT FURTHER RESOLVED, that this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Board of County Commissioners and that all deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Hamilton County, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Ms. Driehaus \_\_\_\_\_

Mr. Monzel \_\_\_\_\_

Mr. Portune \_\_\_\_\_

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of resolutions adopted by the Board of County Commissioners in session the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the Office of the Board of County Commissioners of Hamilton County, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Jacqueline Panioto, Clerk  
Board of County Commissioners  
Hamilton County, Ohio

# MSD Legislative Fact Sheet

Gérald R. Checco  
Director

METROPOLITAN  
SEWER DISTRICT  
of greater  
CINCINNATI



12/7/2017

**PROJECT**

2018-2022 CAPITAL IMPROVEMENT PROGRAM

**IDENTIFIERS:**

METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI

**LEGISLATIVE ACTION REQUESTED:**

DESIGN<sup>1</sup>       ADD'L DESIGN<sup>2</sup>       EASEMENT OR REAL PROPERTY APPROPRIATION<sup>3</sup>       CONSTRUCTION<sup>4</sup>

ADD'L CONST<sup>5</sup>       AMEND CIP<sup>6</sup>

OTHER<sup>7</sup>: Resolutions 1) approving the 2018-2022 MSD CIP and authorizing the preparation of detailed plans, specifications, and estimates of costs, and appropriating funds for the 2018 MSD CIP's Exhibits A projects and Exhibit C programmatic contingency; and 2) enabling the construction of the 2018 MSD CIP's Exhibit B projects by approving detailed plans, specifications, estimates of costs, and/or other relevant documents, declaring project necessity and determining to proceed, appropriating funds, and authorizing advertisement and bidding.

**PROJECT TYPE:**

PROJECT GROUNDWORK / WWIP

PG / WWIP Activity ID: various

PG / WWIP Milestone Dates: various

PROJECT GROUNDWORK / ASSET MANAGEMENT       SUSTAINABLE INFRASTRUCTURE

OTHER: Assessment sewers

**PROJECT PURPOSE:**

The 2018 MSD CIP represents the final year of the Phase 1 Wet Weather Improvement Program (WWIP). While wrapping up the Phase 1 of the WWIP, MSD also worked to develop a schedule of projects for consideration and recommendation for the 5-Year CIP in anticipation of future WWIP priorities as required by the 2004 Global Consent Decree. Given the complexity, size, affordability constraints, lessons learned, innovation, and watershed evaluations, the Phase 2 Program must be implemented in phases. Therefore, this CIP encompasses both the WWIP, including sustainable infrastructure projects, as well as a comprehensive district-wide Asset Management (AM) program), and includes a number of "Early Action" projects, also referred to as a "Bridge Schedule," for WWIP work that will be completed through 2019. These "Bridge" projects are recommended to advance immediately after the Commissioners adoption of this 2018 CIP. For 2018, there are a total of 58 projects on the proposed capital plan, which includes the WWIP Projects and Allowances; local and lateral sewers; AM Projects and Allowances; and Program Contingency estimated at \$129,118,155.

1. **Design** = 1 resolution - authorizing preparation of detailed plans, specifications, and estimate of cost and appropriating funds for the same.  
 2. **Add'l Design** = 1 resolution - appropriating additional funds for design.  
 3. **Easement /Real Property Appropriation** = 3 resolutions - approving detailed plans, specifications and estimate of cost; declaring project necessity and intent to proceed with construction; appropriating easements or full fee takes.  
 4. **Construction** = 4 resolutions - approving detailed plans, specifications and estimate of cost; declaring project necessity and intent to proceed with construction; appropriating funds for construction; authorizing project advertisement & bid.  
 5. **Add'l Construction** = 3 resolutions - amending approved detailed plans, specifications and estimate of cost; amending project necessity and proceed resolutions; appropriating add'l funds for construction.  
 6. **Amend CIP** = 1 resolution - adding proposed project to program year Capital Improvement Plan.  
 7. **Other** = Resolutions not covered above. Purpose is listed.



**PROJECT PURPOSE (cont):**

Early Action 2018 - 2019 Projects

The following projects represent an Early Action WWIP capital spending scenario. These projects represent options that have been coordinated with and agreed upon with the County for advancement. The projects are WWIP projects defined in Attachment 2 of the Final WWIP. MSD has updated cost estimates for some of these WWIP projects – others will be further refined as design proceeds in 2018 and 2019.

Project ID/Name	
10130042	UMCI Replacement Phase B
10130850	Muddy Creek @ Westbourne HRT Phase 1 Improvements
10131021	CSO 402-406 Wet Weather Improvements
10142200	CSO 513 Sewer Separation
10142220	CSO 514 Sewer Separation
10144886	Mill Creek WWTP HRT Study
10144887	Mill Creek WWTP High Rate Treatment Facility Diversion Structure
10170812	Little Miami WWTP Electrical Improvements Phase A
10170813	LMWWTP Preliminary Treatment Improvements Phase A
10171540	CSO 135 Elimination
10171560	CSO 43 Elimination
10171641	CSO 214 Partial Separation
10230640	CSO 408 and 413 HW DW Protection
10241820	SSO 700 Facility Improvements
10270160	Prospect Woods Pump Station Upgrade
10270170	CSO 83 and 472 Dynamic Underflow Control
10270190	Columbia Square Development Separation
11242846	CSO 12 Sewer Separation Phase A.4b - Colerain to Spring Grove Avenue

The Early Action 2018-2019 WWIP Program affords the City and County more time for negotiation and results with a slower spend rate than tentatively forecasted in 2017 to address affordability issues. Additionally, for years 2018-2019 the recommended budget represents a near 50-50 split between WWIP Asset Management projects, per the Commissioners direction.

Remaining Phase 1 Projects

2018 is the last full year of work prior to the end of Phase 1 – December 31, 2018. The following projects represent work that is included in this CIP with the assumption that the Phase 1 WWIP projects currently have a Consent Decree substantial completion deadline of December 31, 2018 and for non-WWIP related activity, work must be encumbered prior to 2019. These are the remaining and outstanding Final WWIP Attachment 1B Projects and Critical Asset Management priorities.

- Upper Duck Bundle WWIP Projects (SSO 1000, CSO 54 & CSO 551)
- Lower Mill Creek Partial Remedy WWIP Projects (CSO 125 and CSOs 217/483)
- Phase 1 WWIP Allowances (Trenchless Sewer, Manhole, and SBU)
- Ponderosa Woods Pump Station Asset Management
- Mill Creek, Taylor Creek, & Polk Run WWTP Asset Management Projects
- Wastewater Collection Sewer Replacement Projects
- Watershed Operations Projects
- Phase 1 Asset Management Allowances
- Program Contingency

**PROJECT PURPOSE (cont):**

Status of Phase 1 WWIP

A summary of the WWIP milestones required in the Final WWIP, both achieved and planned, is shown below. MSDGC has currently met milestones as far ahead as 2018. In this table, it is noted that MSD has completed 79 of the required 100 milestones defined in Attachment 1A of the Final WWIP. MSD has constructed 104 of the 114 defined projects listed in Attachment 1B of the Final WWIP, which are being completed under 133 separate construction contracts, of which 112 have finished construction. Of the remaining 21 Phase 1 WWIP construction contracts six are under construction, six are in bidding, and nine are in design. As of this submission, 2017 MSD has completed 100% of the PTI submittal milestones, 94% of the construction start milestones, and 70% of the construction finish milestones.

	Total	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Required Milestones	100	12	13	3	4	7	5	9	8	10	29
Completed Milestones	78	12	13	3	4	7	5	9	8	8	9
		10120360	10120420	10120460	10120460	10120460	10131240	10142020	10130740	10130740	10131220
		10120420	10130560	10144441	10144441	10130740	10142020	10142240	10131220	10131180	10141080
		10141440	10130565	10170081	10170081	10131180	10142240	10143920	10142020	10131220	10143220
		10141520	10130680		10171840	10131240	10144884	10143940	10143220	10131240	10170080
		10142440	10141540			10142240	10145560	10143960	10143960	10143220	10170100
		10144884	10141560			10144880		10145500	10145560	10143920	10171580
		10145180	10144880			10171840		10145560	10171780	10143940	10171620
		10145280	10144884			10171860		10145580	11240050	10143960	10171740
		10145300	10145320			10171900		10171840		10171780	10171780
		10150012	10160005			10171920		10171860		11240050	10240018
		10170560	10160010			10171980		10171900			10240021
		10172090	10170780					10171920			11040010
			10180600					10171980			11240000
											11240001
											11240010
											11240020
											11240030
											11240050
											11240051
											11240090
											11240110
											11240130
											11240150
											11240170
											11240270
											11243140
											11243141
											11243142
											11243840

milestones completed	
projects in design	
projects under construction	
Projects In Procurement	

Notes:

1. Planning for 10170080, 10170100, 10171580, and 10171620 completed under Upper Duck Bundle Planning (10170000).
2. Design for 10171740 and 10171780 under Oakley Station Project (10171741).
3. Project 10143920 includes sub-project 10143923 to accommodate right-of-way needs.
4. Project 10143940 includes sub-projects 10143942 and 10143943 to accommodate right-of-way needs.
5. Project 10143960 includes sub-projects 10143962 to accommodate right-of-way needs.
6. Project 10171860 includes sub-projects 10171861, 10171862, and 10171863 to accommodate right-of-way needs.
7. Projects 10131240 and 10131180 are within a defined bundle of work. Construction was started for the bundle in 2014. Construction finish milestone extended to June 2017.
8. Projects 10171980, 10171920 and 10171900 are within a defined bundle of work. Construction was started for the bundle in 2012 and completed in 2015.
9. Projects 10143920, 10143940 and 10143960 are within a defined bundle of work. Construction was started for the bundle in 2013.
10. The PTI, construction start, and construction finish milestones for Project 10131220 were revised by the Regulators in 2013.
11. The construction start milestone for Project 10130740 was extended by the Regulators to March 2016.
12. Projects 10145500 and 10145580 were moved to coordinate with Phase 2 Project 10144882 during 2014 Adaptive Management discussions.
13. Projects 10170080, 10170100, 10171580, 10171620, 10171740, and 10171780 are within a defined bundle of work. Construction was started for the bundle in 2013.
14. All projects having a defined construction finish milestone are listed herein.
15. Bundle projects have one PTI and Construction Start Milestone - however each project has a Construction Finish Milestone.

**PROJECT PURPOSE** *(cont)*:

MSD’s calculation of Program Contingency based on cash flow formulas (specified in the MSD Rules and Regulations), yields a \$14.3M contingency.

Through the attached legislation, the City of Cincinnati requests the County Commissioners to consider, approve, and appropriate a total of \$65,962,588 for the following actions:

- (1) Approve, in general, the submitted 2018-2022 MSD CIP; and
- (2) Order the commencement of planning, design, and easement acquisition activities (**Exhibit A**) for 32 projects contained in the 2018 MSD CIP and appropriate \$23,126,588 of the above-referenced \$65.9M for the same; and
- (3) Take all actions necessary for nine continuing construction projects (**Exhibit B**) contained in the 2018 MSD CIP and appropriate \$28,536,000 of the above-referenced \$65.9M for the same. These nine projects encompass construction activities that are either essential to the continuous operation of MSD, or address wastewater system asset stabilizations or asset maintenance.
- (4) Approve, per the requirement of the 2018 CIP, the use of MSD Programmatic Contingency fund and appropriate **\$14,300,000** of the above-referenced \$65.9M for the same.

The nine **Exhibit B** projects that require construction activity approval at this time are:

Project Identifiers (ID / Name)		Funds Requested
10180118	Main Sewer Renewal Program 2018	\$1,800,000.00
10180218	Manhole Renewal Program 2018	\$700,000.00
10180250	Small Diameter Sewer Rehabilitation - Phase 1	\$2,500,000.00
10180260	Large Diameter Sewer Rehabilitation - Phase 1	\$2,500,000.00
10190418	Home Sewage Treatment System Eliminations 2018, Design & Construction	\$1,036,000.00
10280318	Emergency Sewer Repairs 2018	\$6,000,000.00
10280518	WWC High Risk Asset Renewal 2018	\$6,000,000.00
10280608	Building Sewer Renewal Program 2018	\$2,000,000.00
10280718	Critical Asset Management Projects 2018	\$10,000,000.00
<b>Grand Total</b>		<b>\$28,536,000.00</b>

These projects encompass construction activities that are either (1) essential to the continuous operation of MSD, or (2) address wastewater system asset stabilizations or continuous asset maintenance.

When 2018 MSD CIP projects (*not Allowances identified in Exhibit B*) are ready to proceed with construction, MSD will submit, for Board consideration and approval, the necessary legislation to authorize that activity. Also, if easements are required to be appropriated to permit construction, MSD will submit legislation to the Board authorizing the County Prosecutor to initiate the necessary legal proceedings.

**PROJECT PURPOSE (cont):**

Projects listed herein for 2019, 2020, 2021, and 2022 are subject to change and are approved *in concept only*; the submitted project lists and total project cost estimates are placeholders based on historical information. Additionally, the outlier years 2019-2022 represent a near 50-50 split between WWIP and Asset Management projects, per the Commissioners direction. Further, the outlier years 2019-2022 are subject to further refinement and Regulator negotiation. MSD will strive to achieve the desired 50-50 split given these aforementioned circumstances. The Phase 2A Schedule was due for submission to the Regulators on June 30, 2017; on June 27, 2017, the Consent Decree Regulators granted a four-month extension to the original June 2017 deadline. The Consent Decree Regulators and Co-Defendants are in discussion of additional extension that would allow parties to work toward a June 30, 2018 deadline. As such, the cost and specific projects listed herein are subject to change. When ordered designed or constructed, these projects will require specific authorization and appropriation of funds through legislation passed by the Board.

**BACKGROUND DATA, SCHEDULES, AND BUDGET:**

PRIOR LEGISLATION            N/A

FUTURE LEGISLATION

- |   |   |
|---|---|
| <input type="checkbox"/> Approving detailed plans, specifications, and estimate of cost | <input type="checkbox"/> Necessity / Proceed Resolution |
| <input type="checkbox"/> Appropriating funds  | <input type="checkbox"/> Advertise and bid              |
| <input checked="" type="checkbox"/> OTHER: AS NECESSARY AND REQUIRED                    |   |

CONSTRUCTION (EXHIBIT B)

**PROPOSED START:**    January 2018  
**ANTICIPATED END:**    December 2018

FUNDING REQUEST

<b>Total Estimated Cost:</b>	<b>\$129,118,155.00</b>	<b>(2018 MSD CIP)</b>
	\$65,962,588.00	(for Exhibits A, B, & PC in <b>2018</b> MSD CIP)
<b>Current Request:</b>	<b>\$65,962,588.00</b>	(for Exhibits A, B, & PC in <b>2018</b> MSD CIP)
<b>Programmatic Contingency</b>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO