

The Winburn Report

City of Cincinnati—The Office of Councilman Charlie Winburn

Winburn: City and County May Be Held in Contempt of Court on MSD Capital Projects

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The City of Cincinnati and Hamilton County may be in **violation** of the U.S. Environmental Protection Agency (EPA) consent decree for holding up \$97 million in capital projects and may be subject to a **\$1,500-per-day** penalty. Councilmember Charlie Winburn is requesting the EPA review the Metropolitan Sewer District (MSD) consent decree with the city and county to determine whether they are in violation of the consent decree. Winburn would like the EPA to respond to the following:

- Is the city and/or county possibly in violation of the MSD consent decree agreement?
- Is either the city and/or Hamilton County Commissioners' freeze of the \$4 billion capital development work, including \$97 million in 2013, in violation of the consent decree?
- Does the Responsible Bidder/Apprenticeship Ordinance passed by city council on May 1, 2013, undermine the consent decree?

MSD is required to meet twelve consent decree milestones and capital projects

by the end of 2013. However, to date, they have met only five. In order to meet the remaining milestones, it will take \$30 million to complete these capital projects by December 2013. If the county does not lift the freeze on the \$4 billion MSD capital project, MSD will not be able to meet the consent decree by the end of the year.

In summary, \$97 million is held up for all capital projects for 2013. Approximately, \$140 million will be held up for capital projects also in 2014.

Winburn is working with a team/coalition to put pressure on city council and the county commissions to lift the freeze on the \$4 billion MSD capital projects so businesses can grow, and create jobs for people in Cincinnati.

The city solicitor admits that the county and city's action could trigger a contempt of court order as it relates to the consent decree. "The city and the county are both defendants in the consent decree case with equal responsibility to meet the mandates of the EPA. Delays in the consent decree compliance could subject the city and county to substantive penalties and/or

cause parties to be in contempt of the court order at a **\$1,500-per-day penalty**," says City Solicitor John Curp in a March 7, 2013 memo to the mayor and city council.

What will it take to break this impasse between the county and city as it relates to lifting the freeze on the \$4 billion MSD capital projects? Listed below are four alternatives that Winburn is recommending to break this impasse:

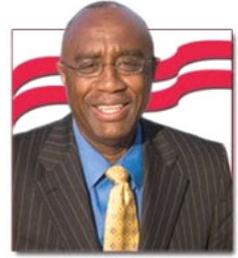
- Get city council to repeal the 2012 Local Hire Ordinance.
- Pass the revised Local Hire Ordinance currently being held by the mayor's office.
- Get city council to repeal the May 1, 2013, Responsible Bidder/Apprenticeship Ordinance.
- Lobby EPA to force the city and county to resolve the issue.
- Encourage bond raters to force the city and county to resolve the issue before they downgrade the city's bond rate.
- The city and the county should sit down and mutually resolve this multi-billion-dollar capital project issue before the council summer break.

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Charlie Winburn Comes to the Support of the 911 Operators



Winburn has drafted a motion that supports the city's 911 operators/dispatchers by directing the city manager to fully fund the Emergency Communication Center. This motion calls for the following: 1) retain fourteen operator/dispatcher positions in the 2014 budget; 2) restore seven operators in the 2014 budget at \$428,760; and 3) restore six operator positions scheduled for elimination in the 2014 budget at \$399,645 including retaining three supervisors.

In a Channel 9 report dated May 21, 2013, related to the 911 Emergency Communication Program, it was noted that the City of Cincinnati has a moral and legal responsibility to provide quality emergency communications services to all citizens

of Cincinnati. If someone calls for emergency services, the city has no other alternative but to protect all the citizens of Cincinnati and help them during their crisis.

In light of the 145 city-issued credit cards/credit limit that the city is currently paying \$171,000 per month to maintain, some of that money could be better spent to fund the Emergency Communications Center.

"I'm Charlie Winburn and I work for you. Please feel free to contact me at my office anytime. It is an honor to be your City Councilmember and I look forward to serving you."

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Winburn Calls for a Freeze on 145 Credit Cards



It has come to the attention of Councilmember Winburn that 145 city employees have city credit cards. In light of the city's budgetary issues, Winburn drafted a motion to freeze all US Bank Visa credit cards. His motion calls for 1) cancellation of all 145 city credit cards; 2) surrendering of all city credit cards to the city manager by May 22, 2013; 3) passing an

ordinance to limit the number of credit cards and line of credit/credit limit the city manager can have at any time; and 4) use all funds set aside for credit card payments and limits, and explore the possibility of using those funds to keep police, fire fighters, and sanitation workers on the job. Currently the **monthly cost** to maintain these credit cards is **\$171,000**.

Winburn is also requesting a special audit by the Ohio Auditor of State on the 145 credit card accounts from 2001 to 2013 for the purpose of determining if all expenditures were made for a proper, public purpose.