

RESOLUTION NO. 2020-11

AUTHORIZING THE PRESIDENT TO ENTER INTO CONTRACTS FOR THE REMEDIATION, DEMOLITION, AND PRE-CONSTRUCTION OF PORT AUTHORITY FACILITIES AT THE MILLENNIUM HOTEL SITE AND FOR THE DEVELOPMENT AND CONSTRUCTION OF NEW CONVENTION FACILITIES, INCLUDING A CONVENTION CENTER HOTEL, AT THE SITE

WHEREAS, the Port of Greater Cincinnati Development Authority (the "Port"), a body corporate and politic duly organized and validly existing under the laws of the State of Ohio, is authorized and empowered, by virtue of the laws of the State of Ohio, including, without limitation, Section 13 of Article VIII, Ohio Constitution, and Sections 4582.21 through 4582.71, Ohio Revised Code, and particularly Section 4582.31(A) to enter into contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of an activity contemplated by Section 13 or 16 of Article VIII, Ohio Constitution; and

WHEREAS, pursuant to Board Resolution No. 2019-26 adopted on September 26, 2019, the Port entered into an agreement to acquire the site of the Millennium Hotel, Cincinnati, Hamilton County, Ohio and other property (collectively, the "Project Site"); and

WHEREAS, pursuant to Board Resolution No. 2020-04 adopted on January 15, 2020, the Port authorized the issuance of revenue bonds to pay the cost of acquiring the Project Site and demolishing the Millennium Hotel and evaluating the timing, scope and size of the construction of new convention facilities, including a new hotel, and an expansion of the convention center on all or a part of the Project Site and determined that such activities are consistent with the purposes of Article VIII, Section 13 of the Ohio Constitution; and

WHEREAS, the Port desires to expedite the contracts for the demolition of the Millennium Hotel and any necessary remediation of the Project Site in anticipation of the redevelopment of the Project Site and the construction of new facilities thereon as herein contemplated in order to retain jobs and employment opportunities and otherwise support economic development in the City of Cincinnati and Hamilton County and, pursuant to law, particularly Section 4582.31(A)(18)(e) of the Ohio Revised Code, this Board may contract with any person in connection with the construction of any real or personal property useful for, or in furtherance of an activity contemplated by Section 13 of Article VIII without any requirement of notice, competitive bidding or selection;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Port of Greater Cincinnati Development Authority:

Section 1. Authorization for Contracts. The President is hereby authorized and directed to negotiate with potential contractors and to jointly enter into one or more contracts on behalf of the Port, without competitive bidding or selection, and without notice thereof, for (a) the demolition of the Millennium Hotel and, if necessary, other buildings on the Project Site, any necessary remediation of the Project Site and pre-construction services, and (b) the development and construction of new convention facilities, including a new convention center hotel, on the Project

Site (collectively, the "Project"), subject to the availability of funds for such contracts; and provided that the President determines that such contracts are in the best interest of the Port. Notwithstanding the provisions of Article VI, Section 2(a) of the Bylaws of the Port, Board approval of such contracts in excess of \$100,000 shall not be required, provided that the Fiscal Officer shall certify that funds necessary for the payment of such contracts have been lawfully appropriated for such purpose and are in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances, as required by Ohio Revised Code Section 5705.41.

Section 2. Other Instruments. The President is authorized and directed to execute any certifications and other instruments and documents and to take such further actions, as are necessary or appropriate to undertake and complete the Project in accordance therewith, so long as such actions are not inconsistent with this Resolution and not materially adverse to the Port and are permitted by the Act and which shall be approved by the President executing those documents. The determination that such actions and any documents executed pursuant to those actions are not materially adverse to the Port shall be evidenced conclusively by the taking of those actions or execution of those documents by such officers.

Section 3. Compliance With Open Meeting Law. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board or its committees and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. Effective Date. This Resolution shall take effect and be in force immediately upon its adoption.

Adopted 2-12, 2020  
Yeas: 8  
Nays: 0  
Abstentions: 0

Chair   
Secretary 