

# City of Philadelphia



(Bill No. 140346)

## AN ORDINANCE

Approving the Fiscal Year 2015 Capital Budget providing for expenditures for the capital purposes of the Philadelphia Gas Works (including the supplying of funds in connection therewith) subject to certain constraints and conditions, and acknowledging receipt of the Forecast of Capital Budgets for Fiscal Years 2016 through 2020.

WHEREAS, Section IV.2.b. of the Agreement Between The City Of Philadelphia And The Philadelphia Facilities Management Corporation For The Management And Operation Of The Philadelphia Gas Works (“Management Agreement”) requires the Philadelphia Facilities Management Corporation (“PFMC”) to prepare annually for the Philadelphia Gas Works (“PGW”) a proposed capital budget for the ensuing year and a forecast for the six (6) years comprising the ensuing budget year and the five (5) years next following; and

WHEREAS, Section IV.2.b. of the Management Agreement also requires that the proposed capital budget and forecast be submitted to the Director of Finance and the Gas Commission for their review and for submission of said budget and forecast, together with their recommendations thereon, to City Council for its approval; and

WHEREAS, Section IV.2.b. of the Management Agreement further requires that the proposed capital budget and forecast include a showing of the amounts needed and how the funds required are to be supplied as between funds generated within the business through charges to customers or otherwise and funds to be obtained through capital loans (“Financing Plan”); and

WHEREAS, Section IV.2.c. of the Management Agreement requires that all PGW expenditures be made pursuant to approved budgets; and

WHEREAS, PGW filed with the Gas Commission on January 2, 2014 a proposed Fiscal Year (“FY”) 2015 Capital Budget of eighty nine million two hundred forty nine thousand dollars (\$89,249,000) and a Five Year Forecast of Capital Budgets (FY 2016 - FY 2020); and

WHEREAS, The Gas Commission’s review of said Budget proposal in its FY 2015 Budgets/ Oversight Proceeding culminated in deliberations taken at a public meeting held on April 8, 2014 whereby the Gas Commission endorsed a proposed FY 2015 Capital Budget in an amount not to exceed eighty nine million four hundred fifty two thousand

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seven hundred dollars (\$89,452,700) with related constraints and conditions for said Budget; and

WHEREAS, On April 11, 2014 PGW filed with the Gas Commission a Compliance FY 2015 Capital Budget Proposal of eighty nine million four hundred fifty two thousand seven hundred dollars (\$89,452,700) including its revised Financing Plan for said Budget, and its revised Five Year Forecast.

## *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

### SECTION 1. Approval and Acknowledgment

Pursuant to the provisions of Section IV.2.b. and IV.2.c. of the Management Agreement, the Council:

- A. does hereby approve the Fiscal Year (“FY”) 2015 Capital Budget for the Philadelphia Gas Works (“PGW”) in an amount not exceeding eighty nine million four hundred fifty two thousand seven hundred dollars (\$89,452,700) as reflected in the Compliance FY 2015 Capital Budget Proposal which includes the associated Financing Plan and which is attached as Exhibit #1 to this Ordinance, subject to the provisions of Sections 3 through 5 of this Ordinance; and
- B. does hereby acknowledge receipt of PGW’s Revised Forecast of Capital Budgets for FY 2016 through FY 2020.

### SECTION 2. Spending Authorization

The amounts shown in the approved FY 2015 Capital Budget are hereby authorized for the purposes shown and shall be available for expenditure as of FY 2015 defined as September 1, 2014 through August 31, 2015 in an amount not exceeding eighty nine million four hundred fifty two thousand seven hundred dollars (\$89,452,700) as reflected in the Compliance FY 2015 Capital Budget Proposal which is attached as Exhibit #1 to this Ordinance, subject to the provisions of Sections 3 through 5 of this Ordinance.

### SECTION 3. Constraints And Conditions – Capital Program Protocols

During the lifespan of the line items in the approved FY 2015 Capital Budget, PGW shall adhere to the “Capital Program Protocols” as a condition of capital budget approval. A copy of said Protocols as adopted by the Gas Commission on April 8, 2014 is attached as Exhibit #2 to this Ordinance and is incorporated herein.

### SECTION 4. Constraints And Conditions – Conditional Spending Authorizations

Except as necessitated by Emergency Circumstances as set forth in the “Capital Program Protocols” at Part 1 - Subpart I.3, no spending authority will attach to the following line items until the Gas Commission releases in writing such spending authority as the Gas Commission may make available after appropriate review and good cause shown:

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- A. the line item styled “Mobile Equipment Replacements (#73-01-2-02) (\$487,000)”;
- B. the line item styled “Vehicle Replacements (#73-01-2-04) (\$2,637,000)”;
- C. the line item styled "Conditional Funding For Capital Needs Related To Safety (#13-01-2-01) (\$250,000)”;
- D. the line item styled "Conditional Funding For Capital Needs Related To Reliability of Service (#13-01-2-02) (\$250,000)"; and
- E. the line item styled "Conditional Funding For Capital Needs Related To Cost-Justified Load Growth (#13-01-2-03) (\$250,000)”.

## SECTION 5. Constraints And Conditions – Line Item Transfer Exclusions

### A. Conditional Spending Reserve

Except as necessitated by Emergency Circumstances as set forth in the “Capital Program Protocols” at Part 1 - Subpart I.3, the following line items shall be unavailable as a source of spending authority in transfer transactions:

- i. the line item styled "Conditional Funding For Capital Needs Related To Safety (#13-01-2-01) (\$250,000)”;
- ii. the line item styled "Conditional Funding For Capital Needs Related to Reliability of Service (#13-01-2-02) (\$250,000)"; and
- iii. the line item styled "Conditional Funding For Capital Needs Related To Cost-Justified Load Growth (#13-01-2-03) (\$250,000)”.

### B. Discrete Projects

The following line items shall be unavailable as a source of spending authority in transfer transactions:

- i. the line item styled as “Replace Modular Furniture – 800 W. Montgomery Avenue (#72-01-2-06) (\$105,000)”;
- ii. the line item styled as “Main for Major Enforced Relocations: I-95 Reconstruction (#52-22-2-04) (\$360,000)”.

## SECTION 6. Exhibits

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Exhibits #1 and #2 referenced in this Ordinance and incorporated herein shall be kept on file by the Chief Clerk of City Council and shall be available to the public for inspection, reading or copying at reasonable times.

[Note: Exhibits to this Bill are on file in the Office of the Chief Clerk.]

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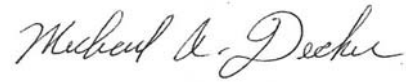
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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 12, 2014. The Bill was Signed by the Mayor on June 19, 2014.



Michael A. Decker  
Chief Clerk of the City Council