

City of Philadelphia



(Bill No. 080634)

AN ORDINANCE

Further amending Bill No. 070368, entitled “An Ordinance approving the Fiscal Year 2008 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 2009 through 2013”, as previously amended by Bill No. 080076, by approving a further revised Capital Budget for Fiscal Year 2008.

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.c. of the Management Agreement requires that all PGW expenditures be made pursuant to approved budgets; and

WHEREAS, a Fiscal Year (“FY”) 2008 Capital Budget for PGW in the “not-to-exceed” amount of seventy million six hundred forty eight thousand dollars (\$70,648,000) was adopted by the City on September 20, 2007; and

WHEREAS, a revised FY 2008 Capital Budget for PGW in the “not-to-exceed” amount of seventy million seven hundred twenty seven thousand dollars (\$70,727,000) was adopted by the City on March 12, 2008; and

WHEREAS, on May 1, 2008 PGW filed with the Gas Commission a request to increase the revised FY 2008 Capital Budget by two million three hundred thousand dollars (\$2,300,000) to support a Business Transformation Initiative dubbed “BT Lite” by PGW; and

WHEREAS, the Gas Commission’s review of said request culminated in deliberations taken at a public meeting held on July 2, 2008 at which the Gas Commission endorsed

City of Philadelphia

BILL NO. 080634 continued

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amendments to said revised Budget not to exceed two million three hundred thousand dollars (\$2,300,000) subject to certain constraints and conditions; and

WHEREAS, said amendments would result in a new “not-to-exceed” FY 2008 Capital Budget of seventy three million twenty seven thousand dollars (\$73,027,000); and

WHEREAS, on July 16, 2008 PGW filed with the Gas Commission a Second Amendment FY 2008 Compliance Capital Budget Proposal of seventy three million twenty seven thousand dollars (\$73,027,000); and

WHEREAS, Council seeks to provide for the evolving capital needs and related expenditures of PGW by further amending the FY 2008 Capital Budget to support PGW’s “BT Lite” Business Transformation Initiative.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1.

Section 1 of Bill No. 070368 entitled “An Ordinance approving the Fiscal Year 2008 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 2009 through 2013”, as previously amended by Bill No. 080076, is further amended as follows:

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”) 2008 Capital Budget for the Philadelphia Gas Works (“PGW”) in an amount not exceeding [seventy million seven hundred twenty seven thousand dollars (\$70,727,000)] *seventy three million twenty seven thousand dollars (\$73,027,000)* as reflected in the [Amended] *Second Amendment* Compliance FY 2008 Capital Budget Proposal which is attached as Exhibit [#1-A] *#1-B* to this Ordinance, subject to the provisions of Sections 3 through 8 of this Ordinance; and
- B. does hereby acknowledge receipt of PGW’s Revised Forecast of Capital Budgets for FY 2009 through FY 2013.

SECTION 2

Section 2 of Bill No. 070368 is amended as follows:

City of Philadelphia

BILL NO. 080634 continued

Certified Copy

Section 2. Spending Authorization.

The amounts shown in the approved FY 2008 Capital Budget are hereby authorized for the purposes shown and shall be available for expenditure upon the effective date of this Ordinance during FY 2008, defined as September 1, 2007 through August 31, 2008, in an amount not exceeding [seventy million seven hundred twenty seven thousand dollars (\$70,727,000)] *seventy three million twenty seven thousand dollars (\$73,027,000)* as reflected in the [Amended] *Second Amendment* Compliance FY 2008 Capital Budget Proposal which is attached as Exhibit [#1-A] *#1-B* to this Ordinance, subject to the provisions of Sections 3 through 8 of this Ordinance.

SECTION 3

Section 3 of Bill No. 070368 is amended as follows:

Section 3. Constraints And Conditions – Conditional Spending Authorizations.

* * *

G. No spending authority will attach to the line item styled “Conditional Funding – AIMS-BT Enhancements (#67-01-1-03) (\$1,400,000)” until the Gas Commission approves in writing such spending authority as the Gas Commission may make available after appropriate review.

SECTION 4

Section 5 of Bill No. 070368 is amended as follows:

Section 5. Constraints And Conditions – Line Item Lapse.

Line items shall automatically lapse on August 31, 2008 if no work order has been opened for any such line item by the close of business that day with the exception of the following:

* * *

E. the line item styled “Conditional Funding – Reconfigure Cubicles at South & North Philadelphia District Offices (#72-01-2-06) (\$124,000)”; [and]

F. the line item styled “Conditional Funding – Business Process Automation (#47-01-1-04) (\$426,000)”;

G. *the line item styled “Conditional Funding – AIMS-BT Enhancements (#67-01-1-03) (\$1,400,000)”;*

City of Philadelphia

BILL NO. 080634 continued

Certified Copy

H. the line item styled “Auto Vehicle Locator System/Global Positioning System Software (#67-01-1-01) (\$600,000)”; and

I. the line item styled “Risk Based Collections Project (#67-01-1-02) (\$300,000)”.

SECTION 5

Section 8 of Bill No. 070368 is amended as follows.

Section 8. Exhibits.

Exhibits [#1-A] #1-B 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.]

City of Philadelphia

BILL NO. 080634 continued

Certified Copy

City of Philadelphia

BILL NO. 080634 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 23, 2008. The Bill was Signed by the Mayor on November 5, 2008.



Patricia Rafferty
Chief Clerk of the City Council