

# City of Philadelphia



Council of the City of Philadelphia  
Office of the Chief Clerk  
Room 402, City Hall  
Philadelphia

(Resolution No. 070883)

## RESOLUTION

Calling upon the Mayor to replenish the \$30 million in capital funding contained in Bill No. 060833, which became law January 23, 2007; and, if the Mayor refuses to do so, authorizing Council to retain counsel to file a lawsuit to compel the Administration to replenish the Capital Fund.

WHEREAS, Over the past few years, the City has failed to spend sufficient capital dollars to meet its capital needs and this spending deficit has placed the City at risk of an impending infrastructure crisis; and

WHEREAS, According to budget testimony from the Capital Program Office, the City should be spending approximately \$185 million per year to maintain its existing infrastructure; however this spending has been significantly less and in the FY07 Capital Budget only \$54 million was allocated; and

WHEREAS, In response to this impending infrastructure crisis, Bill No. 060832, which became law March 1, 2007, transferred \$10 million each for capital improvements to Fire, Police, and Recreation Department facilities; and

WHEREAS, To fund the additional \$30 million in appropriations set forth in Bill No. 060832, Council enacted Bill No. 060833 (the "Capital Fund Ordinance"), which became law January 23, 2007. The Capital Fund Ordinance made an appropriation of \$30 million to Council in the "Payments to Other Funds" class, thereby authorizing Council to pay over \$30 million from the General Fund to the Capital Fund. These funds were available by virtue of an unanticipated \$57.9 million improvement to fund balance in FY06; and

WHEREAS, After the Capital Fund Ordinance became law, Council submitted the appropriate payment voucher to the Finance Department, which then paid the \$30 million into the Capital Fund; and

# City of Philadelphia

*RESOLUTION NO. 070883 continued*

WHEREAS, The Administration, in opposition to the duly enacted Capital Fund Ordinance, then transferred the \$30 million in vital infrastructure dollars from the Capital Fund to the General Fund without approval of City Council; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Council calls upon the Mayor, within two weeks after the adoption of this Resolution, to provide the President and all members of Council with his written assurances that the funds approved by the Capital Fund Ordinance will be transferred from the General Fund to the Capital Fund.

FURTHER RESOLVED, That City Council is hereby authorized to retain counsel to file a lawsuit to compel the Administration to replenish the Capital Fund in furtherance of the Capital Fund Ordinance, should the Mayor not replenish the Capital Fund as called for in this Resolution.

# City of Philadelphia

*RESOLUTION NO. 070883 continued*

# City of Philadelphia

*RESOLUTION NO. 070883 continued*

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the eighteenth of October, 2007.

Anna C. Verna  
PRESIDENT OF THE COUNCIL

Patricia Rafferty  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Tasco

Sponsored by: Councilmembers Tasco, Greenlee, Savage, Goode, DiCicco, Krajewski, Rizzo, Blackwell, Miller, Council President Verna, Councilmembers, Kenney, Reynolds Brown, Clarke, Ramos, Kelly, O'Neill and Campbell