

City of Philadelphia



(Bill No. 070150)

AN ORDINANCE

Amending Bill No. 060378, entitled “An Ordinance approving the Fiscal Year 2007 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 2008 through 2012,” by approving a revised Capital Budget for Fiscal Year 2007.

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”) 2007 Capital Budget for PGW in the “not-to-exceed” amount of seventy two million seven hundred eighty six thousand dollars (\$72,786,000) was adopted by the City on September 14, 2006; and

WHEREAS, PGW’s request to increase the FY 2007 Capital Budget by seven hundred sixty five thousand dollars (\$765,000) by adding three (3) new line items for safety-related projects in the Facilities Department was reviewed by the Gas Commission and endorsed at its public meeting held on February 13, 2007 subject to various constraints and conditions; and

WHEREAS, said line items would result in a new “not-to-exceed” Capital Budget of seventy three million five hundred fifty one thousand dollars (\$73,551,000); and

City of Philadelphia

BILL NO. 070150 continued

Certified Copy

WHEREAS, on February 16, 2007 PGW filed with the Gas Commission a Revised FY 2007 Compliance Capital Budget Proposal of seventy three million five hundred fifty one thousand dollars (\$73,551,000); and

WHEREAS, Council seeks to provide for the evolving capital needs and related expenditures of PGW by amending the FY 2007 Capital Budget to reflect the foregoing additional costs.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1

Section 1 of Bill No. 060378, entitled “An Ordinance approving the Fiscal Year 2007 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 2008 through 2012,” is 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”) 2007 Capital Budget for the Philadelphia Gas Works (“PGW”) in an amount not exceeding [seventy two million seven hundred eighty six thousand dollars (\$72,786,000)] *seventy three million five hundred fifty one thousand dollars (\$73,551,000)* as reflected in the *Revised* Compliance FY 2007 Capital Budget Proposal which is attached as Exhibit [#1] #1-A to this Ordinance, subject to the provisions of Sections 3 through 8 of this Ordinance; and
- B. does hereby acknowledge receipt of PGW’s Forecast of Capital Budgets for FY 2008 through FY 2012.

SECTION 2

Section 2 of said Bill No. 060378 is amended as follows:

Section 2. Spending Authorization

The amounts shown in the approved FY 2007 Capital Budget are hereby authorized for the purposes shown and shall be available for expenditure upon the effective date of this Ordinance during FY 2007, defined as September 1, 2006 through August 31, 2007, in an amount not exceeding [seventy two million seven hundred eighty six thousand dollars (\$72,786,000)] *seventy three million five hundred fifty one thousand dollars (\$73,551,000)* as reflected in the *Revised* Compliance FY 2007 Capital Budget Proposal

City of Philadelphia

BILL NO. 070150 continued

Certified Copy

which is attached as Exhibit [#1] #1-A to this Ordinance, subject to the provisions of Sections 3 through 8 of this Ordinance.

SECTION 3

Section 4 of said Bill No. 060378 is amended as follows:

Section 4. Constraints and Conditions – Line Item Lifespans

* * *

B. All other line items will expire and any available spending authority with respect to such line items shall end by the close of business on August 31, 2008. The Gas Commission shall have the authority to extend the lifespan of such line items as necessary after appropriate review for such period(s) as shall end by no later than the close of business on August 31, 2009 *except for the following line items:*

- i. *the line item styled “Replace Elevator - 1800 N. 9th Street (#72-01-2-11) (\$259,000)”;*
- ii. *the line item styled “Upgrade Refueling Island at 8th Street Lot (#72-01-2-12) (\$113,000)”;* and
- iii. *the line item styled “Replace Elevator Controls - 800 W. Montgomery Avenue (#72-01-2-13) (\$393,000)”.*

SECTION 4

Section 6 of said Bill No. 060378 is amended as follows:

Section 6. Constraints and Conditions – Line Item Transfers

* * *

B. PGW authority to implement intradepartmental transfers pursuant to Section 6.A. shall be subject to the following constraints and conditions.

* * *

- vii. In no event will the total bottom-line amount of [seventy two million seven hundred eighty six thousand dollars (\$72,786,000)] *seventy three million five hundred fifty one thousand dollars (\$73,551,000)* for the FY 2007 Capital Budget herein approved be exceeded.

City of Philadelphia

BILL NO. 070150 continued

Certified Copy

* * *

C. PGW authority to implement intradepartmental transfers of line item spending authority pursuant to Section 6.A. shall not apply to the following line items:

* * *

vii. the line item styled "Customer Regulators for Civic Center Boulevard Project (#52-23-1-02) (\$135,000); [and]

* * *

ix. *the line item styled "Replace Elevator - 1800 N. 9th Street (#72-01-2-11) (\$259,000)";*

x. *the line item styled "Upgrade Refueling Island at 8th Street Lot (#72-01-2-12) (\$113,000)"; and*

xi. *the line item styled "Replace Elevator Controls - 800 W. Montgomery Avenue (#72-01-2-13) (\$393,000)".*

D. The Gas Commission shall have the authority to review and approve for good cause shown line item transfers in the approved FY 2007 Capital Budget that would otherwise exceed PGW discretion under this Section 6 subject to the following constraints and conditions.

* * *

v. *The line item styled "Replace Elevator - 1800 N. 9th Street (#72-01-2-11) (\$259,000)" shall not be used for transfer purposes.*

vi. *The line item styled "Upgrade Refueling Island at 8th Street Lot (#72-01-2-12) (\$113,000)" shall not be used for transfer purposes.*

vii. *The line item styled "Replace Elevator Controls - 800 W. Montgomery Avenue (#72-01-2-13) (\$393,000)" shall not be used for transfer purposes.*

SECTION 5

Section 8 of said Bill No. 060378 is amended as follows:

Section 8. Exhibits

City of Philadelphia

BILL NO. 070150 continued

Certified Copy

Exhibits [#1] #1-A 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.

City of Philadelphia

BILL NO. 070150 continued

Certified Copy

Exhibit #1-A

[Insert separate Excel file containing the Revised FY 2007 Compliance Capital Budget Proposal.]

City of Philadelphia

BILL NO. 070150 continued

Certified Copy

City of Philadelphia

BILL NO. 070150 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 29, 2007. The Bill was Signed by the Mayor on April 12, 2007.



Patricia Rafferty
Chief Clerk of the City Council