

City of Philadelphia



(Bill No. 120104)

AN ORDINANCE

Amending Bill No. 110343 entitled “An Ordinance approving the Fiscal Year 2012 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 2013 through 2017” by approving a Revised Capital Budget for Fiscal Year 2012.

WHEREAS, A Fiscal Year (“FY”) 2012 Capital Budget for PGW in the “not-to-exceed” amount of eighty million eight hundred thirty seven thousand dollars (\$80,837,000) was adopted by the City on June 15, 2011; and

WHEREAS, On September 30, 2011 PGW filed with the Gas Commission a request to increase the FY 2012 Capital Budget by one million eight hundred sixty four thousand dollars (\$1,864,000) to fund the replacement of the Mobile Radio System; and

WHEREAS, The Gas Commission’s review of said request culminated in deliberations taken at a public meeting held on February 7, 2012 whereby the Gas Commission endorsed a proposed amendment to the FY 2012 Capital Budget that would increase said Budget by a total of one million seven hundred twenty nine thousand dollars (\$1,729,000) for such purpose subject to certain constraints and conditions; and

WHEREAS, Said amendment would result in a new “not-to-exceed” FY 2012 Capital Budget of eighty two million five hundred sixty six thousand dollars (\$82,566,000); and

WHEREAS, On February 10, 2012 PGW filed with the Gas Commission a Revised Compliance FY 2012 Capital Budget Proposal of eighty two million five hundred sixty six thousand dollars (\$82,566,000); and

WHEREAS, Council seeks to provide for the evolving capital needs and related expenditures of PGW by amending the FY 2012 Capital Budget to support the replacement of the Mobile Radio System.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1.

Section 1 of Bill No. 110343 is amended as follows:

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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”) 2012 Capital Budget for the Philadelphia Gas Works (“PGW”) in an amount not exceeding ~~eighty million eight hundred thirty seven thousand dollars (\$80,837,000)~~ **eighty two million five hundred sixty six thousand dollars (\$82,566,000)** as reflected in the **Revised** Compliance FY 2012 Capital Budget Proposal which is attached as Exhibit ~~#1~~ **#1-A** to this Ordinance, subject to the provisions of Sections 3 through 9 of this Ordinance; and
- B. does hereby acknowledge receipt of PGW’s Forecast of Capital Budgets for FY 2013 through FY 2017.

SECTION 2.

Section 2 of Bill No. 110343 is amended as follows:

Section 2. Spending Authorization

The amounts shown in the approved FY 2012 Capital Budget are hereby authorized for the purposes shown and shall be available for expenditure as of FY 2012 defined as September 1, 2011 through August 31, 2012 in an amount not exceeding ~~eighty million eight hundred thirty seven thousand dollars (\$80,837,000)~~ **eighty two million five hundred sixty six thousand dollars (\$82,566,000)** as reflected in the **Revised** Compliance FY 2012 Capital Budget Proposal which is attached as Exhibit ~~#1~~ **#1-A** to this Ordinance, subject to the provisions of Sections 3 through 9 of this Ordinance.

SECTION 3.

Section 7 of Bill No. 110343 is amended as follows:

Section 7. Constraints And Conditions - Line Item Transfers.

- A. PGW shall have discretion to implement intradepartmental transfer transactions in the approved FY 2012 Capital Budget subject to Sections 7.B. and 7.C.
- B. PGW discretion to implement intradepartmental transfers pursuant to Section 7.A. shall be subject to the following constraints, conditions and reporting requirements:

* * *

- (vii). The following line items shall be unavailable as a source of spending authority in transfer transactions.

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5. the line item styled “Conditional Funding – Oracle Upgrade (#17-01-2-01) (\$1,200,000)”; ~~and~~
6. the line item styled “Conditional Funding – Purchase of Receivables Program (#10-01-1-01) (\$1,000,000)”; **and**
7. **the line item styled “Replacement of Mobile Radio System (#47-01-2-08) (\$1,729,000)”.**

* * *

C. The Gas Commission shall have authority to review and approve other transfer transactions in the approved FY 2012 Capital Budget for good cause subject to Sections 7.D. and 7.E.

D. Gas Commission approval authority shall be subject to the following constraints, conditions and exclusions.

* * *

- (v). The following line items shall be unavailable as a source of spending authority in transfer transactions:

* * *

5. the line item styled “Conditional Funding – Oracle Upgrade (#17-01-2-01) (\$1,200,000)”; ~~and~~
6. the line item styled “Conditional Funding – Purchase of Receivables Program (#10-01-1-01) (\$1,000,000)”; **and**
7. **the line item styled “Replacement of Mobile Radio System (#47-01-2-08) (\$1,729,000)”.**

SECTION 4.

Section 9 of Bill No. 110343 is amended as follows:

Section 9. Exhibits

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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.

Explanation:

~~Strikethrough~~ indicates matter deleted.

Bold indicates new matter added.

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

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 22, 2012. The Bill was Signed by the Mayor on April 10, 2012.



Michael A. Decker
Chief Clerk of the City Council