

Legislation Details (With Text)

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File created: 3/11/2010 **In control:** Committee on Transportation and Public Utilities

On agenda: **Final action:** 6/17/2010

Title: Authorizing the City of Philadelphia to organize an authority to be known as The Philadelphia Energy Authority, pursuant to the terms of the "Municipalities Authorities Act," of 2001, June 19, P.L. 287, No. 22, as amended, under certain terms and conditions.

Sponsors: Councilmember Clarke, Councilmember Green, Councilmember Jones, Councilmember Goode, Councilmember Sanchez, Councilmember Blackwell, Councilmember DiCicco, Councilmember Rizzo, Councilmember Miller, Councilmember Greenlee, Council President Verna, Councilmember Reynolds Brown, Councilmember Tasco, Councilmember Kelly, Councilmember O'Neill, Councilmember Kenney

Indexes: MUNICIPALITIES AUTHORITIES ACT, THE PHILADELPHIA ENERGY AUTHORITY

Code sections:

Attachments: 1. CertifiedCopy100163-AA03.pdf

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|--|--|--------|-------|
| 7/29/2010 | 3 | MAYOR | SIGNED | | |
| 6/17/2010 | 3 | CITY COUNCIL | READ | | |
| 6/17/2010 | 3 | CITY COUNCIL | PASSED | Pass | 17:0 |
| 6/10/2010 | 2 | CITY COUNCIL | RECONSIDERED | Pass | 17:0 |
| 6/10/2010 | 2 | CITY COUNCIL | READ | | |
| 6/10/2010 | 3 | CITY COUNCIL | AMENDED | | |
| 6/10/2010 | 3 | CITY COUNCIL | ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING. | | |
| 6/3/2010 | 2 | CITY COUNCIL | READ | | |
| 6/3/2010 | 2 | CITY COUNCIL | PASSED | Pass | 17:0 |
| 5/13/2010 | 2 | CITY COUNCIL | AMENDED | | |
| 5/13/2010 | 2 | CITY COUNCIL | ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING. | | |
| 5/13/2010 | 1 | CITY COUNCIL | READ | | |
| 5/6/2010 | 1 | CITY COUNCIL | ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR | | |
| 5/6/2010 | 1 | CITY COUNCIL | SUSPEND THE RULES OF THE COUNCIL | Pass | |
| 5/6/2010 | 1 | CITY COUNCIL | ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR | | |
| 5/5/2010 | 0 | Committee on Transportation and Public Utilities | HEARING NOTICES SENT | | |
| 5/5/2010 | 0 | Committee on Transportation and | HEARING HELD | | |

| | | | | |
|-----------|---|---|--|------|
| 5/5/2010 | 0 | Public Utilities Committee on Transportation and Public Utilities | AMENDED | |
| 5/5/2010 | 1 | Committee on Transportation and Public Utilities | REPORTED FAVORABLY, RULE SUSPENSION REQUESTED | |
| 3/11/2010 | 0 | CITY COUNCIL | Introduced | Pass |
| 3/11/2010 | 0 | CITY COUNCIL | Re-Referred | |

Authorizing the City of Philadelphia to organize an authority to be known as The Philadelphia Energy Authority, pursuant to the terms of the “Municipalities Authorities Act,” of 2001, June 19, P.L. 287, No. 22, as amended, under certain terms and conditions.

WHEREAS, The passage in 1996 by the Commonwealth of Pennsylvania of the “Electricity Generation Customer Choice and Competition Act,” 66 Pa. C.S. § 2801 *et seq.*, made it possible for all consumers of electricity to have direct access to the competitive market for the generation of electricity; and

WHEREAS, The “Electricity Generation Customer Choice and Competition Act” allows competitive suppliers to generate and sell electricity directly to consumers; and

WHEREAS, The termination of rate caps in 2011 for the electric distribution territory that includes the City of Philadelphia has elevated concerns about rising and uncertain energy costs; and

WHEREAS, The reduction of City-wide energy use and the development and utilization of clean, renewable energy are objectives of the City of Philadelphia; and

WHEREAS, The federal and state governments have been actively promoting and assisting the development of alternative sources of electricity and implementation of energy efficiency measures; and

WHEREAS, Energy costs are a significant concern for the City of Philadelphia, and other government agencies and local institutions, and are an important factor in decisions made by businesses concerning locating, expanding and retaining facilities in the City of Philadelphia; and

WHEREAS, The development of alternative sources of electricity will benefit the retention and development of a local workforce which is essential for the economic prosperity of the City; and

WHEREAS, The creation of a public authority enabled to act as a developer or facilitator of energy generation projects, a developer or facilitator of energy efficiency projects, and a purchaser or facilitator of energy supply and energy services on behalf of the City of Philadelphia, government agencies, institutions and businesses, and an educator of consumers regarding choices available in the marketplace as permitted by the “Municipal Authorities Act”, will benefit the health, safety and general welfare of both businesses and individuals within the City; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The municipal authorities of the City of Philadelphia are authorized to organize an Authority pursuant to the Municipality Authorities Act, 53 Pa. C.S. § 5601 *et seq.* The Authority’s responsibilities shall be limited to actions for and concerning the development or facilitation of energy generation projects, the development or facilitation of energy efficiency projects, and the purchase or facilitation of energy supply and energy services on behalf of the City of Philadelphia, government agencies, institutions and businesses, as well as the education of consumers regarding choices available in the marketplace as permitted by the aforesaid “Municipality Authorities Act.”

SECTION 2. The name of the Authority shall be “The Philadelphia Energy Authority.”

SECTION 3. It is hereby declared that it is desirable for the entire City of Philadelphia to improve those areas in its business district in which the City government, other government agencies, institutions, and businesses operate by making the services of The Philadelphia Energy Authority available to them. For purposes of The Philadelphia Energy Authority, the business district is designated as all properties zoned commercial or used for general commercial purposes, including those contiguous areas the inclusion of which are directly related to the improvements and services of the Authority.

SECTION 4. The City Solicitor, acting for the municipal authorities of the City of Philadelphia, is authorized and directed to file the necessary Articles of Incorporation on behalf of the Authority in substantially the following form:

ARTICLES OF INCORPORATION
OF
THE PHILADELPHIA ENERGY AUTHORITY

TO THE SECRETARY OF THE
COMMONWEALTH OF PENNSYLVANIA:

In compliance with the Municipality Authorities Act, 53 Pa. C.S. § 5601 *et seq.*, the undersigned Mayor and President of the Council of the City of Philadelphia, pursuant to an ordinance duly adopted, desiring to organize a body corporate and politic under the aforesaid Act, do hereby certify:

- (a) The name of the Authority shall be The Philadelphia Energy Authority.
- (b) The Authority is formed under and by virtue of the Municipality Authorities Act, 53 Pa. C.S. § 5601 *et seq.*
- (c) The City of Philadelphia has organized other authorities under Chapter 56 of the Pennsylvania Consolidated Statutes, known as the Municipality Authorities Act, as well as under the act of June 28, 1935 (P.L. 463, No. 191) and the act of May 2, 1945 (P.L. 382, No. 164); such authorities continue to be in existence in and for the City of Philadelphia.
- (d) The name of the incorporating municipality is the “City of Philadelphia.” The names and addresses of its municipal authorities are:

Mayor Michael A. Nutter
215 City Hall
Philadelphia, PA 19107

Council President Anna C. Verna
405 City Hall
Philadelphia, PA 19107

Councilman James F. Kenney
330 City Hall
Philadelphia, PA 19107

Councilman John P. Kelly
594 City Hall
Philadelphia, PA 19107

Councilwoman Blondell Reynolds Brown
581 City Hall
Philadelphia, PA 19107

Councilman William Greenlee
580 City Hall
Philadelphia, PA 19107

Councilman W. Wilson Goode, Jr.
316 City Hall
Philadelphia, PA 19107

Councilman Frank Rizzo
582 City Hall
Philadelphia, PA 19107

Councilman William J. Green
599 City Hall
Philadelphia, PA 19107

Councilman Frank DiCicco
332 City Hall
Philadelphia, PA 19107

Councilwoman Jannie L. Blackwell
408 City Hall
Philadelphia, PA 19107

Councilman Curtis Jones, Jr.
404 City Hall
Philadelphia, PA 19107

Councilman Darrell Clarke
484 City Hall
Philadelphia, PA 19107

Councilwoman Joan L. Krajewski
591 City Hall
Philadelphia, PA 19107

Councilwoman Maria Quinones-Sanchez
592 City Hall
Philadelphia, PA 19107

Councilwoman Donna Reed Miller
312 City Hall
Philadelphia, PA 19107

Councilwoman Marian B. Tasco
577 City Hall
Philadelphia, PA 19107

Councilman Brian O'Neill
562 City Hall
Philadelphia, PA 19107

- (e) The powers of the Authority shall be exercised by a governing body to be called “the Board of The Philadelphia Energy Authority,” which shall consist of five (5) members appointed by City Council who shall serve without compensation. Four (4) members shall be appointed to Classes A, B, D, and E (below) by City Council upon nomination by the Mayor, and one (1) member shall be appointed to Class C (below) upon nomination by City Council. Vacancies shall be filled in the same manner.

In order that the members shall continue to serve on a staggered basis, there shall be five (5) classes of directors: the names, addresses and classes of the first members who shall serve from the date of incorporation to a date of termination are set forth below; future appointments to the Board shall be made by class for a term of five (5) years:

| Name | Address | Class | Date of Termination |
|------|---------|-------|---------------------|
| | | A | January 1, 2012 |
| | | B | January 1, 2013 |
| | | C | January 1, 2014 |
| | | D | January 1, 2015 |
| | | E | January 1, 2016 |

- (f) The City of Philadelphia has retained the right, which exists under the Municipality Authorities Act, 53 Pa. C.S. § 5601 *et seq.*, to approve any plan submitted by the Authority pursuant to 53 Pa. C.S. § 5607(d)(27). Such approval shall be by ordinance of City Council.

In Witness Whereof, the City of Philadelphia Commonwealth of Pennsylvania has caused these Articles of Incorporation to be signed by the Mayor and the President of Council under its municipal seal this day of _____, 2010.

Michael A. Nutter, Mayor

Anna C. Verna, President of City Council