



## Legislation Details (With Text)

|                        |   |                      |  |
|------------------------|---|----------------------|--|
| <b>File #:</b>         | 2010-0034   | <b>Version:</b>      | 1                                      |
| <b>Type:</b>           | Resolution  | <b>Status:</b>       | Passed Finally                         |
| <b>File created:</b>   | 1/19/2010   | <b>In control:</b>   | Committee on Intergovernmental Affairs |
| <b>On agenda:</b>      |   | <b>Final action:</b> | 2/11/2010                              |
| <b>Enactment date:</b> | 2/11/2010   | <b>Enactment #:</b>  | 46                                     |
| <b>Effective date:</b> | 2/17/2010   |                      |  |
| <b>Title:</b>          | Resolution Authorizing the Mayor to enter into negotiations for an agreement with the Pittsburgh Water and Sewer Authority pursuant to the 1995 Cooperation Agreement and 1995 Capital Lease Agreement granting the Authority the rights and responsibility relative to storm water management in the City of Pittsburgh. |                      |  |
| <b>Sponsors:</b>       | Patrick Dowd  |                      |  |
| <b>Indexes:</b>        | AGREEMENTS  |                      |  |
| <b>Code sections:</b>  |   |                      |  |
| <b>Attachments:</b>    | 1. 2010-0034.doc  |                      |  |

| Date      | Ver. | Action By                              | Action                    | Result |
|-----------|------|--|---------------------------|--------|
| 2/17/2010 | 1    | Mayor                                  | Signed by the Mayor       |        |
| 2/11/2010 | 1    | City Council                           | Passed Finally            | Pass   |
| 2/3/2010  | 1    | Committee on Intergovernmental Affairs | AFFIRMATIVELY RECOMMENDED | Pass   |
| 1/27/2010 | 1    | Committee on Intergovernmental Affairs | Held in Committee         | Pass   |
| 1/19/2010 | 1    | City Council                           | Read and referred         |        |

Resolution Authorizing the Mayor to enter into negotiations for an agreement with the Pittsburgh Water and Sewer Authority pursuant to the 1995 Cooperation Agreement and 1995 Capital Lease Agreement granting the Authority the rights and responsibility relative to storm water management in the City of Pittsburgh.

**WHEREAS**, effective January 1, 1995 the City of Pittsburgh (the City) entered into a Cooperation Agreement (the Agreement) with The Pittsburgh Water and Sewer Authority (the Authority), a body corporate and politic existing under the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, according to the Agreement the Authority shall establish rates pursuant to the covenants contained in the indenture securing the Authority's debt obligations and shall meet regularly to determine if its existing rates and rate structures will or will not provide sufficient revenues to meet its outstanding legal and financial obligations; and

**WHEREAS**, effective July 27, 1995 the City entered into a Capital Lease Agreement (the Lease) with the Authority, leasing to the Authority the water and sewer systems and related facilities within the City, all as defined in the Lease, and assigning to the Authority all related contracts in exchange for yearly payments, made between July 27, 1995, and January 2, 1997, totaling \$101,416,974.60; and

**WHEREAS**, the term of the Lease commenced on July 15, 1995, and ends on September 1, 2025, at which

time the Authority has the option to acquire all of the leased property upon the payment of one dollar (\$1.00); and

**WHEREAS**, pursuant to the Agreement and the Lease, as of July 15, 1995, the Authority assumed sole responsibility and prerogative for maintenance, operation and attendant risks of the City water and sewer "System," as defined in the Agreement and the Lease, including the network of water and sewage transmission pipelines; and

**WHEREAS**, insofar as there remains any ambiguity in the Agreement and the Lease as to the Authority's rights and responsibilities with respect to inlets, catch basins, transmission pipelines and other equipment making up the storm water collection and transmission system in the City of Pittsburgh ("Stormwater System"), the City wishes to transfer to the Authority the rights and responsibilities associated with the Stormwater System in the City of Pittsburgh,

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** The Mayor is hereby authorized to enter into an agreement or agreements with The Pittsburgh Water and Sewer Authority establishing rights and responsibilities relative to the management of storm water in the City of Pittsburgh.