



DEPARTMENT OF PUBLIC WORKS

Environmental Sustainability Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing and City Council
FROM: Scott Tess, Environmental Sustainability Manager
DATE: January 11, 2016
SUBJECT: Municipal Electricity and Gas Tax Exemption

Brief Description

The City of Urbana levies taxes on the consumption of utility electricity and gas. It is the responsibility of the City of Urbana to inform Ameren Illinois which properties are exempt from paying these taxes pursuant to the City of Urbana Code of Ordinances. The City has granted exemptions to properties owned by the City of Urbana and properties owned by the Federal Government. It is Ameren Illinois's responsibility to collect and remit these taxes to the City of Urbana.

Ameren Illinois has been reviewing municipal tax levy exemption ordinances for many cities it serves. Ameren Illinois has asked the City of Urbana for more explicit ordinance language as to what properties should be exempted. To that effect, the attached ordinance amendment has been drafted.

Requested Action

Staff recommends that City Council approve the amendment to

Attachments:

cc:

ORDINANCE NO. 2016-01-004

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 22, SECTION 22-46

(Exceptions to tax)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to tax; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Chapter 22, Article IV, to levy and impose a tax upon the privilege of using or consuming electricity or gas acquired in a purchase at retail and used or consumed within the corporate limits of the City; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 22-46 to provide exceptions to the imposition of such tax; and

WHEREAS, the City Council finds that the best interests of the City are served by amending Section 22-46, as herein provided, to create an additional exception to such tax for electric or gas utility accounts established in the name of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 22, "Taxation," Article IV, "Municipal Utility Tax," Section 22-46, "Exceptions to tax," is hereby amended with the underlined text indicating new language as follows:

Sec. 22-46. - Exceptions to tax.

No tax is imposed by this article with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the United States, be made subject to taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this article for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by 65 ILCS 5/8-11-1. No tax is imposed by this article with respect to any current or future utility account established in the name of the city.

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to mail a certified copy to Ameren Illinois, Government Support Team, 370 S. Main St., MC A-14, Decatur, Illinois 62523-1404.

Section 3.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor