

ORDINANCE NO. 9899-3

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 22 OF THE
MUNICIPAL CODE (TAXATION - MUNICIPAL UTILITY TAX)

WHEREAS, the General Assembly passed Public Act 90-561, which was signed by the Governor on December 16, 1997, entitled "An Act in Relation to the Competitive Provision of Utility Services"; and

WHEREAS, Section 65 of the said Act amends the Illinois Municipal Code concerning the authority of municipalities to tax electric utilities; and

WHEREAS, the said Act further provides that municipalities, effective August 1, 1998, have the option to implement an alternative tax based upon the consumption of electricity within certain maximum rates specified by law and approved by the Illinois Commerce Commission; and

WHEREAS, on April 20, 1998, in Ordinance No. 9798-102, the City passed certain proposed new rates, which rates were calculated with the assistance of the Illinois Power Company, and submitted to the Illinois Commerce Commission for their approval; and

WHEREAS, the new tax rates as proposed in Ordinance No. 9798-102 were rejected by the Illinois Commerce Commission; and

WHEREAS, the Illinois Power Company has recommended that if the tax rates were further amended as set forth below, the Illinois Commerce Commission will probably approve them in a timely fashion.

NOW THEREFORE, BE IT ORDAINED BY THE URBANA CITY COUNCIL that:

Section 1. Subsection (1)(a) of Section 22-45 of the Urbana City Code is hereby amended to read as follows:

"Sec. 22-45. Imposition.

(1) (a) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser:

- (i) For the first 2,000 kilowatt-hours used or consumed in a month;
.5223 cents per kilowatt hour;
- (ii) For the next 48,000 kilowatt-hours used or consumed in a month;
.3722 cents per kilowatt-hour;
- (iii) For the next 50,000 kilowatt-hours used or consumed in a month;
.3346 cents per kilowatt-hour;

- (iv) For the next 400,000 kilowatt-hours used or consumed in a month;
.2984 cents per kilowatt-hour;
- (v) For the next 500,000 kilowatt-hours used or consumed in a month;
.2693 cents per kilowatt-hour;
- (vi) For the next 2,000,000 kilowatt-hours used or consumed in a month;
.2683 cents per kilowatt-hour;
- (vii) For the next 2,000,000 kilowatt-hours used or consumed in a month;
.2539 cents per kilowatt-hour;
- (viii) For the next 5,000,000 kilowatt-hours used or consumed in a month;
.2443 cents per kilowatt-hour;
- (ix) For the next 10,000,000 kilowatt-hours used or consumed in a month;
.2439 cents per kilowatt-hour,
- (x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month;
.2438 cents per kilowatt-hour.

The tax rates set forth in the preceding table are intended to produce revenues that do not exceed the maximum total revenues the City of Urbana could have received under the tax authorized by 65 ILCS 5/8-11-2 in the year 1997.”

Section 2. That this Ordinance shall be immediately effective after passage and publication provided by law, it being urgent that this Ordinance have the earliest effective date, provided however, that the rates provided in Section 1 above of this Ordinance shall not be implemented until promulgated by the Illinois Commerce Commission pursuant to Public Act 90-561.

Section 3. The City Clerk is hereby directed to publish this Ordinance in pamphlet form immediately.

Section 4. In the event any of the provisions of Public Act 90-561, or this Ordinance, are held by any court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, to the effect of the tax imposed by Section 1 above is not legally collectable, any amounts paid by any person and collected pursuant to this Section shall be deemed taxes paid and collected pursuant to Section 22-45(3) of the Urbana City Code.

Section 5. The City Clerk is hereby directed to send a copy of this Ordinance to the Comptroller of the City of Urbana and to Roger L. Pontifex, Regional Manager, Illinois Power Company, 1112 West Anthony Drive, Urbana, Illinois 61801-7295.

Section 6. 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.

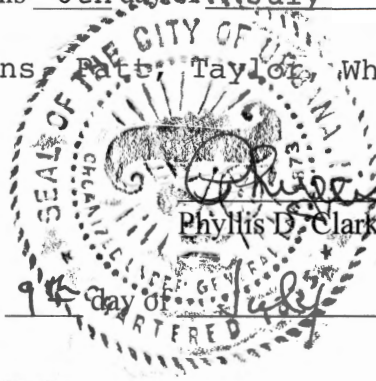
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 6th day of July, 1998.

AYES: Hayes, Kearns, ~~Patt~~, Taylor, Whelan, Wyman

NAYS:

PRESENT: Huth*



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 9th day of July, 1998.

*It was the ruling of the Chair, Mayor Satterthwaite, that Alderwoman Huth's vote of "Present" be counted with the majority. Therefore, the record of this meeting reflects the vote as such.

Tod Satterthwaite
Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 19__, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE MUNICIPAL UTILITY TAX RATES (ELECTRICITY)", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 19__, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 19__.

(SEAL)

CITY CLERK