

**FILED**

**DEC 22 2016**

*Andy Miller*  
CHAMPAIGN COUNTY CLERK

**ORDINANCE NO. 2016-12-121**

**AN ORDINANCE DIRECTING THE CHAMPAIGN COUNTY CLERK TO ABATE THE TAX LEVY FOR THE GENERAL CORPORATE FUND FOR THE TAX YEAR BEGINNING JULY 1, 2016, AND ENDING JUNE 30, 2017**

**WHEREAS**, the City of Urbana ("City") is a home rule unit of local government pursuant to the provisions of 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 Corporate Authorities of the City did approve Ordinance No. 2016-12-120 on December 19, 2016, determining that the total tax levy for the City for the tax year beginning July 1, 2016, and ending June 30, 2017, is in the amount of \$8,746,910; and

**WHEREAS**, the Corporate Authorities, after due consideration, find that abating the General Corporate Fund tax levy for the City for the tax year beginning July 1, 2016, and ending June 30, 2017, as provided herein, is in the best interests of the residents of the City and is desirable for the welfare of the City's government and affairs.

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

**Section 1.**

The Champaign County Clerk ("County Clerk") is hereby requested and directed to abate the General Corporate Fund levy established pursuant to Ordinance No. 2016-12-120 in an amount necessary to produce a total tax levy rate of \$1.3152 for the City of Urbana for the tax year beginning July 1, 2016, and ending June 30, 2017, if the following actions occur before the County Clerk calculates the total property tax extension for the City of Urbana for such tax year:

A. In *Carle Found. v. Cunningham Twp.*, 2016 IL App (4th) 140795, appeal docketed, Nos. 120433 and 120427, the Illinois Supreme Court holds that Section 15-86 of the Property Tax Code, 35 ILCS 200/15-86, is unconstitutional; and

B. The County Clerk includes the equalized assessed value of all the parcels that are the subject of the above-referenced court case and *Carle Found. v. Cunningham Twp.*, No. 13-CH-170 (6th Circuit) in the total assessed valuation of all taxable property in the City.

**Section 2.**

If both of the events described in Section 1 of this Ordinance do not occur before the County Clerk calculates the total property tax extension for the City of Urbana for the tax year beginning July 1, 2016, and ending June 30, 2017, the County Clerk is hereby requested and directed to abate the General Corporate Fund levy established pursuant to Ordinance No. 2016-12-120 in an amount necessary to produce a total tax levy rate of \$1.3550 for the City of Urbana for such tax year.

**Section 3.**

The Finance Director, or designee, be and hereby is authorized to perform all acts necessary on behalf of the City of Urbana to implement this Ordinance.

**Section 4.**

The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**Section 5.**

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 6.**

This Ordinance shall be in full force and effect from and after its passage. The City Clerk is hereby directed to file a certified copy of this Ordinance with the Champaign County Clerk no later than December 27, 2016.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the Corporate Authorities (5 of 8 votes) of the City of Urbana, Illinois, at a meeting of said corporate authorities.

**PASSED BY THE CITY COUNCIL** this 19<sup>th</sup> day of December, 2016.

**AYES:** Ammons, Brown, Jakobsson, Madigan, Marlin, Smyth

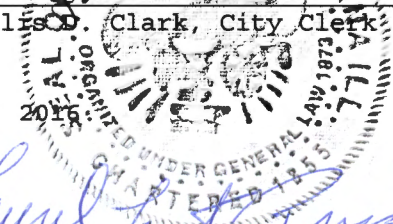
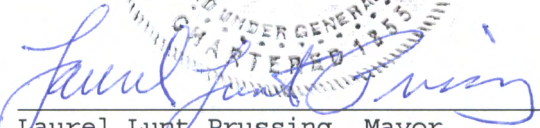
**NAYS:**

**ABSENT:** Roberts

**ABSTAINED:**

  
Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this 21<sup>st</sup> day of December, 2016:

  
  
Laurel Lunt Prussing, Mayor