

4/30/98

29-R-98

A Resolution

**Requesting the Illinois Commerce Commission to
Promulgate Alternative Maximum Municipal Utility Tax Rates
For the Use and Consumption of Electricity
in the City of Evanston, Illinois**

WHEREAS, the City of Evanston (the "City") is a home-rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, in addition to the City's power as a home-rule municipality, this Resolution is adopted pursuant to the provisions of Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2), as amended by Public Act 90-561 (the "Act"); and

WHEREAS, the Act amends the Illinois Municipal Code to replace the existing municipal utility tax imposed on persons engaged in the business of distributing, supplying, furnishing or selling electricity, with rates based on the gross receipts of such persons from that business originating within the corporate limits of the City, with a municipal utility tax imposed on the privilege of using or consuming electricity, with rates calculated based on the kilowatt-hours of electricity used or consumed within the corporate limits of the City; and

WHEREAS, the Act establishes a series of maximum tax rates at which the City may impose any municipal utility tax based on the kilowatt-hours of electricity used or consumed; and

WHEREAS, the Act also provides that, upon the request of the corporate authorities of a municipality, the Illinois Commerce Commission ("ICC") shall within 90 days after receipt of such request, promulgate alternate maximum tax rates for the City; and

WHEREAS, the ICC, on April 10, 1998, promulgated Emergency Rules (the "ICC RULES"), 83 Ill. Adm. Code 418.10 to 83 Ill. Adm. Code 418.210, setting forth the documentation and information which a municipality must file with the ICC in order to have such alternative maximum rates promulgated by the ICC; and

WHEREAS, the City has determined that it is necessary and in the best interests of the City to request that the ICC promulgate such alternative maximum tax rates,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

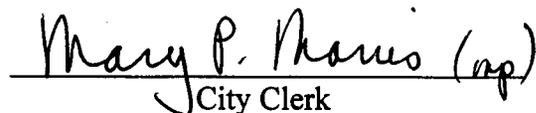
SECTION 1: That the City requests that the ICC promulgate alternative maximum rates for its Municipal Utility Tax, pursuant to the provisions of the Act and to the ICC Rules, within 90 days after the receipt by the ICC of this request.

SECTION 2: That the City Manager, or his designee, is hereby authorized and directed to file with the ICC a copy of this Resolution and such other documentation as shall be required by the ICC in connection with the promulgation of alternative maximum rates for the City's Municipal Utility Tax on the use or consumption of electricity.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.


Mayor

ATTEST:


City Clerk

Adopted: May 11, 1998