

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2023-0-8

AN ORDINANCE CLARIFYING ADMINISTRATIVE FEE FOR UTILITY FEE/TAX ON
WATER

Published in pamphlet form by authority of the President and the Board of Trustees of the Village of Tolono, Champaign County, Illinois this 16th day of May, 2023.

VILLAGE OF TOLONO

AN ORDINANCE REVISING THE VILLAGE OF TOLONO CODE OF ORDINANCES TO PROVIDE FOR A UTILITY FEE/TAX ON WATER

ORDINANCE NO. 2023-0-8

WHEREAS, the Village of Tolono is an Illinois non-home rule municipal corporation organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq. (the "Code"); and

WHEREAS, 65 ILCS 5/8-11-2(4) of the Code authorizes the Village to levy and collect taxes on the delivery and/or consumption of certain utilities, including water with the Village having previously adopted an ordinance on March 7, 2023 implement its tax by creating Section 34.49 of Chapter 34 of the Tolono Revised Code of Ordinances; and

WHEREAS, the Village has contracted for the sale of its water and waste water systems to Illinois-American Water Company and after the closing it shall collect such tax and remit same to the Village; and

WHEREAS, pursuant to the Illinois Revised Statutes Illinois-American Water Company shall be entitled to charge an administrative fee and deduct same from the balance remitted to the Village and the Board of Trustees has determined it appropriate to adopt the within ordinance to confirm that such fee shall be deducted from the tax collected and not added to the tax charged.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Tolono, Champaign County, Illinois, hereby amends the Tolono Revised Code of Ordinances to additionally include as follows:

1. To the extent that Illinois-American Water Company collects any tax on behalf of the Village pursuant to Section 34.39 of Chapter 34 of the Tolono Revised Code of Ordinances, Illinois-American Water Company shall be entitled to deduct the administrative fee as allowed by Illinois Statute and/or the Illinois Commerce Commission from the tax collected and shall not add such cost to the amount charged to the consumer paying the tax.
2. To the extent that the within Ordinance conflicts with the terms of the Tolono Revised Code of Ordinances as previously amended, the terms of the within ordinance shall prevail and all other terms of the said Revised Code of Ordinances shall remain in full force and effect.
3. The Village Board President shall be authorized to execute such documents, contracts, agreements or letters of confirmation that carry out the intent of this Ordinance to allow Illinois-American Water to be paid its administrative fee as provided herein.
4. This Ordinance shall be in effect upon passage and shall be published in pamphlet form in accordance with applicable law.

Passed by the board of Trustees of the Village of Tolono, Champaign County, Illinois on the 16th day of May, 2023.

Motioned for approval by Trustee: Jared Robbins

With a second by Trustee: Ann Jack Haluzak roll call vote:

Trustee Daniel Grady aye


Trustee Jared Robbins aye

Trustee Ann Jack Haluzak aye

Trustee Stuber, Terrence aye

President Robert Murphy

Approved this 16th day of May, 2023 and effective this date. This ordinance shall be published in pamphlet form in accordance with applicable law.

By: 
Robert Murphy, President

Attest:

Brandy Dalton, Village Clerk

State of Illinois)

County of Champaign)

CERTIFICATE

I, BRANDY DALTON, certify that I am the duly appointed and acting Village Clerk of the Village of Tolono, Champaign County, Illinois.

I further certify that on May 16, 2023 the Corporate Authorities of such municipality passed and approved Ordinance No. 2023-0-8 entitled " AN ORDINANCE CLARIFYING ADMINISTRATIVE FEE FOR UTILITY FEE/TAX ON WATER" which provided by its terms that it should be published in pamphlet form. A draft copy of said Ordinance was on file for public inspection at least one week before passage. The pamphlet form of said Ordinance and a cover sheet thereof, was prepared and posted in the Village Hall commencing on May 16, 2023 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request to the Village Clerk.



Brandy Dalton, Village Clerk