

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATION OF ORDINANCE NO. 1601

I, Mary Ann Paolantonio Salemi, the undersigned, do hereby certify that I am duly elected and qualified Village Clerk of the Village of Melrose Park, County of Cook, State of Illinois (the "Village"), and as such official I am the keeper of the records and files of the Village and of the President and Board of Trustees thereof (the "Village Board").

I do further certify that Ordinance No. 1601 of the meeting held on June 25, 2012 was adopted by the President and Board of Trustees of the Village of Melrose Park at a regular meeting of the Village Board held June 25, 2012 in the Village Board meeting room of the Melrose Park Police Department, One North Broadway, Melrose Park, Illinois 60160. There hereby was a quorum as declared by the Village President.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village, this 2nd day of July 2012.

Mary Ann Paolantonio Salemi By:
Mary Ann Paolantonio Salemi, Village Clerk
Kathy J. Klugge

(SEAL)

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**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 1601

**AN ORDINANCE MODIFYING A MUNICIPAL ELECTRICITY
USE TAX AMENDING CERTAIN SECTIONS OF ORDINANCE NO.
364, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF
COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 25TH DAY OF JUNE 2012

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**CATHLEEN COSSIDENT ITALIA
ANTHONY J. PRIGNANO
ARTURO J. MOTA
MARY RAMIREZ TACONI
JAIME ANGUIANO
ANTHONY N. ABRUZZO**

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**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 26TH day of JUNE 2012**

ORDINANCE NO. 1601

**AN ORDINANCE MODIFYING A MUNICIPAL ELECTRICITY
USE TAX AMENDING CERTAIN SECTIONS OF ORDINANCE
NO. 364, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF
COOK, STATE OF ILLINOIS.**

* * * * *

WHEREAS, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on April 30, 2009, and the Board of Trustees of the Village (the “Village Board”), the Honorable Cathleen Cossident Italia, Anthony J. Prignano, Arturo J. Mota, Mary Ramirez Taconi, Jaime Anguiano and Anthony N. Abruzzo, having taken office on May 4, 2011, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, in 1997 pursuant to 65 ILCS 5/8-11-2, the State of Illinois required the Village to impose a 10-tier per kWh excise tax on the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality; and

WHEREAS, the new 10-tier taxing methodology promulgated in 65 ILCS 5-8-11-2, was adopted for purposes of stabilizing the amount of future revenues generated to closely conform to the revenue generated from the gross receipts percentage tax

methodology in effect prior to adoption of the new law in 1997; and

WHEREAS, [REDACTED]

[REDACTED]

[REDACTED]; and

WHEREAS, the 65 ILCS 5/8-11-2 [REDACTED]

[REDACTED] and

WHEREAS, the Village currently is experiencing a steady decline in revenues based on its existing electricity rate structure; and further, the current excise tax methodology cannot be modified to recover the short fall in revenues due to statutory maximums rates established for each of the 10-tiers as set forth in the per kWh methodology; and

WHEREAS, [REDACTED]

[REDACTED]

[REDACTED]; and

WHEREAS, [REDACTED]; and

WHEREAS, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]; and

WHEREAS, in furtherance of its home rule powers, it is necessary and desirable for the Village to amend its ordinance on taxation of electricity [REDACTED]

[REDACTED]

[REDACTED];

and

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Corporate Authorities do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to make certain amendments to Ordinance number 364, entitled "An Ordinance Amending Certain Sections Of Ordinance Number 200, An Ordinance Creating A Municipal Utility Tax, And Adding Section 9.00 Entitled "Municipal Electricity Utility Tax," For The Village Of Melrose Park, County Of Cook, State Of Illinois" adopted October 13, 1998.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05 - 09. Reserved.

**ARTICLE II.
AMENDMENT TO ORDINANCE 364**

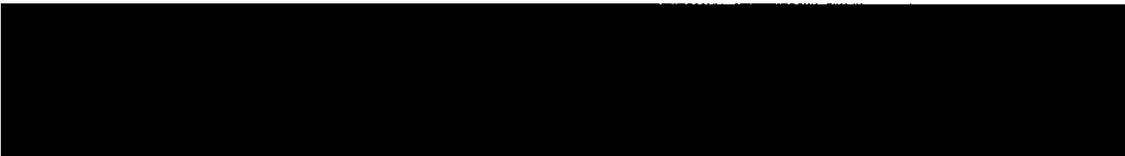
Section 10.00. Ordinance No. 364 Section 9.00 Paragraph B

The tax imposed by this Section 9.00 Paragraph B No. 1 known more commonly as the Municipal Electricity Utility Tax is replaced with the following tax rates 

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1. Pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2) and any and all other applicable authority, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village of Melrose Park at the following rates, calculated on a monthly basis for each purchaser:

- a) For the first 2,000 kilowatt-hours used or consumed in a month; \$0.00533 per kilowatt-hour.
- b) For the next 48,000 kilowatt-hours used or consumed in a month; \$0.00437 per kilowatt-hour.
- c) For the next 50,000 kilowatt-hours used or consumed in a month; \$0.00448 per kilowatt-hour.
- d) For the next 400,000 kilowatt-hours used or consumed in a month; \$0.00376 per kilowatt-hour.
- e) For the next 500,000 kilowatt-hours used or consumed in a month; \$0.00316 per kilowatt-hour.
- f) For the next 2,000,000 kilowatt-hours used or consumed in a \$0.00315 per kilowatt-hour.
- g) For the next 2,000,000 kilowatt-hours used or consumed in a month; \$0.00313 per kilowatt-hour.
- h) For the next 5,000,000 kilowatt-hours used or consumed in a month; \$0.00311 per kilowatt-hour.
- i) For the next 10,000,000 kilowatt-hours used of consumed in a month; \$0.00308 per kilowatt-hour.
- j) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; \$0.00296 per kilowatt-hour.


Sections 12.00 – 15.00. Reserved.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 16.00 Headings.

The headings for the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 17.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, section or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, subparagraph, section or part shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section or part thereof been included.

Section 18.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 19.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as

provided by the Illinois Municipal Code, as amended.

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Section 20.00 Effective Date.

This Ordinance, except as otherwise specifically set forth herein, shall be in full force and effect at the earliest available time as provided by law, following its passage, approval and publication.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Italia, Trustee Prignano, Trustee Mota,
Trustee Taconi, Trustee Anguiano, Trustee Abruzzo

NAY VOTES:

ABSTAIN:

ABSENT:

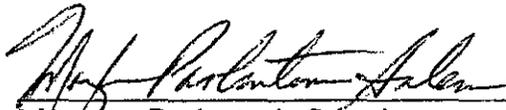
SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
TWENTY-FIFTH DAY OF JUNE, 2012, A.D.

APPROVED:



RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: June 25, 2012
Published in Pamphlet Form: June 26, 2012