

**AN ORDINANCE ESTABLISHING REGULATIONS OF THE  
ELECTRIC DEPARTMENT OF THE VILLAGE OF CHATHAM, ILLINOIS  
PERTAINING TO ELECTRIC SYSTEM REBATES FOR NEW DEVELOPMENTS**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS, AS FOLLOWS:

**SECTION 1.** The regulations of the Electric Department of the Village of Chatham pertaining to electric system rebates for new development, attached hereto as Exhibit A, are hereby adopted.

**SECTION 2.** The regulations attached hereto as Exhibit A, and all payments thereunder, are subject in all respects to the terms and conditions of outstanding Village ordinances pertaining to electric system bonds, including but not limited to Ordinance No. 86-9, and any ordinances enacted subsequently hereto. The attached regulations are also subject to the terms and conditions of any contracts of the Village pertaining to electric system bonds.

**SECTION 3.** This ordinance is effective upon its passage and approval.

  
\_\_\_\_\_  
CARL OBLINGER, VILLAGE PRESIDENT

ATTEST:

  
\_\_\_\_\_  
Village Clerk

AYES: 3  
NAYS: 2

PASSED: 8/20/90  
APPROVED: 8/20/90

**REGULATIONS**  
of the  
**Electric Department of the Village of**  
**Chatham, Illinois, Pertaining to Electric**  
**System Rebates for New Residential Subdivisions**

Date of Regulations: August 28, 1990

The following regulations shall govern the construction of electric systems and availability of rebates to developers for construction costs in connection with new residential subdivisions in the Village of Chatham, Illinois.

**SECTION 1. Definitions.**

As used herein, "New Residential Subdivision" refers to a subdivision, at least 80% of the land of which is zoned residential, the final plat for which is accepted by the Village on or after August 1, 1990.

As used herein, "Developer" refers to persons, firms or corporations which own the land in a New Residential Subdivision at the time of its final platting.

As used herein, "Electric System Bond Ordinance" refers to "An Ordinance Authorizing and Providing for the Issuing of \$1,100,000 Electric System Revenue Bonds for the Village of Chatham, Sangamon County, Illinois, for the Purpose of Defraying the Cost of Purchasing an Existing Electric Substation Site from Central Illinois Light Company and for the Improvement of that Substation Facility in the Village of Chatham, Illinois", Ordinance No. 86-9.

As used herein, "Bond Contractual Arrangements" refers to any contracts or undertakings of the Village in connection with any bond ordinance or bond issue of the Village.

As used herein "Village" refers to the Village of Chatham, Illinois.

SECTION 2. Electric systems for all New Residential Subdivisions shall be constructed by the Village of Chatham as set forth in these regulations, and Developers shall be eligible for partial rebates of the electric system costs for such subdivisions, only by complying with these regulations.

SECTION 3. The Developer shall pay, within 10 days of acceptance of the final plat of a New Residential Subdivision or such other time as may be agreed in writing by Developer and the Village Board, the sum of \$1,800.00 per platted lot. This sum is an estimated per lot cost of developing an electric system as of the date of adoption of these regulations. This sum shall be adjusted from time to time by the Village Administrator to reflect the actual cost of constructing the improvements. If the actual cost of constructing the improvements is greater than \$1,800 per lot, the Developer shall make a supplemental deposit of the difference. If the actual cost is less than \$1,800 per lot, the Village shall refund the difference. Refunds or supplemental deposits shall be made within 15 days of the Village Administrator's cost determination. Actual cost shall be computed using the actual cost of materials, engineering fees, easements, and labor (including fringe benefits and payroll taxes), plus the fair market value of the use of Village equipment, plus the actual cost of any subcontracts, plus any other out-of-pocket expenses, plus a reasonable amount (at least 15% but not more than 35%) for overhead and administration.

SECTION 4. Funds paid by Developer pursuant to Section 2 shall be deposited by the Village in a subaccount in the Village Electric Fund.

SECTION 5. By accepting the deposit of the Developer, the Village thereby agrees to build the electric system, both the street lighting system and the residential electric system, up to and including the meters. All costs of construction shall be paid by the electric fund from the subaccount set forth in Section 4. The Village shall have full discretion in the design of the system and computation of costs. The Village may use subcontractors at its sole discretion.

SECTION 6. After construction of the electric system for a New Residential Subdivision by the Village, the Developer shall be entitled to a rebate of 50% of its deposit, up to \$900 per lot, as follows:

A. Semi-annually, the Developer may apply for a rebate on a form to be provided by the Village. Developer shall list the lots of the New Residential Subdivision for which a rebate is requested.

B. The Developer is eligible for a rebate as to a given lot only when the lot is sold and a customer relationship is established with a new resident (not the contractor).

C. The Village is liable to pay the rebate only if there are funds available in the subaccount set forth in Section 4 or elsewhere in the electric fund over and above any reserves required by bond covenants and funds required, in the sole judgment of the Village, for prudent management.

D. Rebates shall be made semi-annually. If more than one Developer applies for a rebate and there are limited funds available for rebating, rebates shall be prorated among Developers.

E. If no rebate is made to a Developer due to insufficient funds, rebate eligibility for the lots for which the Developer has applied shall carry over to the next semi-annual rebate.

F. The Village is not liable to account for or pay interest to the Developer on deposited funds.

G. The Developer has five years from the date of deposit to apply for a rebate, after which the deposit loses its eligibility for rebating.

SECTION 7. These regulations pertaining to electric rebates are subject in all respects to the terms and conditions of outstanding Village ordinances pertaining to electric system bonds, including but not limited to the Electric System Bond Ordinance. These regulations are also subject to the terms and conditions of Bond Contractual Arrangements. Developers' eligibility to receive rebates are subordinate to all payments and reserves required to be made or kept pursuant to the Bond Ordinance. In the event a bondholder or other interested party challenges the electric rebate regulations as contrary to the Bond Ordinance or other Bond Contractual Arrangements, the Village may suspend the rebate program entirely pending resolution of the dispute, and Developers' eligibility for rebates in such event may be voided or modified in the sole discretion of the Village.

SECTION 8. No Developer shall have any vested right to any rebate. These regulations may be changed or abolished in the sole discretion of the corporate authorities of the Village of Chatham, and in such event, the Village of Chatham may retain all funds on deposit with the Village.

**PFEIFER & KELTY, P. C.**

ATTORNEYS AT LAW  
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**ROBERT V. SHUFF**  
**ROBERT E. WAGNER**  
\*ALSO LICENSED IN TEXAS  
\*\*ALSO LICENSED IN MISSOURI

August 30, 1990

Ms. Rose Miller  
Village Clerk  
Village of Chatham  
116 East Mulberry Street  
Chatham, IL 62629

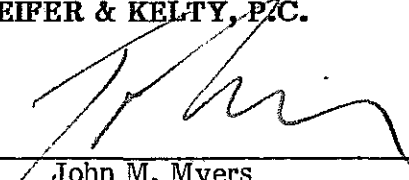
Re: Village of Chatham, Illinois  
Our File: 1229-90001

Dear Rose:

Enclosed is a clean copy of the ordinance adopting the electric regulations for the Village of Chatham.

Sincerely yours,

**PFEIFER & KELTY, P.C.**

By:   
John M. Myers

JMM:dnc  
Enclosures

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**SECTION 1.** The regulations of the Electric Department of the Village of Chatham pertaining to electric system rebates for new development, attached hereto as Exhibit A, are hereby adopted.

**SECTION 2.** The regulations attached hereto as Exhibit A, and all payments thereunder, are subject in all respects to the terms and conditions of outstanding Village ordinances pertaining to electric system bonds, including but not limited to Ordinance No. 86-9, and any ordinances enacted subsequently hereto. The attached regulations are also subject to the terms and conditions of any contracts of the Village pertaining to electric system bonds.

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CARL OBLINGER, VILLAGE PRESIDENT

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Village Clerk

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