

ORDINANCE NO. 0-99-06

AN ORDINANCE AMENDING ORDINANCE NO. B-495
FIXING THE AMOUNT OF FRANCHISE FEES TO BE PAID
TO THE CITY BY SOUTHWESTERN BELL TELEPHONE
COMPANY

WHEREAS, pursuant to Ordinance No. B-495, adopted December 21, 1989 ("Ordinance No. B-495"), the City of Arkadelphia, Arkansas (the "City") has fixed the franchise fees to be paid by The Southwestern Bell Telephone Company; and

WHEREAS, the franchise fees are authorized pursuant to Arkansas Code Annotated §§ 14-200-101, et. seq. (the "Authorizing Legislation"); and

WHEREAS, it is necessary to make certain technical changes to Ordinance No. B-495 in order to comply with the Authorizing Legislation and to clarify that the charges fixed by Ordinance No. B-495 are fees and not taxes;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Arkadelphia, Arkansas:

Section 1. The WHEREAS clauses of Ordinance No. B-495 are hereby amended to read as follows:

"WHEREAS, the City desires to charge upon The Southwestern Bell Telephone Company a franchise fee which shall be in lieu of all other licenses, charges, fees or special taxes other than the usual general or special ad valorem taxes; and

WHEREAS, the City recognizes and concurs in the purpose and intent of an order of the Arkansas Public Service Commission entered on February 7, 1980, in Docket U-3013 relating to the treatment by The Southwestern Bell Telephone Company of all City franchise fees."

Section 2. Section 3 of Ordinance No. B-495 is hereby amended to read as follows:

"SECTION 3. The quarterly franchise fee payments herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the City under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said City."

Section 3. Ordinance No. B-495, as amended hereby, shall remain and be in full force and effect.

PASSED: July 15, 1999.

ATTEST:

Mary Treeman
City Clerk

APPROVED:

C. T. Hallingford
Mayor

(SEAL)