

ORDINANCE NO. 0-99-08

AN ORDINANCE AMENDING ORDINANCE NO. B-393
FIXING THE AMOUNT OF FRANCHISE FEES TO BE PAID
TO THE CITY BY ARKANSAS LOUISIANA GAS COMPANY

WHEREAS, pursuant to Ordinance No. B-393, adopted February 5, 1981 ("Ordinance No. B-393"), the City of Arkadelphia, Arkansas (the "City") has fixed the franchise fees to be paid by Arkansas Louisiana Gas 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-393 in order to comply with the Authorizing Legislation and to clarify that the charges fixed by Ordinance No. B-393 are fees and not taxes;

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

Section 1. The title of Ordinance No. B-393 is hereby amended to read as follows:

"AN ORDINANCE AMENDING ORDINANCE NO. B-362 AND REPEALING ORDINANCE NO. B-386 OF THE CITY OF ARKADELPHIA, ARKANSAS, TO PROVIDE FOR FIXING A FRANCHISE FEE TO BE PAID TO THE CITY OF ARKADELPHIA, ARKANSAS BY ARKANSAS LOUISIANA GAS COMPANY; PROVIDING FOR THE PAYMENT THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES."

Section 2. The third WHEREAS clause of Ordinance No. B-393 is hereby amended to read as follows:

"WHEREAS, the municipality is entitled to receive such just and reasonable franchise fees from the Gas Company which the municipality may lawfully charge and the Gas Company is entitled to pay; and"

Section 3. Section 1 of Ordinance No. B-393 is hereby amended to read as follows:

Section 1. The Gas Company will pay a franchise fee to the City as follows:

Beginning January 1, 1981 and thereafter during the life of this franchise, the Company shall pay to the City each quarter, a franchise fee in an amount equal to five

percent (5%) of the preceding three (3) months' gross gas revenues as paid to the Gas Company by all customers located within the corporate limits of the City of Arkadelphia, Arkansas. The first payment will be due April 15, 1981 based on revenues received during the months of January, February and March of 1981 and a payment on the 15th day of July, October and January based on preceding three (3) months' revenue will be made."

Section 4. Section 2 of Ordinance No. B-393 is hereby amended to read as follows:

"Section 2. City shall have the right to examine and verify from the records of the Gas Company, any data relating to the gross revenues of Gas Company from customers on which said franchise fee is due."

Section 5. Section 3 of Ordinance No. B-393 is hereby amended to read as follows:

"Section 3. The franchise fee may be passed on by the Gas Company to its customers in the City, in accordance with rules and regulations of the Arkansas Public Service Commission."

Section 6. Ordinance No. B-393, as amended hereby, shall remain and be in full force and effect.

PASSED: July 15, 1999.

ATTEST:

Mary Freeman
City Clerk

APPROVED:

C. T. Hallingwood
Mayor

(SEAL)