

ORDINANCE NO. B- 392

AN ORDINANCE FIXING AND IMPOSING THE AGGREGATE AMOUNT OF FEES CHARGES AND SPECIAL TAXES TO BE PAID THE CITY OF ARKADELPHIA, ARKANSAS BY ARKANSAS POWER & LIGHT COMPANY AND THE METHOD OF PAYMENT THEREOF, AND FOR OTHER PURPOSES.

WHEREAS, Arkansas Power & Light Company (hereafter referred to as "Power Company") is duly authorized by franchise agreement, to construct, to operate, maintain and extend an electric system and to sell, furnish, transmit and distribute electric power and energy in the City of Arkadelphia, Arkansas (hereafter referred to as "City"), to the City of Arkadelphia and to the citizens residing therein; and

WHEREAS, The Power Company is now providing electric service to the City and its inhabitants and occupying the streets, alleys and other public property of the City of Arkadelphia pursuant to said franchise agreement, which provides for certain payments to the City thereunder; and

WHEREAS, the City requires additional revenues for payment of increased salary requirements for City employees and other municipal functions and service and desires to increase the amount of payments of taxes and charges paid by the Power Company, and

WHEREAS, the City recognizes the results of the decisions of the Arkansas Public Service Commission and the Arkansas Supreme Court requiring that the charges for service by a utility to customers in the City be adjusted to adequately reflect any additional amounts of taxes imposed by the City in excess of a standard level paid in other municipalities to avoid discrimination among customers of the utility;

NOW THEREFORE, BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF ARKADELPHIA, ARKANSAS, THAT:

Section 1. The manufacture, sale, furnishing, transmission and distribution of electric power and energy by the Power Company within the City is hereby declared to be a special privilege and for such privilege and franchise the Power Company shall pay to the City a special tax, charge or imposition, as follows:

For the year 1980 and thereafter, the Power Company shall pay the sum of \$165,800.00 per year, payable in approximately equal quarterly installments beginning in January, 1981.

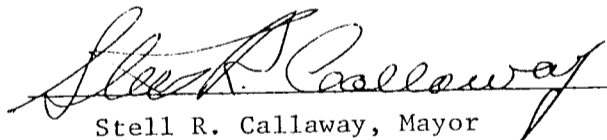
Said payments shall be in lieu of the payments otherwise called for and thereafter in Section 9 of the Company's franchise agreement.

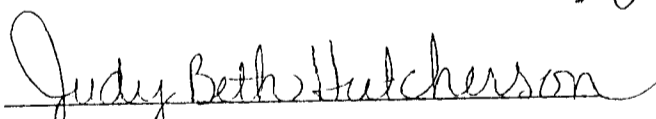
Section 2. Nothing herein contained shall be construed as altering or amending any of the rights or obligations of either the City or the Power Company, except insofar as the effect hereof will relieve the Power Company from the obligation of the payments provided for in Section 9 of said franchise agreement so long as the provisions of this ordinance are in effect.

Section 3. Ordinance B-363 adopted July 5, 1979 and Ordinance No. B-385 adopted December 4, 1980 and all other ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. It is hereby found by the City Board of Directors that there is an urgent need for an accurate forecast of additional revenues for the City. Therefore, an emergency is declared to exist, and this ordinance being necessary for the preservation and advancement of the public peace, health and safety, shall be in full force and effect from and after the date of its approval.

APPROVED this 5th day of February, 1981.


Stell R. Callaway, Mayor


Judy Beth Hutcherson, Clerk-Treasurer