ORDINANCE NO. 287

AN ORDINANCE PROVIDING FOR THE COMPUTATION OF THE ANNUAL OCCUPATION (LICENSE, FRANCHISE, OR OTHER SPECIAL CITY) TAX THAT THE WESTERN ARKANSAS TELEPHONE COMPANY SHALL HEREAFTER PAY TO THE CITY OF ATKINS, ARKANSAS; PROVIDING FOR THE PAYMENT THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Western Arkansas Telephone Company (hereinafter sometimes referred to as the "Utility") is or will be duly authorized by franchise ordinance to operate a telephone system and appurtenances thereto, used in, or incident to the rendition of telephone service to Atkins, Arkansas, and the inhabitants thereof residing in said City, and

WHEREAS, the Utility is now or will be occupying the streets and alleys of Atkins, for the purposes of operating, maintaining and extending its telephone service to the City and the inhabitants and consumers residing in said City and supplying to the City and consumers therein telephone service, and

WHEREAS, the City is entitled to receive such just and reasonable taxes from the utility which the City may lawfully impose and the utility is entitled to pay.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATKINS, ARKANSAS:

SECTION I. The amount of Occupation (license, franchise, or other special city) Tax to be paid by Western Arkansas Telephone Company for the balance of the calendar year 1969 beginning September 1, 1969, and during future years until changed by Ordinance shall be determined as follows:

The Utility has not paid the tax for the City of Atkins for the year 1969. Under the previous franchise

agreement, the tax was to be paid in January of the year following based upon the number of telephones as of December 31 of the year for which the franchise was granted. The Utility shall pay to the City of Atkins within a reasonable time after the first day of September, a tax for the first nine (9) months of 1969 based on the number of telephones as of August 31, 1969, multiplied by 50 cents as under the old agreement. This shall include both main lines and extensions. The tax for the balance of 1969 shall be figured under this Ordinance and shall be computed by taking the number of main lines only according to the company's books as of December 31, 1969, multiplied by $3.00.

At the close of the calendar year 1969 and each calendar year thereafter, the Utility shall determine the number of main telephone stations as of December 31, within the corporate limits of the City of Atkins, and shall inform the Mayor of the results of this determination. The Tax for each year shall be computed by multiplying the number of main stations on December 31 of the preceding year by $3.00 per main station, of which amount the additional $2.50 per meter shall be passed on by the Utility to its customers in the City of Atkins, together with costs of collection, and shall be shown separately on bills to customers as "City Tax", in accordance with the rules and regulations of the Arkansas Public Service Commission, said tax shall be payable to the City of Atkins not less than quarterly each year.

SECTION II. Nothing herein shall be construed to alter or change the terms or conditions of the present franchise under which the Utility is operating.

SECTION III. All other ordinances, agreements, and parts of ordinances and agreements in conflict with the provisions of this Ordinance are hereby repealed.

SECTION IV. Whereas there is a great need for revenues in the City of Atkins to carry on necessary public service; and, whereas, the Arkansas Public Service Commission has approved a standard formula for computation of municipal Occupation (license, franchise, or other special city) Taxes in the amount of $0.50 per telephone, based on the number of telephones in use on December 31 of each year, and whereas under such formula any additional such tax will be passed on by the Utility to its customers in the City, together with costs of collection; and whereas such additional taxes are necessary in order to provide the City with additional funds for necessary municipal purposes and it is necessary that this Ordinance shall become effective immediately in order to provide for the prompt computation and collection of said taxes; therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate protection of the public peace, health and safety shall take effect immediately upon its passage and approval.

DATE PASSED: August 5, 1967

MAYOR

ATTEST:

CITY RECORDER

C E R T I F I C A T E

The undersigned, City Recorder of Atkins, Arkansas, hereby certifies that the foregoing pages numbered 1 to 3, inclusive, are a true and correct copy of Ordinance No. 287 passed at a regular session of the City Council of Atkins, Arkansas, held at the regular meeting place of the Council at seven o'clock P.M., on the 5th day of August, 1969, and that said Ordinance is of record in Record Book No. 1, Page _____, now in my possession.

Given under my hand and seal this 5th day of August, 1969.

CITY RECORDER