ORDINANCE NO. 288

AN ORDINANCE FIXING AND IMPOSING THE AGGREGATE AMOUNT OF FEES, CHARGES AND SPECIAL TAXES TO BE PAID THE CITY OF ATKINS, 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, heretofore authorized and entered into by the City, to construct, operate, maintain and extend an electric system and to sell, furnish, transmit and distribute electric power and energy in the City of Atkins, Arkansas (hereafter referred to as "City"), to the City of Atkins 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 pursuant to said franchise agreement, which provides for certain payments in lieu of all other taxes, fees, charges, impositions and licenses, except general taxes, and further provides that if any special taxes, fees, charges or licenses are assessed or imposed upon or against the Power Company that the obligations for payments under said franchise agreement shall immediately terminate; 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 payments of special taxes and charges paid by the Power Company; and

WHEREAS, the City recognizes and accepts the purposes and results of 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 COUNCIL OF THE CITY OF ATKINS, 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 the Power Company shall pay to the City a special tax, charge or imposition, as follows:

(a) For the last quarter of the year 1969, the Power Company shall pay the sum of $1,250.00 payable in October, 1969.

(b) For the year 1970 and thereafter, the Company shall pay the sum of $5,000.00, payable in approximately equal quarterly installments beginning in January, 1970.

Said payments shall be in lieu of the payments otherwise called for in 1969 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 as provided in the existing franchise agreement between the City and 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.

Section 3. All 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 Council that there is an urgent need for 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 AUGUST, 1969.

Mayor

ATTEST:

City Clerk