ORDINANCE NO. 291

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, the 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, and

WHEREAS, Ordinance No. 287 passed by the City of Atkins on the 5th day of August, 1969, is not clear in all respects,

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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 paid its franchise tax to the City of Atkins for the year 1969 as provided for under the previous Franchise Agreement, said franchise tax being figured into the rate base of the Utility and being based upon a tax of 50¢ per telephone (including extensions) and payable during the month of January of each year for the year in which paid based on the number of telephones in use on the 31st day of December of the previous year.

In addition to the franchise tax, the Utility shall pay, beginning September 1, 1969, and thereafter until changed by ordinance, an additional tax of $2.50 per main station payable quarterly.

This tax shall be figured for the balance of the year 1969 on 576 main stations in use August 14, 1969, and shall amount to $479.98 (576 x 4/12 x $2.50), said amount to be paid at the rate of $119.99 per month to the City of Atkins.

Beginning the year 1970, the Utility shall pay the franchise tax of 50¢ per main station as figured into their base rate plus $2.50 per main station payable quarterly by the 15th of the month following each quarter. The amount shall be

based upon the amount of money actually collected by the Utility for each main station during the previous quarter and shall be passed on to the Utility's customers in the form of a "City Tax" to be shown separately on the Utility's bills.

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 main station, 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; 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: 9/2/69

MAYOR

ATTEST:

CITY RECORDER

CERTIFICATE

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. 291 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 2nd day of September, 1969, and that said Ordinance is of record in Record Book No. ____, Page 1, now in my possession.

Given under my hand and seal this 2nd day of September, 1969.

CITY RECORDER

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