ORDINANCE NO. 91- 5

AN ORDINANCE REVISING AND AMENDING CHAPTER 4.16, SECTION 4.16.06 OF THE ATKINS MUNICIPAL CODE PROVIDING FOR A PERCENTAGE INCREASE IN THE FRANCHISE TAX TO BE PAID TO THE CITY OF ATKINS BY GENERAL TELEPHONE & ELECTRONICS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Chapter 4.16, Section 4.16.06 General Telephone & Electronics (hereinafter GTE or Grantee) pays each year to the City of Atkins (hereinafter City or Grantor) the franchise tax for the privileges stated in Chapter 4.16.

WHEREAS, the City desires to increase the rate of the franchise tax paid by GTE.

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

Section 1 : Section 4.16.06 of Chapter 4.16 of the Atkins Municipal Code is hereby amended to read as follows:

Section 4.16.06 Franchise Tax: Beginning in January, 1992 and thereafter so long as General Telephone and Electronics (GTE), its successors and assigns, shall operate a telephone system within the City, it shall pay to the City a franchise tax in an amount equal to 5.00% of basic local service excluding extension, terminal equipment, toll, yellow pages and other miscellaneous equipment revenues within the corporate boundaries of the City at the end of the preceding calendar quarter, payment to be made to the City within thirty (30) days of the end of each calendar quarter; the first remittance to be made within thirty (30) days of March 31, 1992; provided, the amount of the tax levied herein by the City may be collected by GTE from those of the GTE customers receiving local exchange telephone service within the corporate boundaries of the City of Atkins, in accordance with the tariffs of the Telephone Company and the rules, regulations and orders of the Arkansas Public Service Commission. This ordinance does not restrict the city from the right to alter the tax, upon proper notification in advance, to the Telephone Company. (Ord. No. 81-3, Sec. 6)

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: It has been found, and is hereby declared by the City Council of the City of Atkins, there is an urgent need to clarify and bring up to date the terms and provisions of the franchise under which telephone service is provided to the City and other consumers therein, and to agree upon an adequate franchise tax to be paid by the utility furnishing such service to 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 take effect and be in full force from and after the date of its approval.

DATED this 10 day of December, 1991.

STEPHEN C. KENT, Mayor

ATTEST:

BRENDA GRAVES, City Clerk