

ORDINANCE NO. A-505

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

WHEREAS, the Arkansas Louisiana Gas Company (hereinafter sometimes referred to as the "Gas Company") is or will be duly authorized by franchise ordinance to operate a gas distribution system and appurtenances thereto, used in, or incident to the rendition of gas service to the City of Conway, Arkansas, (hereinafter sometimes referred to as "City") and the inhabitants thereof residing in said City, and

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

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

WHEREAS, the Arkansas Public Service Commission granted the Gas Company a rate increase on April 1, 1961, and included in the Gas Company's rate structure and expenses the sum of \$2.00 per meter per annum in the City as and for a tax to be levied by the City and to be paid by the Gas Company from and out of its revenues, such tax being hereinafter designated as the "Franchise Tax"; and

WHEREAS, the City may levy taxes upon the Gas Company in addition to the aforesaid Franchise Tax but any additional tax (hereinafter designated as "City Tax") will be passed on by the Gas Company to its customers in the City, together with costs of collection thereof:

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

SECTION 1, At the close of the calendar year 1970, and each year thereafter, the Gas Company shall determine the average number

SECTION 5. Upon receipt of the Franchise Tax the clerk-treasurer of the City shall deposit the entire amount thereof into the General Fund of said City. Upon receipt of each installment of the City Tax the clerk-treasurer of the City shall deposit the same into the accounts or funds of the City as hereinafter designated, and such City Tax is hereby allocated to the various accounts or funds of the City in the following manner, to-wit:

General Fund	50%
Street Fund	20%
Parks and Recreation Fund	20%
Non-Uniformed Employees Pension and Retirement Fund	10%

Said moneys, as so allocated and deposited, shall be used for the purposes of the respective funds or accounts, and for no other purpose,

SECTION 6. Ordinance No. A-393, adopted by the City Council of the City of Conway, Arkansas, on December 11, 1962, and all other ordinances and agreements in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 7, Whereas there is a great need for revenues in the City of Conway to carry on necessary public services 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 \$2.00 per meter, based on the average number of meters, and whereas under such formula any additional such tax will be passed on by the Gas Company 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.

of domestic and commercial gas meters within the corporate limits of the City for the year then ending and shall inform the Mayor of the City of the results of this determination,

SECTION 2. There is hereby levied upon the Gas Company an annual Franchise Tax, as hereinabove defined for the year 1971 and succeeding years, which tax, until changed by Ordinance, shall be \$2.00 per meter, based on the average number of meters as set forth in Section 1 of this Ordinance, and the amount of such Franchise Tax shall be computed by multiplying the average number of meters by the sum of \$2.00 per meter, The Franchise Tax for 1971 and succeeding years as so computed, shall be paid in full on or before April 1 of the year for which such Franchise Tax is due.

SECTION 3, In addition to the Franchise Tax, aforesaid, there is hereby further levied an annual City Tax, as hereinabove defined, for the year 1971 and succeeding years which tax, until changed by Ordinance, shall be \$6.00 per meter, based on the average number of meters as set forth in Section 1 of this Ordinance and shall be collected by the Gas Company. The amount of such City Tax shall be computed by multiplying the average number of meters by the sum of \$6.00 per meter, and such City Tax, together with the costs of collection thereof, shall be passed on by the Gas Company to its customers in the City 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 City Tax shall be payable in quarterly installments, on or before the last day of March, June, September and December of each year, except that for the year 1971, the first quarterly installment of said City Tax shall be only **two-**twelfths (2/12ths.) of the annual tax instead of a full quarterly installment, the balance of such City Tax for the first quarter of 1971 being hereby expressly waived.

SECTION 4, Nothing herein shall be construed to alter or change the terms or conditions of the present franchise under which the Gas Company is operating,

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PASSED: December 22, 1970

APPROVED: _____

Walter Dunaway
Mayor

ATTEST: *Aorris Y. Gunn*
Clerk-Treasurer

CERTIFICATE

The undersigned, Clerk-Treasurer of the City of Conway, Arkansas, hereby certifies that the foregoing pages numbered 1 to 4, inclusive, are a true and correct copy of Ordinance No. A- 505, passed at a regular session of the City Council of Conway, Arkansas, held at the regular meeting place of the Council at 7:00 o'clock P. M., on the 22 day of December, 1970, and that said Ordinance is of record in Record Book No. 2, Page 557, now in my possession.

Given under my hand and seal this 22 day of December, 1970.

Aorris Y. Gunn
Clerk-Treasurer