

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LITTLE ROCK, ARK., ORDINANCE NO. 11,366 (MARCH 4, 1963), AS AMENDED, TO PROVIDE FOR LEVYING A FRANCHISE FEE TO BE PAID BY CENTERPOINT ENERGY ARKLA; TO PROVIDE FOR THE PAYMENT THEREOF; AND FOR OTHER PURPOSES.

WHEREAS, CenterPoint Energy ARKLA ("the Gas Company") is 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 Little Rock, Arkansas ("the City") and the inhabitants residing therein; and,

WHEREAS, the Gas Company is now and will be occupying the streets, alleys and rights-of-way of the City for the purpose of operating, maintaining and extending its gas services to the City and supplying the City and consumers therein gas service; and,

WHEREAS, the City is legally authorized to impose, and the Gas Company is obligated to pay a just and reasonable Franchise Fee in connection with the operations in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. Section 1 of Little Rock, Ark., Ordinance No. 11,366 (March 4, 1963) is hereby amended to read as follows:

CenterPoint Energy ARKLA (the Gas Company) shall on a monthly basis pay a Franchise Fee in an amount equal to 5.2% of the Gas Company's gross revenues as paid to it during the calendar year 2021 and each year thereafter by all of its customers, including but not limited to industrial, residential and commercial customers located within the corporate limits of the City of Little Rock or the sum of Two Million, One Hundred Thousand Dollars (\$2,100,000.00) per year, whichever is greater. The auditor of the Gas Company shall certify said gross revenues.

Section 2. Payments to the City by CenterPoint Energy ARKLA of the amounts as provided for in Section 1 hereof shall be made monthly on or before the 15th day of each month.

Section 3. CenterPoint Energy ARKLA shall also be subject to the relocation policy set forth in Little Rock, Ark., Rev. Code §§2-350 – 357 (1988).

Section 4. All ordinances and parts of ordinances that conflict herewith are hereby repealed; provided, however, only to the extent that the same are in direct conflict herewith. Except as provided, nothing herein shall be construed to alter or change the terms or conditions of the present franchise under which the Gas

1 Company is operating.

2 **Section 5. *Effective Date.*** Because an ordinance of this nature remains in effect until abandoned, and
3 in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set
4 forth in Section 1 of this ordinance shall be in full force and on January 1, 2021.

5 **PASSED: December 1, 2020**

6 **ATTEST:**

APPROVED:

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Susan Langley, City Clerk

_____ **Frank Scott, Jr., Mayor**

10 **APPROVED AS TO LEGAL FORM:**

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Thomas M. Carpenter, City Attorney

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