

1 **ORDINANCE NO.** _____

2

3 **AN ORDINANCE TO FIX AND IMPOSE THE AGGREGATE AMOUNT**
4 **OF FEES AND CHARGES TO BE PAID THE CITY OF LITTLE ROCK,**
5 **ARKANSAS, BY ENTERGY CORPORATION AND THE METHOD OF**
6 **PAYMENT THEREOF; TO AMEND SECTION 9 OF LITTLE ROCK,**
7 **ARK., ORDINANCE NO. 11,683 (DECEMBER 6, 1965); AND FOR OTHER**
8 **PURPOSES.**

9

10 **WHEREAS**, Entergy Corporation is duly authorized by a Franchise Agreement to, among other things,
11 construct, operate, maintain and extend an electric system within the City of Little Rock, Arkansas (the
12 "City") and to sell, furnish, transmit and distribute electric power and energy to the City and citizens
13 residing therein; and

14 **WHEREAS**, Entergy is now providing electric service to the City and its inhabitants and occupying
15 the streets, alleys, airways and other public rights-of-way within the City pursuant to said Franchise
16 Agreement, and making certain payments to the City in lieu of all other taxes, fees, charges, impositions,
17 and licenses, except general taxes; and

18 **WHEREAS**, the City is legally authorized to impose and Entergy is obligated to pay a just and
19 reasonable Franchise Fee in connection with its operations in the City.

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

22 **Section 1:** Section 9 of the Franchise Agreement, which is Little Rock, Ark., Ordinance No. 11,683
23 (December 6, 1965) as amended, is hereby amended to include the following:

24 For the year beginning January 1, 2017, and each year thereafter, Entergy shall pay in
25 monthly installments, the sum of 5.2% of the Company's gross revenue collection as paid
26 to it by industrial, commercial, and residential users located within the corporate limits of
27 the City of Little Rock or the sum of Eight Million, Eight Hundred Thousand Dollars
28 (\$8,800,000), whichever is greater. The Company's auditor shall certify such gross
29 revenues.

30 **Section 2:** Payments to the City by Entergy of the amounts as provided for in Section 1 hereof shall
31 be made monthly on or before the 15th of each month.

32 **Section 3:** Entergy shall also be subject to the relocation policy set forth in Little Rock, Ark., Rev.
33 Code §§2-350 – 357 (1988).

1 **Section 4:** All ordinances and parts of ordinances that conflict herewith are hereby repealed; provided,
2 however, only to the extent that the same are in direct conflict herewith. Except as provided, nothing herein
3 shall be construed to alter or change the terms or conditions of the present franchise under which Entergy
4 is operating, as set forth in Ordinance 11,683, as amended.

5 **Section 5. *Effective Date.*** Because an ordinance of this nature remains in effect until abandoned, and
6 in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set
7 forth in Section 1 of this ordinance shall be in full force and on January 1, 2017.

8 **PASSED: December 6, 2016**

9 **ATTEST:**

APPROVED:

10
11 _____
12 **Susan Langley, City Clerk**

Mark Stodola, Mayor

13 **APPROVED AS TO LEGAL FORM:**

14
15 _____
16 **Thomas M. Carpenter, City Attorney**

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

29 //

30 //

31 //

32 //

33 //

34 //

35 //