RESOLUTION NO. __________

A RESOLUTION TO ESTABLISH THAT FRANCHISE FEES FOR THE USE OF PUBLIC RIGHTS-OF-WAY BY UTILITIES WITHIN THE CITY OF LITTLE ROCK, ARKANSAS, WILL CONTINUE IN THE SAME AMOUNT IN 2024; AND FOR OTHER PURPOSES.

WHEREAS, the City will continue Franchise Agreements with various utilities including Water Service, Sanitary Sewer Services, Electricity Services, Telephone Service, Long Distance Telecommunications Services and Natural Gas Services, among others, and has done so since 1957; and,

WHEREAS, Arkansas State Law suggests a Franchise is not effective until it has been on public display for a period of at least ten (10) days prior to its adoption, but, the last scheduled meeting for the Little Rock Board of Directors for 2023 is scheduled to be December 12, 2023, during a special meeting of that body; and,

WHEREAS, it is important to avoid any ambiguity about the continuance of Franchise Agreements with the City, and about the collection of Franchise Fees with the City.

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

Section 1. The following Franchise Agreements, and Franchise Fees payments, attached below as Exhibit A, shall be in effect from and after January 1, 2024:

A. Entergy Corporation, in the amount of 5.2% of the company’s gross revenue collection as paid to it by industrial, commercial and residential users located within the corporate limits of the City of Little Rock, Arkansas, or the sum of Eight Million, Eight Hundred Thousand Dollars, ($8,800,000.00), whichever is greater; and,

B. Local Access Telephone Service carriers, in the amount of 7.32% of the respective company’s local exchange access charges collected within the corporate limits of the City of Little Rock, Arkansas; and,

C. Long Distance Intrastate or Interstate Telecommunication Service providers, in the amount of $0.004 cents per minute for toll charges charged to a service address within the corporate limits of the City of Little Rock, Arkansas; and,

D. Summit Utilities, for Natural Gas Service, in an amount equal to 5.2% of the gross revenues paid to it during Calendar Year 2024 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, Arkansas, or the sum of Two Million, One Hundred Thousand Dollars ($2,100,000.00), whichever is greater; and,

E. Central Arkansas Water for Water Service within the corporate limits of the City of Little Rock, Arkansas, as currently established; and,

F. Little Rock Water Reclamation Authority for Sanitary Sewer Service within the corporate limits of the City of Little Rock, Arkansas, as currently established.

Section 2. Copies of the various annual ordinance or resolution provisions for each of the entities set forth in Section 1 above shall be on file with the City Clerk, and will be listed on the City of Little Rock, Arkansas, website, for a period of not less than ten (10) days prior to the end of 2023.

Section 3. If not passed or adopted prior to the first regular meeting on January 9, 2024, formal legislation for the 2024 Fiscal Year shall be on the agenda for approval at the January 9, 2024, regular meeting, provided that the rates set forth in such legislation shall not exceed the amounts set forth in Section 1 above; provided, that Section 1 sets only the rates, so any other terms and conditions of the Franchise Agreements may be set forth more fully at that time.

Section 3. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the resolution.

Section 4. Repealer. All laws, ordinances, resolutions, or parts of the same that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

PASSED: December 12, 2023

ATTEST:                                  APPROVED:

______________________________________  _______________________________________
Susan Langley, City Clerk               Frank Scott, Jr., Mayor

APPROVED AS TO LEGAL FORM:

______________________________________
Thomas M. Carpenter, City Attorney

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ordinance no. ___________

an ordinance to fix and impose the aggregate amount
of fees and charges to be paid to the city of little rock,
arkansas, by entergy corporation and the method of
payment thereof; to amend section 9 of little rock,
ark., ordinance no. 11,683 (december 6, 1965); and for other
purposes.

whereas, entergy corporation is duly authorized by a franchise agreement to, among other things, construct, operate, maintain, and extend an electric system within the city of little rock, arkansas (the "city"), and to sell, furnish, transmit and distribute electric power and energy to the city and citizens residing therein; and,

whereas, entergy is now providing electric service to the city and its inhabitants and occupying the streets, alleys, airways, and other public rights-of-way within the city pursuant to said franchise agreement, and making certain payments to the city in lieu of all other taxes, fees, charges, impositions, and licenses, except general taxes; and,

whereas, the city is legally authorized to impose, and entergy is obligated to pay a just and reasonable franchise fee in connection with its operations in the city.

now, therefore be it ordained by the board of directors of the city of little rock, arkansas:

section 1. section 9 of the franchise agreement, which is little rock, ark., ordinance no. 11,683 (december 6, 1965) as amended, is hereby amended to include the following:

for the year beginning january 1, 2024, and each year thereafter, entergy shall pay in monthly installments, the sum of 5.2% of the company's gross revenue collection as paid to it by industrial, commercial, and residential users located within the corporate limits of the city of little rock or the sum of eight million, eight hundred thousand dollars ($8,800,000.00), whichever is greater. the company’s auditor shall certify such gross revenues.

section 2. payments to the city by entergy corporation of the amounts as provided for in section 1 hereof shall be made monthly on or before the 15th of each month.

Section 4. Effective Date. Because an ordinance of this nature remains in effect until abandoned, and in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set forth in Section 1 of this ordinance shall be in full force and on January 1, 2024.

Section 5. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

Section 6. Repealer. 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 Entergy Corporation is operating, as set forth in Ordinance No. 11,683 (December 6, 1965), as amended.

PASSED: December 5, 2023

ATTEST: 

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Susan Langley, City Clerk

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney

APPROVED:

_______________________________

Frank Scott, Jr., Mayor
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 SUMMIT UTILITIES (FORMERLY KNOWN AS CENTERPOINT ENERGY ARKLA); TO PROVIDE FOR THE PAYMENT THEREOF; AND FOR OTHER PURPOSES.

WHEREAS, Summit Utilities (formerly known as 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:

Summit Utilities (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 2024 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 Summit Utilities of the amounts as provided for in Section 1 hereof shall be made monthly on or before the 15th day of each month.


Section 4. Effective Date. Because an ordinance of this nature remains in effect until abandoned, and
in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set forth in Section 1 of this ordinance shall be in full force and on January 1, 2024.

Section 5. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

Section 6. Repealer. 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 Summit Utilities is operating, as set forth in Ordinance No. 11,366 (March 4, 1963), as amended.

PASSED: December 5, 2023

ATTEST: ________________________________

Susan Langley, City Clerk

APPROVED: ________________________________

Frank Scott, Jr., Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney
ORDINANCE NO. __________

AN ORDINANCE TO FIX AND IMPOSE THE AMOUNT OF FEES AND CHARGES TO BE PAID TO THE CITY OF LITTLE ROCK, ARKANSAS, BY ALL COMPANIES THAT PROVIDE INTERSTATE OR INTRASTATE LONG DISTANCE TELECOMMUNICATION SERVICES, AND ALL BUSINESS INCIDENTAL TO, OR CONNECTED WITH, THE CONDUCTING OF SUCH TELEPHONE BUSINESS IN THE CITY OF LITTLE ROCK, ARKANSAS; TO AMEND SECTION 3 OF LITTLE ROCK, ARK., ORDINANCE NO. 15,706 (JULY 5, 1989); AND FOR OTHER PURPOSES.

WHEREAS, the City entered into a franchise agreement with Southwestern Bell Telephone on December 17, 1962; and,

WHEREAS, the City has had the authority to require such franchises for public utilities utilizing the City rights-of-way since 1935 by virtue of Act 324 of 1935, and upon any other statutory or legal authority; and,

WHEREAS, the transmission of communications by telephone or telegraph meets the definition of public utility under Arkansas law by virtue of Act 324 of 1935; and,

WHEREAS, subsequent to the passage of the original Franchise Agreement, and its subsequent amendments, there have been monumental changes in the telecommunications industry, including the divestiture of the long distance telephone service monopoly once enjoyed by Southwestern Bell Telephone and American Telephone and Telegraph Companies so that numerous companies compete to provide customers with Long Distance Telecommunication Services within the City of Little Rock; and,

WHEREAS, the City is entitled to receive such just and reasonable fees from the providers of Long Distance Telecommunication Services for their use of the City streets, alleys, airways, and other public rights-of-way, which the City may lawfully impose and the companies are obligated to pay.

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

Section 1. Section 3 of Little Rock, Ark., Ordinance 15,706 (July 5, 1989), as amended, is hereby amended to include the following:

For the year beginning January 1, 2024, there is hereby levied against, and shall be collected from, all providers of Long Distance Telecommunication Services a fee in the
amount of $0.004 per minute for toll calls charged to a service address within the corporate
limits of the City of Little Rock, Arkansas. The provider of Long Distance
Telecommunication Services shall be responsible for assuring that this fee is paid to the
City. This fee is levied as a Franchise Fee and shall be collected by the provider of Long
Distance Telecommunication Services in accordance with Arkansas State Law.

Section 2. Payments to the City by companies providing Long Distance Telecommunication Services
in accordance with the franchise fee imposed herein shall be made monthly within thirty (30) days of the
end of each month commencing January 1, 2024.

Section 3. The City reserves the right to perform any necessary public works or make any necessary
public improvements to the City’s rights-of-way or airways (to the extent airways are related to facilities
attached to or between poles) during the term of this Agreement. If, as a result of any action by the City,
or by any action authorized by the City for the benefit of the public good, relocation of any of the Company’s
conduit or other facilities is required, such relocation shall be accomplished at the sole expense of the
Company. Nothing in this Franchise shall be deemed a waiver of the City’s right to require the Company
to comply with all applicable zoning and other applicable regulatory ordinances or to pay any reasonable
permit fees or to seek appropriate authorizations from the Company to perform any work in connection
with the Franchise. Should the City close, eliminate, or discontinue use of any public street during the term
of this Franchise, or any renewal term, this Franchise shall cease with respect to such streets upon the date
of final action by the City with respect to the closure, elimination or discontinuance of such streets.

Section 4. Effective Date. Because an ordinance of this nature remains in effect until abandoned, and
in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set
forth in Section 1 of this ordinance shall be in full force and on January 1, 2024.

Section 5. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or
word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and
effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the
ordinance.

Section 6. Repealer. 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 providers of Long Distance Telecommunication Services are operating, pursuant to Ordinance
No. 15,706 (July 5, 19889) and Ordinance No. 15,729 (August 1, 1989).

PASSED: December 5, 2023
ATTEST:  

______________________________  APPROVED:  

Susan Langley, City Clerk  

Frank Scott, Jr., Mayor  

APPROVED AS TO LEGAL FORM:  

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Thomas M. Carpenter, City Attorney
ORDINANCE NO. ______

AN ORDINANCE TO LEVY FRANCHISE FEES TO BE PAID BY ALL CARRIERS PROVIDING LOCAL ACCESS TELEPHONE SERVICE; TO PROVIDE FOR THE PAYMENT THEREOF; AND FOR OTHER PURPOSES.

WHEREAS, the Southwestern Bell Telephone Company, now AT&T, has for decades been authorized by ordinance to operate its telephone system and all business incidental to or connected with the conduct of a telephone business in the City; and,

WHEREAS, pursuant to Little Rock, Ark. Ordinance No. 11,345 (December 17, 1962), and recognizing an order of the Arkansas Public Service Commission entered on December 10, 1957, in Docket U-281 relating to the treatment by the Telephone Company of all City special taxes, the City granted AT&T the privilege to continue operation of its telephone system and related business within the City and first provided for the payment of a Privilege Tax by that company of One and 07/100 Dollar ($1.07) multiplied by the number of telephones in the City as of the end of the preceding year; and,

WHEREAS, pursuant to Ordinance No. 14,981 (November 5, 1985), the City Board of Directors imposed, beginning on January 1, 1986, a change in the calculation of the Privilege Fee for AT&T, to be in an amount equal to 7.32% of the company’s access line billing revenues for 1985 or a minimum of One Million, Seven Hundred Seventy-Five Thousand Dollars ($1,775,000.00); and,

WHEREAS, subsequent ordinances thereafter incrementally raised the amount of the minimum Franchise Fee until, beginning with Ordinance No. 16,557 (December 21, 1993) it reached the amount Two Million Dollars ($2,000,000.00), which minimum has remained in effect until the present time; and,

WHEREAS, after a review of the current market situation, the City has determined that having a minimum Franchise Fee is no longer appropriate and is setting the minimum aside; and,

WHEREAS, AT&T and other telephone companies similarly providing a local access telephone system in the City are now and will be occupying the streets, alleys, airways and other public rights-of-way of the City for the purpose of operating and maintaining such Local Access Telephone Systems; and,

WHEREAS, the City is legally authorized to impose, and all local access telephone services companies are obligated to pay, a just and reasonable Franchise Fee in connection with such company’s local access telephone service operations in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:
Section 1. There is hereby imposed and each and every Local Access Telephone Service Carrier ("Telephone Company") shall pay to the City a Franchise Fee in an amount equal to 7.32% of the respective Telephone Company’s local exchange access line charges collected within the City’s corporate limits during the previous month.

Section 2. Payments to the City by the Telephone Company for the Franchise Fee shall be made monthly by the 20th day of each month.

Section 3. On a monthly basis, by the 20th day of each month, the auditor for each Telephone Company shall certify to the City that Telephone Company’s access line revenues collected during the previous month in Little Rock.

Section 4. The City recognizes and accepts the purposes and results of an Order of the Arkansas Public Service Commission entered on February 7, 1980, in Docket U-30132 relating to the treatment by the Telephone Company of all City special fees.

Section 5. It is acknowledged that Ordinance No. 11,345 (amended by Ordinance No. 14,981), which set out the terms and conditions of the present privilege authority, is the controlling document over current Local Access Telephone Service Franchises. Ordinance No. 11,345 specifically provided that nothing contained therein was to be construed as giving AT&T any exclusive privileges. Ordinance No. 14,981 amended Ordinance No. 16,557 to change the method of calculating the fee to that method presently employed and to add a section detailing the City’s utility relocation policy to be complied with. That Utility Relocation Policy shall remain in effect under this ordinance. The Telephone Company shall also be subject to the Utility Relocation Policy set forth in Little Rock, Ark., Rev. Code §§2-350 to 357 (1988).

Section 6. Nothing herein contained shall be construed as altering or amending any other rights or obligations of the City or each Telephone Company as provided for in Ordinance No. 11,345 except the language of Section 2 of Ordinance No. 11,345 pertaining to the method of calculating the Telephone Company's annual Franchise Fee.

Section 7. Nothing in this ordinance shall prevent the City from collecting from Telephone Companies previously due but unpaid Franchise Fees.

Section 8. Effective Date. Because an ordinance of this nature remains in effect until abandoned, and in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set forth in Section 1 of this ordinance shall be in full force and on January 1, 2024.

Section 9. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.
Section 10. Repealer. 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 AT&T is operating, as set forth in Ordinance No. 11,345 (December 17, 1962), Ordinance No. 14,981 (November 5, 1985), and Ordinance No. 16,557 (December 21, 1993)

PASSED: December 5, 2023

ATTEST:  

___________________________________________________________

Susan Langley, City Clerk  

APPROVED:  

___________________________________________________________

Frank Scott, Jr., Mayor

APPROVED AS TO LEGAL FORM:

___________________________________________________________

Thomas M. Carpenter, City Attorney