

New # 69-3-1

ORDINANCE 069

AN ORDINANCE FIXING AND ESTABLISHING AN OCCUPATION TAX TO BE CHARGED PERSONS, FIRMS OR CORPORATIONS ENGAGED IN THE BUSINESS OF OPERATING TELEPHONE SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF ELM SPRINGS, ARKANSAS, AND FOR OTHER PURPOSES.

WHEREAS, The Benton County Telephone Company, acting under legal authority, is now occupying the streets and alleys of the City of Elm Springs, Arkansas, for the purpose of operation, maintaining and extending its telephone service to the City of Elm Springs, Arkansas and the inhabitants and users residing in said City; and

WHEREAS, the City is entitled to receive just and reasonable taxes from the Benton County Telephone Company for the use of said streets and alleys, which the said City may impose; and

WHEREAS, the Benton County Telephone Company is desirous of having a uniform method of payment of occupation taxes among the municipalities, whose streets and alleys it uses.

NOW, THEREFORE, Be It Ordained by the Council of the City of Elm Springs, Arkansas:

SECTION 1. The Telephone Company shall pay to the City each year, on or before the 15th day of January of said year, a sum equal to Fifty Cents (50¢) per station within the municipal limits, the amount due to be computed on the number of stations in operation in said limits on December 31st of the preceding year. If less than 100 stations, a minimum of \$50.00 shall be paid.

IT IS EXPRESSLY AGREED AND UNDERSTOOD by the City that said payment shall constitute and be considered as complete payment and discharge by the Telephone Company of all license fees, occupation taxes, charges, impositions or taxes other than special mileage taxes and the general ad valorem taxes, which are now, and might by the future, be imposed by the City under authority conferred upon the City by law.

SECTION 2. This Ordinance shall remain in effect for a term of 10 years and for successive periods of one (1) year each unless and until cancelled not more than six (6) months nor less than three (3) months prior to the expiration of the original term or any anniversary thereof.

SECTION 3. All other Ordinances and Agreements, and parts of Ordinances and Agreements, in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. Said Telephone Company shall have ten (10) days from and after the passage and approval of this Ordinance to file its written acceptance of the Ordinance with the City Clerk. Upon such acceptance being filed, this Ordinance shall be considered as taking effect and being in force from and after the 1 day of April, 1969.

This 5 day of March, 1969.

James J. Mulholland
MAYOR

ATTEST:

R. H. Starnes
CITY CLERK

ACCEPTED: Benton County Telephone Company

BY: R. G. Hughes

DATE: 3-17-69

ATTEST:

New #
75-5-2

ORDINANCE NO. 111 -

AN ORDINANCE WHEREBY THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS, A MUNICIPAL CORPORATION, AND THE SPRINGDALE WATER AND SEWER COMMISSION, A QUASI-MUNICIPAL CORPORATION, AGREE THAT THE SPRINGDALE WATER AND SEWER COMMISSION SHALL CONSTRUCT, OPERATE, AND MAINTAIN A WATER DISTRIBUTION SYSTEM AND APPURTENANCES ALONG, ACROSS, ON, OVER, THROUGH, AND UNDER PUBLIC STREETS, AVENUES, ALLEYS, PUBLIC GROUNDS AND PLACES EXCLUSIVELY WITHIN THE CORPORATE LIMITS OF ELM SPRINGS, AND REPEALING ALL ORDINANCES AND AGREEMENTS IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS.

Section 1: The Springdale Water and Sewer Commission, its successors and assigns, are hereby given and granted an exclusive franchise to construct, operate, and maintain a water distribution system within the corporate limits of the City of Elm Springs, Washington County, Arkansas, beginning on the

11th day of April, 1975.

Section 2: The Springdale Water and Sewer Commission, its successors and assigns, are hereby given an easement, right-of-way, and privilege of constructing and maintaining a water distribution system and lines along, on, over, through, above, and under public streets, avenues, alleys, public grounds and places within the corporate limits of the City of Elm Springs, Arkansas.

Section 3: Permission is hereby granted to the Springdale Water and Sewer Commission to lay and relay, construct and reconstruct said lines and water distribution system, and to increase the size of said lines and to remove or cause to be removed any structures, either temporary or permanent, from the public streets, avenues, alleys, public grounds and places within the corporate limits of the City of Elm Springs, Arkansas.

The Springdale Water and Sewer Commission shall not be obligated to replace, repair, or reconstruct any structure removed from a street, avenue, alley, public ground or place during the construction, repair, laying or relaying of the water distribution system.

Section 4: That the exclusive franchise given and granted hereby shall be without charge of franchise tax.

Section 5: All ordinances and agreements, and parts of ordinances and agreements, relating to the operation of a water distribution system

in conflict herewith are hereby specifically repealed.

Section 6: If any section, paragraph, or phrase of this ordinance shall be declared invalid, such invalid portion shall have no force or effect upon the remaining portions hereof, and such remaining portions shall be construed as an ordinance in its entirety.

Section 7: This ordinance shall be in full force and effect after its passage, approval, and publication and acceptance by the Springdale Water and Sewer Commission.

Section 8: The Springdale Water and Sewer Commission shall have 14 days after the passage and approval of this ordinance to file its written acceptance with the clerk, and upon such acceptance being filed, this ordinance shall be considered taking effect from its passage, approval, and publication.

PASSED AND APPROVED this the 14 day of May, 1975.

David M. Coy
Mayor

ATTEST:

Patricia
Clerk

FRANCHISE

ORDINANCE NO. 1132-50

AN ORDINANCE TO BE ENTITLED:

"AN ORDINANCE RESTATING AND AMENDING THAT CERTAIN ORDINANCE NO. Willkorn GRANTING ARKANSAS WESTERN GAS COMPANY OR ITS ASSIGNORS THE RIGHT AND PRIVILEGE AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A NATURAL GAS SYSTEM AND TO LAY GAS MAINS ALONG THE STREETS, AVENUES, ALLEYS, ROADS AND HIGHWAYS AND OTHER PUBLIC PLACES, FOR THE PURPOSE OF DISTRIBUTING AND SELLING NATURAL GAS AND PROVIDING THE REGULATION FOR THE CONDUCT OF SAID GAS DISTRIBUTION SYSTEM, AND OTHER PURPOSES."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Elm Springs, ARKANSAS:

SECTION 1. That the City of Elm Springs, hereby grants to the Arkansas Western Gas Company the exclusive right, privilege and authority within the present and all future expansions of the corporate limits of the City of Elm Springs (1) to sell, furnish, transmit and distribute natural gas to all inhabitants and consumers within the said limits; and (2) subject to the terms, conditions and stipulations mentioned in this ordinance, consents and the right, permission and franchise is hereby given to the Arkansas Western Gas Company, a corporation organized and existing pursuant to the laws of the State of Arkansas, Grantee, and to its successors, lessees, and assigns to lay, construct, equip, operate, repair, and maintain a system of gas mains, pipes, conduits, feeders and the appurtenances for the purpose of supplying and distributing natural gas for light, fuel, power, and heat and for any other purpose, to the residents or inhabitants of the said City; and further, the right to lay, construct, operate and maintain a system of gas mains, pipe lines, pipe conduits and feeders and the necessary attachments, connections, fixtures and appurtenances for the purpose of conveying, conducting or distributing natural gas from any point beyond said City limits in order to enable the said Grantee to distribute and sell natural gas to the said City and to the residents or inhabitants thereof, and to others. As used in this ordinance the terms "natural gas" and "gas" shall be defined as including, in addition to natural gas, such alternate, substitute or supplemental fuels as (without necessarily limited to) liquefied natural gas, liquefied petroleum gas, synthetic natural gas and propane-air.

SECTION 2. The Grantee herein is expressly given the permit (subject to the proviso hereinafter contained) to use the streets, avenues, roads, highways, alleys, sidewalks and other public places, as now laid out, or hereafter to be established, for the purpose of laying gas mains, pipe lines, conduits and feeders, and the necessary attachments, fixtures, connections and appurtenances for the purpose of conveying or conducting natural gas from any point within the said City or to any point beyond the City limits of the said City, or to any other point, through and beyond the City limits of said City, and to operate and maintain a system of pipe lines, pipes, conduits, feeders and the necessary attachments, connections, fixtures and appurtenances for the distribution of natural gas within said City to serve the said City and the residents and inhabitants thereof, and others; provided, however, that where alleys are accessible for laying mains and pipes, the City shall have the right to require that the mains and pipes shall be laid in the alleys instead of the streets, so long as this is economically feasible (does not create an economic hardship).

SECTION 3. No fees or charges of any kind shall be imposed by Grantor upon the Grantee or upon any successors, or upon any consumer of natural gas for the breaking or opening of any highway, street, road, avenue, alley, or other public places, or for the laying of any main, service pipe or other connections therein, except as would be generally imposed on others performing similar work under similar circumstances and conditions.

Nothing in this franchise shall be construed in such manner as to in any manner abridge the right of the City to pass and enforce the necessary police regulations for the purpose of protecting the citizens of said City and their property and the property of the Grantee.

Grantee shall at all times keep and display the necessary danger signals and proper guards around all excavations and obstructions and shall keep sufficient space in good condition for the travel of vehicles on at least one side of all excavations and obstructions, and shall as soon as practicable restore all openings on the highway, road, street, avenue, alley and other public places to condition equally as good as before said openings or obstructions were made. Anything to the contrary notwithstanding, when in the judgment of Grantee it is necessary for the safety of the citizens, to divert or detour traffic from the area of excavations they have the power to so do upon notice to said City.

SECTION 4. The Grantee shall do no injury to any highway, road, street, avenue, alley, lane, bridge, stream or water course, park or public place, except as specifically allowed, nor with any public or private sewer or drainage system, or water lines, now or hereafter laid or constructed by the said Town or by any authorized person or corporation, but no sewer or water pipes, electric conduits, telephone or TV cables shall be so laid as to interfere unnecessarily with any gas main or pipes which shall have been laid prior to the time of laying such electric conduits, telephone and TV cables, sewer or water pipes. The Grantee shall fully indemnify and save harmless the City from any and all claims for damage for which said City shall or might be made or become liable by reason of the granting of this franchise, or any negligence or carelessness on the part of said Grantee, or because of any act or omission of the Grantee in the construction and operation of its system of mains and pipes.

SECTION 5. Natural gas service shall be provided under the terms and conditions herein specified and pursuant to the rules and regulations of the Arkansas Public Service Commission governing utility service, as well as Grantee's rules and regulations governing natural gas service, as well with the Arkansas Public Service Commission and as interpreted and enforced by grantee. All utility services shall conform with these rules and regulations, as well as any other applicable rules and regulations, federal or state laws, including but not limited to the Arkansas Plumbing Code.

The rates which are to be charged by Grantee for natural gas service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be lawfully approved or prescribed by the Arkansas Public Service Commission or any successor regulatory authority having jurisdiction thereof.

The Grantee shall have the right to make and enforce as a part of the conditions under which it will supply natural gas for heat, power, light, fuel or other purposes as herein provided, all needful rules and regulations not inconsistent with law and the provisions of this franchise.

SECTION 6. The Grantee shall furnish promptly to the proper authorities any and all information which may be asked for by them in regard to the size, location or depths of any of the pipes, mains, conduits, or service pipes, in any form whatsoever, and any other information in regard to its occupation of roads, highways, streets, avenues, or public grounds of said City, which they may demand. Whenever the word Grantee occurs in this ordinance, it shall mean and it shall be understood to be the Arkansas Western Gas Company, its successors, lessees or assigns, and whenever the words "authorities" or "proper authorities" occur in this franchise they shall mean and shall be understood to mean the authorized officer or officers, committee or board representing the City of Elm Springs, Arkansas, or Grantor.

SECTION 7. During the life of this franchise the Grantee shall pay to Grantor each year a franchise tax in an amount equal to ~~7%~~ 7.25% percent (7.25) of the Grantee's revenues before taxes for residential and commercial revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the City of Elm Springs. Payments shall be made by the Grantee to the Grantor in quarterly installments and Grantee shall have thirty (30) days after the end of each calendar quarter within which to make such payment. Residential and commercial gas revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross

revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the City of Elm Springs upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, improvement districts, special millage taxes, and the general ad valorem taxes) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section 7 hereof, to pay the franchise taxes annually shall immediately terminate.

SECTION 8. This franchise shall take effect and continue and remain in force perpetually as provided in Section 44 of Acts of 1935, No. 324, Acts of the State of Arkansas, as same may be amended from time to time, and upon the written acceptance by the Grantee of the terms and conditions of this franchise.

SECTION 9. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional.

SECTION 10. It is hereby determined by the City of Elm Springs that this Franchise is necessary in order that the needs of the city may be properly protected. Therefore, an emergency is declared to exist and the Franchise being necessary for the preservation of the public peace, health and safety shall take effect and be in full force from the date of its passage and approval.

ATTEST:

Betty Lewis
Clerk

PASSED AND APPROVED the 3 day of
November, 1980.

Robert W. Boy
Mayor

The Arkansas Western Gas Company, a corporation, grantee, hereby accepts the above franchise subject to the terms and conditions therein this 30 day of Nov, 1980.

ARKANSAS WESTERN GAS COMPANY

By Paul Shuler
President

ORDINANCE NO. 2006-06

AN ORDINANCE WHEREBY THE CITY OF ELM SPRINGS, ARKANSAS AND SOUTHWESTERN BELL TELEPHONE, L.P., A TEXAS LIMITED PARTNERSHIP, AGREE THAT THE TELEPHONE COMPANY SHALL CONTINUE TO OPERATE ITS TELEPHONE SYSTEM AND ALL BUSINESS INCIDENTAL TO OR CONNECTED WITH THE CONDUCTING OF A TELEPHONE BUSINESS AND SYSTEM IN SAID CITY, AND ERECT AND MAINTAIN ITS PLANT CONSTRUCTION AND APPURTENANCES ALONG, ACROSS, ON, OVER, THROUGH, ABOVE AND UNDER ALL PUBLIC STREETS, AVENUES, ALLEYS, PUBLIC GROUNDS AND PLACES IN SAID CITY; THAT THE CITY SHALL RECEIVE AN ANNUAL PAYMENT FROM THE TELEPHONE COMPANY; AND REPEALING ALL ORDINANCES AND AGREEMENTS IN CONFLICT HEREWITH:

WHEREAS, the City desires to enact and impose upon the Telephone Company a franchise fee which shall be in lieu of all other licenses, charges, fees or special taxes other than the usual general or special ad valorem taxes, and

WHEREAS, the City recognizes and concurs in the purpose and intent of an order of the Arkansas Public Service Commission entered on February 7, 1980, in Docket U-3013 relating to the treatment by the Telephone Company in all City special taxes, and fees;

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elm Springs, as follows:

Section 1. Southwestern Bell Telephone, L.P., its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the City of Elm Springs, State of Arkansas, (herein referred to as "City"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business and said Telephone Company shall continue to exercise is right to place, remove, construct and reconstruct, and extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said City as the same from time to time may be established.

Section 2. The Telephone Company shall pay to the City for the period January 1, 2006 through December 31, 2016 inclusive and thereafter for like periods an amount equal to four and a quarter percent (4 1/4%) of local exchange access line charges

collected in the corporate limits of the City for the previous calendar year. Said sum to be paid in equal quarterly installments on or before the last day of March, June, September, and December of each year.

Section 3. The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the City under authority conferred by law. The Telephone company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said City.

Section 4. The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty eight (48) hours advance notice to arrange for such temporary wire changes.

Section 5. Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any City official to whom said duties have been or may be delegated, and shall be preceded by at least ten (10) business days notice to the affected property owner, or the city, or both.

Section 6. Nothing in this Ordinance contained shall be construed to require or permit any electric light or power wire attachments by the City or for the City. If light or power attachments are desired by the City, then a separate non-contingent agreement shall be a prerequisite to such attachments.

Section 7. Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it effect any prior or existing rights of the Telephone Company to maintain a telephone system within the City.

Section 8. All other ordinances and agreements and parts of ordinances and agreements relating to the operating of or right to operate a telephone system within said City are hereby repealed.

Section 9. The said Telephone Company shall have ninety (90) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this Ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor. The Ordinance shall continue in effect and be in force until terminated by the City or the Telephone Company as of the end of any year after giving one (1) year's written notice of intention to terminate.

Section 10. All previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

PASSED AND APPROVED this 17 day of July, 2006.

APPROVED:

Jane Waters
Jane Waters, Mayor

Attest:

Glenda Pettus
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Glenda Lettub, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2206-06 (the "SBC Agreement Ordinance") was, on the 31 day of July, 2006, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 31 day of July, 2006.

Jane Waters
Mayor

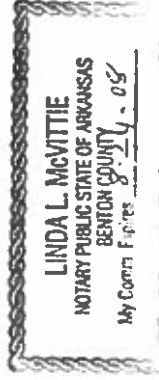
Glenda Lettub
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 31 Day of July, 2006.

Glenda J. McVittie
Notary Public

My Commission Expires:
8-24-08



ORDINANCE NO. 2008-09

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE WHEREBY CARROLL ELECTRIC COOPERATIVE AND THE CITY OF ELM SPRINGS, ARKANSAS, A MUNICIPAL CORPORATION, AGREE THAT CARROLL ELECTRIC COOPERATIVE SHALL CONTINUE ITS ELECTRICAL SYSTEM IN CERTAIN AREAS HERETOFORE ALLOCATED BY THE ARKANSAS PUBLIC SERVICE COMMISSION AND WITHIN THE CORPORATE LIMITS OF THE CITY OF ELM SPRINGS, ARKANSAS, AS SAID CORPORATE LIMITS ARE NOW LOCATED OR AS MAY HEREAFTER BE LOCATED WITHIN THE AREA ASSIGNED TO CARROLL ELECTRIC COOPERATIVE BY THE ARKANSAS PUBLIC SERVICE COMMISSION: TOGETHER WITH ALL BUSINESS INCIDENTAL TO OR CONNECTED WITH SAID SYSTEM INCLUDING THE ERECTION AND MAINTENANCE OF ITS PLANT, CONSTRUCTION AND APPURTENANCES THERETO, ALONG, ACROSS, ON, OVER, THROUGH, ABOVE AND UNDER PUBLIC STREETS, AVENUES, ALLEYS, PUBLIC GROUNDS AND PLACES WITHIN SAID OPERATING AREAS HERETOFORE ALLOCATED BY THE ARKANSAS PUBLIC SERVICE COMMISSION WITHIN SAID CORPORATE LIMITS AS SAME ARE NOW LOCATED OR AS MAY HEREAFTER BE LOCATED WITHIN THE AREA ASSIGNED TO CARROLL ELECTRIC COOPERATIVE BY THE ARKANSAS PUBLIC SERVICE COMMISSION: THAT THE CITY OF ELM SPRINGS, ARKANSAS, SHALL RECEIVE QUARTERLY-ANNUAL PAYMENTS FROM THE CARROLL ELECTRIC COOPERATIVE, FOR OTHER PURPOSES: AND, TO DECLARE AN EMERGENCY.

WHEREAS, the City of Elm Springs, Arkansas, desires to enact and impose upon Carroll Electric Cooperative a franchise tax which shall be in lieu of all other licenses, charges, fees or special taxes other than the usual general or special ad valorem taxes; and,

WHEREAS, the existing franchise fee which has been voluntarily paid since January of 1975 by Carroll Electric Cooperative will be increased; and

WHEREAS, the franchise tax enacted by this Ordinance will be administered in accordance with Schedules # 36 and # 39 of the Arkansas Public Service Commission, or

their applicable successors, and the various tariffs filed with said Commission by Carroll Electric Cooperative having applicability to the City of Elm Springs, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS AS FOLLOWS:

Section 1. Franchise granted. That Carroll Electric Cooperative, its successors and assigns, shall continue to operate its electrical power system and all business incidental to or connected with the conducting of business systems engaged in the sale of electric power and energy within the city limits of the City as heretofore allocated to Carroll Electric Cooperative by the Arkansas Public Service Commission. The plant construction and appurtenances used in or incident to the giving of electrical power service and to the maintenance of an electrical power service business shall remain as now constructed, subject to such changes as may be considered necessary by the City of Elm Springs, in the exercise of its inherent power and by Carroll Electric Cooperative in the conduct of its business and by the Arkansas Public Service Commission in its regulatory power of public utilities.

Said Carroll Electric Cooperative shall continue to exercise its right to place, remove, construct, extend and maintain its said plant and appurtenances thereto, along, over, across, on, through, above and under all public streets, alleys, avenues, and the public grounds and places in certain areas heretofore allocated by the Arkansas Public Service Commission and within the corporate limits of the City of Elm Springs, as said corporate limits are now located or as may hereafter be located within the area assigned to it by Arkansas Public Service Commission.

Section 2. Fee. That Carroll Electric Cooperative shall pay to the City of Elm Springs, Arkansas, for the period commencing May 1, 2008, and ending December 31, 2014, a sum equal to four per cent (4%) of its gross sales of electrical power to domestic and commercial consumers within the territory served by Carroll Electric Cooperative within the corporate limits of the City of Elm Springs, as said corporate limits now exist or may hereafter exist; and a sum equal to one per cent (4%) of its gross sales of electrical power to industrial consumers within the territory served by Carroll Electric Cooperative within the corporate limits of the City of Elm Springs as said corporate limits now exist or may hereafter exist; said sum to be paid in quarterly-annual payments. Carroll Electric Cooperative shall have thirty (30) days from the end of each quarter to compute and make the payments provided for herein. Insofar as payment of an annual Franchise Tax, said payment shall be continued from year to year following December 31, 2014, unless the City of Elm Springs, or Carroll Electric Cooperative shall terminate this agreement at the end of any year after giving sixty (60) days advance notice of intention to terminate.

Section 3. Fee to be in lieu of other charges. Quarterly payments herein required shall be in lieu of all other charges, licenses, fees, or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the City of Elm Springs, under authority conferred by law.

Section 4. Term. This franchise shall take effect and continue and remain in force as provided in Section 73-243 of Ark. Stats. Ann. [now A.C.A. § 14-200-103], as same may be amended from time to time.

Section 5. Moving of wires. Carroll Electric Cooperative on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of

houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Carroll Electric Cooperative shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

Section 6. Tree trimming. Permission is hereby granted to Carroll Electric Cooperative to trim trees upon and overhanging streets, alleys, sidewalks, and public places of said City so as to prevent the branches of trees from coming in contact with the wires and cables of Carroll Electric Cooperative, but only after and upon verifiable notification to the owner of the land on which the trees are located, and all of the said trimming to be done under the supervision and direction of any city official or employee to whom said duties have been or may be delegated.

Section 7. Use of poles by city. Nothing in this Ordinance contained shall be construed to require or permit any electric light or power wire attachments by the City, or for the City. If light or power attachments are desired by the City or for the City, then a separate non-contingent agreement shall be a prerequisite to such attachments.

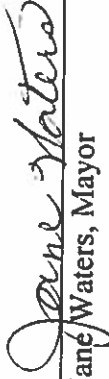
Section 8. Franchise not exclusive. Nothing herein contained shall be construed as giving to Carroll Electric Cooperative any exclusive privileges, nor shall it affect any prior or existing rights of Carroll Electric Cooperative to maintain an electrical power system within the City of Elm Springs, Arkansas.

Section 9. Effective date. Because there is no currently effective franchise agreement or ordinance to provide for the right of Carroll Electric to operate in Elm Springs nor occupy Elm Springs rights of way, this Ordinance is immediately necessary to preservation of the public peace, health, comfort, convenience, safety, and welfare of

the citizens of the City of Elm Springs, therefore, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of its approval and posting.

PASSED AND APPROVED this 21 day of April, 2008

APPROVED:


Jane Waters, Mayor

ATTEST:


Glenda Pettus, City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Helen Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2008-07 (the "Candle Electric Franchise Ordinance") was, on the 24 day of April, 2008, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 24 day of April, 2008.

Jane Waters
Mayor

Helen Pettus
City Clerk

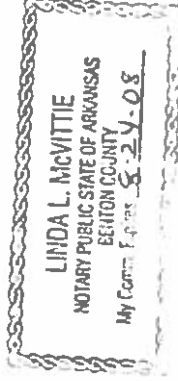
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 24
Day of April, 2008.

Linda L. McVittie
Notary Public

My Commission Expires:

8-24-08



ORDINANCE NO. 2015-08

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND AND ALTER THE FRANCHISE FEE PAID TO THE CITY OF ELM SPRINGS BY COX COMMUNICATIONS, AND FOR OTHER PURPOSES.

WHEREAS, the City of Elm Springs, Arkansas ("City") desires to alter the rate of franchise fee paid to the City by Cox Communications. The City Council of the City of Elm Springs finds that it is in the best interest of the citizens of Elm Springs that this fee should be altered, as set forth in this ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS AS FOLLOWS:

Section 1. Fee. That Cox Communications shall pay to the City of Elm Springs, Arkansas, a sum equal to five per cent (5%) of the its gross revenues, before taxes, from the sale of all telecommunications services which are legally subject to utility franchise fees under United States and Arkansas law, which it provides to all of its customers located within the corporate boundaries of the City of the City of Elm Springs as said corporate limits now exist or may hereafter exist.

Section 2. This ordinance is intended to alter the current franchise fee rate paid to the City by the utility or service provider set forth hereinabove, and all previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

PASSED AND APPROVED this 20 day of July, 2015
APPROVED:


Harold Douthit, Mayor

ATTEST:

Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Benton

We, Marcus Douthett and Glenn Potts, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Benton County, Arkansas that a certified copy of Ordinance No. 2015-08 (the "Amend Fire-Ex Ordinance") was, on the 21 day of July, 2015, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 61-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 21 day of July, 2015.

David A. Carthage
Mayor

Glenn Potts
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 21 Day of July, 2015.

Miranda Taylor
Notary Public

My Commission Expires: May 03, 2023

MIRANDA TAYLOR
BENTON COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires May 03, 2023
Commission No. 12364023

ORDINANCE NO. 2015-09

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND AND ALTER THE FRANCHISE FEE PAID TO THE CITY OF ELM SPRINGS BY CENTURYLINK, AND FOR OTHER PURPOSES.

WHEREAS, the City of Elm Springs, Arkansas ("City") desires to alter the rate of franchise fee paid to the City by CentruyLink (also known as "Centruy Tel"). The City Council of the City of Elm Springs finds that it is in the best interest of the citizens of Elm Springs that this fee should be altered, as set forth in this ordinance


NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS AS FOLLOWS:

Section 1. Fee. That Centruy Link shall pay to the City of Elm Springs, Arkansas, a sum equal to four and one quarter per cent (4 ¼ %) of basic local service excluding extension, terminal equipment, toll, yellow pages and other miscellaneous equipment revenues within the corporate boundaries of the City of the City of Elm Springs as said corporate limits now exist or may hereafter exist.

Section 2. This ordinance is intended to alter the current franchise fee rate paid to the City by the utility or service provider set forth hereinabove, and all previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

PASSED AND APPROVED this 30 day of July, 2015

APPROVED:


Harold Douthit, Mayor

ATTEST:


Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF L. Lee Atkinson

We, Timothy Douchet and Shirley Peters, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Arkansas County, Arkansas that a certified copy of Ordinance No. 2015 09 (the "Harvey's Fee (Interim 5th Ordinance)") was, on the 21 day of July, 2015, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 61-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 21 day of July, 2015.

Howard O. Douchet
Mayor

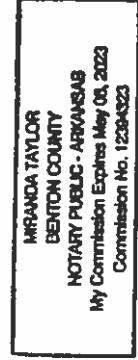
Shirley Peters
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 21 Day of July, 2015.

Miranda Taylor
Notary Public

My Commission Expires: May 08, 2023



ORDINANCE NO. 2015-10

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND AND ALTER THE FRANCHISE FEE PAID TO THE CITY OF ELM SPRINGS BY SOURCEGAS. AND FOR OTHER PURPOSES.

WHEREAS, the City of Elm Springs, Arkansas ("City") desires to alter the rate of franchise fee paid to the City by SourceGas. The City Council of the City of Elm Springs finds that it is in the best interest of the citizens of Elm Springs that this fee should be altered, as set forth in this ordinance


NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS AS FOLLOWS:

Section 1. Fee. That SourceGas shall pay to the City of Elm Springs, Arkansas, a sum equal to four and one quarter per cent (4 ¼ %) of the its gross revenues, before taxes, from the sale of natural gas to all customers of SourceGas located within the corporate boundaries of the City of Elm Springs as said corporate limits now exist or may hereafter exist.

Section 2. This ordinance is intended to alter the current franchise fee rate paid to the City by the utility or service provider set forth hereinabove, and all previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

PASSED AND APPROVED this 20 day of October, 2015

APPROVED:


Harold Douthitt, Mayor

ATTEST:


Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Harold Pottas and Martha Taylor, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2515-15 (the "Amend franchise schedule Ordinance") was, on the 21 day of July, 2015, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 6110 and that the Ordinance remained posted for thirty (30) days.

DATED this 21 day of July, 2015.

Harold Pottas
Mayor

Martha Taylor
City Clerk

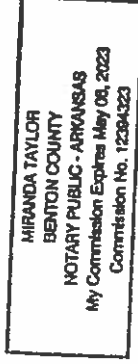
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 21 Day of July, 2015.

Martha Taylor
Notary Public

My Commission Expires:

May 06, 2023



ORDINANCE NO. 2015-11

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND AND ALTER THE FRANCHISE FEE PAID TO THE CITY OF ELM SPRINGS BY OZARK ELECTRIC COOPERATIVE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Elm Springs, Arkansas ("City") desires to alter the rate of franchise fee paid to the City by Ozark Electric Cooperative. The City Council of the City of Elm Springs finds that it is in the best interest of the citizens of Elm Springs that this fee should be altered, as set forth in this ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS AS FOLLOWS:


Section 1. Fee. That Ozark Electric Cooperative shall pay to the City of Elm Springs, Arkansas, a sum equal to four and one quarter per cent (4 $\frac{1}{4}$ %) of its gross sales of electrical power to domestic and commercial consumers within the territory served by Ozark Electric Cooperative within the corporate limits of the City of Elm Springs, as said corporate limits now exist or may hereafter exist; and a sum equal to four and one quarter per cent (4 $\frac{1}{4}$ %) of its gross sales of electrical power to industrial consumers within the territory served by Ozark Electric Cooperative within the corporate limits of the City of Elm Springs as said corporate limits now exist or may hereafter exist.

Section 2. This ordinance is intended to alter the current franchise fee rate paid to the City by the utility or service provider set forth hereinabove, and all previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be

considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

PASSED AND APPROVED this 10 day of July, 2015

APPROVED:


Harold Douthitt, Mayor

ATTEST:


Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Frank Dauter and Shirley Peltier do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2015-11 (the "Amend Fire - Parks Ordinance") was, on the 21 day of July, 2015, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. CF-16 and that the Ordinance remained posted for thirty (30) days.

DATED this 21 day of July, 2015.

Frank Dauter
Mayor

Shirley Peltier
City Clerk

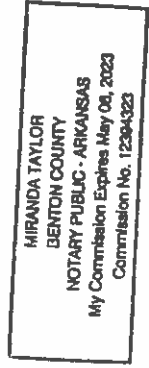
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 21 Day of July, 2015.

M. Mark Crawford
Notary Public

My Commission Expires:

May 04, 2023



ORDINANCE NO. 2015-12

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND AND ALTER THE FRANCHISE FEE PAID TO THE CITY OF ELM SPRINGS BY SOUTHWESTERN POWER ELECTRIC COMPANY, AND FOR OTHER PURPOSES.

WHEREAS, the City of Elm Springs, Arkansas ("City") desires to alter the rate of franchise fee paid to the City by Southwestern Power Electric Company ("SWEPCO"). The City Council of the City of Elm Springs finds that it is in the best interest of the citizens of Elm Springs that this fee should be altered, as set forth in this ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS AS FOLLOWS:


Section 1. Fee. That SWEPCO shall pay to the City of Elm Springs, Arkansas, a sum equal to four and one quarter per cent (4 ¼ %) of its gross sales of electrical power to domestic and commercial consumers within the territory served by SWEPCO within the corporate limits of the City of Elm Springs, as said corporate limits now exist or may hereafter exist; and a sum equal to four and one quarter per cent (4 ¼ %) of its gross sales of electrical power to industrial consumers within the territory served by SWEPCO within the corporate limits of the City of Elm Springs as said corporate limits now exist or may hereafter exist.

Section 2. This ordinance is intended to alter the current franchise fee rate paid to the City by the utility or service provider set forth hereinabove, and all previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be

considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

PASSED AND APPROVED this 20 day of July, 2015

APPROVED:


Harold Douthitt, Mayor

ATTEST:


Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Harold Decker and Mark Taylor, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2015-12 (the "Amend Ordinance for 5.50cc Ordinance") was, on the 21 day of July, 2015, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 21 day of July, 2015.

Harold Decker
Mayor

Mark Taylor
City Clerk

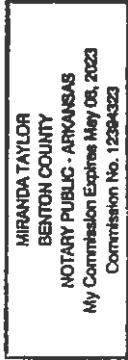
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 21 Day of July, 2015.

Mark Taylor
Notary Public

My Commission Expires:

May 08, 2023



ORDINANCE NO. 2015-13

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO AMEND AND ALTER THE FRANCHISE FEE PAID TO THE CITY OF ELM SPRINGS BY CARROLL ELECTRIC COOPERATIVE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Elm Springs, Arkansas ("City") desires to alter the rate of franchise fee paid to the City by Carroll Electric Cooperative. The City Council of the City of Elm Springs finds that it is in the best interest of the citizens of Elm Springs that this fee should be altered, as set forth in this ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS AS FOLLOWS:

Section 1. Fee. That Carroll Electric Cooperative shall pay to the City of Elm Springs, Arkansas, a sum equal to four and one quarter per cent (4 ¼ %) of its gross sales of electrical power to domestic and commercial consumers within the territory served by Carroll Electric Cooperative within the corporate limits of the City of Elm Springs, as said corporate limits now exist or may hereafter exist; and a sum equal to four and one quarter per cent (4 ¼ %) of its gross sales of electrical power to industrial consumers within the territory served by Carroll Electric Cooperative within the corporate limits of the City of Elm Springs as said corporate limits now exist or may hereafter exist.

Section 2. This ordinance is intended to alter the current franchise fee rate paid to the City by the utility or service provider set forth hereinabove, and all previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be

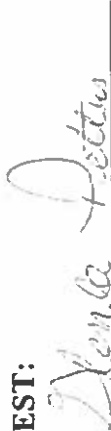
considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

PASSED AND APPROVED this 20 day of July, 2015

APPROVED:


Harold Douthit, Mayor

ATTEST:


Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Frank DeLoach and Marie Potts, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2015-13 (the "Amend Ordinance for a 1/2 A Ordinance") was, on the 21 day of July, 2015, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 91-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 21 day of July, 2015.

Frank DeLoach
Mayor

Marie Potts
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 21 Day of July, 2015.

Miranda Taylor
Notary Public

My Commission Expires: May 6, 2023

