

AMENDMENT NO. 2002-05

AN ORDINANCE TO AMEND THE NORTH ARKANSAS ELECTRIC CO-OP
FRANCHISE FEE ADOPTED BY ORDINANCE 2002-04
AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Cherokee Village City Council that the North Arkansas Electric Co-op franchise fee adopted by Ordinance 2002-04 on March 18, 2002 be amended as follows:

SECTION 1.

SECTION 9. (Paragraph 1)

Beginning the month of September, 2002 North Arkansas Electric Co-op will monthly determine and pay to the City a franchise payment in an amount equal to four and one-quarter percent (4.25%) of the preceding quarter's gross residential and commercial electric revenues as paid to North Arkansas Electric Co-op by residential and commercial customers located within the corporate limits of the City. Thereafter, payments shall be made by North Arkansas Electric Co-op to the City the first of each month based on the preceding month's revenues. The first such payment is to be made in October, 2002 for the month of September, 2002. Residential and commercial electric 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 fee 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 Cherokee Village upon which said fee 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.

SECTION 2. EMERGENCY PROVISION.

Due to the urgency in collecting franchise fees, and due to the urgency in informing residents of Cherokee Village as to this Amendment, an emergency is hereby declared to exist, and this Amendment will be in full force and effect from and after its passage and approval by a majority of aldermen of the City Council of Cherokee Village.

DATED: July 15, 2002

APPROVED: Marjorie A. Rogers
Marjorie A. Rogers, Mayor

ATTEST: Susan E. Maynard
Susan E. Maynard, Clerk/Treasurer