ORDINANCE NO. _____

AN ORDINANCE TO AMEND LITTLE ROCK, ARK., ORDINANCE NO. 11,366 (MARCH 4, 1963), AS AMENDED, TO PROVIDE FOR THE LEVY OF 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 to utilize the rights-of-way of the City of Little Rock, Arkansas ("The City") by franchise ordinance to operate a Gas Distribution System and appurtenances thereto, used in or incident to the rendition of gas service within the City;

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,

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 2027 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. An additional condition of this franchise is that any removal of trees, or underbrush, of any kind, to maintain the integrity of utility lines shall be done without the use of any toxic substance or poison, and instead cutting trees, or mowing or other such means shall be the only means to remove underbrush.

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

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, 2027.

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: November 17, 2026

ATTEST:

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Allison Segars, City Clerk

APPROVED:

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Frank Scott, Jr., Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney

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