

Requested by: County Clerk Becky Lewallen
Drafted by: County Attorney Brian R. Lester

ORDINANCE NO. 2024-069

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN EMERGENCY ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF THE ANNUAL DUES OF THE TONTITOWN VOLUNTEER FIRE DEPARTMENT (A/K/A TONTITOWN AREA FIRE DEPARTMENT) FOR FIRE PROTECTION SERVICES; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire Department (“Department”) has requested that the Washington County Quorum Court call a special election for the levy of annual dues for each residence and commercial property having an occupiable structure for which Department provides fire protection in the area served by Department; and,

WHEREAS, the request has been signed by the fire chief and all other required officers of the Board and has been duly filed with the Washington County Clerk; and,

WHEREAS, pursuant to A.C.A. § 14-20-108, the Quorum Court is required to call the election which shall be at the expense of the Department; and,

WHEREAS, if the levy of the dues is approved, the dues shall be listed annually on the property tax statements and collected by the Washington County Collector in the same time and manner as real property taxes and personal property taxes in accordance with A.C.A. § 14—20-108; and,

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the levy of the Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire Department dues on each residence or business having an occupiable structure in the area for which Department provides fire protection.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. That there be, and there is hereby called, a special

43 election to be held on November 5, 2024, at which election there shall be submitted to the
44 electors of Washington County, Arkansas (“County”) living in the area in which
45 Department provides fire protection, the question of the levy of annual Fire Department
46 dues on each residence or business having an occupiable structure within such area.

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48 **ARTICLE 2.** That the question of the Tontitown Area Fire
49 Department dues shall be placed on the ballot for the election in substantially the
50 following form:

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52 Whether or not the annual dues, in an amount not to exceed seventy-
53 five dollars (\$75.00) per residence per year and two-hundred dollars
54 (\$200.00) per business per year of the Tontitown Volunteer Fire
55 Department a/k/a Tontitown Area Fire Department shall be levied
56 against each residence and each business, having an occupiable
57 structure, in the area so served to be listed on real property tax
58 statements and collected by the Washington County Tax Collector in
59 the same manner as ad valorem taxes and collected beginning with
60 the 2024 taxes due and payable in 2025.

61
62 FOR the levy of an amount not to exceed seventy-five dollars (\$75.00)
63 per residence per year and two-hundred dollars (\$200.00) per business
64 per year as annual fire dues of Tontitown Volunteer Fire Department
65 a/k/a Tontitown Area Fire Department on each residence and each
66 business having an occupiable structure in the service area of the
67 Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire
68 Department.

69
70 AGAINST the levy of an amount not to exceed seventy-five dollars
71 (\$75.00) per residence per year and two-hundred dollars (\$200.00)
72 per business per year as annual fire dues of Tontitown Volunteer Fire
73 Department a/k/a Tontitown Area Fire Department on each residence
74 and each business having an occupiable structure in the service area of
75 the Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire
76 Department.

77
78 FOR the levy

79
80 AGAINST the levy

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82 If the levy of the Department dues is approved, the dues shall be listed
83 annually on real property tax statements and collected at the same time and in the same
84 manner as real property taxes.

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86 **ARTICLE 3.** That the election shall be held and conducted and
87 the vote canvassed and the results declared under the law and in the manner now
88 provided for county elections and only qualified voters of the County living in the area in

89 which the Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire Department
90 provides fire protection shall have the right to vote at the election.

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92 **ARTICLE 4.** That a copy of this Ordinance shall be given to the
93 Washington County Board of Election Commissioners so that the necessary election
94 officials and supplies may be provided.

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96 **ARTICLE 5.** That the County Judge and County Clerk, for and
97 on behalf of the County, be and they are hereby authorized and directed to do any and all
98 things necessary to call and hold the special election as herein provided.

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100 **ARTILCE 6.** That the costs, if any, of the election shall be borne
101 by the Tontitown Volunteer Fire Department a/k/a Tontitown Area Fire Department.

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103 **ARTICLE 7.** That the Department shall annually submit a
104 sufficient list to the Collector reflecting dues owed so that she may property bill such.

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106 **ARTICLE 8.** That the Department of Emergency Services, the
107 County Clerk, and the County Assessor shall assist in the preparation of a map and other
108 information needed to effectuate said election.

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110 **ARTICLE 9.** That the County Collector is hereby designated as
111 the county official to collect the annual dues levied if approved by a majority of those
112 voting on the issue at the election; and the County Treasurer is hereby designated as the
113 county official to remit the annual dues collected by the Collector if approved by a majority
114 of those voting on the issue at the election.

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116 **ARTICLE 10. EMERGENCY CLAUSE.** That because this
117 concerns a matter affecting life, health, safety, and property of the people, specifically fire
118 protection services in the designated Tontitown Volunteer Fire Department a/k/a
119 Tontitown Area Fire Department service area, an emergency is hereby declared to exist
120 and this ordinance shall be in full force and effect from and after the date of its passage
121 and approval.

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127 _____
128 PATRICK W. DEAKINS, County Judge

127 _____
128 DATE

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134 BECKY LEWALLEN, County Clerk

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136 Introduced by: JP LEMING
137 Date of Adoption: 8-15-2024
138 Members Voting For: Taylor, Wilson, Simons, Bowerman, Lyons, Ecke, Dean, Washington,
139 Coger, Highers, Leming, Ricker, Pond
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141 Members Voting Against: None
142 Members Abstaining: None
143 Members Absent: None Dennis, Rios Stafford
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146 Committee History:
147 Quorum Court History: Adopted on 8-15-2024 as **ORD 2024-069**