

**ORDINANCE NO. O-2014-52**

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

**AN ORDINANCE ESTABLISHING AN EMERGENCY MEDICAL SERVICE DISTRICT FOR THE UNINCORPORATED PORTION OF BENTON COUNTY NOT CURRENTLY PART OF THE NORTHEAST BENTON COUNTY EMERGENCY MEDICAL SERVICE DISTRICT, ESTABLISHING THE SERVICES TO BE PROVIDED BY THE DISTRICT, ESTABLISHING FEES TO FUND THE DISTRICT, INCLUDING A \$40.00 PER HOUSEHOLD FEE, PROVIDING THAT THE PER HOUSEHOLD FEE CANNOT BE INCREASED WITHOUT A VOTE OF THE PEOPLE PROVIDING FOR THE PER HOUSEHOLD FEES TO BE INCLUDED ON THE TAX BILLS OF RESIDENTS OF THE DISTRICT, AND FOR OTHER PURPOSES.**

WHEREAS, the Quorum Court has on its own motion determined that an Emergency Medical Service District should be established for the unincorporated portion of the County not already part of the Northeast Benton County Emergency Medical Service District; and

WHEREAS, a public hearing was set and held on July 14, 2014 with regard to the proposal to enact an ordinance establishing such District and the time and place of such hearing was published in a newspaper of general circulation in the County; and

WHEREAS, all interested parties appearing at the hearing had the opportunity to be heard either for or against establishment of the emergency medical service district;

**NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF BENTON COUNTY, ARKANSAS:**

ARTICLE 1. An Emergency Medical Service District to be known as the Benton County Emergency Medical Service District No. 2 (BCEMSD#2) is hereby established.

ARTICLE 2. Benton County Emergency Medical Service District # 2 shall include all of Benton County, less and except: any portion of the County which is part of an incorporated City or Town, and also less and except that portion of the County which is included in the Northeast Benton County Emergency Medical Service District as established by Ordinance No. 85-15, as amended. As such property is annexed into cities and incorporated towns, it shall no longer be part of BCEMSD#2 and to the extent any property ceases to be part

of an incorporated city or town, it shall be added to BCEMSD#2. The Quorum Court shall also be authorized to by ordinance reduce the size of the District subject to the per household fee provided for hereafter to remove such areas of the initial District as shall establish a method to provide emergency medical services to that area.

ARTICLE 3. The residents of BCEMSD#2 shall be provided the following services:

- a) Availability of one-way transportation by ambulance to an emergency medical facility.
- b) Availability of emergency care while en route to the emergency medical facility by qualified medical personnel.

ARTICLE 4. The cost to provide the services described above is estimated to be \$1,102,471.82 for 2015 and \$1,164,573.38 for 2016, with the cost to continue thereafter at amounts which have not been estimated at this time, but which are not expected to decrease.

ARTICLE 5. The services to be provided under this ordinance shall be financed by per household and per unit of service charges as follows:

- a) There is established a fee of \$40.00 for each household within BCEMSD#2. **This fee shall not be subject to increase unless a proposed increase is approved by the electors of the District.**
- b) The County Assessor's office shall determine the households which lie within BCEMSD#2 and provide such information to the Collector to add to the ad valorem tax notices for those households. This determination shall be made as of the first Monday in January of 2015 and on the same date of each year thereafter and the per household charge shall be paid on October 15, 2015 and on the date for payment of ad valorem taxes each year thereafter. The per household charge shall apply to each separate living unit ordinarily used as, or intended for use as, a dwelling for an individual or family, including specifically but not limited to each separate residential dwelling on a single parcel, each unit in a multi-unit apartment building, condominium or similar multi-unit housing development, and each separate trailer or mobile home unit. Properties which are exempt from ad valorem taxation shall be subject to the per household fee to the extent they include a dwelling as described herein, including specifically, but not limited to parsonages and properties owned by disabled veterans qualified for exemption from ad valorem taxes. Where a living unit is taxed as an improvement only, the per household fee shall be included on the tax notice for the improvement

and not on the real estate. Where the residential unit is not taxed as improvement only and includes real estate, the per household fee for each residential unit associated with a parcel of real estate shall be included on the ad valorem tax statement for the real estate. This fee shall not apply to structures which while perhaps capable of being used as a dwelling are not used as, or intended for use as, a separate living unit of an individual or family at any time during the year, including but not limited to structures used solely for storage. Vacant or unimproved land and structures which are used solely for non-residential uses shall not be subject to the per household fee. Properties where rooms are rented out on a short-term basis to individuals or families who have a dwelling elsewhere where they usually reside, including specifically but not limited to hotels and motels, shall not be subject to the per household fee.

c) The per household charges shall be entered on ad valorem tax notices of each household as determined by the County Assessor and collected by the County Collector at the time of collecting real and personal property taxes. The Collector shall not accept payment of any ad valorem taxes unless the taxpayer at the same time pays the per household charges billed to finance emergency medical services.

d) All funds derived from the levy of per household charges to support the furnishing of emergency medical services in the county shall be used only for the purposes for which levied, and a separate account shall be maintained in the county treasury in which all funds shall be deposited.

e) The funds shall be expended only on appropriation of the quorum court and shall be subject to the same accounting and disbursement procedures and requirements as other county funds.

f) In addition to the per household fees described above, a provider of services serving BCEMSD#2 shall also be entitled to charge for the provision of emergency medical services described above (including all costs of labor, materials, and overhead) on a per unit of service basis when such services are provided, and collect same, to the extent such provider is not prohibited from making such charges in any agreement with the County to provide such services.

ARTICLE 6. ELECTION AND EFFECTIVE DATE. This ordinance shall be referred to the electors at the November 4, 2014 General Election, before any fees are collected. This ordinance shall become effective if approved by the voters upon certification thereof by the Benton County Election Commission.

APPROVED:

/s/ Robert D. Clinard  
ROBERT D. CLINARD, COUNTY JUDGE  
DATE SIGNED: July 25, 2014

ATTEST:

/s/ Tena O'Brien  
TENA O'BRIEN, COUNTY CLERK  
DATE ADOPTED: July 24, 2014  
SPONSOR: JP Tom Allen  
Votes For: 11 Votes Against: 2  
Abstain:        Present:        Absent: 2