

**Resolution AFD 2023-1**

**FILED**

2023 OCT -6 PM 3: 13

Be it resolved by the Board of Directors of the Avoca Fire & Rescue Department that:

BETSY HARRELL  
CLERK  
CRENSHAW COUNTY, AR

WHEREAS, The Avoca Fire and Rescue Department, a volunteer fire department, requires annual dues to provide adequate fire and rescue protection in its service area; and

WHEREAS, Annual fire dues were approved by voters and set at \$50 on each residence and each business having an occupiable structure in the Avoca Fire & Rescue Department service area in 2007, and collected by the county collector at the same time and in the same manner as real property taxes in accordance with A.C.A. 14-20-108; and

WHEREAS, Costs have risen since 2007 to the point that annual dues of \$50 are no longer sufficient for the Avoca Fire & Rescue department to provide safe and adequate protection in its service area.

**Be it resolved by the Board of Directors of the Avoca Fire & Rescue department that:**

The Avoca Fire & Rescue department requests that the question of increasing the levy of annual fire dues from \$50 annually to \$125 annually for each residence and occupiable business in the service area be placed on the ballot in a special election to be held in conjunction with the March 2024 primary election. The question of increasing the levy shall be placed on the ballot in substantially the following form:

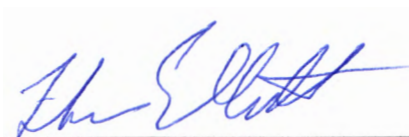
"INCREASE TO THE AVOCA FIRE & RESCUE DEPARTMENT LEVY OF DUES


If the increased levy of the volunteer fire department dues from \$50 annually to \$125 annually is approved, the increased dues shall be listed annually on the real property tax statements and collected at the same time and in the same manner as real property taxes.

[ ] **FOR** the increase in the levy from \$50 to \$125 as annual dues on each residence and on each business having an occupiable structure located in the designated area of the Avoca Fire & Rescue department.

[ ] **AGAINST** the increase in the levy from \$50 to \$125 as annual dues on each residence and on each business having an occupiable structure located in the designated area of the Avoca Fire & Rescue department."

Approved on June 29, 2023

  
\_\_\_\_\_  
Fire Chief: Frankie Elliot

  
\_\_\_\_\_  
Board Chair: Larry Russell

  
\_\_\_\_\_  
Secretary: Nanette Barnes

**ORDINANCE NO. O-2023-**

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

AN ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF INCREASING THE ANNUAL DUES OF THE *AVOCA FIRE AND RESCUE DEPARTMENT* FOR FIRE PROTECTION SERVICES; DESIGNATING THE COUNTY OFFICIAL WHO WILL COLLECT AND REMIT THE ANNUAL DUES CHARGED BY THE DEPARTMENT; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, The Avoca Fire and Rescue Department, a volunteer fire department ("VFD"), has requested the Quorum Court of Benton County, Arkansas (the "County") to call a special election increasing the levy of the annual dues already levied for the VFD from the amount of \$50 to \$125 on each residence and on each business having an occupiable structure for which the VFD provides fire protection; and

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

WHEREAS, if the question increasing the levy of the annual dues is approved, the dues shall be listed annually on the property tax statements and collected in the same time and manner as real 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 increasing from \$50 to \$125 the levy of the annual VFD dues on each residence and on each business having an occupiable structure for which the VFD provides fire protection and further to designate the County Official to collect and remit to the department the annual dues as levied.

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

ARTICLE 1. That there be, and there is hereby called, a special election to be held on March 5, 2024, at which election there shall be submitted to the qualified electors of the designated area in which the VFD provides fire protection the question of increasing from \$50 to \$125 the levy of annual volunteer fire department dues on each residence and on each business having an occupiable structure within such area.

ARTICLE 2. That the question of increasing from \$50 to \$125 the annual levy of the volunteer fire department dues on each residence and on each business having an occupiable structure within such area shall be placed on the ballot for the election in substantially the following form:

**"INCREASE TO THE AVOCA FIRE & RESCUE DEPARTMENT LEVY OF DUES**

If the increased levy of the volunteer fire department dues from \$50 annually to \$125 annually is approved, the increased dues shall be listed annually on the real property tax statements and collected at the same time and in the same manner as real property taxes.

- FOR the increase in the levy from \$50 to \$125 as annual dues on each residence and on each business having an occupiable structure located in the designated area of the Avoca Fire & Rescue department.
- AGAINST the increase in the levy from \$50 to \$125 as annual dues on each residence and on each business having an occupiable structure located in the designated area of the Avoca Fire & Rescue department”

ARTICLE 3. That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for county elections and only qualified voters of the County living in the area in which the VFD provides fire protection shall have the right to vote at the election.

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

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

ARTICLE 6. That the costs of the special election shall be borne by the VFD.

ARTICLE 7. That the County Collector is hereby designated as the county official to collect the annual dues levied if approved by a majority of those voting on the issue at the election; and the County Treasurer is hereby designated as the county official to remit the annual dues collected by the Collector if approved by a majority of those voting on the issue at the election.

ARTICLE 8. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

APPROVED:

\_\_\_\_\_  
BARRY MOEHRING, COUNTY JUDGE  
DATE SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
BETSY HARRELL, COUNTY CLERK  
SPONSOR: JP  
DATE ADOPTED: \_\_\_\_\_  
Votes For: \_\_\_ Votes Against: \_\_\_\_\_  
Abstain: \_\_\_ Present: \_\_\_ Absent: \_\_\_