

ORDINANCE NO. 88

**AN EMERGENCY ORDINANCE CALLING A SPECIAL
ELECTION ON THE QUESTION OF THE LEVY
OF THE ANNUAL DUES OF THE GOSHEN VOLUNTEER
FIRE DEPARTMENT A/K/A GOSHEN FIRE DISTRICT ASSOCIATION;
AND PRESCRIBING OTHER MATTERS PERTAINING THERETO**

WHEREAS, the Goshen Volunteer Fire Department a/k/a Goshen Fire District Association (Fire Department) has requested that the City Council of Goshen, Arkansas, call a special election for the levy of volunteer fire department dues in an amount not to exceed sixty-five dollars (\$65.00) annually on each residence and each business within the City of Goshen having an occupiable structure for which Fire Department provides fire protection; and,

WHEREAS, the Goshen Volunteer Fire Department a/k/a Goshen Fire District Association (Fire Department) has also requested that the Quorum Court of Washington County, Arkansas, (the "County") call a special election for the levy of volunteer fire department dues in an amount not to exceed sixty-five dollars (\$65.00) annually on each residence and each business having an occupiable structure for which Fire Department provides fire protection, which request has been presented to the Quorum Court; and,

WHEREAS, the request has been signed by the fire chief and all other officers of the Fire Department and has been duly filed, along with a map of the area in which the Fire Department provides fire protection, with the County Clerk; and,

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

WHEREAS, if the levy of the dues are 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 annual dues on each residence or business having an occupiable structure for which the Fire Department provides fire protection in the City of Goshen, similar to the question being put to those served in the County by the Fire Department; and,

WHEREAS, it is vital to the Fire Department and the City of Goshen that this issue be put before the qualified electors as soon as possible.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOSHEN, ARKANSAS:

SECTION 1. That there is hereby called, a special election to be held on February 9, 2010, at which election there shall be submitted to the electors of the City of Goshen, the question of the levy of annual dues on each residence or business having an occupiable structure within such area.

SECTION 2. That the question of levying the fire department dues shall be placed on the ballot for the election in substantially the following form:

Whether or not the dues, in an amount not to exceed sixty-five dollars (\$65.00) per year, of the Goshen Volunteer Fire Department a/k/a Goshen Fire District Association, shall be levied against each residence and each occupiable business structure within the City of Goshen, Arkansas, to be listed on real property tax statements and collected by the Washington County Tax Collector in the same manner as ad valorem taxes are collected beginning with the 2010 property taxes due and payable in 2011.

FOR levy of amount not to exceed sixty-five dollars (\$65.00) as annual dues of Goshen Volunteer Fire Department a/k/a Goshen Fire District Association on each residence and each business having an occupiable structure in the City of Goshen, Arkansas.

AGAINST levy of an amount not to exceed sixty-five dollars (\$65.00) as annual dues of Goshen volunteer Fire Department a/k/a Goshen Fire District Association on each residence and each business having an occupiable structure in the City of Goshen, Arkansas.

SECTION 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 City of Goshen, Arkansas shall have the right to vote at the election.

SECTION 4. A copy of this Ordinance shall be given to the Washington County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

SECTION 5. The County Judge and County Clerk, for and on behalf of the City of Goshen, 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.


SECTION 6. The costs of the election called by the City Council to place this issue before the qualified voters of the City of Goshen shall be borne by the City of Goshen.

SECTION 7. The Fire Department shall annually submit a sufficient list to the Collector reflecting dues owed so that he may properly bill such.

SECTION 8. The Collector shall remit said dues collected on a monthly or quarterly basis to the Fire Department; furthermore, the Collector is authorized to promulgate additional rules and regulations as he deems necessary to assist him in the collection of said dues; including a reasonable fee to be charged to the Fire Department; all subject to the approval of the Quorum Court.

SECTION 9. Emergency Clause: It is hereby found and determined that an emergency exists, affecting the life, health, safety, and property of the citizens of the City of Goshen, Arkansas, served by the Goshen Volunteer Fire Department, and therefore, this ordinance shall be in full force and effect immediately upon passage.

PASSED AND APPROVED this 10th day of November, 2009.

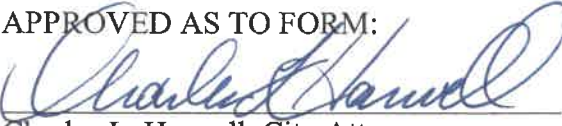


Joe Benson, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:


Charles L. Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson
Andy Bethell
Brian Buell
J.J. Lockhart
Max Poye
Dick Seddon

None

Absent

None

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson
Andy Bethell
Brian Buell
J.J. Lockhart
Max Poye
Dick Seddon

None

Absent

None