

**VAN BUREN COUNTY QUORUM COURT**

**ORDINANCE NO 2019- 17**

BOOK 2019  
PAGE 23  
Recorded In:  
ORDINANCE BOOK  
04/22/2019 06:24 AM  
PAM BRADFORD  
County Clerk  
VAN BUREN COUNTY, AR

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

**AN EMERGENCY ORDINANCE TO CLOSE THE HOLLY MOUNTAIN FIRE DEPARTMENT AND CONSOLIDATE WITH BURNT RIDGE FIRE DEPARTMENT**

**WHEREAS:** The Holly Mountain Fire Department has come to the Quorum Court to say that they want to close the Holly Mountain Fire Department and Consolidate the district with Burnt Ridge Fire Department; and

**WHEREAS:** The Holly Mountain Fire Department has had a downfall in membership and finds the Fire Department unable to meet the requirements to keep the fire department open; and

**WHEREAS:** The Holly Mountain Fire Department and the Holly Mountain Property Owners Association had a public meeting and voted to Consolidate the Holly Mountain Fire Department with the Burnt Ridge Fire Department, and have provided a copy of the minutes from said meeting; and

**WHEREAS:** The Burnt Ridge Fire Department Fire Chief and the Burnt Ridge Fire Department Board of Directors have agreed to consolidate the Holly Mountain Fire District back into the Burnt Ridge Fire District. They have also provided a copy of the minutes of said meeting; and

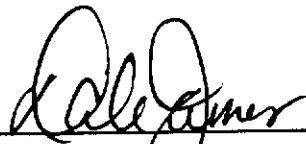
**WHEREAS:** There is a need to preserve public health and safety; and provide fire service to the Holly Mountain Community.

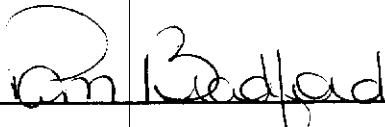
**NOW THEREFORE BE IT ORDAINED BY THE QUORUM COURT OF VAN BUREN COUNTY, ARKANSAS THAT:**

**SECTION 1.** The Van Buren County Quorum Court hereby declares that the Holly Mountain Fire Department is closed and the Holly Mountain Fire District is now consolidated with Burnt Ridge Fire District.

**SECTION 2.** This Ordinance being necessary for the protection and preservation of public health and safety, an emergency is hereby declared to exist and this Ordinance shall be in force and shall take effect upon passage and publication.

Approved this 18<sup>th</sup> day of April, 2019

APPROVED:   
Dale James, County Judge

ATTEST:   
Pam Bradford, County Clerk

BOOK 2019  
PAGE 24

I certify that this instrument was  
filed on 04/22/2019 09:24 AM  
and recorded in  
ORDINANCE Book 2019  
PAM BRADFORD  
County Clerk  
VAN BUREN County, AR

 D.

**Burnt Ridge Volunteer Fire Department Board Meeting MINUTES**  
**4/9/2019**

Board Members: Wilma Adams, Bill Bane (Chair), Jerry Bradley, Jerry Pico (Chief),  
Sue Pico (Sec), Pam Soell (Treas), Randy Soell, & Wilburn Weaver

**Phone Pole Minutes:**

The Board is unable to physically meet before the 4/16/19 Quorum Court meeting. A phone vote was taken regarding the following motion in order to provide the appropriate information for said Quorum Court meeting and the next Holly Mountain Air Park Fire Dept Board meeting.

Motion made by Jerry Pico seconded by Sue Pico:

In an effort to provide fire protection coverage to the residents of the Holley Mountain Airpark, it is moved that when the Holley Mountain Airpark Fire Department (HMAFD) is officially dissolved, it's fire district and department will be absorbed back into the Burnt Ridge Fire District (BRFD). The transition will be coordinated by the current HMAFD Board of Directors. HMAFD Fire Chief Tom Westfall, and BRFD Fire Chief Jerry Pico.

BRFD Board of Directors via phone calls:

Bill Bane - yes  
Jerry Pico - yes  
Pam Soell - yes  
Sue Pico - yes  
Wilma Adams - yes  
Jerry Bradley - unavailable  
Randy Soell - yes  
Wilburn Weaver - yes

Respectfully submitted by



Sue Allen Pico  
Board Secretary

BOOK 2019  
PAGE 25

CERTIFICATE OF AUTHENTICITY

Joseph B. Marshall, being first sworn upon oath, deposes and says:

1. That on January 25, 2019, I was acting in my capacity as Chairman of the HMA FD Board of Directors and presided over the meeting of that board on said date.

2. That during the course of that meeting minutes were taken down by both your Affiant and Ms. Sarah Westfall and the attached three pages of Minutes of the emergency meeting of the Board of Directors is a fair and truly accurate accounting and recitation of the discussion and motions that came before the Board on that date.

3. That a true and accurate copy of those minutes consisting of three pages numbered by hand at the bottom of each page, and dated 01/25/2019, are attached hereon and made a part of this Certification.

March 19, 2019

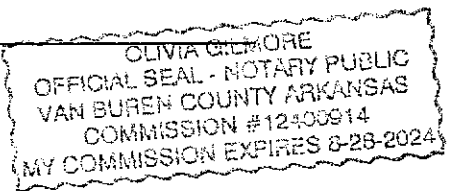
*Joseph B. Marshall*  
Joseph B. Marshall

STATE OF ARKANSAS )  
                                  )  
COUNTY OF VAN BUREN)

Before me, on this date, appeared Joseph B. Marshall, a person known to me and who signed the foregoing Certificate of his own free will.

March 19, 2019

*Olivia Gilmore*  
NOTARY PUBLIC



Beth Robinson asked Jerry Pico about being a member of the Burnt Ridge Fire district. Jerry stated you pay the Fire Dues to become a member. If you decline to pay your dues, the department has the right to charge you individually for any calls made to your residence.

Tom Westfall followed with no one has ever reached out to him concerning problems. Even if they were confused about Joe's status, Tom has always been available.

Andy Gamache expressed his liking for the FD on our Airpark. He asked Jerry Pico if the HMAFD dissolved could the BRFD still have a substation located on the Airpark. Jerry explained that would have to be up to the Burnt Ridge Board of Directions as they see fit. Jerry stated the closest station would be 5.3 miles and classified as ISO 10. They would respond as fast as they could to a call.

At which time, Joe hold a vote of the dissolution of the FD. The vote was defeated 3-1. Billy sustained from voting.

Jeana announced that the department would have to meet the requirements of ISO 3 before June 30. At which time, the financials are due for ACT 833 requirements. If we don't meet the requirements, request for the funds wouldn't be encouraged. Jeana and Cindy also announced that at the end of January they would be resigning from the fire department.

Milton Bland asked Joe how the HMAFD Board is selected. Joe explained that it is strictly volunteered based. The last board position was filled by Ken who volunteered and was nominated at that time. Milt questioned how Tom became Chief. Ken explained that once Jim Collom sold his hangar to the Westfall's Jim just handed the title over to Tom. Tom said once you buy the Fire Station you become Chief.

Ron Edwards expressed concern that the members would be at risk of punishment if the department continued without meeting the ISO requirements. Jeana stated that the members would not be a risk.

At which time, Jerry Pico address the training concern as a nationwide problem. It is hard to keep trained volunteers on your roster. BRFD currently has 10 FF while Hwy 110 has 4. He discussed how our department has performed dual training.

Sarah Westfall expressed her concerns due to so many members encouraging the department to dissoive. The requirements of 12 trained FF to meet ISO 3 guidelines aren't going to get easier year after year due to the aging community. She doesn't want to continue filing for ACT 833 money if the department isn't following the rules and risk being accountable as the Treasurer. Sarah asked the members to raise their hands if they supported the FD, 7. 6 people didn't.

At which time Sarah asked for a motion to have vote again given the new information that had been presented. Billy seconded the vote. The vote to dissolve the FD was past 3-2. Sarah, Jeana, and Billy voted to close the dept., while Tom and Ken voted to keep it open.

Jeana motioned to close the meeting and Ken seconded. Meeting ended at 8:17.

3

Holley Mountain Airpark Fire Department  
Emergency Board Meeting  
01/25/2019

Board Members Present: Joe Marshall, Tom Westfall, Ken Blair, Jeana Williams, Billy Linn and Sarah Westfall.

Fire District Members Present: Marty Sauer, Beth Robinson, Andy Gamache, Dave Zorychta, Mike Foote, Milton Bland, Joan Bland, Fran Blair, Mary Edwards, Ron Edwards, Eric Archer, Cindy Hillyer, Neil Haley, Debbie Haley, Warren and Anna Holstrom. Also present Burnt Ridge Chief Jerry Pico and Sue Pico.

Board Meeting was called to order by Joe Marshall, Chairman, at 6:00pm. Joe set the rules for the meeting. We would discuss the motion presented by Jeana Williams, CTO and OEM, to dissolve the Fire Department. All discussion or debate would go thru the Chairman only. No interruptions would be tolerated and everyone would be given their turn to speak.

Joe Marshall stated he had served on the FD for 16+ years. At this current state, Joe is a non-trained FF only acting as Chairman to call meetings and control meetings. He explained, as a lawyer, how he has helped members of the community with legal and personal problems. He values all conversations as confidential and holds lawyer-client privilege to the highest degree. With saying this, he discussed how many neighbors have come to him with allegations that members of the Board have committed tax fraud, falsifying records, used fire dues for personal gain, and the Westfall's were using fuel oil and propane for personal use only. Such claims, if proven guilty, could result in civil or criminal actions. He exclaimed the allegations are stunning and not a single soul has come forward to look over records or financials over the past 16 years.

Joe announced this will be his last meeting as Chairman, if the FD Board votes against Jeana's motion.

Sarah Westfall reviewed the 2018 financials with the group. Ken Blair announced that he along with his wife, Fran Blair, had reviewed the financials previous to the meeting and everything was in order. Only 1 receipt was missing and Sarah was upfront about it from the very beginning. No questions or comments were made at this time. Jeana Williams motioned to approve the 2018 financials and Tom Westfall seconded the motion.

Joe opened the floor once again to comment on any allegations the members had heard to be discussed at that time. No one commented. Joe stated that the absence of individuals who didn't attend the meeting means no evidence of claims.

The floor was opened to Jeana Williams. She stated that the FD couldn't continue due to lack of community support, participation, and failure to meet State Requirements. The department has already dropped from an ISO1 to an ISO3 to sustain the mandatory requirements of 12 trained fire fighters per year. Jeana hasn't taught a class since 2016 so the falsification of records is farce. HMAFD has only had 35 calls in a 10 year period while receiving close to \$150,000 during such time. The fire district consists of 1 square mile radius on average of 22 homes. Jeana spoke as a county representative and couldn't justify letting our department have this revenue when much larger departments could benefit from it. Also, the fact that the Holley Mountain Property Owners Association denied the HMAFD their request to be exempt from the POA dues of \$1700 annually. She explained she understood the POA policy;



however, the department is a 501-3C and there could have been exceptions made on the departments behalf. Jeana announced her motion to dissolve the FD at this time. Sarah Westfall seconds the motion.

Ken Blair presented a proposal to Jeana to delay the vote of dissolution for 1 year. During such time, the fire community would pay the POA dues till further discussion on how the department could stay open and improve. Ken volunteered to pay the first months dues.

Jeana immediately refused due to the lack of participation and effort put from the district. Joe Marshall asked Ken if he had any further questions. None were asked.

Tom Westfall posed a training question for Jeana. Tom asked if Van Buren County departments have the same roster problems in recruiting trained FF. She stated that almost every department in our county struggles to maintain active, trained FF every year. This is an aging community. Tom discussed the possibility of serving a dual role with other departments to help each department in improving the roster numbers.

Mike Foote expressed concerns on behalf of the Airpark district that this is an aging community. Mike also spoke on the perception of the FD. The Airpark concerns being functional equipment, trained fire fighters, and the perception of financial issues. For the long term, he would like to change the perception by being updated monthly or quarterly thru email or newsletters on the conditions of the equipment, the status of the trainings, and financial statements.

Jeana followed addressing the comments of perception. She stated that we are all volunteers and you must attend the meeting to find the answers to the questions. The responsibility doesn't lie on the Board to keep individuals updated when the FD has a meeting every first Thursday of the month.

Cindy Hillyer agreed that the volunteers of the department don't need to take any more time away from their busy schedules to make sure individual community members are updated.

Tom Westfall asked Jerry Pico if it is common to send out monthly updates. Jerry shared how the Burnt Ridge district consists of 2000+ people. Individuals must inquire or attend meeting to receive updates on the department. Sending a monthly letter would be impractical.

Tom Westfall announced that our meetings are held every first Thursday of the month. There will not always be a reminder, or an announcement thru Fire Text.

Ron Edwards added that with the help of Eric Archer, they have encouraged the FD going for ISO 1 since Day 1. He shared that he and his wife, Mary, resigned from the department in 2017 due to their age and priorities in life. Ron highly encourages the Board to dissolve the FD due to safety concerns for the FF.

Ron asked Joe about his own resignation letter, in which he stepped down from Chairman at the same time. Jeana spoke up and agreed that Joe had resigned from the Board due to health reasons. Mike Hardison was elected Chairman; however, the very next day Mike politely declined due to priorities. After a short time, Joe came back as the Chairman. Several members announced their confusion and wished an announcement would have been made to let them know of Joe's return.

2