

ORDINANCE NO. 94

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN UNDERCOVER OPERATIONS FUND TO BE ADMINISTERED BY THE CITY OF BETHEL HEIGHTS POLICE DEPARTMENT.

WHEREAS, illegal drug activities and theft problems exist in the City of Bethel Heights, Arkansas, and

WHEREAS, effective law enforcement in combating said illegal activities is hampered because there are no existing funds with which to operate undercover operations in the investigation and prosecution of these cases, and

WHEREAS, a need to create such a fund exists in order to curtail such illegal activities and to protect the citizens of the City of Bethel Heights and their property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHEL HEIGHTS, ARKANSAS AS FOLLOWS:

1. Establishment. There is hereby established a special fund to be known as the Undercover Operations Fund.
2. Funding. There is hereby appropriated from the City's General Fund the sum of \$500.00 for the initial funding of the Undercover Operations Fund.
3. Fund Ceiling. The Undercover Operations Fund shall have a maximum ceiling of \$2,000.00. All sums in excess of said amount deposited into the Undercover Operations Fund from the sources set out in Section 4 below, shall immediately be paid over to the City of Bethel Heights General Fund.
4. Contributions to Fund. Contributions to the Undercover Operations Fund may come from any source not prohibited by City Ordinance or State or Federal law, including, but not limited to, the following: donations from private individuals or organizations ; court ordered restitution in criminal cases; court ordered forfeitures in criminal cases; court ordered defendant contributions to the Fund for criminal cases ; and any federal or state funds available for such operations not inconsistent with the purposes of the Undercover Operations Fund.
5. Purpose of Fund. The Undercover Operations Fund will be used for the purpose of conducting undercover law enforcement activities, including primarily, but not limited to, the investigation of illegal drug trafficking and the investigation of theft schemes and other such crimes.
6. Use of Funds. The money in the Undercover Operations Fund, when used for the purposes set out in Section 5 above, may be spent on the following types of items, to wit:

- a. Purchases of food, lodging and travel expenses of law enforcement personnel, informants and any other person necessary for implementation of the undercover operation,
- b. Flash money,
- c. Purchases of controlled substances, stolen property, contraband or information related to any criminal activity, and
- d. Other similar and necessary items.

7. Operating Guidelines. The following shall constitute the general operating guidelines of the Undercover Operations Fund:

- a. Responsibility for the Fund's integrity shall rest with the Police Chief of the City of Bethel Heights Police department,
- b. The Police Department will implement and follow accounting guidelines promulgated by the Legislative Audit Committee for the State of Arkansas.
- c. At the conclusion of a criminal case on which monies from the Undercover Operations Fund are used, a line item expenditure report shall be made available for inspection by the City Council. The decision as to when a criminal case is concluded will be made by the City Prosecutor or, in appropriate instances, the Prosecuting Attorney for Benton County, after consulting with the Police Chief.
- d. The Undercover Operations Fund will be administered by the Police Department on a cash - only basis.

8. Emergency. That this Ordinance is necessary in order to protect the public peace, health, and safety of the City of Bethel Heights and to provide for an adequate system of law enforcement within the city limits of Bethel Heights, Arkansas; therefore, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 14 DAY OF May, 1998.

APPROVED:


BONNIE RAMSEY - MAYOR

ATTEST:


CLERK / RECORDER / TREASURER