

ORDINANCE NO. 2014-01-456

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN UNDERCOVER OPERATIONS FUND TO BE ADMINISTERED BY THE TONTITOWN POLICE DEPARTMENT AND ESTABLISHING GUIDELINES FOR THE MAINTENANCE AND USE THERE OF.

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

WHEREAS, effective law enforcement in combating said illegal activities is hampered because of the lack of existing funds with which to conduct undercover operations in the investigation and prosecution of these cases,

WEREAS, a need to maintain such a fund exists in order to curtail such illegal activities and to protect **the citizens of the City of Tontitown and their property**, and

WHEREAS, the City of Tontitown will establish an undercover operations fund by Ordinance and specific guidelines are needed to clarify the procedures for the use and maintenance of the fund.

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

ARTICLE III. UNDERCOVER OPERATIONS FUND.

Section 1. Establishment- There is hereby established a special fund to be known as the Undercover Operations Fund

Fund Ceiling- The Undercover Operations Fund shall have a maximum ceiling of \$10,000.00. All sums in excess of said amount deposited into the Undercover Operations Fund from the sources set out in Section A. below, shall immediately be paid over to the Tontitown General Fund.

- A. **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; and any federal or state funds available for such operations consistent with the purposes of the Undercover Operations Fund.
- B. **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.

- C. **Use of Funds-** The money in the Undercover Operations Funds, when used for the purposes set out in Section B. above, may be spent on the following types of items:
- a. Flash money
 - b. Purchases of controlled substances, stolen property, contraband or information related to any criminal activity, and
 - c. Other similar and necessary items such as surveillance equipment and maintenance thereof
- D. **Operating Guideline-** The following shall constitute the general operating guidelines of the Undercover Operations Fund:
1. Responsibility for the Fund's integrity shall rest with the Police Chief of the Tontitown Police Department, who shall administer the fund in accordance with generally accepted accounting principles
 2. At the conclusion of a criminal case in 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 Washington County, after consulting with the Police Chief.
- E. **Emergency-** That this ordinance is necessary in order to protect the public peace, health and safety of the City of Tontitown and to provide for an adequate system of law enforcement within the city limits of Tontitown, Arkansas; therefore, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after this passage is approved.

PASSED AND APPROVED THIS 7 DAY OF January, 2014

APPROVED: 
NORMAN BECKFORD, Mayor

ATTEST: Alicia Collins

ALICIA COLLINS, Recorder/ Treasurer