

ORDINANCE NO 1734

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN UNDERCOVER OPERATIONS FUND TO BE ADMINISTERED BY THE EUREKA SPRINGS POLICE DEPARTMENT.

WHEREAS, there exists an ongoing problem with the illegal use, possession and delivery of drugs as well as theft of property in Eureka Springs, and

WHEREAS, there are no existing funds with which to operate undercover operations in the investigation and prosecution of these cases, and

WHEREAS, the need exists to create such a fund to curtail the illegal activity and protect the people and property of Eureka Springs,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, STATE OF ARKANSAS:

ARTICLE 1. There is hereby established an undercover operations fund to investigate and prosecute criminal activity.

ARTICLE 2. The initial fund shall be established with a base amount of \$1,000.00. Thereafter the fund shall be a self-perpetuating, revolving type fund replenished with deposits from the sources outlined in Article 3.

ARTICLE 3. The fund shall be replenished from any source not prohibited by state or federal law, including but not limited to the following: donations from private individuals and/or organizations, court ordered restitution in criminal cases, court ordered forfeitures in criminal cases, court ordered defendant contributions to the fund in criminal cases and any federal or state funds available for such operations not inconsistent with the purposes of the Undercover Operations Fund.

ARTICLE 4. The fund will be used for the purpose of conducting undercover law enforcement activities, including, but not limited to, the investigation of illegal drug trafficking and the investigation of theft schemes.

ARTICLE 5. The money in the fund may be used for the following purposes, but is not limited to the following purposes:

- A. Purchase 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. Direct or indirect purchases of controlled substances, stolen property, contraband, or information related to any criminal activity.

ARTICLE 6. General operating guidelines:

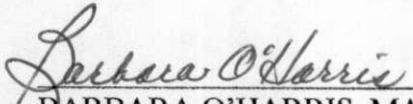
- A. The ultimate responsibility of the funds integrity rests with the Chief of Police of Eureka Springs, Arkansas.
- B. The Eureka Springs Police Department will follow the normal accounting methods used and approved by the Legislative Audit System including prenumbered receipts when applicable.
- C. The funds are subject to audit at any time by the Legislative Audit Committee.
- D. At the conclusion of a criminal case, a line item expenditure report shall be made available for inspection by the Eureka Springs City Council. The final decision as to when a criminal case is concluded will be made by the Prosecuting Attorney after consulting with the Chief of Police.
- E. The fund will be administered by the Treasurer of the City of Eureka Springs.
- F. The Treasurer of the City of Eureka Springs will provide the Chief of Police with one thousand dollars (\$1,000.00) cash to be kept on hand at the police department. This cash will be replenished as needed upon written request from the Chief of Police to the Treasurer.

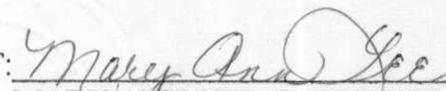
ARTICLE 7. All ordinances and parts of ordinances in conflict hereto shall be repealed to the extent of said conflict.

ARTICLE 8. If any part of this ordinance is found to be lacking in any respect whatsoever by a court of competent jurisdiction, it shall not affect the remaining parts thereof.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS
THIS 22nd DAY OF OCTOBER, 1996.

APPROVED:


BARBARA O'HARRIS, MAYOR

ATTEST: 
MARY ANN LEE, CLERK/TREASURER