

ORDINANCE NO. 06-04

**AN ORDINANCE AUTHORIZING THE ADOPTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LAKEVIEW, ARKANSAS AND THE BAXTER COUNTY SHERIFF'S OFFICE.**

WHEREAS, the Chief of Police has recommended that the City enter into an interlocal Cooperation Agreement with the Baxter County Sheriff's Office in order to allow officers of the City of Lakeview Police Department to have the necessary authority and powers of detention and arrest outside the corporate limits to provide law enforcement assistance to the Baxter County Sheriff's Office when asked or requested to by the Sheriff or his deputies; and

WHEREAS, it is the intent of such agreement to allow officers of the City of Lakeview Police Department to respond to disturbances and other incidents or complaints occurring within the general area surrounding the corporate limits at the request of the Sheriff or his deputies; and

WHEREAS, BY ENTERING INTO THE AGREEMENT, THE Baxter County Sheriff's Office and the citizens residing in the unincorporated areas of Baxter County will have the benefit of a duly authorized law enforcement response from law enforcement officers who may be in a location or area much nearer to the location of the disturbance, incident, or complaint through the utilization of City of Lakeview Police Officers who may be in close proximity; and

WHEREAS, by entering into the agreement, the officers of the City of Lakeview Police Department and the Baxter County Sheriff and his deputies may work more effectively and efficiently together when called on by member of the public to take law enforcement action in the County of Baxter;

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

Section 1. The mayor and Recorder-Treasurer, and Chief of Police, acting upon behalf of the City of Lakeview, are hereby authorized and empowered to enter into an Interlocal Cooperation Agreement between the City of Lakeview and the Baxter County Sheriff's Office for the purpose of enhancing law enforcement services to citizens residing in and around the corporate limits of the City of Lakeview.

Section 2. A copy of said Interlocal Cooperation Agreement is attached hereto and incorporated herein by reference in its entirety.

Section 3. That from and after the effective date of this agreement, officers of the City of Lakeview Police Department are authorized and empowered by said agreement to have and exercise law enforcement authority, including powers of detention and arrest, outside the corporate limits when specifically and directly asked or requested to by the Sheriff of Baxter County or any of his deputies.

Section 4. That upon the completion, resolution, or termination of the disturbance, incident, or complaint upon which a request for assistance was made by the Sheriff or his deputies, the extra-territorial authority of officers of the City of Lakeview Police Department shall cease to exist until such time as a subsequent specific and direct request for assistance is made by the Sheriff or his deputies.

Section 5. Neither the City Council by enactment of this Ordinance, nor any part, section, clause, or phrase of the attached Interlocal Cooperation Agreement shall serve to give either express or implied extra-territorial general law enforcement authority or jurisdiction to officers of the City of Lakeview Police Department through their own initiative, until and unless there is a specific and direct request for assistance on a particular disturbance, incident, or complaint from the Sheriff or one of his deputies.

Section 6. The Chief of Police shall be responsible for administering the terms and conditions of said agreement on behalf of the City of Lakeview, based upon the intent of the City Council as outlined herein above.

Section 7. The Interlocal Cooperation Agreement adopted hereby is for no specific period or length of time and shall be subject to cancellation, annulment, or revocation in whole or in part either by Order of the City Council or by Order or action of the Sheriff of Baxter County.

EMERGENCY CLAUSE:

This ordinance being necessary an emergency is hereby declared to exist and the same shall be in full force effective from the date of its adoption.

PASSED and adopted this 16<sup>th</sup> day of November, 2006

Approved: *Royd Davis*  
Mayor

ATTEST:

*Susan Sellers*  
Recorder - Treasurer

(seal)

INTERLOCAL COOPERATION AGREEMENT

WHEREAS, the City of Lakeview, Arkansas is desirous of insuring the safety and welfare of its citizens and others living in and around the City of Lakeview, and

WHEREAS, certain arrests and citations for criminal behavior have been issued by Lakeview Police Officers outside the geographical boundaries of the City of Lakeview and have for lack of proper jurisdiction been dismissed; and

WHEREAS, such dismissals are in contravention of the necessary actions of Lakeview Police Officers in the performance of their duties; and

WHEREAS, such dismissals occur because no Interlocal Cooperation Agreement exists between the Lakeview Police Department and the Baxter County Sheriff's Office; and

WHEREAS, the City Council of the City of Lakeview and the Sheriff of Baxter County have jointly concurred that the adoption of this serves the best interests of the citizens of both Lakeview and Baxter County.

IT IS HEREBY AGREED AS FOLLOWS:

The Baxter County Sheriff's Office hereinafter "Agency" agrees that Officers of the Lakeview Police Department, when requested by any member of the Agency, shall have the authority to assist officers of the Agency and to make arrests where necessary and prudent.

The Lakeview Police Department, hereinafter "Lakeview PD" agrees that officers shall accept such authority and powers of arrest from the Agency when asked or requested by Agency, and shall act under the general supervision of the Agency when exercising such authority and powers of arrest.

Both the Agency and Lakeview PD acknowledge that this agreement does not grant, confer, or authorize any general extra-territorial law enforcement powers or authority to officers of the Lakeview PD until and unless such time as specific and direct request for assistance is made by the Agency.

This agreement shall be reciprocal in nature and shall be interpreted to all respects toward the efficient and proper conduct of law enforcement operations.

A copy of this agreement shall be kept on file in each of the respective jurisdictions and made available to the public upon request.

APPROVED AND ENTERED INTO THIS 16<sup>th</sup> day of November, 2006.

CITY OF LAKEVIEW, ARKANSAS  
By: Royal Davis  
MAYOR

By: Susan Sellors  
RECORDER/TREASURE

By: David Mandy  
CHIEF OF POLICE

BAXTER COUNTY SHERIFF'S OFFICE  
By: Jimmy Matney  
SHERIFF

