

**CITY OF LAKEVIEW
BAXTER COUNTY ARKANSAS
ORDINANCE 16-01**

AN ORDINANCE TO AUTHORIZE THE ADOPTION OF INTER-LOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LAKEVIEW, BAXTER COUNTY, ARKANSAS AND THE CITY OF BULL SHOALS, MARION COUNTY, ARKANSAS.

WHEREAS, the Chiefs of Police for the City of Lakeview and the City of Bull Shoals have recommended that their respective cities enter into an Inter-local Cooperation Agreement in order to allow officers of their cities to have necessary authority and powers of detention and arrest outside their corporate limits so as to provide assistance when requested; and

WHEREAS, it is the intent of such agreement to allow officers to assist with disturbances or other incidents or complaints as may be requested by officers from the neighboring City; and

WHEREAS, by entering into this agreement, the officers of Lakeview and Bull Shoals may work more effectively and efficiently together when called upon to take law enforcement action for the safety and welfare of citizens.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakeview, Baxter County, Arkansas.

SECTION 1. The Mayor, Recorder/Treasurer and Chief of Police, acting on behalf of the City of Lakeview, are hereby authorized and empowered to enter into an Inter-local Cooperation Agreement between the City of Lakeview and the City of Bull Shoals for the purpose of enhancing law enforcement services to citizens residing in and around its corporate limits.

SECTION 2. A copy of said Inter-local 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 respective Police Departments are authorized and empowered by said agreement to have and exercise law enforcement authority including powers of detention and arrest, outside their corporate limits when specifically and directly asked or requested by the corresponding department or any of its officers.

SECTION 4. That upon the completion, resolution or termination of the disturbance, incident or complaint upon which a request for assistance was made, the extra-territorial authority of said officers shall cease to exist until such time as a subsequent specific and direct request for assistance is made.

SECTION 5. Neither the City Council by enactment of this Ordinance, nor any part, section, clause, or phrase of the attached Inter-local Cooperation Agreement shall serve to give either express or implied extra-territorial general law enforcement authority or jurisdiction to officers of the corresponding 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.

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 Inter-local 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 of Order of the City Council of either party, upon written notice to the corresponding party.

SECTION 8. SEVERABILITY – The invalidity or unconstitutionality of the provisions of this Ordinance shall not affect any other section hereof, but same shall remain in full force and effect.

SECTION 9. EMERGENCY CLAUSE- This ordinance being necessary to insure compliance with terms, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage.

PASSED, ADOPTED AND APPROVED this 15th day of March, 2016 by the Lakeview City Council comprised of Ald. Manley, Ald. Galvan, Ald. K. Barton, Ald. Newell and Ald. Svehla on motion by Ald. K. Barton seconded by Ald. Svehla with a roll call vote of 5 Yeas and 0 Nays.

Attest:

Rebecca Boston

Recorder/Treasurer

Dennis A. Bell

Mayor

INTER-LOCAL COOPERATION AGREEMENT

WHEREAS, The City of Lakeview (Baxter County) and The City of Bull Shoals (Marion County), Arkansas hereafter referred to as Lakeview and Bull Shoals respectively are desirous to insure the safety and welfare of the citizens and others living in and around their respective cities; and

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

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

WHEREAS, these dismissals occur because no Inter-local Cooperation Agreement existed between said cities; and

WHEREAS, the City Councils of Lakeview and Bull Shoals have jointly concurred that the adoption of this agreement serves the best interests of the citizens of both Lakeview and Bull Shoals; and

WHEREAS, said agreement was originally approved by said Councils in March, 2007 but never formally executed.

IT IS HEREBY AGREED AND REAFFIRMED AS FOLLOWS:

That Lakeview and Bull Shoals agree that officers of their Police Departments shall have authority to assist officers of the other City and to make arrests where necessary and prudent.

That officers of each cities Police Department shall accept such authority and powers of arrest from the City being assisted and shall act under the general supervision of such City when exercising such authority and powers of arrest.

That Lakeview and Bull Shoals Police Departments acknowledge that this agreement does not grant, confer, or authorize any general extra-territorial law enforcement powers or authority to officers of the other department in any circumstances other than when necessary for assistance.

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

REAPPROVED AND ENACTED THIS 29th day of April, 2016

CITY OF LAKEVIEW (BAXTER) AR

By: Dennis R. Bellis
MAYOR

By: Rebecca Boston
RECORDER/TREASURER

By: Dick Hatcher
POLICE CHIEF

CITY OF BULL SHOALS (MARION) AR

By: Dick R. Hatcher
MAYOR

By: Kimberly M. Williams
RECORDER/TREASURER

By: James W. Kuchelbacher
POLICE CHIEF