

**TITLE 2**

**CLASSIFICATION, ADMINISTRATION**

**AND PERSONNEL**

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Social Security Coverage
- 2.16 Unclaimed Property
- 2.20 City Council
- 2.24 Mayor
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- 2.56 Administrative Assistant
- 2.60 Historic Commission

**CHAPTER 2.04**

**CITY CLASSIFICATION**

Sections:

- 2.04.01 Operation as second class city

2.04.01 Operation as second class city The incorporated town of Decatur, Benton County, Arkansas, be and the same is hereby declared to be a city of the second class, as provided for by Act 227 of the Acts of the General Assembly of the state of Arkansas, approved March 18, 1947. (Ord. No. 47, Sec. 1.)

STATE LAW REFERENCE - See A.C.A. 14-37-105

**CHAPTER 2.08**

**CITY AND WARD BOUNDARIES**

**Sections:**

- 2.08.01 Ward redistricting
- 2.08.02 Previous wards
- 2.08.03 Filed

2.08.01 Ward redistricting The ward redistricting plan as shown on the map, which is attached hereto and made a part hereof, be and is hereby adopted with said map to serve hereafter as the official Ward Map for the city of Decatur, Arkansas. (Ord. No. 2011-1, Sec. 1.)

2.08.02 Previous wards All previous ward maps and boundary descriptions are hereby repealed. (Ord. No. 2011-1, Sec. 2.)

2.08.03 Filed A duly certified copy of said map shall be filed with the Benton County Election Commission and filed in the office of the Benton County Clerk. (Ord. No. 2011-1, Sec. 3.)

## CHAPTER 2.12

### SOCIAL SECURITY COVERAGE

Sections:

- 2.12.01 Contract
- 2.12.02 Withholding taxes from wages
- 2.12.03 City to match withholding

2.12.01 Contract. The Mayor and City Council are hereby authorized and directed to enter into an agreement with the state for the purpose of obtaining insurance coverage for the employees of the city of Decatur , Arkansas, under the terms and provisions of the Federal Social Security Act.

2.12.02 Withholding taxes from wages. Each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act.

2.12.03 City to match withholding. There is hereby appropriated from the general fund of the city the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the Social Security Act.

## CHAPTER 2.16

### UNCLAIMED PROPERTY

Sections:

- 2.16.01 Disposal
- 2.16.02 Sale
- 2.16.03 Proceeds of sale to owner
- 2.16.04 Proceeds remaining after six months

2.16.01 Disposal. The Mayor, under the direction hereinafter set out, is hereby authorized and directed to dispose of at public auction all unclaimed personal property rightfully coming into the hands of his office and to dispose of other confiscated property confiscated under the orders of the Benton County Municipal Court, West with the exception of confiscated liquor.

STATE LAW REFERENCE - For procedure relating to liquor, See A.C.A. 3-3-312

2.16.02 Sale. All unclaimed personal property coming into the hands of the Mayor will be held by him for a period of six (6) weeks or longer. If property remains unclaimed, he shall periodically advertise such property in some newspaper of general circulation in the city of Decatur once each week for three (3) consecutive weeks setting forth in the notice the time for the sale which shall not be earlier than five (5) days after the last publishing of the notice and no later than ten (10) days thereafter, designating an easily accessible place for the sale thereof, and giving a complete list and description of unclaimed articles to be sold. The Mayor shall have the right to refuse any and all bids not satisfactory and will then proceed to advertise these items for sale at a later date. Terms of such sale shall be for cash only. Nothing in this chapter shall prohibit any person who properly identifies any of the property as being their own before the sale from claiming and having property restored to them.

2.16.03 Proceeds of sale to owner. The Mayor shall deposit the receipt from the aforesaid sale of unclaimed property in the treasury and the Treasurer is to keep these funds in a special account for a period of six (6) months and any person identifying as his own any of such property within the six (6) month period shall upon the presentation of satisfactory proof be paid by the city out of the special account the amount for which the property was sold. The Mayor or some person designated by him shall keep in a well bound book an accurate record and description of each piece of unclaimed property passing through his office and the price for which it was sold and the date, the name and address of those who purchased same, as well as a complete record of those who identified and claimed any of the property before it was sold.

2.16.04 Proceeds remaining after six months. All proceeds from the sale remaining in the special fund for a period of six (6) months shall by the Treasurer be transferred to the city's general fund and no further payment shall be made therefrom to anyone who thereafter claims ownership.

## **CHAPTER 2.20**

### **CITY COUNCIL**

#### **Sections:**

- 2.20.01 Council meetings - regular
- 2.20.02 Council meetings - special
- 2.20.03 Freedom of information procedure
- 2.20.04 Order of business

2.20.01 Council meetings - regular. All regular meetings of the Council shall be held at the municipal building on the 2nd Monday of each month at 6:00 p.m.

2.20.02 Council meetings - special. Special meetings of the City Council of the city of Decatur, Arkansas, may be held upon the call of the Mayor, whenever in his opinion it shall be

necessary, or by three (3) members of the Council by giving at least three (3) days' notice of such special meeting, by giving notice in writing which notice shall be served personally or through the mails to all members of the Council, which notice shall state the time of the meeting and purpose thereof.

2.20.03 Freedom of information procedure. All meetings of the City Council of the city of Decatur, Arkansas, shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Benton County, Arkansas, which have requested to be notified at least two (2) hours before the special meeting takes place.

2.20.04 Order of business. At all meetings of the Council the following shall be the order of business unless the Council by a majority vote shall order otherwise.

- (1) Call to order
- (2) Roll call
- (3) Reading of minutes of the previous meeting
- (4) Reports of boards and standing committees
- (5) Reports of special committees
- (6) Unfinished business
- (7) New business
- (8) Announcements
- (9) Adjournment

## **CHAPTER 2.24**

### **MAYOR**

Sections:

- |         |                         |
|---------|-------------------------|
| 2.24.01 | Office created          |
| 2.24.02 | Election                |
| 2.24.03 | Duties                  |
| 2.24.04 | Appointment of officers |
| 2.24.05 | Salary                  |

2.24.01 Office created. The office of Mayor is hereby created for the city of Decatur, Arkansas.

2.24.02 Election. On the Tuesday following the first Monday in November, 1978 and every four (4) years thereafter, the qualified voters of the city of Decatur, Arkansas, shall elect a Mayor for four (4) years.

2.24.03 Duties As chief executive of the city, the Mayor shall preside over all meetings of the City Council of the city of Decatur, Arkansas, and shall perform such duties as may be required of him by state statute or city ordinance.

2.24.04 Appointment of officers The Mayor shall appoint, with the approval of the City Council of the city of Decatur, Arkansas, (where such approval or confirmation is required) all officers of the city whose election or appointment is not provided for by state statute or city ordinance.

2.24.05 Salary That the Mayor shall receive compensation for the office held at the rate of \$ 20,000.00 annually to be paid in 12 equal installments, beginning January 1, 2016. (Ord. No. 15-05, Sec. 2.)

## **CHAPTER 2.28**

### **RECORDER/TREASURER**

#### Sections:

- 2.28.01 Offices combined
- 2.28.02 Compensation
- 2.28.03 Duties

2.28.01 Offices combined The offices of Recorder and Treasurer are hereby combined into one office to be known as the Recorder/Treasurer.

2.28.02 Compensation The city Recorder/Treasurer shall receive compensation for the office held at the rate of \$3,600.00 to be paid in 12 equal installments, beginning January 1, 2016. (Ord. No. 15-05, Sec. 3.)

#### STATE LAW REFERENCE - Constitutional Amendment No. 56

2.28.03 Duties The city Recorder/Treasurer's duties shall be to attend City Council meetings, dictate and prepare the City Council minutes, sign all city ordinances and resolutions, and sign city checks as requested by the Administrative Assistant or Mayor. The Recorder/Treasurer shall retain the position of secretary for the Firemen's Pension Board, Planning & Zoning Board, and Benton County Municipal Court West Board. (Ord. No. 2002-6, Sec. 2.)

## **CHAPTER 2.32**

### **CITY ATTORNEY**

#### **Sections:**

- 2.32.01 Appointment
- 2.32.02 Duties

2.32.01 Appointment. The office of City Attorney be filled through appointment by the City Council from time to time, all as is more fully provided under Arkansas law, including Act 645 of 1997. (Ord. No. 98-03, Sec. 1.)

2.32.02 Duties. It shall be the duty of the City Attorney to prosecute all cases in the District Court for violation of the city's ordinances, and to prosecute and defend, as the case may require, for the city, all cases in which the city may be interested, whether civil or criminal, in all the courts, state and federal.

## **CHAPTER 2.34**

### **LOPFI**

#### **Sections:**

- 2.34.01 Authority
- 2.34.02 Agreement

2.34.01 Authority Once accepted by LOPFI, the administration of the DECATUR Fire Relief and Pension Fund (Local Plan) shall be transferred to LOPFI under authority of Arkansas Code Annotated 24-11-804, as amended. Such transfer shall mean the administration of the Local Plan only and not a change in the Local Plan's benefit program unless a benefit increase is approved by the City of DECATUR, Arkansas. (Ord. No. 20-02, Sec. 1)

2.34.02 Agreement The Chief Administrative Officer is hereby authorized to enter into an irrevocable agreement, using a twenty (20) year amortization schedule, with LOPFI to administer the Local Plan as stated in Section 1 hereof. (Ord. No. 20-02, Sec. 2)

## **CHAPTER 2.36**

### **FIRE DEPARTMENT**

Sections:

- |         |   |
|---------|---|
| 2.36.01 | Creation and personnel                    |
| 2.36.02 | Responsibilities                          |
| 2.36.03 | Appointments of members                   |
| 2.36.04 | Drills                                    |
| 2.36.05 | Records                                   |
| 2.36.06 | Hazardous materials response              |
| 2.36.07 | Authorization                             |
| 2.36.08 | Supervision                               |
| 2.36.09 | Rates, reimbursement, collection, records |
| 2.36.10 | Fire Dues                                 |
| 2.36.11 | Outside fire service                      |
| 2.36.12 | Compensation to members                   |

2.36.01 Creation and personnel It is ordained by the City Council of the city of Decatur, Benton County, Arkansas that the City Council of the above mentioned city is authorized to create and organize volunteer Fire Department consisting of a Fire Chief, Assistant Chief and sixteen volunteer firemen. (Ord. No. 51, Sec. 1.)

2.36.02 Responsibilities Said department is responsible for city fire equipment and the directing of fire fighting at all time. (Ord. No. 51, Sec. 2.)



2.36.03 Appointment of members All members of the Fire Department be appointed and approved by City Council. The position of Chief and Assistant Chief being appointed for one year. Appointments to positions of firemen be for an indefinite period. The City Council may ask for the resignation of any member of said department upon failure to do their duty. (Ord. No. 51, Sec. 3.)

2.36.04 Drills Said department will set up a systematic series of drills, under direction of the State of Arkansas Fire Bureau and these drills be carried on at least twice monthly. (Ord. No. 51, Sec. 4.)

2.36.05 Records That a complete record in log form be kept of all fire department activities, drills, fires, inspections and purchases. (Ord. No. 51, Sec. 5.)

2.36.06 Hazardous materials response As used in this ordinance, “special services” shall mean that extraordinary work, labor or service which may be provided only by the fire department due to the specialized training and equipment of the fire department, which shall be available within the corporate limits of the city of Decatur and the surrounding area to the degree the provision of such work, labor or service is reasonable and practicable in the judgment of the officials supervising the operation of said service; said special services shall include hazardous materials response and clean up. (Ord. No. 89-04, Sec. 1.)

2.36.07 Authorization The fire department may provide certain special services within and without the city of Decatur. Fire department personnel and apparatus may be used to perform the special services. (Ord. No. 89-04, Sec. 2.)

#### 2.36.08 Supervision

- A. The direction and supervision of the provision of special services shall be under the direct control of the fire chief or deputy fire chiefs.
- B. The officials who generally supervise the operation of the fire department shall promulgate such regulations governing the operation of the provision of special services as may be necessary to carry out the intent and purposes of this ordinance. (Ord. No. 89-04, Sec. 3.)

#### 2.36.09 Rates, reimbursement, collection, records

**City property owners** No fire charge will be applicable for those property owners who are current on their annual fire dues at the time of such call.

**Outside city** For other fire calls outside the city of Decatur, the following schedule of charges is established for non-members within the Decatur Fire District:

- A. \$85.00 per hour for each emergency vehicle utilized in such fire call;
- B. \$15.00 per hour for each fireman responding to such fire call; and
- C. \$10.00 small hand tool charge for each tool utilized (Axe, Halogen, Cribbing, etc.);

D. The actual replacement or repair cost for supplies, material, foam or other items used in responding to such call or for repairs to equipment damaged in response to such call.

**Motor Vehicle and Hazardous Material Accidents** the following schedule of charges is established for calls within the Decatur Fire District:

- A. \$85.00 per hour for each emergency vehicle utilized in such motor vehicle or hazardous material call;
- B. \$25.00 tool charge for each tool utilized (Spreaders, Cutters, Rams, Airbags, etc.);
- C. \$10.00 small hand tool charge for each tool utilized (Axe, Halogen, Cribbing, etc.);
- D. The actual replacement or repair cost for supplies, material, foam or other items used in responding to such call or for repairs to equipment damaged in response to such call.

**Charge per run** The maximum charge per run for each property owner will be fair market value of the service rendered, except that a claim for services in responding to a fire involving only personal property of a non-member shall not exceed Five Hundred Dollars (\$500.00), A.C.A. 23-88-102.

**Reciprocal fire runs** The charge assessed herein will not be applicable to reciprocal fire runs accorded to other fire districts or other entities.

**Collection** The charges assessed herein shall be collected in accordance with Arkansas law, including but not limited to insurance reimbursement and/or lien enforcement, A.C.A. 20-22-901, et seq. (Ord. No. 16-16, Sec. 1.)

2.36.10 Fire Dues The monthly fire dues shall be paid in the amount of \$1.50 per month from and after the passage of this ordinance, payable on each individual monthly water bill. (Ord. No. 19-01)

2.36.11 Outside fire service

- A. No Fire Department apparatus shall be taken beyond the corporate limits of the city of Decatur, Arkansas, as the same now or hereafter exists, to assist at any fire or for any other purpose, except by order of the Mayor or Fire Chief of the city of Decatur, or their designated representative,, and subject to the restrictions and conditions hereinafter set forth. (Ord. No. 78-5, Sec. 1.)
- B. The Mayor or Fire Chief of the city of Decatur or their designated representative, is authorized, in his discretion, to aid in the extinguishing of fires in another city, (or town), public institutions, corporation or other properties within a reasonable distance from the city of Decatur in which there is a possibility of fire spreading within the corporate limits. (Ord. No. 78-5, Sec. 2.)

- C. The Mayor and or Chief of the Fire Department or their designated representative, are hereby authorized but not required to enter in the mutual aid agreements with other communities, firms, corporations or individuals for the rendering of fire service. (Ord. No. 78-5, Sec. 3.)

2.36.12 Compensation for members

- A. The city of Decatur Fire Department has volunteers as its members, and it is necessary to establish compensation for those volunteers.
- B. The compensation for volunteers in the city of Decatur Fire Department shall be as follows:
- 0-5 years of service
- \$15.00 per fire run    \$10.00 per each meeting attended & first response calls
- after 5 years of service
- \$20.00 per fire run    \$10.00 per each meeting attended & first response calls
- C. City shall be responsible for payment of one monthly meeting for all department members.
- D. All first responder money going to the firemen will be deposited into a separate account set up by the firemen. Said money shall be spent by vote of the firemen. This account shall be overseen by the Fire Chief and the Fire Department members. All checks from the city will be made out to “Fireman’s Fund.”
- E. There will be an account set up at the Decatur State Bank under the heading “Decatur Fire Department – Donations.” This account will handle any donations made to the Fire Department, unless they are donations worked for, and will be spent to buy supplies or equipment needed for the department. This account will require the Fire Chief and the Mayor’s signatures on all checks. (Ord. No. 2008-11, Secs. 1-5.)

**CHAPTER 2.40****POLICE DEPARTMENT**Sections:

2.40.01	Established
2.40.02	Abolishes City Marshal
2.40.03	Procedures
2.40.04	Police Chief
2.40.05	Compensation

- 2.40.06 Duties
- 2.40.07 Dismissal
- 2.40.08 Policies and Procedures Manual

2.40.01 Established The city of Decatur hereby adopts and establishes the city of Decatur Police Department. (Ord. No. 98-7, Sec. 1.)

2.40.02 Abolished City Marshal The effective time and date of this ordinance, the city of Decatur hereby abolished the office of City Marshal. (Ord. No. 98-7, Sec. 2.)

2.40.03 Procedures All city policies, procedures, handbooks, papers, memorandum and other writings of whatever nature referring to the City Marshal or its office are hereby deemed to refer to the Chief of Police and/or to the Decatur Police Department as the context may require. (Ord. No. 98-7, Sec. 3.)

2.40.04 Police Chief That from and after this date, the office of Police Chief for the city of Decatur shall be filled by appointment by the Mayor, with majority of the City Council. (Ord. No. 92-3, Sec. 1.)

2.40.05 Compensation The Police Chief so appointed shall receive as compensation for such services a sum set by the City Council payable semi-monthly or weekly. (Ord. No. 92-3, Sec. 2.)

2.40.06 Duties The Police Chief shall perform all the duties prescribed by the laws of this state and the ordinances of the city of Decatur, and such other duties as assigned to him by the City Council. He shall have all powers bestowed upon him as a law enforcement officer by the laws of this state and all other powers specifically granted to him by the City Council. (Ord. No. 92-3, Sec. 3.)

2.40.07 Dismissal The Police Chief may be dismissed by the Mayor but the dismissal may be overridden by two-thirds vote of the total members elected to the City Council. (Ord. No. 92-3, Sec. 4.)

2.40.08 Policies and Procedures Manual Police Manual Adopted That pursuant to Arkansas Code Annotated section 14-51-302, the Policy Manual as set out in final draft dated 12/10/18, by the Chief of Police of the City of Decatur Police Department is hereby adopted by the reference herein, as if set out word for word. That a copy of said Policy Manual shall be on file with the City Clerk of the City of Decatur and each Law Enforcement Officer shall have a copy. (Ord. No. 2018-11, Secs. 1-2.)

## CHAPTER 2.41

### FRIENDS OF DECATUR

Sections:

2.41.01	Department created
2.41.02	Board of Directors
2.41.03	Initial Terms
2.41.04	Determining positions
2.41.05	Terms
2.41.06	Vacancy
2.41.07	Removal
2.41.08	Organization
2.41.09	Meetings

2.41.01 Department created The City of Decatur hereby establishes the Friends of Decatur Committee, and designates such Committee as a Department of the City. (Ord. No. 15-04, Sec. 1.)

2.41.02 Board of Directors The City of Decatur hereby establishes an initial Board of Directors, consisting of the following individuals:

Shanna Turner Stacey Brooks Nan McClain Jason Mereworth Danny Harrington. (Ord. No. 15-04, Sec. 2.)

2.41.03 Initial Terms Section 3. The initial terms of the Directors shall be as follows: Position A. -Term: 2 years Position B. - Term: 2 years Position c. - Term: 4 years Position D. - Term: 4 years Position E. - Term: 6 years. (Ord. No. 15-04, Sec. 3.)

2.41.04 Determining positions At the first meeting of the Directors, they shall cast lots to determine which Director fills which position, thereby designating the initial term for each Director. (Ord. No. 15-04, Sec. 4.)

2.41.05 Terms All subsequent Director terms shall be for 6 years. (Ord. No. 15-04, Sec. 5.)

2.41.06 Vacancy Vacancies on the Board of Directors shall be filled by the Mayor with the approval of the City Council. (Ord. No. 15-04, Sec. 6.)

2.41.07 Removal The removal of any Director permanently from the City of Decatur or his or her absence from four (4) consecutive meetings of the Board without explanation of absence, shall render that office of Director vacant. (Ord. No. 15-04, Sec. 7.)

2.41.08 Organization Immediately after their appointment, the Directors shall meet and organize by the election of one of their number as president and by the election of such other officers as they may deem necessary. The Directors shall make and adopt such bylaws, rules, and regulations for their own guidance as they see fit. (Ord. No. 15-04, Sec. 8.)

2.41.09 Meetings The Directors shall meet as described in their bylaws, for the transaction of business. (Ord. No. 15-04, Sec. 9.)

## CHAPTER 2.42

### RACIAL PROFILING

Sections:

2.42.01	Purpose
2.42.02	Policy statement
2.42.03	Prohibition statement
2.42.04	Definitions
2.42.05	Procedures

2.42.01 Purpose The purpose of this policy is to affirm the department's commitment to biased-free policing in all its encounters between an officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; to provide guidelines for our officers; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of the law and departmental policy. (Ord. No. 2008-5, Sec. 1.)

2.42.02 Policy statement Members of this law enforcement agency will base pedestrian or motor vehicle stops, investigate activities or detentions, searches, seizures, and arrests of persons upon the standard of reasonable suspicion or probable cause in compliance with the United States and Arkansas Constitutions. (Ord. No. 2008-5, Sec. 2.)

2.42.03 Prohibition statement Members of this law enforcement agency are prohibited from utilizing race, color, creed, ethnicity, gender, age, disability, religion, or any other belief system in making law enforcement decisions. Members shall not engage in racial profiling. (Ord. No. 2008-5, Sec. 3.)

2.42.04 Definitions

**Biased-free policing:** The practice of law enforcement officers relying solely on a standard of reasonable suspicion or probable cause.

**Biased policing:** A law enforcement action based on an individual's race, age, color, creed, disability, gender, religion or other belief system, or any other individual attribute, ethnic status or characteristic, or national origin rather than on the individual's behavior or on information identifying a specific individual as having engaged in criminal activity.

**Racial profiling:** A law enforcement action based on race, ethnicity, national origin or religion in selecting which individuals to subject to routine investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity.



Racial profiling does not include reliance on these criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable and locally relevant.

**Reasonable suspicion:** A standard based on facts or circumstances which alone do not give rise to a probable cause to arrest, but which do give rise to a suspicion that has come reasonable basis and is not pure conjecture. (Ord. No. 2008-5, Sec. 4.)

#### 2.42.05 Procedures

##### A. Officer responsibilities:

1. Officers shall conduct their duties in a responsible and professional manner, without bias.
2. Biased policing, including racial profiling, is strictly prohibited.
3. Officers will base pedestrian or motor vehicle stops, investigative activities or detentions, searches, seizures, and arrests of persons upon the standard of reasonable suspicion or probable cause.
4. Officers will consider the reported race or ethnicity of a specific suspect based on reliable, relevant information that connects a person of a specific race or ethnicity to a particular crime or unlawful incident.
5. Officers will identify themselves by full name and department. If possible, this identification should be in writing.
6. Officers will state the reason for the stop.
7. Officers will not retaliate against anyone who reports racial profiling.

##### B. Complaint investigations:

1. This department shall accept complaints from any person who believes that he or she has been the subject of a biased law enforcement action.
2. Supervisors will review all complaints and respond to them in a fashion consistent with policies governing other citizen complaints against law enforcement officers.

3. If a biased policing incident is sustained against an officer, it will result in appropriate corrective and/or disciplinary action.

C. Supervisor responsibilities:

1. Supervisors will ensure that the officers under their command understand the content of this policy and operate within its procedures.
2. Supervisor will conduct a systematic review of any complaints and will provide timely assistance, remediation, or discipline for individual law enforcement officers who have been found to be committing biased policing practices, including racial profiling.
3. Supervisors will not retaliate against officers or citizens who report racial profiling.
4. The department will include a copy of its Bias-Free Law Enforcement Policy in the annual report that it submits to the Division of Legislative Audit.
5. This policy shall be available for public inspection.
6. The department will provide annual training that emphasizes the prohibition against racial profiling and that reinforces the procedures and responsibilities of this Bias-Free Law Enforcement Policy.

D. Use of mobile audio/video equipment: This law enforcement agency's police vehicles are not equipped with mobile audio/video equipment.  
(Ord. No. 2008-5, Sec.5.)

## CHAPTER 2.44

### DISTRICT COURT

Sections:

2.44.01	District Court established
2.44.02	Salary of Judge
2.44.03	Fines on misdemeanors and traffic violations
2.44.04	Collector of fines

2.44.01 District Court established The City Council of the city of Decatur, Arkansas, does hereby petition the Quorum Court of Benton County, Arkansas, to establish a District Court in Decatur, Arkansas. (Ord. No. 84-3, Sec. 1.)

2.44.02 Salary of Judge Act 804 of 1983 provides in Section 2 therein that the County will pay fifty percent (50%) of the salary of the District Judge of said Court. The city of Decatur expressly provides herein, and agrees as a part of its petition to the Quorum Court of Benton County, Arkansas, that the city of Decatur will not look to the County General Fund or any other General Fund for payment of its Judge and that said Judge will be fully compensated wholly apart from any County Funds. (Ord. No. 83-2A, Sec. 2.)

2.44.03 Fines on misdemeanors and traffic violations

- A. In addition to any fine imposed by the court pursuant to the laws of the state of Arkansas or otherwise for traffic violations or misdemeanors, a Ten Dollar (\$10.00) fine is hereby levied upon and shall be collected from the defendant who pleads guilty or *nolo contendere* or who is found guilty of, or forfeits bond upon any charge of any misdemeanor or traffic violation for a city of Decatur offense in Benton County West District Court.
- B. Funds generated by the Ten Dollar (\$10.00) fine levied hereunder shall be used exclusively to defray the city's costs of incarcerating prisoners. (Ord. No. 2009-3, Sec. 2-3.)
- C. In addition to any fine imposed by the Court pursuant to the laws of the State of Arkansas or otherwise for traffic violations or misdemeanors, a \$20.00 fine is hereby levied upon and shall be collected for each defendant who pleads guilty or no contender (no contest) or who is found guilty of, or forfeits bond upon any charge of any misdemeanor or traffic violation for a City of Decatur offense in Benton County West District Court. (Ord. No. 2018-01, Sec. 2.)

2.44.04 Collector of fines The Benton County District Court West Court Clerk is hereby designated as the person primarily responsible for the collection of fines assessed in Benton County District Court West for the city of Decatur, Arkansas. (Ord. No. 2013-6, Sec. 1.)

**CHAPTER 2.48**

**TRAVEL POLICY**

Sections:

- 2.48.01 Mileage
- 2.48.02 Meals
- 2.48.03 Expenses not reimbursed
- 2.48.04 Receipts

2.48.01 Mileage That mileage will be paid for travel outside the city limits at the rate of .31 per mile. Persons claiming such travel expense shall complete the form(s) prescribed by the city from time to time relating to such mileage. (Ord. No. 98-1, Sec. 1.)

2.48.02 Meals In the event city business requires such employee or official to purchase meals while out of town on city business or to incur other expenses in addition to mileage, such expenses shall be reimbursed, in accordance with the following guidelines:

- A. reasonable meal cost, excluding tips;
- B. hotel or motel cost, based on the room rate for a single room. Further, if the event is held at a particular hotel or motel convention center, the room cost may not exceed the cost for a single room at that convention center; and
- C. actual parking cost for such travel.  
(Ord. No. 98-1, Sec. 2.)

2.48.03 Expenses not reimbursed Expenses not to be reimbursed include, but are not limited to tips, valet service, long distance telephone charges not made on behalf of the city, room service, liquor or expenses of a spouse or other person not on official city business. (Ord. No. 98-1, Sec. 3.)

2.48.04 Receipts All expense claims must be accompanied by appropriate receipts and other documentation as required by the city from time to time, and must be submitted to the city Recorder within ten (10) days of the last night of such trip. (Ord. No. 98-1, Sec. 4.)

## CHAPTER 2.52

### UNDERCOVER OPERATIONS FUND

Sections:

2.52.01	Establishment
2.52.02	Funding
2.52.03	Fund ceiling
2.52.04	Contributions to the Fund
2.52.05	Purpose of Fund
2.52.06	Use of funds
2.52.07	Operating guidelines

2.52.01 Establishment There is hereby established a special fund known as the Undercover Operations Fund. (Ord. No. 99-2, Sec. 1.)

2.52.02 Funding There is hereby appropriated from the city's General Fund the sum of \$500.00 for initial funding of the Undercover Operations Fund. (Ord. No. 99-2, Sec. 2.)

2.52.03 Fund Ceiling The Undercover Operations Fund shall have a maximum ceiling of \$10,000.00 (ten thousand dollars). All funds in excess of said amount shall be immediately paid over to the City General Fund. (Ord. No. 18-02)

2.52.04 Contributions to the 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 donations from private sources; 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. (Ord. No. 99-2, Sec. 4.)

2.52.05 Purpose of Fund The Undercover Operations 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 and other such crimes. (Ord. No. 99-2, Sec. 5.)

2.52.06 Use of funds When used for the purposes set forth in Paragraph 5 above, the Undercover Operations money may be spent on the following types of items:

- A. Purchase of food, lodging and travel expenses of law enforcement personnel, informant and other persons necessary to the establishment and/or implementation of undercover operations;

- B. Flash money;
- C. Purchases of controlled substances, stolen property, contraband or information related to any criminal activity; and
- D. Other similar and reasonably necessary items. (Ord. No. 99-2, Sec. 6.)

2.52.07 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 Decatur Police Department.
- B. The Decatur Police Department shall implement and follow accounting guidelines promulgated by the legislative Audit Committee for the State of Arkansas.
- C. At the conclusion of a criminal case in which moneys 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 consultation with the Police Chief.
- D. The Undercover Operations Fund will be administered by the Police Department on a cash-only basis. (Ord. No. 99-2, Sec. 7.)

## CHAPTER 2.56

### ADMINISTRATIVE ASSISTANT

Sections:

- 2.56.01 Administrative assistant
- 2.56.02 Duties
- 2.56.03 Compensation

2.56.01 Administrative assistant The office of Administrative Assistant be established. The office of Administrative Assistant shall be appointed by the Mayor and be by a two-thirds vote of the City Council. (Ord. No. 2002-6, Sec. 1.)

2.56.02 Duties The Administrative Assistant shall perform all other duties (other than those of the Recorder/Treasurer) in relation to the daily financial operations of the city of Decatur. (Ord. No. 2002-6, Sec. 2.)

2.56.03 Compensation The Administrative Assistant shall receive a salary of \$27,434.16 and shall be entitled to all benefits by the city. The salaries may be modified from time to time. Said salaries shall be in effect from the date of passage of this ordinance. (Ord. No. 2002-6, Sec. 3.)

## CHAPTER 2.60

### HISTORICAL COMMISSION

Sections:

2.60.01	Established
2.60.02	Board of Trustees
2.60.03	Initial Terms
2.60.04	Position allotment
2.60.05	Terms
2.60.06	Vacancies
2.60.07	Absences, removal
2.60.08	Organization, adoption of rules
2.60.09	Meetings
2.60.10	Oversight

2.60.01 Established The City of Decatur hereby establishes the Decatur Historical Commission and designates such Commission as a Department of the City. (Ord. No. 2018-03, Sec. 1.)

2.60.02 Board of Trustees The City of Decatur hereby establishes a Board of Trustees for the Commission, consisting of the following initial board members:

- A. Lester Austin
- B. Lynval Abercrombie
- C. Pat Austin
- D. Mark Wilkins
- E. Jeanelle Simpson
- F. Mike Eckels
- G. Council Representative

(Ord. No. 2018-03, Sec. 2.)

2.60.03 Initial Terms The initial terms of the Trustees shall be as follows:

- Position A 2 years
- Position B 2 years
- Position C 4 years
- Position D 4 years
- Position E 6 years
- Position F 6 years

(Ord. No. 2018-03, Sec. 3.)

2.60.04 Position allotment At the first meeting of the trustees, they shall have a drawing to determine which trustee fills which position. (Ord. No. 2018-03, Sec. 4.)

2.60.05 Terms All subsequent trustee terms shall be 6 years. (Ord. No. 2018-03, Sec. 5.)

2.60.06 Vacancies Vacancies on the Board shall be filled by appointment by the Mayor with subsequent ratification by a vote of the city council. (Ord. No. 2018-03, Sec. 6.)

2.60.07 Absences, removal The removal of any trustee permanently from the Decatur Historical Commission or his or her absence from 4 consecutive meetings of the board without due explanation for such absences shall render that office vacant. (Ord. No. 2018-03, Sec. 7.)

2.60.08 Organization, adoption of rules Immediately after their appointment, the trustees shall meet and organize by the election of one of them as president and such other officers as they deem needed. The trustees shall adopt such bylaws, rules, and regulations for their own guidance as they see fit. (Ord. No. 2018-03, Sec. 8.)

2.60.09 Meetings The trustees shall meet once a month or as needed to conduct business. (Ord. No. 2018-03, Sec. 9.)

2.60.10 Oversight The Historical Commission shall be charged with oversight of structures and items of a historical nature within Decatur, including but not limited to the Rail Museum and Depot. However, the City of Decatur shall own or lease any and all property and shall be solely responsible for payment of any and all rents or utilities. (Ord. No. 2018-03, Sec. 10.)