

MAR 6 2001

LOCAL GOVERNMENT

HOUSE FILE 507

BY MAY

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the exercise of city police powers by
2 providing for a law enforcement contract with a county, and
3 providing for a referendum and other properly related matters.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 507

1 Section 1. NEW SECTION. 364.26 LAW ENFORCEMENT SERVICES
2 -- REFERENDUM.

3 1. Upon receipt of a petition signed by the number of the
4 eligible electors of the city as provided in section 362.4,
5 the city council shall submit a proposal to obtain law
6 enforcement services from the county to the city electorate at
7 a general election or a special election. The notice of
8 election shall be published as provided in section 362.3. The
9 proposal shall provide for a contract with the county sheriff
10 to provide law enforcement services to the city for five
11 years. The city council, by resolution, may reenter into a
12 law enforcement services contract for an additional five years
13 or discontinue the contract. However, if the city council
14 votes to discontinue a law enforcement services contract, the
15 council, upon receipt of a petition signed by the number of
16 eligible electors of the city as provided in section 362.4,
17 shall submit the proposal to reenter into a contract to the
18 city electorate at a general election or a special election as
19 provided in the section.

20 2. The ballot for the election shall be prepared in
21 substantially the form for submitting special questions at
22 general elections and the form of the proposition shall be
23 substantially in one of the two following forms:

24 a. If the proposition is to approve a law enforcement
25 services contract with the county sheriff, the following
26 question shall be submitted:

27 Shall the city of _____ contract for law enforcement
28 services with the county of _____ for five years from
29 July 1, _____, to June 30, _____?

30 Yes _____ No _____

31 b. If the proposition is to reenter into a law enforcement
32 services contract with the county sheriff, the following
33 question shall be submitted:

34 Shall the city of _____ reenter into a law enforcement
35 services contract with the county of _____ for

1 five years from July 1, _____, to June 30, _____?

2 Yes _____ No _____

3 3. If a majority of the registered voters in the city
4 voting on the proposition approve the proposition, the city
5 shall contract for law enforcement services with the county or
6 shall reenter into a contract for law enforcement services
7 with the county, as applicable.

8 4. a. If a city agrees to enter or reenter into a law
9 enforcement contract with the county, the compensation shall
10 be based on a per capita rate determined by a three-member
11 compensation board. The members of the compensation board
12 shall be appointed as follows:

13 (1) One member shall be appointed by the city council.

14 (2) One member shall be appointed by the county board of
15 supervisors.

16 (3) One member shall be appointed by the county sheriff.

17 b. The compensation board shall serve at the pleasure of
18 the appointing authority and shall meet as necessary to
19 determine the per capita compensation rate for the law
20 enforcement contract. Two members shall constitute a quorum
21 and the concurrence of two members is required to set the per
22 capita compensation rate.

23 EXPLANATION

24 This bill provides that, upon petition signed by the number
25 of eligible electors of a city as provided in Code section
26 362.4, the city council shall submit a proposition to obtain
27 law enforcement services from the county to the city
28 electorate at a general election or a special election. The
29 proposal shall provide for a contract with the county sheriff
30 to provide law enforcement services to the city for five
31 years. After the five years, the city council, by resolution,
32 may reenter into the law enforcement contract for an
33 additional five years or discontinue the contract. However,
34 if the city council votes to discontinue the contract, upon
35 receipt of a petition of the number of eligible electors of

1 the city as provided in Code section 362.4, the city council
2 shall submit the proposition to reenter into the law
3 enforcement contract to the city electorate.

4 If the city electorate approves the proposition to contract
5 for law enforcement services with the county, the city council
6 shall enter into a contract. Also, if the city electorate
7 approves reentering into a law enforcement contract with the
8 county, the city council shall reenter into a law enforcement
9 contract for five additional years.

10 The bill also provides for the appointment of a three-
11 member compensation board to determine the per capita rate of
12 compensation to be paid under the law enforcement contract.
13 One member of the board is appointed by the city council, one
14 member is appointed by the county board of supervisors, and
15 one member is appointed by the county sheriff. The
16 concurrence of two members of the compensation board is
17 required to determine the per capita rate.

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