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LOCAL GOVERNMENT

HOUSE FILE 530  
BY HUSER and SCHICKEL

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Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act allowing merger of certain local law enforcement agencies  
2 to create a metropolitan police department and providing  
3 certain taxing authority for such a department.

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

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HF 530

1 Section 1. NEW SECTION. 332.1 FINDINGS -- DECLARATION OF  
2 PURPOSE.

3 1. The general assembly finds that there is substantial  
4 duplication of functions, personnel, and expenses between the  
5 city and county law enforcement agencies in this state. The  
6 general assembly further finds that merger of city and county  
7 law enforcement agencies would increase the efficiency of such  
8 agencies by improving communication facilities, lowering  
9 purchasing costs, and coordinating law enforcement efforts  
10 throughout metropolitan areas.

11 2. It is the purpose of this chapter to provide the means  
12 whereby the respective law enforcement agencies of the cities  
13 and counties in this state may merge into metropolitan police  
14 departments.

15 Sec. 2. NEW SECTION. 332.2 LIBERAL CONSTRUCTION.

16 The powers of the various participating political  
17 subdivisions and the provisions of this chapter shall be  
18 construed liberally to effect the merger of the law  
19 enforcement agencies of such political subdivisions without  
20 administrative difficulty, it being the intention of the  
21 general assembly that the formation of departments be effected  
22 in an orderly manner.

23 Sec. 3. NEW SECTION. 332.3 DEFINITIONS.

24 As used in this chapter, unless the context otherwise  
25 requires:

26 1. "Board" means a civil service board appointed by the  
27 committee.

28 2. "Committee" means a metropolitan police committee on  
29 fiscal affairs created under section 332.14.

30 3. "Department" means a metropolitan police department  
31 created under the provisions of this chapter.

32 4. "Department fund" means any fund created in a county  
33 treasury under section 332.18.

34 5. "Investigative function" means those units within a  
35 department whose primary responsibility is to investigate

1 cases to apprehend and convict criminals.

2 6. "Political subdivision" means a county in this state or  
3 a city within such county.

4 7. "Rural program of resident officers" means either a law  
5 enforcement district created pursuant to chapter 357D or a law  
6 enforcement program created pursuant to this chapter which  
7 provides police protection to a rural area as defined by a  
8 metropolitan police department or whose boundaries are  
9 established pursuant to chapter 357D, approved by the  
10 governing body of each participating political subdivision  
11 before January 1 preceding the commencement of each fiscal  
12 year.

13 8. "Taxing district" means a district created pursuant to  
14 section 332.22.

15 9. "Uniformed function in the field" means those operating  
16 units within a department whose primary responsibilities are  
17 to protect the public safety, respond in the first instance to  
18 disturbances and calls for service, and enforce any traffic  
19 regulation.

20 Sec. 4. NEW SECTION. 332.4 AUTHORITY TO CREATE A  
21 METROPOLITAN POLICE DEPARTMENT.

22 1. A county and any of the cities in that county may merge  
23 their respective law enforcement agencies to create a single  
24 law enforcement agency, known as a metropolitan police  
25 department for the participating political subdivisions. A  
26 metropolitan police department shall operate under the  
27 provisions of this chapter.

28 2. If a city located in more than one county merges its  
29 law enforcement agency with the law enforcement agency of one  
30 of those counties, the entire city shall be served by the  
31 metropolitan police department.

32 Sec. 5. NEW SECTION. 332.5 PROCEDURE.

33 1. The board of supervisors of any county and the  
34 governing body of any city or cities located in the county may  
35 merge their respective law enforcement agencies into one

1 metropolitan police department pursuant to the provisions of  
2 this chapter. To do so, the board of supervisors of the  
3 participating county and the governing body of each  
4 participating city must each adopt an ordinance providing for  
5 the merger. An ordinance providing for a merger must be  
6 adopted and become effective on or before November 30 in the  
7 year preceding the commencement of the fiscal year in which  
8 the merger is to occur.

9 2. If the legal authority under which a participating city  
10 is organized provides for the appointment of a chief of police  
11 and duties of law enforcement of the chief of police and the  
12 governing body of the city adopts an ordinance for the merger  
13 authorized by this section:

14 a. The provision for appointment of a chief of police  
15 shall be deemed superseded as long as the ordinance providing  
16 for a merger of the police department of the participating  
17 city remains in effect.

18 b. The duties of law enforcement vested in the law  
19 enforcement agencies designated in the merger devolve upon the  
20 metropolitan police department, except the duty to construct,  
21 maintain, or operate any county or city jail or detention  
22 facility.

23 3. Any nonparticipating city may, by adopting an ordinance  
24 providing for a merger, merge its law enforcement agency into  
25 an existing metropolitan police department with the unanimous  
26 consent of the committee and subject to such rules and  
27 regulations as the committee may adopt which are consistent  
28 with the provisions of this chapter.

29 Sec. 6. NEW SECTION. 332.6 EFFECT OF MERGER.

30 Upon merger, the law enforcement agencies of each  
31 participating political subdivision, which are designated in  
32 the merger, shall be deemed abolished as long as the ordinance  
33 providing for the merger remains in effect.

34 Sec. 7. NEW SECTION. 332.7 EFFECT OF MERGER -- SHERIFF  
35 -- POLICE CHIEFS -- DEPUTIES AND ASSISTANTS.

1 1. The chief law enforcement officer in a department,  
2 except as limited or otherwise provided in this chapter, is  
3 the sheriff of the county in which the department is located.  
4 Except as otherwise provided, the sheriff shall continue to  
5 perform all duties and retain all powers as sheriff of the  
6 county. The office of sheriff in a metropolitan police  
7 department is an elected office as provided in section  
8 331.651. The term of office of the sheriff serving at the  
9 time of merger shall expire at the same time as if there had  
10 been no merger.

11 2. a. The chief of police of the largest participating  
12 city serving at the time of the merger shall be second in  
13 command of the department and shall be designated as assistant  
14 sheriff of the department.

15 b. The chiefs of police of other participating cities, the  
16 assistant chiefs of police of other participating cities, the  
17 chief deputies or deputy chiefs, or both, and the deputy  
18 sheriffs of the county, all serving at the time of the merger,  
19 are entitled to obtain employment with the department in  
20 positions which their leadership abilities warrant.

21 3. All persons designated in subsection 2 are entitled to  
22 retain an equivalent rank in the department at least until the  
23 expiration of the current term of office of the sheriff,  
24 except that they may be removed for cause. The persons  
25 selected to fill any of the positions described in subsection  
26 2, paragraph "b", or the position of commander must be  
27 selected from the highest civil service rank in the department  
28 and are entitled to return to that rank if removed from one of  
29 those positions. Persons from outside the department shall  
30 not be appointed to those positions.

31 Sec. 8. NEW SECTION. 332.8 EFFECT OF MERGER -- PERSONNEL  
32 -- RETENTION OF DUTIES AND RESPONSIBILITIES -- EMPLOYEE  
33 BENEFITS.

34 1. Employees of the respective law enforcement agencies of  
35 the participating political subdivisions, who are so employed

1 at the time of the merger, may obtain employment with the  
2 department and shall hold positions of rank and grade  
3 comparable to their positions prior to the merger.

4 2. Such employees, sworn or civilian, are entitled to  
5 suffer no loss in pay, pension, fringe benefits, or other job  
6 benefits by reason of the merger.

7 3. Sick leave, longevity, and vacation time accrued to  
8 such employees in the service of their respective law  
9 enforcement agencies shall be credited to them as employees of  
10 the department. All rights and accruals of such employees as  
11 members of the Iowa public employees' retirement system  
12 pursuant to chapter 97B and the retirement system for police  
13 officers pursuant to chapter 411 shall remain in force and  
14 shall be automatically transferred from the respective law  
15 enforcement agencies to the department.

16 4. The duties and responsibilities of such employees shall  
17 not be diminished by reason of the merger, but their area and  
18 division of assignment may be changed at the discretion of the  
19 sheriff of the department or the sheriff's designated  
20 administrative representative.

21 5. The most liberal employee benefits which have been  
22 negotiated by the respective employee organizations of the law  
23 enforcement agencies of the participating political  
24 subdivisions shall be the benefits applicable to the employees  
25 of the department.

26 Sec. 9. NEW SECTION. 332.9 UNITS OF SPECIALIZED LAW  
27 ENFORCEMENT.

28 1. The provisions of this chapter do not prohibit a  
29 participating political subdivision from establishing and  
30 administering the following units of specialized law  
31 enforcement:

- 32 a. A unit consisting of animal control officers.
- 33 b. A unit for the removal and disposition of abandoned  
34 motor vehicles as provided in section 556B.1.
- 35 c. A unit for the investigation of arson.

1 d. A unit for the enforcement of laws relating to the  
2 licensure of businesses.

3 e. A unit for the enforcement of nonmoving traffic laws.

4 2. The jurisdiction and authority of any units of  
5 specialized law enforcement established pursuant to subsection  
6 1 is concurrent with the authority and jurisdiction of the  
7 metropolitan police department.

8 Sec. 10. NEW SECTION. 332.10 PROCEDURE FOR WITHDRAWAL OR  
9 DISSOLUTION.

10 1. If a participating political subdivision in a  
11 department that consists of three or more participating  
12 political subdivisions wishes to withdraw from the department,  
13 the participating political subdivision shall submit the  
14 question of whether the political subdivision should withdraw  
15 from the department to the registered voters of the political  
16 subdivision at the regular city election in the case of a city  
17 or the general election in the case of a county. The  
18 participating political subdivision shall give notice of its  
19 intent to withdraw to the other participating political  
20 subdivisions at least six months before the election. If a  
21 majority of the voters approve the question, the effective  
22 date of the withdrawal is the commencement of the fiscal year  
23 immediately following the regular city election at which the  
24 question of withdrawal is approved. The ordinance that had  
25 been adopted by the withdrawing political subdivision  
26 providing for the merger is repealed on the effective date of  
27 the withdrawal.

28 2. If a department consists of two participating political  
29 subdivisions and one of the participating political  
30 subdivisions determines that it wishes to withdraw, or if the  
31 department consists of three or more participating political  
32 subdivisions and all or all except one of the participating  
33 political subdivisions determine that they wish to withdraw,  
34 the participating political subdivisions must each submit the  
35 question of whether the department should be dissolved to the

1 registered voters within their jurisdiction at the next  
2 general election in the case of a county, or the next regular  
3 city election in the case of a city. If a majority of the  
4 total votes cast on the question are in favor of the  
5 dissolution of the department, the effective date of the  
6 dissolution is the commencement of the fiscal year immediately  
7 following the election at which the question of dissolution is  
8 approved. The ordinances that had been adopted by the  
9 participating political subdivisions providing for the merger  
10 are repealed on the effective date of the dissolution.

11 Sec. 11. NEW SECTION. 332.11 EFFECT OF WITHDRAWAL --  
12 EMPLOYEES.

13 1. Upon the withdrawal of a participating political  
14 subdivision from the department, the committee, in cooperation  
15 with the withdrawing political subdivision, shall determine  
16 the employees of the department that must be transferred to  
17 the law enforcement agency of the withdrawing political  
18 subdivision.

19 2. Such employees must hold positions of rank and grade  
20 comparable to their positions with the department before their  
21 transfer to the withdrawing political subdivision and are  
22 entitled to suffer no loss in pay, pension, fringe benefits,  
23 or other job benefits by reason of the transfer.

24 3. Sick leave, longevity, and vacation time accrued to  
25 such employees in the service of the department shall be  
26 credited to them as employees of the law enforcement agency of  
27 the withdrawing political subdivision. All rights and  
28 accruals of such employees as members of the Iowa public  
29 employees' retirement system pursuant to chapter 97B or the  
30 retirement system for police officers pursuant to chapter 411  
31 remain in force and must be automatically transferred from the  
32 department to the law enforcement agency of the withdrawing  
33 political subdivision.

34 4. The duties and responsibilities of such employees must  
35 not be diminished by reason of their transfer to the

1 withdrawing political subdivision, but their area and division  
2 of assignment may be changed at the discretion of the chief  
3 law enforcement officer of the law enforcement agency of the  
4 withdrawing political subdivision.

5 Sec. 12. NEW SECTION. 332.12 EFFECT OF DISSOLUTION --  
6 EMPLOYEES.

7 1. Upon the dissolution of a department, employees of the  
8 department may, at the discretion of the employee, obtain  
9 employment with the political subdivision in the boundaries of  
10 which the employee had performed the majority of the  
11 employee's duties for the department during the fiscal year  
12 immediately preceding dissolution.

13 2. Such employees must hold positions of rank and grade  
14 comparable to their positions before dissolution and are  
15 entitled to suffer no loss in pay, pension, fringe benefits,  
16 or other job benefits by reason of the dissolution.

17 3. Sick leave, longevity, and vacation time accrued to  
18 such employees in the service of the department shall be  
19 credited to them as employees of the law enforcement agencies  
20 of the political subdivisions participating in the department  
21 at the time of dissolution. All rights and accruals of such  
22 employees as members of the Iowa public employees' retirement  
23 system pursuant to chapter 97B or the retirement system for  
24 police officers pursuant to chapter 411 remain in force and  
25 must be automatically transferred from the department to such  
26 law enforcement agencies.

27 4. The duties and responsibilities of such employees must  
28 not be diminished by reason of the dissolution, but their area  
29 and division of assignment may be changed at the discretion of  
30 chief law enforcement officers of the law enforcement agencies  
31 of the political subdivisions to which the employees are  
32 transferred upon dissolution.

33 Sec. 13. NEW SECTION. 332.13 EFFECT OF WITHDRAWAL OR  
34 DISSOLUTION -- AGREEMENTS -- CLAIMS.

35 1. Any contract, franchise, or other agreement into which

1 a department enters after merger for goods or services is  
2 subject to rescission by either party if one or more of the  
3 participating political subdivisions withdraw from the  
4 department or the department is dissolved.

5 2. A valid claim against a department arising from law  
6 enforcement activity is not diminished or altered by reason of  
7 the dissolution of the department. The participating  
8 political subdivisions at the time of dissolution are liable  
9 for any claims resulting from any pending action or proceeding  
10 which involves any debt, demand, liability, or obligation or  
11 which has been brought by or against the department after the  
12 merger, irrespective of the nature of such matter in  
13 litigation.

14 Sec. 14. NEW SECTION. 332.14 METROPOLITAN POLICE  
15 COMMITTEE ON FISCAL AFFAIRS.

16 1. A metropolitan police committee on fiscal affairs  
17 consists of two representatives from each participating  
18 political subdivision.

19 2. Representatives of the participating political  
20 subdivisions are not entitled to receive any additional  
21 compensation or be reimbursed by the department for any  
22 expenses incurred while serving on the committee.

23 3. Each representative of a participating political  
24 subdivision must be a member of its governing body and serves  
25 at the pleasure of the governing body making the appointment.

26 4. a. The members of the committee shall, by majority  
27 vote, appoint an additional member of the committee from the  
28 general public from a list consisting of three persons  
29 nominated by each participating political subdivision and  
30 three persons nominated by the sheriff. The additional  
31 member:

32 (1) Must reside in the area served by the department.

33 (2) Shall serve for one year and until a successor is  
34 appointed.

35 (3) May be reappointed.

1 (4) Is entitled to receive as compensation forty dollars  
2 for each day of service.

3 (5) Is entitled to reimbursement for necessary travel and  
4 per diem expenses in the manner provided by the committee for  
5 the reimbursement of officers and employees of the department.

6 b. If the members of the committee fail to agree on the  
7 additional member within thirty days after their initial  
8 meeting following the merger, or within thirty days of the  
9 expiration of the incumbent member's term, the additional  
10 member of the committee must be appointed by the governor  
11 without regard to the lists submitted. The person appointed  
12 by the governor must reside in the area served by the  
13 department.

14 5. At its first meeting and in August of each subsequent  
15 year, the committee shall select one of its members to act as  
16 chairperson.

17 6. A majority of the committee is a quorum for the  
18 transaction of business if the majority includes at least one  
19 representative from each participating political subdivision.

20 7. Except as otherwise provided in this chapter, when a  
21 vote of the committee is required to transact business, the  
22 vote is a majority of the quorum present and voting on the  
23 matter in question.

24 8. Members of the committee may administer all oaths or  
25 affirmations necessary in discharging the duties of their  
26 office.

27 9. The committee shall employ a clerk and may employ other  
28 clerical personnel necessary to the discharge of its duties.  
29 The clerk is secretary for the committee.

30 Sec. 15. NEW SECTION. 332.15 COMMITTEE MEETINGS.

31 1. The committee shall meet at least once each quarter on  
32 a regularly scheduled day and may meet more often upon the  
33 call of the chairperson, either on the chairperson's motion or  
34 at the request of any two members of the committee.

35 2. The clerk of the committee shall give written notice of

1 each special meeting to each member of the committee at least  
2 three days before the meeting or by mailing the notice to each  
3 member's place of residence in the county at least five days  
4 before the meeting.

5 3. The notice must specify the date, time, place, and  
6 purpose of the meeting. Lack of notice does not invalidate  
7 the proceedings if all of the members of the committee who did  
8 not receive notice are present at the special meeting.

9 Sec. 16. NEW SECTION. 332.16 DUTIES OF COMMITTEE --  
10 BUDGET AND FUNDING APPORTIONMENT.

11 The committee shall do all of the following:

12 1. Direct the department to prepare and shall approve an  
13 annual operating budget for the department.

14 2. Submit the budget to the governing bodies of the  
15 participating political subdivisions before March 1 for  
16 funding for the following fiscal year.

17 3. Direct the department to prepare and shall adopt the  
18 funding apportionment plan provided for in section 332.17 and  
19 submit the plan on or before January 1 to the governing bodies  
20 of the participating political subdivisions for approval. The  
21 governing bodies shall approve or reject the plan on or before  
22 February 1. If any of the governing bodies fails to approve  
23 the apportionment plan, the plan or any disputed element of  
24 the plan shall be submitted by the committee to an arbitration  
25 panel for resolution. The governing body of each  
26 participating political subdivision shall name one arbitrator  
27 to the panel, who must reside within this state. If this  
28 results in an even number of arbitrators, the arbitrators so  
29 named shall, by majority vote, select an additional  
30 arbitrator, who shall reside within this state and who shall  
31 serve as chairperson of the panel. The department shall  
32 provide such advice and technical and clerical assistance as  
33 is requested by the panel. The panel must make its decision  
34 and submit it to the participating political subdivisions on  
35 or before March 1. When submitted, the decision is final and

1 binding upon the participating political subdivisions.

2 Sec. 17. NEW SECTION. 332.17 FUNDING APPORTIONMENT PLAN.

3 1. The funding apportionment plan must exclude the costs  
4 of all of the following:

5 a. Operating and maintaining a county jail, a city jail,  
6 or a detention facility.

7 b. A rural program of resident officers, where applicable.

8 c. Any program of contract services which is funded  
9 entirely by the contracting agency or entity.

10 The costs described in paragraphs "a" and "b" are a proper  
11 charge against the county or city, as applicable. The capital  
12 costs of building a county jail are the responsibility of the  
13 county and the capital costs of building a city jail are the  
14 responsibility of the city.

15 2. The funding apportionment plan shall apportion the  
16 anticipated costs of operating and maintaining the department  
17 and capital costs, after deducting all anticipated revenue  
18 internally generated by the department, among the  
19 participating political subdivisions according to a formula  
20 developed by the department pursuant to this section.

21 3. In developing a formula, the department shall divide  
22 its budget into the following functional areas:

23 a. Activities which are the responsibility of any one of  
24 the participating political subdivisions.

25 b. Contract services which are performed solely for  
26 another agency or entity. Contract services which are  
27 performed solely for another agency or entity must each be  
28 identified as a separate functional area.

29 c. Administrative or supporting activities.

30 d. Remaining activities, services, or programs that are to  
31 be allocated to those functional areas which are to be jointly  
32 funded by the participating political subdivision.

33 4. The department shall identify the bureaus, sections,  
34 divisions, and groups that are assigned to each functional  
35 area. Each functional area must be a separate accounting unit

1 within the budget of the department for the purpose of  
2 apportioning the cost among the participating political  
3 subdivisions.

4 5. The costs of the activities of administration or  
5 support shall be allocated to the other functional area to  
6 which they apply in the ratio that the cost of each functional  
7 area bears to the combined costs of the other functional  
8 areas.

9 6. The costs of each functional area which is to be  
10 jointly funded, including the administrative or support costs  
11 allocated in accordance with subsection 5, shall be  
12 apportioned among the participating political subdivisions as  
13 follows:

14 a. The cost of uniformed functions in the field shall be  
15 apportioned on a percentage basis according to the comparative  
16 cumulative, unweighted percentage relationship among the  
17 participating political subdivisions based on the population  
18 of the participating political subdivisions, the total number  
19 of felonies which were reported in each participating  
20 political subdivision, and the total number of calls for  
21 service which were dispatched by the department in each  
22 participating political subdivision, excluding all of the  
23 following:

24 (1) Calls for service with respect to felony crimes.

25 (2) Calls for service originating in those areas which  
26 were served by a rural program of resident officers.

27 (3) Calls for service originating from a program of  
28 contract services which is funded entirely by the contracting  
29 agency or entity.

30 (4) Reports of felonies originating from a rural program  
31 of resident officers or a program of contract services.

32 The number of calls for service and the number of felonies  
33 reported must have been made during the twelve months  
34 preceding January 1 of the current fiscal year.

35 b. The cost of the investigative function shall be

1 apportioned on a percentage basis according to the comparative  
2 cumulative, unweighted percentage relationship among the  
3 participating political subdivisions of the total number of  
4 felonies which were reported in each participating political  
5 subdivision during the twelve months preceding January 1 of  
6 the current fiscal year.

7 7. For the purpose of subsection 6, the population  
8 attributable to a county does not include the population of  
9 the cities within that county or the population of those areas  
10 within that county which are served by a rural program of  
11 resident officers.

12 8. The department shall maintain all of the statistics  
13 necessary to effectuate the funding apportionment plan and  
14 shall maintain accurate records in support of the  
15 determination required in order to comply with this section.

16 9. If, in the initial year of the merger, the statistics  
17 necessary to determine the funding apportionment plan for the  
18 remainder of that year are incomplete, the department shall  
19 prepare a funding apportionment plan for the remainder of that  
20 year based upon the most accurate statistics available, and  
21 apply it as closely as possible in the manner prescribed in  
22 this section. The fact that a budget, a funding apportionment  
23 plan, and a rural program of resident officers are not  
24 prepared and submitted when due does not invalidate any of  
25 them.

26 Sec. 18. NEW SECTION. 332.18 DUTIES OF COUNTY TREASURER  
27 AND COUNTY AUDITOR.

28 1. The county auditor of a county which has a department  
29 shall issue warrants against a department fund in the manner  
30 provided in this chapter and in section 331.506.

31 2. The county treasurer shall do all of the following:

32 a. Create in the county treasury one or more funds and  
33 accounts within those funds, pursuant to section 331.555, as  
34 the department may request, for the exclusive use of the  
35 department.

1 b. Receive all moneys from the county, participating  
2 cities, and any other source on behalf of the department and  
3 deposit the moneys in the appropriate department fund.

4 c. Receive all moneys collected by the department for any  
5 purpose, except criminal and civil fines, and deposit the  
6 moneys in the appropriate department fund.

7 d. Credit any interest earned on moneys held in a  
8 department fund to any such fund designated by the department.

9 e. Retain in each department fund any balances remaining  
10 at the end of each fiscal year.

11 3. Within thirty days after the effective date of the  
12 withdrawal of a participating political subdivision from the  
13 department, the county auditor shall issue a warrant to pay to  
14 the withdrawing political subdivision any moneys held in a  
15 department fund that is attributable to the withdrawing  
16 political subdivision based on the proportion that the total  
17 budgetary contribution of the withdrawing political  
18 subdivision to the department bears to the total budgetary  
19 contributions of all the participating political subdivisions  
20 to the department since the time of merger.

21 4. Within thirty days after the effective date of the  
22 dissolution of the department, the county auditor shall  
23 disburse any moneys held in a department fund to the  
24 participating political subdivisions at the time of  
25 dissolution based on the proportion that the total budgetary  
26 contribution of each participating political subdivision to  
27 the department bears to the total budgetary contributions of  
28 all the participating political subdivisions to the department  
29 since the time of merger.

30 Sec. 19. NEW SECTION. 332.19 ACCOUNTS OF DEPARTMENT --  
31 EXAMINATION AND AUDIT -- ALLOWANCE.

32 1. The committee may examine and audit the accounts of all  
33 officers responsible for the care, management, collection, or  
34 disbursement of any moneys belonging to the department or  
35 appropriated by law or otherwise, for its use and benefit.

1 2. The committee shall examine, settle, and allow all  
2 accounts legally chargeable against the department.

3 Sec. 20. NEW SECTION. 332.20 APPROVAL AND PAYMENT OF  
4 CLAIMS.

5 1. Every demand against a department, except a demand for  
6 the sheriff's salary, a contested claim or demand, or a demand  
7 required by the committee to be submitted to it, after the  
8 demand is approved and signed by the sheriff or the sheriff's  
9 designee, must be listed on a cumulative voucher sheet and  
10 audited by the county auditor.

11 2. The county auditor shall determine whether the amount  
12 demanded is legally due and remains unpaid, and whether its  
13 payment from the treasury is authorized by law, and from which  
14 fund the demand may be paid.

15 3. The county auditor and the county treasurer must sign  
16 the cumulative voucher sheets. The county auditor shall send  
17 a signed copy of the cumulative voucher sheets to the  
18 committee.

19 4. A majority of the members of the committee must approve  
20 a contested claim or a demand required to be submitted to the  
21 committee before such a demand is paid from the department's  
22 fund. A contested demand must be paid as provided in section  
23 332.21.

24 Sec. 21. NEW SECTION. 332.21 ISSUANCE OF WARRANTS.

25 1. If the county auditor refuses to allow the payment of  
26 any demand, the demand must be presented to the committee with  
27 the refusal of the county auditor endorsed on the demand and  
28 the reasons for the refusal.

29 2. If the committee, by a unanimous vote of all its  
30 members, orders the issuance of a warrant in such a case, the  
31 county auditor shall immediately issue the warrant upon  
32 written notification from the secretary of the committee  
33 certifying that all its members voted to order payment.

34 3. If the county auditor allows payment of a demand in  
35 part, a warrant may be issued only for that part unless the

1 committee allows a greater sum by a unanimous vote of its  
2 members.

3 4. A warrant shall not be drawn by the county auditor on a  
4 department's fund unless there are sufficient moneys in the  
5 fund to pay the warrant. Any warrant drawn contrary to the  
6 provisions of this subsection is void.

7 Sec. 22. NEW SECTION. 332.22 TAXING DISTRICT CREATED --  
8 PAYMENT OF BONDS AND OTHER INDEBTEDNESS.

9 1. In each county in which a metropolitan police  
10 department is established, a taxing district is created  
11 consisting of the area within the boundaries of each  
12 incorporated city which participates in the department and the  
13 area of the county outside the boundaries of any incorporated  
14 city.

15 2. Such a taxing district shall not be used for any  
16 purpose not specifically authorized by the provisions of this  
17 chapter.

18 3. The boundary of the taxing district shall not be  
19 altered or abolished as a result of the withdrawal of a  
20 participating political subdivision from the department or the  
21 dissolution of the department in such a manner as to impair  
22 any outstanding bonds or other indebtedness that is payable  
23 from or secured by a pledge of a tax imposed in the taxing  
24 district until those bonds or other indebtedness have been  
25 discharged in full.

26 Sec. 23. NEW SECTION. 332.23 AUTHORITY TO INCUR  
27 INDEBTEDNESS.

28 1. a. The committee may, with the consent of the  
29 governing body of the county and each participating city,  
30 incur indebtedness payable from the general revenues of the  
31 department to construct buildings or improve property used by  
32 the department, except a county or city jail or detention  
33 facility. For this purpose, the committee shall follow the  
34 procedures for issuance of debt as if the committee were a  
35 city council or county board of supervisors and the applicable

1 provisions of chapters 74 through 76, 331, and 384 shall  
2 apply. Indebtedness payable from general revenues of the  
3 department includes general obligation bonds, loan agreements,  
4 and lease-purchase agreements.

5 b. The committee may also enter into loan agreements and  
6 lease-purchase agreements for the purpose of purchasing  
7 equipment and other personal property for use by the  
8 department. The consent of the governing body of the county  
9 and each participating city is not required before the  
10 committee enters into loan agreements and lease-purchase  
11 agreements under this paragraph.

12 2. If indebtedness is incurred pursuant to this section,  
13 the committee shall determine the amount required in each  
14 fiscal year to pay the principal and interest, and certify  
15 this amount to the county auditor as the budgets of local  
16 governments are certified, for the levy of the requisite tax  
17 on all taxable property within the taxing district.

18 3. For the purposes of any debt limitation of a county or  
19 city, obligations issued pursuant to this section shall be  
20 deemed to be the respective general obligations of the county  
21 and each of the cities in the same proportion as the  
22 percentage of the department's expenses paid by the county and  
23 each of the cities pursuant to the funding apportionment plan  
24 in effect at the time the obligations are issued.

25 4. If a participating political subdivision withdraws from  
26 the department, the withdrawing political subdivision becomes  
27 liable for the proportion of the indebtedness for the general  
28 obligations issued pursuant to this section that is  
29 attributable to the withdrawing political subdivision based on  
30 the percentage of the department's expenses paid by the  
31 withdrawing political subdivision pursuant to the funding  
32 apportionment plan in effect at the time the general  
33 obligations were issued.

34 5. Each participating political subdivision at the time of  
35 dissolution becomes liable for the proportion of the

1 indebtedness issued pursuant to this section that is  
2 attributable to each participating political subdivision based  
3 on the percentage of the department's expenses paid by each  
4 participating political subdivision pursuant to the funding  
5 apportionment plan in effect at the time the indebtedness was  
6 incurred.

7     Sec. 24. NEW SECTION. 332.24 ADDITIONAL TAX LEVY --  
8 VOTER APPROVAL REQUIRED.

9     1. The committee may, with the consent of the governing  
10 body of each participating political subdivision, propose to  
11 the registered voters of the taxing district, at the general  
12 election, the question of whether an additional ad valorem tax  
13 shall be levied on all taxable property within the taxing  
14 district for the sole purpose of employing additional police  
15 officers for the department.

16     2. The question submitted to the voters must include  
17 information regarding the rate of the proposed additional  
18 property tax stated in dollars and cents per one thousand  
19 dollars of assessed valuation, the purpose of the proposed  
20 additional property tax, and the duration of the proposed  
21 additional property tax.

22     3. If the proposition is approved by a majority of the  
23 votes cast on the proposition, the additional levy shall be  
24 included in the budget for the fiscal year beginning July 1  
25 following the election. The board of supervisors of the  
26 county in which the taxing district is located shall impose  
27 the tax annually at the rate approved by the voters. The  
28 additional tax levy shall be levied at a uniform rate in the  
29 unincorporated area of the county and in each participating  
30 city.

31     Sec. 25. NEW SECTION. 332.25 TRANSFER OF POWERS AND  
32 DUTIES TO THE DEPARTMENT -- TORT LIABILITY.

33     1. Upon the formation of a department, every power and  
34 duty conferred or imposed by law upon a county sheriff which  
35 relates to law enforcement, and upon a chief of police or

1 police department of any participating city, devolves  
2 automatically upon the department, unless otherwise  
3 transferred pursuant to section 332.9. After the formation of  
4 a department, contracts to furnish police services must be  
5 made with the department and not with a participating  
6 political subdivision.

7 2. The department may, upon the approval of the committee  
8 and in compliance with public bidding requirements for cities  
9 and counties, enter into contracts to purchase goods and  
10 services necessary to operate and maintain the department.

11 3. The department may sue or be sued in its own name with  
12 respect to any contract into which it is permitted by law to  
13 enter.

14 4. The department is responsible for the defense of any  
15 claim and for any judgment arising out of any act or omission  
16 to act on the part of the committee, the sheriff, or any  
17 officer, employee, or agent of the department, for which a  
18 political subdivision of the state may be held responsible  
19 pursuant to chapter 670. The department may sue or be sued  
20 with regard to these matters.

21 5. The department may:

22 a. Insure itself against any liability arising under  
23 subsection 4.

24 b. Insure the members of the committee, the sheriff, and  
25 any of its officers, employees, or agents against tort  
26 liability resulting from an act or an omission to act in the  
27 scope of their duties or employment.

28 c. Insure against the expense of defending a claim against  
29 itself, the committee, the sheriff, or any of its officers,  
30 employees, or agents whether or not liability exists on the  
31 claim.

32 Sec. 26. NEW SECTION. 332.26 OPERATION AND MAINTENANCE  
33 OF JAIL.

34 A department may enter into a contract with a county or any  
35 participating city for the operation or maintenance by the

1 department, using its own employees, of a jail established by  
2 the other contracting party.

3 Sec. 27. NEW SECTION. 332.27 PUBLIC SCHOOLS --  
4 DEPARTMENT SERVICES.

5 1. The department may enter into a contract with the board  
6 of directors of any school district located in the county  
7 served by the department for the provision and supervision of  
8 police services in the public schools within the school  
9 district and on property owned by the school district. If the  
10 department enters into a contract pursuant to this section,  
11 the department shall create a separate unit designated as the  
12 school police unit for this purpose.

13 2. The department may establish different qualifications  
14 and training requirements for officers assigned to the school  
15 police unit than those generally applicable to officers of the  
16 department.

17 Sec. 28. NEW SECTION. 332.28 PENSION OR INSURANCE FOR  
18 DISABILITY -- NEGOTIATIONS.

19 1. The committee may establish, by contract or otherwise,  
20 and administer a disability pension plan or disability  
21 insurance program for the benefit of any police officer of the  
22 department who is disabled, to any degree, by an injury  
23 arising out of and in the course of the police officer's  
24 employment. The cost of the plan or program may be charged,  
25 in whole or in part, against the annual operating budget for  
26 the department.

27 2. The committee may adopt rules, policies, and procedures  
28 necessary to establish and administer the plan or program  
29 specified in subsection 1.

30 3. If the committee elects to consider implementation of a  
31 plan or program specified in subsection 1, or to change the  
32 benefits provided by an existing plan or program, the persons  
33 affected by the proposed plan or program, or proposed change,  
34 may negotiate with the following concerning the nature and  
35 extent of the plan, program, or change and chapter 20 shall

1 apply to negotiations for this purpose:

2 a. The committee or two or more persons designated by it.

3 b. The sheriff or a person designated by the sheriff.

4 4. The plan or program authorized by this section must be  
5 supplemental or in addition to, and not in conflict with, the  
6 coverage, compensation, benefits, or procedure established by  
7 or adopted pursuant to chapter 97B or 411, whichever is  
8 applicable.

9 5. The benefits provided for in this section are  
10 supplemental to other benefits an employee is entitled to  
11 receive on account of the same disability. In no event may  
12 the benefits provided for in this section, when added to  
13 benefits provided for or purchased by the expenditure of  
14 public moneys, exceed the maximum amount of benefits an  
15 employee is entitled to receive if the employee has been a  
16 member of the department or agency for ten years or more.

17 Sec. 29. NEW SECTION. 332.29 AUTHORITY OF SHERIFF --  
18 ADMINISTRATIVE MATTERS.

19 The sheriff of the county in which a department is located  
20 may adopt such policies, procedures, rules, and regulations  
21 for the administration of the department and the employees of  
22 the department as the sheriff deems appropriate without  
23 obtaining the approval of the board of supervisors, the city  
24 council, the civil service board, or the committee. Such  
25 policies, procedures, rules, and regulations shall not  
26 conflict with the regulations prepared by the civil service  
27 board and adopted by the committee pursuant to section 332.30,  
28 subsection 4.

29 Sec. 30. NEW SECTION. 332.30 CIVIL SERVICE SYSTEM.

30 1. Each department shall have a system of civil service,  
31 applicable to and governing all employees of the department,  
32 except elected officers and such other positions as designated  
33 by the committee.

34 2. The system of civil service shall be governed by a  
35 board composed of five civil service trustees appointed by the

1 committee. Upon creation of the board, the committee shall  
2 appoint one trustee for a term of two years, two trustees for  
3 terms of three years, and two trustees for terms of four  
4 years. Thereafter, the terms of all trustees shall be four  
5 years.

6 3. The members of the board may administer any oath or  
7 affirmation necessary in discharging its duties. The board  
8 may issue subpoenas in the discharge of its duties in the same  
9 manner as a subpoena is issued in a civil action.

10 4. The board shall prepare regulations governing the  
11 system of civil service to be adopted by the committee. The  
12 regulations must provide for all of the following:

- 13 a. Examination of potential employees.
- 14 b. Recruitment and placement procedures.
- 15 c. Classification of positions.
- 16 d. Procedures for promotion, disciplinary actions, and  
17 removal of employees.

18 5. Copies of the regulations of the system of civil  
19 service shall be distributed to all employees of the  
20 department.

21 6. The sheriff shall designate a personnel officer to  
22 administer the personnel functions of the department according  
23 to the policies and regulations of the board.

24 7. In any hearing or other proceeding conducted by the  
25 civil service board, an employee of the department may be  
26 represented by any person of the employee's choosing.

27 Sec. 31. NEW SECTION. 332.31 DEPARTMENT AS EMPLOYER --  
28 NEGOTIATIONS.

29 1. A department is a public employer for purposes of  
30 chapter 20. A department is an employer for purposes of  
31 chapter 97B and a department is a participating city for  
32 purposes of chapter 411.

33 2. In negotiations arising under the provisions of chapter  
34 20, the committee or two or more persons designated by the  
35 committee, and the sheriff, or a person designated by the

1 sheriff, shall represent the department.

2 3. In negotiations arising under the provisions of chapter  
3 20, a school police unit shall be considered a separate  
4 bargaining unit.

5 Sec. 32. NEW SECTION. 332.32 DEPARTMENT AS SUCCESSOR --  
6 PENDING ACTIONS OR CLAIMS.

7 1. All bonds, contracts, franchises, and agreements to  
8 which the participating political subdivisions are parties and  
9 which relate to law enforcement activity shall inure to the  
10 benefit of the department as the successor and assignee of  
11 such political subdivisions in matters relating to such  
12 activity.

13 2. No valid claims against the various participating  
14 political subdivisions arising from law enforcement activity  
15 shall be diminished or altered by reason of a merger under  
16 this chapter.

17 3. Merger of the respective law enforcement agencies shall  
18 not affect any pending action or proceeding which involves any  
19 debt, demand, liability, or obligation, or which has been  
20 brought by or against any participating political subdivision  
21 prior to the merger, irrespective of the nature of such matter  
22 in litigation.

23 Sec. 33. NEW SECTION. 332.33 PERSONAL PROPERTY --  
24 TRANSFER.

25 1. Upon merger, the title to and possession of all  
26 personal property which is owned or held by, or in trust for,  
27 any of the participating political subdivisions, or by their  
28 officers or agencies in trust for public use and which is  
29 exclusively devoted at the time of merger to the purposes of  
30 law enforcement, shall be vested in and transferred to the  
31 department.

32 2. Property which is required to be transferred under this  
33 section shall be inventoried and appraised before the  
34 transfer, in order to determine values as of the date of  
35 transfer. The property shall be inventoried and appraised in

1 a manner which satisfies the accounting requirements of each  
2 participating political subdivision.

3 3. The department shall hold title to all personal  
4 property it acquires after the time of merger.

5 4. If the withdrawal of a participating political  
6 subdivision from the department is approved pursuant to  
7 section 332.10, any personal property held by, for the use and  
8 benefit of or in trust for, the department shall be  
9 immediately inventoried and appraised. The withdrawing  
10 political subdivision is entitled to receive, on the effective  
11 date of the withdrawal, its share of the value of the personal  
12 property, in cash or in kind, or both, or in such other manner  
13 as determined by the committee, based upon the average of the  
14 following:

15 a. The proportion that its total contribution of personal  
16 property to the department bears to the total contributions of  
17 personal property of all participating political subdivisions  
18 since the effective date of the merger.

19 b. The proportion that its total budgetary contribution to  
20 the department bears to the total budgetary contributions of  
21 all participating political subdivisions since the effective  
22 date of the merger.

23 5. If the dissolution of the department is approved  
24 pursuant to section 332.10, any personal property held by, for  
25 the use and benefit of, or in trust for, the department shall  
26 be immediately inventoried and appraised. Each participating  
27 political subdivision at the time of dissolution is entitled  
28 to receive, on the effective date of the dissolution, its  
29 share of the value of the personal property, in cash or in  
30 kind, or both, based upon the average of the following:

31 a. The proportion that its total contribution of personal  
32 property to the department bears to the total contributions of  
33 personal property of all participating political subdivisions  
34 to the department since the effective date of the merger.

35 b. The proportion that its total budgetary contribution to

1 the department bears to the total budgetary contributions of  
2 all participating political subdivisions to the department  
3 since the effective date of the merger.

4 Sec. 34. NEW SECTION. 332.34 REAL PROPERTY -- POSSESSION  
5 -- TITLE.

6 1. Upon merger, the department may possess all real  
7 property owned or held by any of the participating political  
8 subdivisions for the purposes of law enforcement on the  
9 effective date of the merger.

10 2. Upon a showing of good cause and a majority vote of the  
11 committee, the political subdivision that holds title to  
12 property owned or held for the purposes of law enforcement on  
13 the effective date of the merger, or that acquired property  
14 for the use and benefit of or in trust for the department  
15 after the merger, may repossess the property for public use if  
16 the department no longer needs it for the purposes of law  
17 enforcement.

18 3. The maintenance costs for any real property held for  
19 the use and benefit of or in trust for a department shall be  
20 paid by the department.

21 4. The department may, upon the approval of the committee,  
22 lease or rent real property for the purposes of law  
23 enforcement.

24 5. If the withdrawal of a participating political  
25 subdivision from the department is approved pursuant to  
26 section 332.10:

27 a. The right to possess any real property, the possession  
28 of which passed to the department by operation of this section  
29 and the title to which remains in the withdrawing political  
30 subdivision, reverts to the withdrawing political subdivision  
31 upon the effective date of the withdrawal.

32 b. Real property which was acquired for the use and  
33 benefit of or in trust for the department after the merger  
34 must immediately be inventoried and appraised. The  
35 withdrawing political subdivision is entitled to receive, on

1 the effective date of the withdrawal, its share of the value  
2 of each parcel of real property, with improvements thereon, in  
3 cash or in kind, or both, or in such other manner as  
4 determined by the committee, in the proportion that its total  
5 budgetary contribution to the department during the fiscal  
6 year or years in which the parcel was acquired and improved  
7 bears to the total budgetary contributions of all  
8 participating political subdivisions during that time.

9 6. If the dissolution of the department is approved  
10 pursuant to section 332.10:

11 a. The right to possess any real property, the possession  
12 of which was passed to the department by operation of this  
13 section and the title to which remains in a participating  
14 political subdivision, reverts to that political subdivision  
15 on the effective date of the dissolution.

16 b. Real property that was acquired for the use and benefit  
17 of or in trust for the department after the effective date of  
18 the merger must immediately be inventoried and appraised.  
19 Each participating political subdivision at the time of  
20 dissolution is entitled to receive, on the effective date of  
21 the dissolution, its share of the value of each such parcel of  
22 real property and any improvements on that property, in cash  
23 or in kind, or both, in the proportion that its total  
24 budgetary contribution to the department during the fiscal  
25 year or years in which the parcel was acquired and improved  
26 bears to the total budgetary contributions of all  
27 participating political subdivisions to the department during  
28 that period.

29 **EXPLANATION**

30 This bill allows the law enforcement agencies of a county  
31 and one or more cities in the county to merge to create a  
32 metropolitan police department by ordinance of each of the  
33 participating political subdivisions.

34 The bill provides that the chief law enforcement officer of  
35 a metropolitan police department is the county sheriff of the

1 county where the department is located and the chief of police  
2 of the largest participating city is second in command of the  
3 department. The office of sheriff shall remain an elected  
4 office. Upon merger, other officials and employees of the law  
5 enforcement agencies of the county and city are entitled to  
6 obtain employment with the department at the comparable rank,  
7 grade, and responsibility as before the merger. Officers and  
8 employees of a metropolitan police department would continue  
9 to be enrolled in the government pension plan that they were  
10 enrolled in prior to merger. The bill also provides that the  
11 most liberal employee benefits which have been negotiated by  
12 the respective employee organizations prior to merger shall be  
13 the benefits applicable to the employees of the metropolitan  
14 police department.

15 The bill provides a procedure for withdrawing from, or  
16 dissolving, a metropolitan police department and a method  
17 whereby the assets of the department would be allocated, and  
18 the employees of the department assigned, should there be a  
19 withdrawal or dissolution.

20 The bill requires creation of a metropolitan police  
21 committee on fiscal affairs which shall approve the annual  
22 operating budget of the department and submit the budget to  
23 the participating political subdivisions for funding based on  
24 an apportionment formula devised by the department and  
25 approved by the governing bodies of the participating  
26 political subdivisions. The bill requires creation of a  
27 taxing district comprised of the area within the participating  
28 cities and the area of the participating county outside the  
29 boundaries of any city. The bill contains requirements for  
30 the apportionment formula devised by the department.

31 The bill requires the county treasurer and the county  
32 auditor to perform duties relating to the finances of the  
33 department.

34 The bill gives the committee on fiscal affairs authority to  
35 incur indebtedness, with the consent of the governing body of

1 the county and each participating city, for capital projects  
2 or for purchases of equipment or other personal property. The  
3 bill also gives the committee authority to levy an additional  
4 tax, but only with the consent of each governing body and  
5 approval of the electorate at an election.

6 The bill provides that every power and duty conferred by  
7 law on a county sheriff or city police chief transfers to the  
8 metropolitan police department. The bill provides that the  
9 department is responsible for defending any tort claims filed  
10 against an officer, employee, or agent of the department in  
11 the same manner that a political subdivision of the state is  
12 responsible.

13 The bill allows a department to enter into a contract with  
14 a school district in the county for the provision of police  
15 services. The bill also allows the department to create a  
16 rural program of resident officers to provide police  
17 protection to a rural area. The boundaries of the area served  
18 by a rural program of resident officers may be determined by  
19 the department or may be the boundaries established for a law  
20 enforcement district under Code chapter 357D.

21 The bill provides that the department is considered a  
22 public employer for purposes of employee negotiations under  
23 Code chapter 20, and negotiations with employees of the  
24 department shall be with the fiscal affairs committee and the  
25 sheriff, or designees of each.

26 The bill requires each department to have a system of civil  
27 service governing all employees of the department except  
28 elected positions and those positions designated by the fiscal  
29 affairs committee. The civil service board is required to  
30 prepare regulations, for adoption by the fiscal affairs  
31 committee, relating to examination of potential employees;  
32 recruitment; classification of positions; and procedures for  
33 promotion, disciplinary actions, and removal of employees.

34 The bill provides for the transfer of real and personal  
35 property of the law enforcement agencies of the participating

1 political subdivisions to the metropolitan police department.

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