SENATE BILL NO. 379

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

0047S.01I KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 85, RSMo, by adding thereto seventy-two new sections relating to police protection districts, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

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Section A. Chapter 85, RSMo, is amended by adding thereto
    seventy-two new sections, to be known as sections 85.1000,
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    85.1005, 85.1010, 85.1015, 85.1020, 85.1025, 85.1030, 85.1035,
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    85.1040, 85.1045, 85.1050, 85.1055, 85.1060, 85.1065, 85.1070,
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    85.1075, 85.1080, 85.1085, 85.1090, 85.1100, 85.1105, 85.1110,
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    85.1115, 85.1120, 85.1125, 85.1130, 85.1135, 85.1140, 85.1145,
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    85.1150, 85.1155, 85.1160, 85.1165, 85.1170, 85.1175, 85.1180,
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    85.1185, 85.1190, 85.1195, 85.1200, 85.1205, 85.1210, 85.1215,
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    85.1220, 85.1225, 85.1230, 85.1235, 85.1240, 85.1245, 85.1250,
    85.1255, 85.1260, 85.1265, 85.1270, 85.1275, 85.1280, 85.1285,
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    85.1290, 85.1300, 85.1305, 85.1310, 85.1340, 85.1355, 85.1360,
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    85.1365, 85.1370, 85.1375, 85.1380, 85.1385, 85.1390, 85.1395,
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    and 85.1400, to read as follows:
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85.1000. 1. A "police protection district" is a
political subdivision which is organized and empowered to
supply protection by any available means to persons and
property against injuries and damage from crimes and from
hazards which do or may cause harm or injury to persons and
property, and which is also empowered to render first aid
for the purpose of saving lives, and to give assistance in
the event of an accident or emergency of any kind. The

- 9 district shall consist of contiguous tracts or parcels of
- 10 property containing all or parts of one county, and may
- 11 include, in whole but not in part within its boundaries, or
- 12 may be contiguous, in whole but not in part, with, any city,
- 13 town, or village.
- 14 2. The word "board" as used in sections 85.1000 to
- 15 85.1400 shall mean the board of directors of a police
- 16 protection district.
- 17 3. Except as otherwise provided in sections 85.1000 to
- 18 85.1400, all elections herein provided for shall be held and
- 19 conducted and the returns thereof made, examined, and cast
- 20 up in the same manner and in all respects as in elections
- 21 for municipal, state, and county officers.
 - 85.1005. 1. No person holding any lucrative office or
- 2 employment under this state, or any political subdivision
- 3 thereof as defined in section 70.120, shall hold the office
- 4 of police protection district director under sections
- 5 85.1000 to 85.1400. When any police protection district
- 6 director accepts any office or employment under this state
- 7 or any political subdivision thereof, his or her office
- 8 shall thereby be vacated and he or she shall thereafter
- 9 perform no duty and receive no salary or expenses as police
- 10 protection district director.
- 11 2. This section shall not apply to an ex-officio
- 12 director, members of the organized militia, of the reserve
- 13 corps, and notaries public.
- 3. For the purposes of this section, the term
- 15 "lucrative office or employment" does not include receiving
- 16 retirement benefits, compensation for expenses, or a stipend
- 17 or per diem, in an amount not to exceed the standard state
- 18 per diem allowance for each day of service, for service

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rendered to a police protection district, the state, or any political subdivision thereof.

- 85.1010. 1. Notwithstanding the provisions of section 85.1005, no employee of any police protection district shall serve as a member of any police district board while such person is employed by any police protection district.
- 2. Notwithstanding any other provision of law to the contrary, individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board unless such employment is on a volunteer basis or without compensation.
- 85.1015. The voters residing in a proposed district,
 2 may, as provided in sections 85.1000 to 85.1400, establish
 3 police protection districts.
- 85.1020. The organization of a district shall be
 initiated by a petition filed in the office of the clerk of
 the county vested with jurisdiction in any county in which
 all or part of the real property in the proposed district is
 situated. The petition shall be signed by one hundred
 voters or more of the district.

85.1025. The petition shall set forth:

- (1) The name of the proposed district consisting of a chosen name preceding the words "police protection district";
- (2) An estimate of the number of inhabitants and of the assessed valuation of the taxable tangible property of the district, and of the yield from the intangible personal property located in the district;
- 8 (3) The estimated cost of the proposed improvements;
- 9 (4) A general description of the boundaries of the 10 district or the territory to be included therein, and the 11 boundaries of three wards in which the district shall be 12 subdivided, with such certainty as to enable a property

owner to determine whether or not his property is within the district, and a plat of the proposed district;

- (5) The wards shall be compact and contiguous and
 contain equal populations as nearly as possible, and shall
 be reapportioned, by the board of directors, within one
 hundred eighty days after each decennial census is reported
 to the president of the United States;
- 20 (6) Such other data and information as may be useful 21 to the voters in determining the necessity for the 22 organization of the district; and
- 23 (7) A prayer for the organization of the district.

85.1030. No petition with the requisite signatures

2 shall be declared null and void on account of alleged

defects, but the county clerk may at any time permit the

4 petition to be amended to conform with the facts, by

5 correcting any errors in the description of the territory,

6 or in any other particular, except that the boundaries of

7 the district may not be enlarged by taking in additional

8 territory, without notice to the owners of the property thus

9 affected, which notice may be made by publication or service

10 of such pleadings and orders on the owners so affected.

11 Similar petitions or duplicate copies of the same petition

12 for the organization of the same district, revising the

13 boundaries of the proposed district, or recommending another

14 chosen name for the district, may be filed at any time

15 before a hearing is had on the petition, and shall, together

16 with the first petition, be regarded as one petition, and

17 shall be considered by the county clerk the same as though

18 filed with the first petition placed on file.

85.1035. There shall be filed with the petition, or petitions, a filing fee in the amount of one hundred dollars

3 to cover the payment of processing costs.

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85.1040. Immediately after the filing of such petition 2 or any amended petition changing the boundaries, the county 3 clerk wherein such petition is filed shall, by order, fix a time and place not less than thirty days nor more than sixty 4 5 days after the petition is filed for a hearing thereon, and 6 thereupon the county clerk shall cause notice by publication 7 to be made of the filing of the petition and the pendency of 8 the action and of the time and place of the hearing 9 thereon. The county clerk shall also forthwith cause a copy 10 of the notice to be mailed by United States registered mail to the governing body of each municipality having territory 11 within the proposed boundaries of the proposed district, and 12 13 to the county commission of each county in which the 14 proposed district lies.

The county clerk in and for the county in 2 which the petition for the organization of a district has 3 been filed shall thereafter for all purposes of sections 85.1000 to 85.1400, except as otherwise provided, maintain 4 5 and have original and exclusive jurisdiction over all 6 matters connected with or affected by said district. 7 county clerk wherein such petition is filed shall be disqualified to perform any duty imposed by sections 85.1000 8 9 to 85.1400 by reason of ownership of property within the 10 proposed district.

85.1050. Upon the hearing if it shall appear that a

petition for the organization of a district has been signed

and presented pursuant to the provisions of sections 85.1000

to 85.1400, and that the allegations of the petition are

true, the county clerk shall, by order duly entered of

record, adjudicate all questions of jurisdiction, declare

the district organized, define the boundaries thereof, and

give it a corporate name by which in all proceedings it

- 9 shall thereafter be known, and thereupon the district,
- 10 subject to the election herein provided, shall be a
- 11 political subdivision of the state of Missouri and a body
- 12 corporate with all the powers of like or similar
- 13 corporations.
- 85.1055. Upon the hearing if the county clerk finds
- that the petition has not been signed, filed and presented
- 3 pursuant to the provisions of sections 85.1000 to 85.1400,
- 4 it shall dismiss the proceedings and adjudge the costs
- 5 against the sponsors of the petition, or petitions, in such
- 6 proportion as it deems just and equitable. Nothing herein
- 7 shall be construed to prevent the filing of a subsequent
- 8 petition, or petitions, for similar improvements or for a
- 9 similar district, and the right so to renew such proceeding
- 10 is hereby expressly granted and authorized.
 - 85.1060. 1. The decree of incorporation shall not
- 2 become final and conclusive until it has been submitted to
- 3 an election of the voters residing within the boundaries
- 4 described in such decree, and until it has been assented to
- 5 by a majority vote of the voters of the district voting on
- 6 the question. The decree shall also provide for the holding
- 7 of the election to vote on the proposition of incorporating
- 8 the district, and to elect three persons to act as the
- 9 elected members of the first board of directors, and shall
- 10 fix the date for holding the election on the first general
- 11 municipal election date to vote on a tax pursuant to section
- 12 85.1150 following entry of the decree in which notice of
- 13 election may be issued sufficiently in advance of the
- 14 election according to law.
- 15 2. The question shall be submitted in substantially
- the following form:

17 18	Shall there be incorporated a police protection district?
19	□ YES □ NO
20	3. The proposition of electing the first board of
21	directors or the election of subsequent directors may be
22	submitted on a separate ballot or on the same ballot which
23	contains any other proposition of the police protection
24	district. The ballot to be used for the election of a
25	director or directors shall be substantially in the
26	following form:
27	OFFICIAL BALLOT
28	Instruction to voters:
29 30 31 32	Place a cross (X) mark in the square opposite the name of the candidate or candidates you favor. (Here state the number of directors to be elected and their term of office.)
33	ELECTION
34 35	(Here insert name of district.) Police Protection District. (Here insert date of election.)
36	FOR BOARD OF DIRECTORS
37	WARD (#)
38	□ (name of candidate)
39	□ (name of candidate)
40	□ (name of candidate)
41	4. If a majority of the voters voting on the
42	proposition or propositions voted in favor of the
43	proposition to incorporate the district, then the county
44	clerk shall enter its further order declaring the decree of
45	incorporation to be final and conclusive. In the event,
46	however, that the county clerk finds that a majority of the

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47 voters voting thereon voted against the proposition to 48 incorporate the district, then the county clerk shall enter 49 its further order declaring the decree of incorporation to be void and of no effect. If the county clerk enters an 50 51 order declaring the decree of incorporation to be final and 52 conclusive, it shall at the same time designate the first board of directors of the district who have been elected by 53 54 the voters voting thereon. The person elected from ward 1 55 shall hold office for a term of one year, the person elected 56 from ward 2 shall hold office for a term of two years, and the person elected from ward 3 shall hold office for a term 57 of three years from the date of the election of the first 58 board of directors and until their successors are duly 59 60 elected and qualified. Thereafter, the elected members of the board shall be elected to serve terms of three years and 61 until their successors are duly elected and qualified. 62 63 county clerk shall at the same time enter an order of record 64 declaring the result of the election on the proposition, if 65 any, to incur bonded indebtedness. 66

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5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary, the mayor of each municipality and chairperson of each village included within the police protection district shall be an ex-officio member of the board of directors so long as he or she shall hold the office of mayor or chairperson, with all of the same rights, privileges, and duties as an elected director.

85.1065. A person, to be qualified to serve as an
elected director, shall be a resident and voter of the
district and the ward from which he or she shall represent
for at least one year before the election or appointment and
be over the age of twenty-four years. In the event the
person is no longer a resident of the district or the ward

7 from which he or she was elected, the person's office shall

- 8 be vacated, and the vacancy shall be filled as provided in
- 9 section 85.1110. Nominations and declarations of candidacy
- 10 shall be filed at the headquarters of the police protection
- 11 district by paying a filing fee equal to the amount of a
- 12 candidate for county office as set forth under section
- 13 115.357, and filing a statement under oath that such person
- 14 possesses the required qualifications. Thereafter, such
- 15 candidate shall have the candidate's name placed on the
- 16 ballot as a candidate for director. The names of candidates
- 17 for each office shall be listed in the order in which they
- 18 are filed; provided, however, that on the first day for
- 19 filing declaration of candidacies, a random drawing shall be
- 20 held.
 - 85.1070. If a final order be entered establishing the
- 2 district, such order shall be deemed final and conclusive,
- 3 and no appeal or writ of error shall lie therefrom, and the
- 4 entry of such order shall finally and conclusively establish
- 5 the regular organization of said district against all
- 6 persons except the state of Missouri, in an action in the
- 7 nature of a writ of quo warranto, commenced by the attorney
- 8 general within thirty days after said decree declaring such
- 9 district finally organized as herein provided and not
- 10 otherwise. The organization of such district shall not be
- 11 directly or collaterally questioned in any suit, action, or
- 12 proceeding except as herein expressly authorized.
 - 85.1075. Within thirty days after the final order of
- 2 the county in which the district has been declared a public
- 3 corporation, the county clerk of that county shall transmit
- 4 to the recorder of deeds in each county in which the
- 5 district is located copies of the findings and decrees of
- 6 the county clerk incorporating the district. The same shall

7 be filed in the same manner as articles of incorporation are

- 8 required to be filed under the general laws concerning
- 9 corporations, and each recorder and clerk shall receive a
- 10 fee of one dollar for filing and preserving the same.

85.1080. Whenever a district has been declared duly

- and finally organized, the members of the board shall
- 3 thereafter qualify within fifteen days by filing with the
- 4 county clerk their oaths of office, which shall be in the
- 5 form prescribed by the constitution, and such board members
- 6 shall also file with the county clerk corporate surety bonds
- 7 to be furnished at the expense of the district in an amount
- 8 not to exceed one thousand dollars each, the form and amount
- 9 thereof to be fixed and approved by the county having
- 10 jurisdiction, and said bonds to be conditioned for the
- 11 faithful performance of their duties as directors. For the
- 12 first board of directors the county shall advance the cost
- of the bonds until reimbursed by the district upon receipt
- 14 of tax funds.
 - 85.1085. 1. All members of the board of directors of
- 2 a police protection district first elected or first serving
- 3 in an ex-officio capacity, shall attend and complete an
- 4 educational seminar or conference or other suitable training
- 5 on the role and duties of a board member of a police
- 6 protection district. The training required under this
- 7 section shall be conducted by an entity approved by the
- 8 director of the department of public safety. The director
- 9 of the department of public safety shall determine the
- 10 content of the training to fulfill the requirements of this
- 11 section. Such training shall include, at a minimum:
- 12 (1) Information relating to the roles and duties of a
- 13 police protection district director;

- (2) A review of all state statutes and regulations
 relevant to police protection districts;
- 16 (3) State ethics laws;
- 17 (4) State sunshine laws, chapter 610;
- 18 (5) Financial and fiduciary responsibility;
- 19 (6) State laws relating to the setting of tax rates;
- 20 and
- 21 (7) State laws relating to revenue limitations.
- 22 2. If any police protection district board member
- 23 fails to attend a training session within twelve months
- 24 after taking office, the board member shall not be
- 25 compensated for attendance at meetings thereafter until the
- 26 board member has completed such training session.
 - 85.1090. After taking their oaths and filing their
- 2 bonds, the board shall choose one of its members as chair of
- 3 the board and president of the district, and shall elect a
- 4 secretary and a treasurer of the board and of the district,
- 5 who may or may not be members of the board. The secretary
- 6 and the treasurer may be one person. Such board shall adopt
- 7 a seal, and the secretary shall keep in a well-bound book a
- 8 record of all its proceedings, minutes of all meetings,
- 9 certificates, contracts, bonds given by employees, and a
- 10 record of corporate acts, which shall be open to inspection
- of all owners of property in the district, as well as to all
- 12 other interested parties.
 - 85.1100. The treasurer shall keep strict and accurate
- 2 accounts of all money received by and disbursed for and on
- 3 behalf of the district in permanent records. He or she
- 4 shall file with the clerk of the county, at the expense of
- 5 the district, a corporate fidelity bond in an amount to be
- 6 determined by the board for not less than five thousand
- 7 dollars, conditioned on the faithful performance of the

- 8 duties of his or her office. He or she shall file in the
- 9 office of the county clerk of each county in which all or
- 10 part of the district lies a detailed financial statement for
- 11 the preceding fiscal year of the district on behalf of the
- 12 board, on or before April first of the following year.
 - 85.1105. Each member of the board may receive an
- 2 attendance fee not to exceed one hundred dollars for
- 3 attending each regularly called board meeting, or special
- 4 meeting, but shall not be paid for attending more than two
- 5 in any calendar month, except that in counties with a
- 6 charter form of government, he or she shall not be paid for
- 7 attending more than four in any calendar month. However, no
- 8 board member shall be paid more than one attendance fee if
- 9 such member attends more than one board meeting in a
- 10 calendar week. In addition, the chairman of the board of
- 11 directors may receive fifty dollars for attending each
- 12 regularly or specially called board meeting, but shall not
- 13 be paid the additional fee for attending more than two
- 14 meetings in any calendar month. Each member of the board
- 15 shall be reimbursed for his or her actual expenditures in
- 16 the performance of his or her duties on behalf of the
- 17 district. The secretary and the treasurer, if members of
- 18 the board of directors, may each receive such additional
- 19 compensation for the performance of their respective duties
- 20 as secretary and treasurer as the board shall deem
- 21 reasonable and necessary, not to exceed one thousand dollars
- 22 per year. The court having jurisdiction over the district
- 23 shall have power to remove directors for good cause shown as
- 24 set forth in section 106.220 upon a petition, notice, and
- 25 hearing.
 - 85.1110. 1. Except as otherwise provided in
- 2 subsection 3 of this section, the board shall meet

3 regularly, not less than once each month, at a time and at 4 some building in the district to be designated by the 5 board. Notice of the time and place of future regular meetings shall be posted continuously at the police station 6 7 or police stations of the district. Additional meetings may 8 be held, when the needs of the district so require, at a place regular meetings are held, and notice of the time and 9 10 place shall be given to each member of the board. Meetings 11 of the board shall be held and conducted in the manner 12 required by the provisions of chapter 610. All minutes of meetings of the board and all other records of the police 13 protection district shall be available for public inspection 14 15 at the main police station within the district by appointment with the secretary of the board within one week 16 17 after a written request is made between the hours of 8:00 18 a.m. and 5:00 p.m. every day except Sunday. A majority of 19 the members of the board shall constitute a quorum at any 20 meeting and no business shall be transacted unless a quorum 21 is present. The board, acting as a board, shall exercise all powers of the board, without delegation thereof to any 22 23 other governmental or other body or entity or association, and without delegation thereof to less than a quorum of the 24 25 Agents, employees, engineers, auditors, attorneys, 26 police officers, and any other member of the staff of the 27 district may be employed or discharged only by a board which 28 includes at least two directors; but any board of directors 29 may suspend from duty any such person or staff member who willfully and deliberately neglects or refuses to perform 30 his or her regular functions. Any member of the board of 31 32 directors who fails to attend four meetings in succession, without being excused by the remaining members of the board, 33 shall result in a forfeiture of office. The district shall 34

maintain a website. Notices of meetings, minutes, proposed and adopted ordinances, and monthly and annual financial reports shall be published on the district's website.

- 2. Any vacancy on the board shall be filled by the remaining members of the board. The appointee or appointees shall act until the next general municipal election following said vacancy in which notice of election may be given sufficiently in advance and in accordance with law to serve the remainder of the unexpired term.
- 3. Notwithstanding any provision of sections 610.015 and 610.020 to the contrary, when Missouri is activated for deployment by the federal emergency management agency, state emergency management agency, or statewide mutual aid, a quorum of the board of directors of the affiliated police protection district may meet in person, via telephone, facsimile, internet, or any other voice or electronic means, without public notice, in order to authorize by roll call vote the disbursement of funds necessary for the deployment.
- 4. In the event action is necessary under subsection 3 of this section, the board of directors of the affiliated police protection district shall keep minutes of the emergency meeting and disclose during the next regularly scheduled meeting of the board that the emergency meeting was held, the action that precipitated calling the emergency meeting without notice, and that the minutes of the emergency meeting are available as a public record of the board.
- 85.1115. On the first Tuesday in April after the
 expiration of at least one full calendar year from the date
 of the election of the elected members of the first board of
 directors, and on the first Tuesday in April every one year
 thereafter, an election for elected members for members of

- 6 the board of directors shall be held in the district.
- 7 Nominations shall be filed at the headquarters of the police
- 8 protection district in which a majority of the district is
- 9 located by paying a filing fee equal to the amount of a
- 10 candidate for county office as set forth under section
- 11 115.357 and filing a statement under oath that the candidate
- 12 possesses the required qualifications. The candidate
- 13 receiving the most votes shall be elected. Any new member
- of the board shall qualify in the same manner as the members
- of the first board qualify.
 - 85.1120. For the purpose of providing police
- 2 protection to the persons and property within the district,
- 3 the district and, on its behalf, the board shall have the
- 4 following powers, authority, and privileges:
- 5 (1) To have perpetual existence;
- 6 (2) To have and use a corporate seal;
- 7 (3) To sue and be sued, and be a party to suits,
- 8 actions, and proceedings;
- 9 (4) To enter into contracts, franchises and agreements
- 10 with any person, partnership, association or corporation,
- 11 public or private, affecting the affairs of the district,
- 12 including contracts with any municipality, district or
- 13 state, or the United States of America, and any of their
- 14 agencies, political subdivisions or instrumentalities, for
- 15 the planning, development, construction, acquisition or
- 16 operation of any public improvement or facility, or for a
- 17 common service relating to the control or prevention of
- 18 crime, including the installation, operation and maintenance
- 19 of police alarm systems; provided, that a notice shall be
- 20 published for bids on all construction or purchase contracts
- 21 for work or material or both, outside the authority

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contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;

- 24 (5) Upon approval of the voters as herein provided, to 25 borrow money and incur indebtedness and evidence the same by 26 certificates, notes, or debentures, and to issue bonds, in 27 accordance with the provisions of sections 85.1000 to 28 85.1265;
- 29 (6) To acquire, construct, purchase, maintain, dispose 30 of, and encumber real and personal property, police 31 stations, police protection and police-fighting apparatus 32 and auxiliary equipment therefor, and any interest therein, 33 including leases and easements;
 - (7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;
 - (8) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein;
- 46 (9) To hire and retain agents, employees, engineers,
 47 and attorneys, including part-time or volunteer commissioned
 48 officers or police;
- 49 (10) To have and exercise the power of eminent domain 50 and in the manner provided by law for the condemnation of 51 private property for public use to take any property within 52 the district necessary to exercise the powers herein granted;

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(11) To receive and accept by bequest, gift, or donation any kind of property. Notwithstanding any other provision of law to the contrary, any property received by the police protection district as a gift or any property purchased by the police protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;

To adopt and amend bylaws, administrative (12)ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the city of that county. The legal officer or attorney for the police district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation. The enactments of the police district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies. The board shall have the power to adopt an ordinance, rule, or regulation allowing the district to charge individuals who reside outside of the district, but who receive emergency services within the boundaries of the district, for the actual and reasonable

- cost of such services. However, such actual and reasonable costs shall not exceed one hundred dollars for responding to each police call or alarm and two hundred fifty dollars for each hour or a proportional sum for each quarter hour spent in combating a crime or emergency;
- 90 (13) To pay all county costs and expenses connected 91 with the first election or any subsequent election in the 92 district;
- 93 (14) To have and exercise all rights and powers
 94 necessary or incidental to or implied from the specific
 95 powers granted herein. Such specific powers shall not be
 96 considered as a limitation upon any power necessary or
 97 appropriate to carry out the purposes and intent of sections
 98 85.1000 to 85.1400;
- 99 To provide for health, accident, disability, and 100 pension benefits for the salaried members of its organized 101 police department of the district and such other benefits for their spouses and eligible unemancipated children, 102 103 through either or both a contributory or noncontributory 104 For purposes of this section, "eligible unemancipated 105 child" means a natural or adopted child of an insured, or a 106 stepchild of an insured who is domiciled with the insured, 107 who is less than twenty-three years of age, who is not 108 married, not employed on a full-time basis, not maintaining 109 a separate residence except for full-time students in an accredited school or institution of higher learning, and who 110 is dependent on parents or quardians for at least fifty 111 percent of his or her support. The type and amount of such 112 benefits shall be determined by the board of directors of 113 the police protection district within the level of available 114 115 revenues of the pension program and other available revenues 116 of the district. If an employee contributory plan is

adopted, then at least one voting member of the board of trustees shall be a member of the police district elected by the contributing members, which shall not be the same as the board of directors:

- (16) To contract with any municipality that is
 contiguous to a police protection district for the police
 protection district to provide police protection to the
 municipality for a fee as hereinafter provided;
- 124 125 To provide for life insurance, accident, (17)126 sickness, health, disability, annuity, length of service, 127 pension, retirement, and other employee-type fringe 128 benefits, subject to the provisions of section 70.615, for 129 the volunteer members of any organized police department of 130 the district and such other benefits for their spouses and 131 eligible unemancipated children, through either a 132 contributory or noncontributory plan, or both. For purposes 133 of this section, "eligible unemancipated child" means a 134 natural or adopted child of an insured, or a stepchild of an 135 insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed 136 137 on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or 138 139 institution of higher learning, and who is dependent on 140 parents or quardians for at least fifty percent of his or 141 her support. The type and amount of such benefits shall be 142 determined by the board of directors of the police protection district within available revenues of the 143 district, including the pension program of the district. 144 The provision and receipt of such benefits shall not make 145 146 the recipient an employee of the district. Directors who 147 are also volunteer members may receive such benefits while serving as a director of the district; 148

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(18) To contract for services with any rural,
volunteer, or subscription police department or
organization, or volunteer police protection association, as
defined in section 85.1195, for the purpose of providing the

benefits described in subdivision (17) of this section. 153 85.1125. The amount to be paid annually by the municipality to the police district pursuant to subdivision 2 3 (16) of section 85.1120 shall be the annual assessed value 4 of all property subject to tax in the municipality 5 determined from the tax assessment ledgers, and including 6 public utilities and intangible property within such area, 7 multiplied by the annual tax rate as certified by the police protection district to the municipality, but not including 8 9 any portion of the tax rate of service provided by the district, per one hundred dollars of assessed value in such 10 The tax rate so computed shall include any tax on 11 area. 12 bonded indebtedness incurred by the district prior to entering into such contract, but shall not include any of 13 the tax rate for bonded indebtedness incurred during the 14 term that the contract is in force. 15

85.1130. Notwithstanding any provision in this section to the contrary, a police protection district may enter into a contract with a county, city, town, or village to assist in police protection services.

85.1135. Notwithstanding any other provision of law to
the contrary, any police protection district may contract
with any municipality or village that does not operate its
own police department to provide police protection services
for a fee to any area of the municipality or village that
does not belong to the police protection district. In such
event, the municipality and the police protection district
shall, by ordinance duly enacted by the governing board of

9 each, agree upon the terms by which such police protection

10 shall be furnished. The agreement may provide for the

11 payment of a stated sum per year upon any method of

12 compensation for such police protection that is agreed upon

13 by the police district and the municipality entering into

14 such contract; provided that any contract for a period

15 longer than five years shall have no binding force until

16 ratified by a majority of the voters in the police district

17 and the municipality entering into such a contract. The

18 mayor of any municipality and chair of any village entering

19 into such contract, shall serve, ex-officio, as a member of

20 the board of directors.

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85.1140. For the purpose of providing revenue for such districts, the board shall have the power and authority to order the levy and collection of ad valorem taxes on and against all taxable tangible property within the district, and to make timely demand and to sue for and collect any and all other taxes, contributions, or allocations to which the district may be entitled.

To levy and collect taxes as herein provided, 85.1145. 2 the board shall in each year determine the amount of money 3 necessary to be raised by taxation, and shall fix a rate of 4 levy which, when levied upon every dollar of the taxable 5 tangible property within the district as shown by the last 6 completed assessment, and with other revenues, will raise 7 the amount required by the district annually to supply funds 8 for paying the expenses of organization and operation and 9 the costs of acquiring, supplying, and maintaining the property, works, and equipment of the district, and maintain 10 11 the necessary personnel, which rate of levy shall not exceed 12 thirty cents on the one hundred dollars valuation; may fix an additional rate, not to exceed ten cents on the hundred 13

dollars valuation, the revenues from which shall be 14 deposited in a special fund and used only for the pension 15 16 program of the district, by submitting the following question to the voters: 17 Shall the board of directors of Police 18 Protection District be authorized to increase the 19 annual tax rate from cents to cents 20 per one hundred dollars valuation, the revenues 21 22 from which shall be deposited in a special fund and used only for the pension program of the 23 district? 24 25 Provided, that if the question fails to receive a majority of the votes cast, it shall not be resubmitted to the voters 26 27 within one year after the election; except, that any 28 district may impose a tax not to exceed ten cents on the one 29 hundred dollars valuation, in addition to the rate which the board may levy under this section, by submitting the 30 following question to the voters at any election in such 31 district at which a member of the board of directors is to 32 33 be elected: 34 Shall the board of directors of Police Protection District be authorized to increase the 35 annual tax rate from cents to cents 36 37 on the hundred dollars assessed valuation? In addition thereto, to fix a rate of levy which will enable 38 it to promptly pay in full when due all interest on and 39 principal of bonds and other obligations of the district, 40 41 and to pay any indebtedness authorized by a vote of the people as provided in sections 85.1000 to 85.1400; and in 42 43 the event of accruing defaults or deficiencies in the bonded

44 or contractual indebtedness, an additional levy may be made

- 45 as provided in section 85.1175.
 - 85.1150. 1. The board of directors of any police
- 2 protection district may levy, if a majority of the voters of
- 3 the district voting thereon approve, in addition to all
- 4 other taxes heretofore approved, an additional tax of not
- 5 more than twenty-five cents per one hundred dollars of
- 6 assessed valuation to be used for the support of the
- 7 district. The proposition to levy the tax authorized by
- 8 this subsection may be submitted by the board of directors
- 9 at the first annual election of the members of the board. A
- 10 separate ballot containing the question shall read as
- 11 follows:
- 12 Shall the board of directors of the Police
- 13 Protection District be authorized to levy an
- 14 additional tax of not more than twenty-five cents
- on the one hundred dollars assessed valuation to
- 16 provide funds for the support of the district?
- 18 ☐ AGAINST THE PROPOSITION
- 19 (Place an X in the square opposite the one for
- 20 which you wish to vote.)
- 21 If a majority of the qualified voters casting votes thereon
- 22 be in favor of the question, the board of directors shall
- 23 accordingly levy a tax in accordance with the provisions of
- 24 this subsection, but if a majority of the voters casting
- votes thereon do not vote in favor of the levy authorized by
- 26 this subsection, any levy previously authorized shall remain
- in effect.
- 28 2. The board of directors of any police protection
- 29 district may levy, if a majority of the voters of the

district voting thereon approve, in addition to all other 30 31 taxes heretofore approved, an additional tax of not more 32 than ten cents per one hundred dollars of assessed valuation to be used for the support of the district. 33 However, if the 34 majority of the voters of the district approved the tax 35 pursuant to subsection 1 of this section, the board of 36 directors of any police protection district may levy an 37 additional tax of not more than twenty-five cents per one hundred dollars of assessed valuation to be used for the 38 39 support of the district. The proposition to levy the tax authorized by this subsection may be submitted by the board 40 of directors at the next annual election of the members of 41 the board or at any regular municipal or school election 42 conducted by the county clerk or board of election 43 commissioners in such district or at a special election 44 45 called for the purpose, or upon petition of five hundred 46 registered voters of the district. A separate ballot containing the question shall read as follows: 47 48 Shall the board of directors of the Police 49 Protection District be authorized to levy an 50 additional tax of not more than ten cents on the one hundred dollars assessed valuation to provide 51 funds for the support of the district? 52 ☐ FOR THE PROPOSITION 53 ☐ AGAINST THE PROPOSITION 54 55 (Place an X in the square opposite the one for which you wish to vote.) 56

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of the voters casting

of the levy authorized by

62 this subsection, any levy previously authorized shall remain

- 63 in effect.
 - 85.1155. 1. Notwithstanding any other provision of
- law to the contrary, an additional tax of not to exceed
- 3 three cents per one hundred dollars of assessed valuation
- 4 may be levied and collected by any city, town, village,
- 5 county, or police protection district, or a central police
- 6 and emergency services board established in subsection 4 of
- 7 this section. All the funds derived from such tax,
- 8 including any existing surplus funds, shall be used for the
- 9 purpose of establishing and providing a joint central police
- 10 and emergency dispatching service and for expenditures for
- 11 equipment and services, except for salaries, wages, and
- 12 benefits, by cities, towns, villages, counties, or police
- 13 protection districts which contract with such joint central
- 14 police and emergency dispatching service.
- 15 2. The additional tax prescribed by this section shall
- 16 be levied only when the governing body of the city, town,
- 17 village, county, police protection district, or central
- 18 police and emergency services board determines that a
- 19 central police and emergency dispatching center will meet
- 20 the minimum requirements set by section 85.1165, and, except
- 21 where a central police and emergency services board is
- 22 established in accordance with subsection 4 of this section,
- 23 when the governing body has entered into a contract with the
- 24 center for police and emergency dispatching services. The
- 25 funds from the tax shall be kept separate and apart from all
- other funds of the city, town, village, county, police
- 27 protection district, or central police and emergency
- 28 services board and shall be paid out only on order of the
- 29 governing body. Except as provided in subsection 4 of this

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30 section, all funds received by such center, and all 31 operations of such center shall be governed and controlled 32 by a board of directors consisting of one member from each such agency using the joint central police and emergency 33 34 dispatching service. Except as otherwise provided in 35 subsection 4 of this section, in any county, city, town, or 36 village, where a tax-supported police protection district is 37 provided emergency dispatching services by any form of joint 38 communication organization or emergency dispatching center, 39 receiving directly or indirectly any funds so levied and collected as provided in this section including any funds or 40 tariffs paid by telephone subscribers for 911 emergency 41 service, such joint communication organization, however 42 43 organized, shall be governed by a board of directors, and the board of directors shall consist in part of one member 44 45 appointed by each county, city, town, village, or tax-46 supported police protection district so served. The members shall be an elected official of a police protection 47 district, ambulance district, or city council appointed by 48 each such agency to serve for a one-year term or until a 49 50 successor is duly appointed. 51

3. In addition to the tax prescribed by subsections 1 and 2 of this section, an additional tax of not to exceed two cents per one hundred dollars of assessed valuation which has been approved by the voters may be levied and collected by any city, town, village, county, or police protection district, or a central police and emergency services board established in subsection 4 of this section of a county of the first classification with a charter form of government which has a population between two hundred thousand and five hundred thousand inhabitants, but all of the funds derived from such tax shall be used solely for the

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personnel requirements:

62 purpose of establishing and providing a joint central police 63 and emergency dispatching service. 85.1160. 1. Any police protection district which has 2 revised or reduced any levy which it has been authorized to impose under the provisions of section 85.1145, 85.1150, 3 4 85.1155, or 85.1350, under any provision of the constitution or laws of this state, may increase each such revised or 5 6 reduced levy up to, but not in excess of, the maximum limits 7 allowed under the section authorizing the rate of levy 8 sought to be increased by submitting the following 9 proposition to the voters of the district at any primary, general, or special election: 10 Shall the board of directors of the Police 11 Protection District be authorized to increase the 12 13 rate of levy for _____ (insert purpose of which tax is levied) from ___ cents to ___ 14 on each one hundred dollars of assessed valuation? 15 ☐ YES \square NO 16 If any of the propositions submitted under 17 18 subsection 1 of this section is approved by a majority of the voters of the district voting thereon, the board of 19 20 directors may increase the levy which was the subject of such proposition to the amount authorized by such 21 22 proposition. 85.1165. 1. No central police and emergency 2 dispatching center shall qualify to receive any funds 3 collected pursuant to section 85.1155 and this section unless it meets or will meet, upon the acquisition or 4

retention of equipment, real and personal property, and

personnel, at least the following minimum equipment and

8 (1) Two separate transmitters and receivers capable of

9 operating on all working police and emergency radio

- 10 frequencies included in the area to be covered, together
- 11 with monitor receivers for police frequencies, point-to-
- 12 point police or local police dispatchers operating on a
- 13 twenty-four-hour basis, plus an emergency power source
- 14 capable of operating all equipment and lights necessary for
- 15 dispatching for an indefinite period of time;
- 16 (2) Duo-multichannel recording equipment for all radio
- 17 frequencies and telephone trunk "hot lines", complete with
- 18 automatic transfer on failure of logging recorder and
- 19 automatic time inserted on recorder and with instant
- 20 playback on any channel at the dispatcher's position without
- 21 interruption of regular log recorder;
- 22 (3) A minimum of three trunk telephone lines
- 23 designated as "hot lines" in reserve for "police or
- 24 emergency" calls only, plus such other lines as may be
- 25 necessary to conduct the normal business of the center,
- 26 which may also be used for police or emergency purposes;
- 27 (4) A chief dispatcher to be in charge of operations,
- 28 who shall be directly responsible to the management of the
- 29 dispatching service;
- 30 (5) Sufficient senior dispatchers to provide twenty-
- 31 four-hour attendance at the center;
- 32 (6) Such assistant dispatchers as may be necessary to
- 33 provide two-person switchboard operation during certain
- 34 hours as prescribed in section 85.1155 and this section;
- 35 (7) Alarms to police stations from the dispatching
- 36 center shall be two of the following type systems: wired or
- 37 by telephone line; radio or by tone signaling; or microwave
- 38 radio; or such other communications systems as may be
- 39 developed in the future which provide reliable and accurate

40 communications and which are not experimental in nature, so

- 41 that upon failure of either, the other will operate
- 42 independently, and both shall be capable of sounding alarm
- 43 at any agency facility using the joint central police and
- 44 emergency dispatching service;
- 45 (8) Radio alarm equipment at each agency facility
- 46 using the joint central police and emergency dispatching
- 47 service capable of operating without local utility power for
- 48 a period of at least eight hours and paging equipment for
- 49 police and emergency personnel; and
- 50 (9) Radio equipment, both mobile and portable, on all
- 51 police and emergency vehicles which answer alarms which will
- 52 provide two-way voice communication between the equipment
- 53 and the dispatching center.
- 2. A minimum of two dispatchers shall be on duty at
- 55 all times in any central dispatching center between the
- 56 hours of 7:00 a.m. and 11:00 p.m. If only one dispatcher is
- on duty at other times, a twenty-minute watchman's check
- 58 shall be maintained.
- 59 3. All dispatchers shall be at least eighteen years of
- 60 age. Each dispatcher shall be capable of operating all
- 61 equipment used in the dispatching center.
- 4. Each dispatching center shall employ sufficient
- 63 personnel to ensure that no person will be required to be on
- duty without at least twelve hours between shifts.
- 65 5. A central police and emergency dispatching center
- 66 meeting the requirements of this section shall qualify to
- 67 receive any funds collected pursuant to section 85.1155 and
- 68 this section and to use such funds for the acquisition, use
- 69 and maintenance of any property, both real and personal, and
- 70 for such other uses or purposes as may be determined by the
- 71 body governing the operations of the central police and

emergency dispatching center, and which are necessary or advisable for the establishment, maintenance, or operation

of the central police and emergency dispatch center.

85.1170. On or before the applicable date required 2 under section 67.110 of each year, the board shall certify 3 to the county commission of each county within which the 4 district is located a rate of levy so fixed by the board as 5 provided by law, with directions that at the time and in the 6 manner required by law for levy of taxes for county purposes 7 such county commissions shall levy a tax at the rate so 8 fixed and determined upon the assessed valuation of all the 9 taxable tangible property within the district, in addition 10 to such other taxes as may be levied by such county commissions. 11

The board in certifying annual levies as 2 herein provided shall take into account, in addition to the 3 amounts necessary for general purposes as herein provided, 4 the maturing indebtedness for the ensuing year as provided 5 in its bonds and the interest on bonds, and deficiencies and defaults of prior years and any contractual obligation and 6 7 shall make ample provision for the payment thereof. the moneys produced from such levies, together with other 8 9 revenues of the district are not sufficient to pay 10 punctually the annual installments on its bonds and the interest thereon, and to pay any defaults and deficiencies 11 12 on any such bonds or contracts duly approved by the voters 13 of the district, then the board shall provide for such additional levying of taxes as may be necessary to pay for 14 all such, and notwithstanding any limitations, such taxes 15 16 shall be continued to be levied until the indebtedness of 17 the district shall be fully and currently paid.

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85.1180. 1. The body having authority to levy taxes within each county in which all or part of a district lies 2 3 shall levy the taxes provided in sections 85.1000 to 85.1400, and all officials charged with the duty of 4 collecting taxes in each such county shall collect such 5 6 taxes at the time and in the manner and with like interest and penalties as other taxes are collected. 7 When collected, 8 such taxes shall be paid to the district ordering the levy 9 and collection, or entitled to the same, and the payment of 10 such collections shall be made monthly to the treasurer of the district and paid into the depositary thereof to the 11 credit of the district. All funds received by the district 12 13 shall be deposited in a depositary and secured in the manner 14 provided by law for the deposit of county funds. 15

2. All taxes levied under the provisions of sections 85.1000 to 85.1400, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall, until paid, constitute a lien on and against the property taxed, and such lien shall be on a parity with the tax lien of general taxes, and no sale of such property to enforce any general tax or other lien shall extinguish the lien of district taxes.

85.1185. If the taxes levied are not paid as herein provided, then the delinquent real property shall be sold at the regular tax sale for the payment of said taxes, interest and penalties, in the manner provided by the statutes of the state of Missouri for selling property for the nonpayment of general taxes. If there are no bids at said tax sale for the property so offered, said property shall be struck off to the county or other agency provided by law, and the county or agency shall account to the district in the same manner as provided by law for accounting for school, town,

11 and city taxes. Delinquent personal property shall be

- 12 distrained and sold as provided by general law.
 - 85.1190. Whenever any bonded or contractual
- 2 indebtedness has been incurred by a district, it shall be
- 3 lawful for the board to levy taxes and collect revenue for
- 4 the purpose of creating a reserve fund in such amount as the
- 5 board may determine, to be used to meet the obligations of
- 6 the district.
 - 85.1195. 1. The boundaries of any district organized
- 2 pursuant to the provisions of sections 85.1000 to 85.1400
- 3 may be changed in the manner prescribed in this section; but
- 4 any change of boundaries of the district shall not impair or
- 5 affect its organization or its rights in or to property, or
- 6 any of its rights or privileges whatsoever; nor shall it
- 7 affect or impair or discharge any contract, obligation,
- 8 lien, or charge for or upon which it might be liable or
- 9 chargeable had any change of boundaries not been made.
- 10 2. The boundaries may be changed as follows:
- 11 (1) Twenty-five percent of the number of voters who
- 12 voted in the most recent gubernatorial election in the area
- 13 to be annexed may file with the board a petition in writing
- 14 praying that such real property be included within the
- 15 district; provided that in the case of a municipality having
- 16 less than twenty percent of its total population in one
- 17 police protection district, the entire remaining portion may
- 18 be included in another district so that none of the city is
- 19 outside of a police protection district at the time. The
- 20 petition shall describe the property to be included in the
- 21 district and shall describe the property owned by the
- 22 petitioners and shall be deemed to give assent of the
- 23 petitioners to the inclusion in the district of the property
- 24 described in the petition; and such petition shall be in

25 substantially the form set forth in section 85.1290 dealing

- 26 with referendums and verified in like manner; provided,
- 27 however, that in the event that there are more than twenty-
- 28 five property owners or taxpaying electors signing the
- 29 petition, it shall be deemed sufficient description of their
- 30 property in the petition as required in this section to list
- 31 the addresses of such property; or
- 32 (2) All of the owners of any territory or tract of
- 33 land near or adjacent to a police protection district who
- own all of the real estate in such territory or tract of
- 35 land may file a petition with the board praying that such
- 36 real property be included in the district. The petition
- 37 shall describe the property owned by the petitioners and
- 38 shall be deemed to give assent of the petitioners to the
- 39 inclusion in the district of the property described in the
- 40 petition.
- 41 3. The secretary of the board shall cause notice of
- 42 the filing of any petition filed pursuant to this section to
- 43 be given and published in the county in which the property
- 44 is located, which notice shall recite the filing of such
- 45 petition, the number of petitioners, a general description
- 46 of the boundaries of the area proposed to be included, and
- 47 the prayer of the petitioners; giving notice to all persons
- 48 interested to appear at the office of the board at the time
- 49 named in the notice and show cause in writing, if any they
- 50 have, why the petition should not be granted. The board
- 51 shall at the time and place mentioned, or at such time or
- 52 times to which the hearing may be adjourned, proceed to hear
- 53 the petition and all objections thereto presented in writing
- 54 by any person showing cause why the petition should not be
- 55 granted. The failure of any person interested to show cause
- 56 in writing why such petition shall not be granted shall be

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deemed as an assent on his or her part to the inclusion of such lands in the district as prayed for in the petition.

- If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems it for the best interest of the district that some portion of the property in the petition not be included in the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the same with the county clerk; and upon the order of the county having jurisdiction over the district, the property shall be included in the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in the district upon the order of the county. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed pursuant to subdivision (1) or subdivision (3) of subsection 2 of this section, the property shall be included in the district subject to the election provided in section 85.1200. The county having jurisdiction over the district shall proceed to make any such order including such additional property within the district as is provided in the order of the board, unless the county clerk shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.
- 5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal

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the following form:

89 that decision to a court of competent jurisdiction of the 90 county in which the property is located within thirty days 91 of the decision by the board.

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- No police protection district, or employee thereof, 92 93 in which territory is annexed pursuant to this section shall 94 be required to comply with any prescribed law enforcement 95 officer training program or regimen which would not 96 otherwise apply to the district or its employees, but for 97 the requirements applicable to the annexed territory.
- 85.1200. 1. If the petition to add any territory or 2 tract of land to the district contained fewer than all of the signatures required pursuant to subdivision (2) of 3 subsection 2 of section 85.1195, the decree of extension of 4 boundaries shall not become final and conclusive until it 5 6 has been submitted to an election of the voters residing 7 within the boundaries described in such decree and until it 8 has been assented to by a majority vote of the voters in the newly included area voting on the question. 9 The decree 10 shall also provide for the holding of the election to vote on the proposition of extending the boundaries of the 11 district, and shall fix the date for holding the election. 12

The question shall be submitted in substantially

- 15 Shall the boundaries of the Police Protection District be extended to include the 16 following described property? (Describe property.) 17 ☐ YES \square NO
 - If a majority of the voters voting on the proposition vote in favor of the extension of the boundaries of the district, then the county clerk shall enter its further order declaring the decree of extension of the

- 23 boundaries to be final and conclusive. In the event,
- 24 however, that the county clerk finds that a majority of the
- 25 voters voting thereon voted against the proposition to
- 26 extend the boundaries of the district, then the county shall
- 27 enter its further order declaring the decree of extension of
- 28 boundaries to be void and of no effect.
 - 85.1205. Within thirty days after the final order of
- 2 the county extending the boundaries of the district, the
- 3 county clerk of that county shall transmit to the county
- 4 clerk and to the recorder of deeds in each county in which
- 5 the district is located copies of the findings and decrees
- of the county extending the boundaries of the district. The
- 7 same shall be filed in the same manner as articles of
- 8 incorporation are required to be filed under the general
- 9 laws concerning corporations, and each recorder and clerk
- 10 shall receive a fee of one dollar for filing and preserving
- 11 the same.
 - 85.1210. The boundaries of a police protection
- 2 district shall be coterminous with and include the whole of
- 3 any cities, towns, or villages included within the police
- 4 protection district. Upon the voters adopting a police
- 5 protection district, any municipal police department
- 6 contained within said district shall be dissolved, merged
- 7 with, and absorbed by the police protection district.
 - 85.1215. All real property included within, or
- 2 excluded from, a district shall thereafter be subject to the
- 3 levy of taxes for the payment of any indebtedness of the
- 4 district outstanding at the time of inclusion or exclusion;
- 5 provided, however, that after any real property shall have
- 6 been excluded from a district, as herein provided, any
- 7 buildings and improvements thereafter erected or constructed
- 8 on said excluded real property, and all machinery and

- 9 equipment thereafter installed or placed therein or thereon,
- 10 and all tangible personal property not in said district at
- 11 the time of the exclusion of said real property from said
- 12 district which shall thereafter be situated on or used in
- 13 connection with said real property, shall not be subject to
- 14 any taxes levied by said district.
 - 85.1220. To carry out the purposes of sections 85.1000
- to 85.1400, the board is hereby authorized to issue
- 3 negotiable coupon bonds of the district as herein provided.
- 4 Bonds shall bear interest at a rate not exceeding six
- 5 percent per annum, payable semiannually, and shall be due
- 6 and payable serially, either annually or semiannually,
- 7 commencing not later than three years and extending not more
- 8 than twenty years from their date. The form and terms of
- 9 said bonds, including provisions for their payment and
- 10 redemption, shall be determined by the board. If the board
- 11 so determines, such bonds may be redeemable prior to
- 12 maturity upon payment of a premium, not exceeding three
- 13 percent of the principal thereof. Said bonds shall be
- 14 executed in the name of and on behalf of the district and
- 15 signed by the chairman of the board, with the seal of the
- 16 district affixed thereto and attested by the secretary of
- 17 the board. Said bonds shall be in such denominations as the
- 18 board shall determine and the bonds and coupons thereto
- 19 attached shall be payable to bearer. Interest coupons shall
- 20 bear the original or facsimile signature of the chairman of
- 21 the board.
 - 85.1225. Whenever any board shall, by resolution,
- 2 determine that the interest of said district and the public
- 3 interest or necessity demand the acquisition, construction,
- 4 installation, or completion of any works or other
- 5 improvements or facilities, or the making of any contract

6 with the United States or other persons or corporations, to 7 carry out the objects or purposes of said district, 8 requiring the creation of an indebtedness in an amount exceeding in any year the income and revenue provided for 9 10 such year plus any unencumbered balances from previous 11 years, said board shall order the submission of the proposition of issuing such obligations or bonds, or 12 13 creating other indebtedness, to the voters of the election. 14 The declaration of public interest or necessity herein 15 required and the provision for holding of such election may be included within one and the same resolution, which 16 resolution, in addition to such declaration of public 17 interest or necessity, shall recite the objects and purposes 18 for which the indebtedness is proposed to be incurred, the 19 estimated cost of the works or improvements, as the case may 20 21 be, the amount of principal of the indebtedness to be 22 incurred therefor, and the maximum rate of interest to be 23 paid on such indebtedness. Such resolution shall also fix 24 the date upon which such election shall be held. 85.1230. 1. The question shall be submitted in 2 substantially the following form: 3 Shall (Insert name of district.) Police Protection District (Here state the 4 proposition to be submitted.) ? 5 6 The proposition so submitted, if relating to bonds, 7 shall set out the amount of the issue and the purpose. 85.1235. At any regular or special meeting of the 2 board held within five days following the date of such 3 election, the board shall declare the results. 85.1240. In the event that it shall appear from the 2 returns that the constitutionally required percentage of the

3 voters of the district who shall have voted on any such

- 4 proposition submitted hereunder at such election voted in
- 5 favor of such proposition, the district shall thereupon be
- 6 authorized to incur such indebtedness or obligations, enter
- 7 into such contract or issue, and sell such bonds of the
- 8 district, as the case may be, all for the purpose or
- 9 purposes and object or objects provided for in the
- 10 proposition or propositions submitted hereunder and in the
- 11 resolution therefor, and in the amount so provided and at a
- 12 rate of interest not exceeding the rate of interest recited
- 13 in such resolution. Submission of the proposition of
- 14 incurring such obligation or bonded or other indebtedness at
- 15 such an election shall not prevent or prohibit submission of
- 16 the same or other propositions at a subsequent election.
 - 85.1245. Whenever a petition signed by not less than
- 2 twenty-five percent of the voters who cast votes at the last
- 3 election for the district director in any district organized
- 4 under the provisions of sections 85.1000 to 85.1400 is filed
- 5 with the county having jurisdiction over the district,
- 6 setting forth all the relevant facts pertaining to the
- 7 district, and alleging that the further operation of the
- 8 district is inimicable to the best interests of the
- 9 inhabitants of the district, and that the district should,
- in the interest of the public welfare and safety, be
- 11 dissolved, the county shall have authority, after hearing
- 12 evidence submitted on the aforesaid question, to order a
- 13 submission of the question, after having caused publication
- 14 of notice of a hearing on said petition, in substantially
- 15 the following form:

16 Shall _____ (Insert the name of the police
17 district.) _____ Police Protection District be
18 dissolved?

85.1250. If the county clerk shall find that a sufficient number of signatures have been gathered, it shall 2 3 make an order reciting the same and providing for the submission of the proposition to dissolve such district to a 4 5 vote of the voters of the district, setting forth such further details in its order as may be necessary to an 6 orderly conduct of such election. Such election shall be 7 8 held at the municipal election. Returns of said election shall be certified to the county. If the county clerk finds 9 that two-thirds of the voters voting thereon shall have 10 11 voted in favor of the proposition to dissolve said district, the county shall make a final order dissolving said 12 district, and the decree shall contain a proviso that said 13 14 district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing 15 of property of the district; but no additional costs or 16 obligations shall be created except such as are necessary to 17 18 pay such costs, obligations, and liabilities theretofore incurred, or necessary to the winding up of the district. 19 If the county clerk shall find that two-thirds of the voters 20 21 of the district voting thereon shall not have voted 22 favorably on the proposition to dissolve such district, then 23 the county shall make a final order declaring such result 24 dismissing the petition praying for the dissolution of said 25 district; and the said district shall continue to operate in the same manner as though said petition asking for such 26 dissolution has not been filed. 27

85.1255. The dissolution of a police protection 2 district shall not invalidate or affect any right accruing 3 to such police district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed 4 5 upon such police protection district or person; and whenever 6 the county clerk shall, under the provisions of section 85.1250, dissolve a police protection district, the said 7 8 county clerk shall appoint some competent person to act as 9 trustee for the police protection district so dissolved and 10 such trustee before entering upon the discharge of his or her duties shall take and subscribe an oath that he or she 11 will faithfully discharge the duties of his or her office, 12 13 and shall give bond with sufficient security, to be approved by the county clerk to the use of such dissolved police 14 protection district, for the faithful discharge of his or 15 16 her duties, and shall proceed to liquidate the district 17 under orders of the county clerk, including the levying of any taxes provided for in sections 85.1000 to 85.1400. 18 85.1260. Any and all taxable tangible property located 2 within any such district shall continue to be subject to the 3 levy of taxes for general purposes and for the payment of any indebtedness previously created, all as provided 4 5 The repeal of any acts herein shall not be held to herein. 6 affect or invalidate any claims, demands, acts, debts, 7 contracts, obligations, or indebtedness of any district 8 created under the provisions of any such act. 85.1265. In any and every case where a notice is 2

provided for in sections 85.1000 to 85.1400, if the county clerk finds for any reason that due notice was not given, the county clerk shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void or be abated, but the county clerk shall in that case order due

- 7 notice to be given, and shall continue the hearing until
- 8 such time as notice shall be properly given, and thereupon
- 9 shall proceed as though notice had been properly given in
- 10 the first instance.
 - 85.1270. 1. Two or more police protection districts
- 2 may consolidate with each other in the manner hereinafter
- 3 provided, and only if the districts have one or more common
- 4 boundaries, in whole or in part, or are located within the
- 5 same county, in whole or in part, as to any respective two
- 6 of the districts which are so consolidating.
- 7 2. By a majority vote of each board of directors of
- 8 each police protection district included within the proposed
- 9 consolidation, a consolidation plan may be adopted. The
- 10 consolidation plan shall include the name of the proposed
- 11 consolidated district, the legal description of the
- 12 boundaries of each district to be consolidated, and a legal
- description of the boundaries of the consolidated district,
- 14 the amount of outstanding bonds, if any, of each district
- 15 proposed to be consolidated, a listing of the police
- 16 stations within each district, and the names of the
- 17 districts to be consolidated.
- 3. The petition shall set forth:
- 19 (1) The name of the proposed district consisting of a
- 20 chosen name preceding the words "police protection district";
- 21 (2) An estimate of the number of inhabitants and of
- 22 the assessed valuation of the taxable tangible property of
- 23 the district, and of the yield from the intangible personal
- 24 property located in the district;
- 25 (3) The estimated cost of the proposed improvements;
- 26 (4) A general description of the boundaries of the
- 27 district or the territory to be included therein, and the
- 28 boundaries of three wards in which the district shall be

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subdivided, with such certainty as to enable a property
owner to determine whether or not his property is within the
district, and a plat of the proposed district;

- (5) The wards shall be compact and contiguous and contain equal populations as nearly as possible, and shall be reapportioned, by the board of directors, within one hundred eighty days after each decennial census is reported to the president of the United States;
- (6) Such other data and information as may be useful to the voters in determining the necessity for the organization of the district;
 - (7) A prayer for the organization of the district.
- 41 The decree of incorporation shall not become final 42 and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such 43 44 decree, and until it has been assented to by a majority vote 45 of the voters of the district voting on the question. 46 decree shall also provide for the holding of the election to 47 vote on the proposition of incorporating the district, and to elect three persons to act as the elected members of the 48 49 first board of directors, and shall fix the date for holding the election on the first general municipal election date to 50 vote on a tax pursuant to section 85.1150 following entry of 51 52 the decree in which notice of election may be issued 53 sufficiently in advance of the election according to law.
- 5. The question shall be submitted in substantially the following form:
- Shall there be incorporated a police protection district?

 \Box YES \Box NO

59 The proposition of electing the first board of 60 directors or the election of subsequent directors may be 61 submitted on a separate ballot or on the same ballot which contains any other proposition of the police protection 62 The ballot to be used for the election of a 63 64 director or directors shall be substantially in the 65 following form: OFFICIAL BALLOT 66 Instruction to voters: 67 Place a cross (X) mark in the square opposite the 68 name of the candidate or candidates you favor. 69 (Here state the number of directors to be elected 70 and their term of office.) 71 ELECTION 72 (Here insert name of district.) Police Protection 73 74 District. (Here insert date of election.) FOR BOARD OF DIRECTORS 75 WARD (#) 76 \square _____ (name of candidate) 77 □ (name of candidate) 78 □ (name of candidate) 79 If a majority of the voters voting on the 80 7. 81 proposition or propositions voted in favor of the proposition to incorporate the district, then the county 82 83 clerk shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, 84 85 however, that the county clerk finds that a majority of the 86 voters voting thereon voted against the proposition to 87 incorporate the district, then the county clerk shall enter 88 its further order declaring the decree of incorporation to

SB 379

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89 be void and of no effect. If the county clerk enters an 90 order declaring the decree of incorporation to be final and 91 conclusive, it shall at the same time designate the first 92 board of directors of the district who have been elected by The person elected from ward 1 93 the voters voting thereon. 94 shall hold office for a term of one year, the person elected 95 from ward 2 shall hold office for a term of two years, and 96 the person elected from ward 3 shall hold office for a term 97 of three years from the date of the election of the first 98 board of directors and until their successors are duly 99 elected and qualified. Thereafter, the elected members of 100 the board shall be elected to serve terms of three years and 101 until their successors are duly elected and qualified. 102 county clerk shall at the same time enter an order of record 103 declaring the result of the election on the proposition, if 104 any, to incur bonded indebtedness.

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- 8. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary, the mayor of each municipality and chairperson of each village included within the police protection district shall be an ex-officio member of the board of directors so long as he or she shall hold the office of mayor or chairperson, with all of the same rights, privileges, and duties as an elected director.
- 9. Each board of the districts approving the plan for proposed consolidation shall duly certify and file in the office of the county clerk in which the district is located a copy of the plan of consolidation, bearing the signatures of those directors who vote in favor thereof, together with a petition for consolidation. The petition may be made jointly by all of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall be

deposited with the clerk, on the filing of the petition, against the costs of the county clerk.

122 10. The county clerk sitting in and for any county to

which the petition is presented is hereby vested with

jurisdiction, power and authority to hear the same, and to

125 approve the consolidation and order such districts

126 consolidated, after holding an election, as hereinafter

127 provided.

- 11. If the county clerk finds the plan for
 consolidation to have been duly approved by the respective
 boards of directors of the police protection districts
 proposed to be consolidated, then the county clerk shall
 enter its order of record, directing the submission of the
 question.
- 134 12. The order shall direct publication of notice of 135 election, and shall fix the date thereof. The order shall 136 direct that the elections shall be held to vote on the proposition of consolidating the districts and to elect 137 138 three persons, having the qualifications declared in section 85.1065 and being among the then directors of the districts 139 140 proposed to be consolidated, to become directors of the consolidated district. 141
- 142 13. The question shall be submitted in substantially the following form:

144	Shall the Police Protection District and
145	the Police Protection District be
146	consolidated into one police protection district
147	to be known as the Police Protection
148	District, with tax levies not in excess of the
149	following amounts: maintenance fund cents
150	per one hundred dollars assessed valuation;
151	ambulance service cents per one hundred
152	dollars assessed valuation; pension fund
153	cents per one hundred dollars assessed valuation;

SB 379

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154 and dispatching fund _____ cents per one hundred dollars assessed valuation? 155

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14. If, upon the canvass and declaration, it is found and determined that a majority of the voters of the districts voting on the proposition or propositions have 158 voted in favor of the proposition to incorporate the consolidated district, the county shall then further, in its order, designate the first board of directors of the 162 consolidated district, who have been elected by the voters 163 voting thereon, the one receiving the third highest number of votes to hold office until the first Tuesday in April which is more than one year after the date of election, the one receiving the second highest number of votes to hold 167 office until two years after the first Tuesday aforesaid, and the one receiving the highest number of votes until four years after the first Tuesday in April as aforesaid. 170 other propositions are also submitted at the election, the 171 county clerk, in its order, shall also declare the results of the votes thereon. If the county clerk shall find and 172 173 determine, upon the canvass and declaration, that a majority of the voters of the consolidated district have not voted in 174 favor of the proposition to incorporate the consolidated 176 district, then the county shall enter its order declaring 177 the proceedings void and of no effect, and shall dismiss the 178 same at the cost of petitioners.

85.1275. If the vote prescribed by section 85.1270 is 2 in favor of the consolidation, then, upon the order of the 3 county clerk declaring the same, the consolidated district thereupon shall be a political subdivision of the state of 4 Missouri and a body corporate, with all the powers of like 5 6 or similar corporations, and with all the powers of police

7 protection districts under section 85.1120, whose affairs

- 8 shall be conducted as provided in sections 85.1000 to
- 9 85.1400, with all the powers, privileges, and duties therein
- 10 conferred and provided upon police protection districts in
- 11 the county. All properties, rights, assets, and liabilities
- of the several police protection districts which are so
- 13 consolidated, including outstanding bonds thereof if any,
- 14 shall become forthwith and without any further procedure the
- 15 properties, rights, assets, and liabilities of the
- 16 consolidated police protection district. The provisions of
- 17 section 85.1010 shall also apply to the election and order
- 18 establishing the consolidated police protection district.
 - 85.1280. The order of the county clerk having
- 2 jurisdiction, as well as finding and determining the votes
- of the election, shall direct the county clerk to transmit
- 4 to the recorder of deeds of each county in which the
- 5 consolidated district is located a certified copy of such
- 6 order, to be filed in the same manner as articles of
- 7 incorporation are required to be filed under the general
- 8 laws concerning corporations, and each recorder and each
- 9 clerk shall each receive, for such filing, a fee of one
- 10 dollar, to be charged as costs in the proceeding.
 - 85.1285. All powers which may be exercised by the
- 2 board of directors of a police protection district may be
- 3 exercised by the voters of that district by initiative or
- 4 referendum.
- 85.1290. 1. A petition for a referendum shall be in
- 2 substantially the following form:
- 3 WARNING
- 4 It is a felony for anyone to sign any initiative
- 5 or referendum petition with any name other than
- 6 his or her own, or to knowingly sign his or her

8	such petition when he or she is not a legal voter.
9	INITIATIVE PETITION
10	To the board of directors of the Police
11	Protection District:
12	We the undersigned, citizens and voters of the
13	state of Missouri and the Police Protection
14	District, respectfully order that (describe the
15	measure) shall be referred to the people of the
16	district for their approval or rejection, at the
17	regular (special) election to be held on the
18	day of, 20, and each for
19	himself says: I have personally signed this
20	petition; I am a duly qualified elector of the
21 22	<pre>state and district; my residence and post-office address are correctly written after my name.</pre>
Z	address are correctly written arter my name.
23	Name Residence Post Office
24	(if in a city, street and number)
25	(Here follow numbered lines for signatures.)
26	2. Every sheet for petitioners' signatures shall be
27	attached to a full and correct copy of the title and text of
28	the measure proposed by the initiative petition. Referendum
29	petitions shall be attached to a full and correct copy of
30	the measure on which the referendum is demanded.
31	3. Each sheet of every petition containing signatures
32	shall be verified in substantially the following form by the
33	person who circulated the sheet, by his or her affidavit
34	thereon:
35	State of Missouri
36	County of
37	I, , being first duly sworn, say that each
38	person whose name appears on this sheet signed his
39	or her name thereto in my presence; I believe that
40	each has stated his or her name, post-office

address and residence correctly, and that each 41 signer is a voter of the state of Missouri and 42 43 Police Protection District. 44 (signature and post-office address of affiant) Subscribed and sworn to before me this day 45 46 of _____, 20____ (signature and title of officer before whom oath 47 48 is made and his or her post-office address) 85.1300. 1. If an initiative or referendum petition is presented to the secretary of the board of directors, 2 3 which petition carries the names of voters of the district, equal to twenty percent of the number of votes of members of 4 5 the district who voted in the last regular district election, the board of directors shall submit the question 6 7 pursuant to the order or demand of the petition. The measure called for in the petition is adopted 8 9 if it receives an affirmative majority vote of the voters 10 voting at the district election. In addition to the compensation provided 2 pursuant to section 85.1105 for police protection districts located in any county with a charter form of government, 3 4 each member of any such police protection district board may receive an attendance fee not to exceed one hundred dollars 5 for attending a board meeting conducted pursuant to chapter 6 7 610, but such board member shall not be paid for attending 8 more than four such meetings in any calendar month. 9 However, no board member shall be paid more than one 10 attendance fee if such member attends more than one meeting conducted under chapter 610 in a calendar week. 11 1. In addition to all other limits set forth 85.1310.

in sections 85.1000 to 85.1400, the board in counties of the

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3 first classification shall in each year determine the amount 4 of money necessary to be raised by taxation, and shall fix a 5 rate of levy which, when levied upon every dollar of the taxable tangible property within the district as shown by 6 7 the last completed assessment, and with other revenues, will 8 raise the amount required by the district annually to supply funds for paying the expenses of organization and operation 9 10 and the costs of acquiring, supplying, and maintaining the property, works, and equipment of the district, and maintain 11 12 the necessary personnel, which rate of levy shall not exceed forty cents on the one hundred dollars valuation. The board 13 in any county of the first classification having a 14 15 population in excess of nine hundred thousand may fix an additional rate not to exceed twenty-five cents on the 16 hundred dollars valuation and the board in all other first 17 classification counties may fix an additional rate, not to 18 19 exceed fifteen cents on the hundred dollars valuation, the 20 revenues from which shall be deposited in a special fund and 21 used only for the pension program of the district, by submitting the following question to the voters at the 22 municipal general, primary, or general election in such 23 district or at any election at which a member of the board 24 of directors is to be elected: 25 Shall the board of directors of Police 26 Protection District be authorized to levy an 27 annual tax rate of _____ cents per one hundred 28 29 dollars valuation, the revenues from which shall 30 be deposited in a special fund and used only for 31 the pension program of the district?

32 In addition thereto, to fix a rate of levy which will enable

33 it to promptly pay in full when due all interest on and

34 principal of bonds and other obligations of the district,

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- 35 and to pay any indebtedness authorized by a vote of the
- 36 people as provided by sections 85.1000 to 85.1265; and in
- 37 the event of accruing defaults or deficiencies in the bonded
- or contractual indebtedness, an additional levy may be made
- 39 as provided in section 85.1175.
- 40 2. Any district approving a tax levy rate pursuant to
- 41 the provisions of subsection 1 of this section shall
- 42 transfer all revenue collected plus interest monthly for
- 43 deposit in the district retirement fund. The board of
- 44 directors for the police protection district shall comply
- 45 with the prudent investor standard for investment
- 46 fiduciaries as provided in section 105.688 when investing
- 47 the assets of the pension program.
- 48 3. Any district may impose a tax not to exceed ten
- 49 cents on the one hundred dollars valuation, in addition to
- 50 the rate which the board may levy pursuant to this section,
- 51 by submitting the following question to the voters at any
- 52 election in such district held on the first Tuesday in April
- of any year:
- 54 Shall the board of directors of Police
- 55 Protection District be authorized to increase the
- 56 annual tax rate from cents to cents
- on the hundred dollars assessed valuation?
- 58 In addition thereto, to fix a rate of levy which will enable
- 59 it to promptly pay in full when due all interest on and
- 60 principal of bonds and other obligations of the district,
- 61 and to pay any indebtedness authorized by a vote of the
- 62 people as provided by sections 85.1000 to 85.1265; and in
- 63 the event of accruing defaults or deficiencies in the bonded

or contractual indebtedness, an additional levy may be made as provided in section 85.1175.

- 85.1340. 1. Police protection districts, when asked to respond to emergencies beyond their corporate boundaries,
- 3 may charge for those services rendered.
- 4 2. When formal mutual aid agreements are in place with
- 5 adjoining areas and departments, this provision is not
- 6 applicable except by formal agreement and contract with the
- 7 adjoining department.

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- 3. In responding to police or other emergencies
- 9 outside the corporate boundaries of a police protection
- 10 district, the police protection district responding and its
- 11 police officers shall be subject to the same liabilities for
- 12 claims for death or injury to persons or property as those
- 13 subjected to when responding to police or emergencies within
- 14 their respective police protection district.
- 15 4. In responding to emergencies outside the corporate
- 16 boundaries of the police protection district, the police
- 17 protection district responding may charge up to the
- 18 following fees:
- 19 (1) One hundred dollars for responding to each police
- 20 call or alarm;
- 21 (2) Five hundred dollars for each hour or a
- 22 proportional sum for each quarter hour spent in combating a
- 23 crime or emergency.
- 24 5. No property owner shall be liable for fees or
- 25 charges under this section if the property owner has
- 26 previously entered into an agreement with the police
- 27 protection district in writing, prior to the occurrence of
- 28 the crime or emergency.
 - 85.1355. 1. In counties having a charter form of
- 2 government and having more than one million inhabitants and

3 in counties of the first classification which contain a city

- 4 with a population of one hundred thousand or more
- 5 inhabitants which adjoins no other county of the first
- 6 classification, the governing body of each police protection
- 7 district shall cause an audit to be performed consistent
- 8 with rules and regulations promulgated by the state auditor.
- 9 2. (1) All such districts shall cause an audit to be 10 performed biennially. Each such audit shall cover the
- 11 period of the two previous fiscal years.
- 12 (2) Any police protection district with less than
- 13 fifty thousand dollars in annual revenues may, with the
- 14 approval of the state auditor, be exempted from the audit
- 15 requirement of this section if it files appropriate reports
- 16 on its affairs with the state auditor within five months
- 17 after the close of each fiscal year and if these reports
- 18 comply with the provisions of section 105.145. These
- 19 reports shall be reviewed, approved, and signed by a
- 20 majority of the members of the governing body of the police
- 21 protection district seeking exemption.
- Copies of each audit report shall be completed and
- 23 submitted to the police protection district and the state
- 24 auditor within six months after the close of the audit
- 25 period. One copy of the audit report and accompanying
- 26 comments shall be maintained by the governing body of the
- 27 police protection district for public inspection at
- 28 reasonable times in the principal office of the district.
- 29 The state auditor shall also maintain a copy of the audit
- 30 report and comment. If any audit report fails to comply
- 31 with the rules promulgated by the state auditor, that
- 32 official shall notify the police protection district and
- 33 specify the defects. If the defects specified are not
- 34 corrected within ninety days from the date of the state

- 35 auditor's notice to the district, or if a copy of the
- 36 required audit report and accompanying comments have not
- 37 been received by the state auditor within six months after
- 38 the end of the audit period, the state auditor shall make,
- 39 or cause to be made, the required audit at the expense of
- 40 the police protection district.
- 4. The provisions of this section shall not apply to
- 42 any police protection district based and substantially
- 43 located in a county of the third classification with a
- 44 population of at least thirty-one thousand five hundred but
- 45 not greater than thirty-three thousand.
 - 85.1360. If a property tax has been approved and is
- 2 being collected for the purpose of supporting a police
- 3 protection district and such police protection district is
- 4 dissolved, such tax shall continue to be collected and the
- 5 proceeds of such tax shall be distributed to the governing
- 6 body of the city formerly containing the dissolved police
- 7 protection district, provided that the boundaries of the
- 8 police protection district encompass such city and the tax
- 9 is used only for providing police protection services within
- 10 such city.
 - 85.1365. 1. Each member of a police protection
- 2 district board shall be subject to recall from office by the
- 3 registered voters of the district from which he or she was
- 4 elected. Proceedings may be commenced for the recall of any
- 5 police protection district board member by the filing of a
- 6 notice of intention to circulate a recall petition pursuant
- 7 to sections 85.1365 to 85.1395.
- Proceedings may not be commenced against any member
- 9 if, at the time of commencement, that member:
- 10 (1) Has not held office during his or her current term
- 11 for a period of more than one hundred eighty days; or

12 (2) Has one hundred eighty days or less remaining in

- 13 his or her term; or
- 14 (3) Has had a recall election determined in his or her
- 15 favor within the current term of office.
 - 85.1370. 1. The notice of intention to circulate a
- 2 recall petition shall be served personally, or by certified
- 3 mail, on the board member sought to be recalled. A copy
- 4 thereof shall be filed, along with an affidavit of the time
- 5 and manner of service, with the election authority, as
- 6 defined in chapter 115. A separate notice shall be filed
- 7 for each board member sought to be recalled and shall
- 8 contain all of the following:
- 9 (1) The name of the board member sought to be recalled;
- 10 (2) A statement, not exceeding two hundred words in
- 11 length, of the reasons for the proposed recall;
- 12 (3) The name(s) and business or residence address(es)
- of at least one, and not more than five, proponent(s) of the
- 14 recall.
- 15 2. Within seven days after the filing of the notice of
- intention, the board member may file with the election
- 17 authority a statement, not exceeding two hundred words in
- 18 length, in answer to the statement of the proponents. If an
- 19 answer is filed, the board member shall also serve a copy of
- 20 it, personally or by certified mail, on one of the
- 21 proponents named in the notice of intention.
- 3. The statement and answer are intended solely for
- 23 the information of the voters. No insufficiency in form or
- 24 substance thereof shall affect the validity of the election
- 25 proceedings.
 - 85.1375. Before any signature may be affixed to a
- 2 recall petition, the petition shall bear all of the
- 3 following:

4 (1) A request that an election be called to elect a

- 5 successor to the board member;
- 6 (2) A copy of the notice of intention, including the 7 statement of grounds for recall;
- 8 (3) The answer of the board member sought to be
- 9 recalled, if any. If the board member has not answered, the
- 10 petition shall so state;
- 11 (4) A place for each signer to affix his or her
- 12 signature, printed name, and residence address including
- 13 city or unincorporated community.
 - 85.1380. Each section of the petition, when submitted
- 2 to the election authority, shall have attached to it an
- 3 affidavit signed by the circulator of that section, setting
- 4 forth all of the following:
- 5 (1) The printed name of the affiant;
- 6 (2) The residence address of the affiant;
- 7 (3) That the affiant circulated that section and saw
- 8 the appended signatures be written;
- 9 (4) That according to the best information and belief
- 10 of the affiant, each signature is the genuine signature of
- 11 the person whose name it purports to be;
- 12 (5) That the affiant is a registered voter of the
- 13 police protection district of the board member sought to be
- 14 recalled; and
- 15 (6) The dates between which all the signatures to the
- 16 petition were obtained.
 - 85.1385. 1. A recall petition shall be filed with the
- 2 election authority not more than one hundred eighty days
- 3 after the filing of the notice of intention.
- 4 2. The number of qualified signatures required in
- 5 order to recall an officer shall be equal in number to at

6 least twenty-five percent of the number of voters who voted

- 7 in the most recent gubernatorial election in that district.
- 8 3. Within twenty days from the filing of the recall
- 9 petition the election authority shall determine whether or
- 10 not the petition was signed by the required number of
- 11 qualified signatures. The election authority shall file
- 12 with the petition a certificate showing the results of the
- 13 examination. The authority shall give the proponents a copy
- 14 of the certificate upon their request.
- 15 4. If the election authority certifies the petition to
- 16 be insufficient, it may be supplemented within ten days of
- 17 the date of certificate by filing additional petition
- 18 sections containing all of the information required by
- 19 section 85.1380 and this section. Within ten days after the
- 20 supplemental copies are filed, the election authority shall
- 21 file with it a certificate stating whether or not the
- 22 petition as supplemented is sufficient.
- 23 5. If the certificate shows that the petition as
- 24 supplemented is insufficient, no action shall be taken on
- 25 it; however, the petition shall remain on file.
 - 85.1390. 1. If the election authority finds the
- 2 signatures on the petition, together with the supplementary
- 3 petition sections if any, to be sufficient, it shall submit
- 4 its certificate as to the sufficiency of the petition to the
- 5 police protection district board prior to its next meeting.
- 6 The certificate shall contain:
- 7 (1) The name of the member whose recall is sought;
- 8 (2) The number of signatures required by law;
- 9 (3) The total number of signatures on the petition;
- 10 (4) The number of valid signatures on the petition.
- 2. Following the police protection board's receipt of
- 12 the certificate, the county election authority shall order

an election to be held on one of the election days specified

- in section 115.123. The election shall be held not less
- 15 than forty-five days nor more than one hundred twenty days
- 16 after the police protection district board receives the
- 17 petition. Nominations hereunder shall be made by filing a
- 18 statement of candidacy with the election authority.
- 3. At any time prior to forty-two days before the
- 20 election, the member sought to be recalled may offer his or
- 21 her resignation. If his or her resignation is offered, the
- 22 recall question shall be removed from the ballot and the
- 23 office declared vacant. The member who resigned may not
- 24 fill the vacancy which shall be filled as provided by law.
 - 85.1395. The provisions of chapter 115 governing the
- 2 conduct of elections shall apply, where appropriate, to
- 3 recall elections held under sections 85.1365 to 85.1395.
- 4 The costs of the election shall be paid as provided in
- 5 **chapter 115**.
 - 85.1400. Notwithstanding any other law to the
- 2 contrary, any board of directors established under the
- 3 provisions of sections 85.1000 to 85.1400 administering its
- 4 own retirement or other benefits-related plan shall
- 5 administer such plan by a separate five-member pension board
- 6 of trustees. Pension plan participants shall elect three
- 7 such participants to be submitted to the board of
- 8 directors. The board of directors shall select two of the
- 9 three participants to serve on the five-member pension board
- 10 of trustees. The board of directors shall be the other
- 11 three members of the five-member pension board of trustees.

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