

eight A (28A) of the Code. Hearings conducted by arbitrators shall be open to the public.

Sec. 11. Section eight hundred thirteen point two (813.2), Rule 3, subsection 4, paragraph j, Code 1977 Supplement, is amended by adding the following new subparagraph:

(4) The detailed minutes and tape recordings sealed pursuant to section six (6) of this Act.

Sec. 12. This Act is effective January 1, 1979.

Approved June 5, 1978

## CHAPTER 1038

### UNIFIED LAW ENFORCEMENT

S. F. 380

AN ACT relating to unified law enforcement, including clarification of the tax levy, election procedures, and administration of the district.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section twenty-eight E point twenty-one (28E.21), Code 1977, is amended to read as follows:

28E.21 DEFINITION. For the purpose of this division, the term "~~unified-law-enforcement~~ district" means a unified law enforcement district established by an agreement under the provisions of this chapter by ~~counties~~ a county, or portions thereof, or cities to provide law enforcement within the boundaries of the member political subdivisions.

Sec. 2. Section twenty-eight E point twenty-two (28E.22), Code 1977, is amended to read as follows:

28E.22 REFERENDUM FOR TAX. ~~In every county that establishes a unified law enforcement district, the board of supervisors~~ The board of supervisors, or the city councils of a district composed only of cities, may, and upon receipt of a petition signed by five percent of the qualified electors residing in the ~~unified-law-enforcement~~ district shall, submit a proposition to the ~~county~~ electorate residing in the ~~unified law-enforcement~~ district at any ~~countywide~~ general election providing or at a special election held throughout the district. The proposition shall provide for the establishment of a public safety fund and the levy of a tax on taxable property located in the ~~unified-law-enforcement~~ district at rates not exceeding the ~~rate~~ rates specified in this section

~~28E-23~~ for the purpose of providing additional moneys for the operation of the ~~unified-law-enforcement~~ district.

~~At-the-election-the~~ The ballot for the election shall be prepared in substantially the form for submitting special questions at general elections and the form of the proposition shall be substantially as follows:

"Shall ~~a-tax~~ an annual levy, the amount of which will not exceed ~~the-amount-which-would-be-raised-by-a-uniform~~ a rate of one dollar and ~~sixty-two~~ fifty cents per thousand dollars of assessed value of the taxable property in the unified law enforcement district be authorized for providing additional moneys needed for unified law enforcement services in the district for a period of not exceeding five years?"

Yes

No

If a majority of the qualified electors in each city and the unincorporated area of the county voting on the proposition approve the proposition, the county board of supervisors for unincorporated area and city councils for cities are authorized to levy the tax as provided in section twenty-eight E point twenty-three (28E.23) of the Code.

~~Such moneys collected pursuant to the tax levy shall be in-addition-to-other-federal,-state,-and-local-moneys-available-for-law-enforcement-purposes-to-the-county-and-cities-located-in-the-unified-law-enforcement-district---A-county-or-city-which-is-included-in-a-unified-law-enforcement-district-shall-not-reduce-the-percent-of-its-total-general-fund-budget-used-for-law-enforcement-purposes-because-of-additional-moneys-collected-pursuant-to-the-voted-levy~~ expended only for providing additional moneys needed for unified law enforcement services in the district and shall be in addition to the revenues raised in the county and cities in the district from their general funds which are based upon an average of revenues raised for law enforcement purposes by the county or city for the three previous years.

~~If-a-majority-of-the-qualified-electors-voting-on-the-proposition-approve-the-proposition,-the-board-of-supervisors-shall-levy-the-tax-as-provided-in-section-28E-23-~~

The amount of revenues raised for law enforcement purposes by the county for the three previous years shall be computed separately for the unincorporated portion of the district and for each city in the district.

Sec. 3. Section twenty-eight E point twenty-three (28E.23), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

28E.23 BUDGET. The public safety commission, on or before January tenth of each year, shall make an estimate of the total amount of revenue deemed necessary for operation of the district and, in conjunction with the county board of supervisors and city councils in the district, determine the amounts which will be contributed by the county and each city in the district from their general funds which are based upon an average of revenues raised for law enforcement purposes in the county or city for the three previous years.

One of the following methods shall be used by the public safety commission for computing the amount of revenue deemed necessary for the operation of the district:

1. The per capita cost shall be computed by dividing the amount of revenue deemed necessary for the operation of the district by the total population of the district and by computing separate amounts for the public safety fund as follows:

a. The funds to be contributed by each city in the district shall be computed by multiplying the per capita cost by the population residing in each city of the district.

b. The funds to be contributed by the unincorporated area of the district shall be computed by multiplying the per capita cost by the population residing in the unincorporated area of the district.

2. The percent of service received by the unincorporated area and by each city in the district shall be computed and the percent of service received by each shall be multiplied by the amount of revenue deemed necessary for the operation of the district.

Sec. 4. Chapter twenty-eight E (28E), Code 1977, is amended by adding the following new section after section twenty-eight E point twenty-three (28E.23) of the Code:

NEW SECTION. REVENUE AND TAX LEVIES. The county board of supervisors shall certify to the public safety commission the amount of revenue from the county general fund credited to the unincorporated area in the district based upon an average of revenues raised for law enforcement purposes in the unincorporated area for the three previous years. The public safety commission shall subtract this amount from the amount of revenue to be contributed by the unincorporated area. The difference is the amount of additional revenue needed for unified law enforcement purposes.

In addition, the county board of supervisors and the city council of each city in the district shall certify to the

public safety commission the amounts of revenue from the county general fund and from the city general fund credited to each city in the district based upon an average of revenues raised for law enforcement purposes in each city for the three previous years. The public safety commission shall subtract the total of these amounts from the amount of revenue to be contributed by each city respectively. The difference for each city is the amount of additional revenue needed for unified law enforcement purposes.

The county board of supervisors and the council of each city located within the district shall review the proposed budget and upon the approval of the budget by the board of supervisors and all city councils in the district, each governing body shall determine the source of the additional revenue needed for unified law enforcement purposes. If the tax levy is approved as the source of revenue, the governing body shall certify to the county auditor the amount of revenue to be raised from the tax levy in either the unincorporated area of the district or a city in the district.

If the tax rate in any of the cities or the unincorporated area exceeds the limitations prescribed in section twenty-eight E point twenty-two (28E.22) of the Code, the public safety commission shall revise the budget to conform with the tax limitations.

The county board of supervisors and the city council of each city in the district shall deposit in the public safety fund the amounts of revenue from their general funds certified to the public safety commission in this section based upon an average of revenues raised for law enforcement purposes for the three previous years.

If the average of revenues raised for law enforcement purposes in the unincorporated area or a city for the previous three years exceeds the amount of revenue needed for unified law enforcement purposes, the unincorporated area or city is only required to contribute the amount of revenue needed.

Taxes collected pursuant to the tax levies and other moneys received from the county and cities in the district shall be placed in a public safety fund and used only for the operation of the district. Any unencumbered funds remaining in the fund at the end of a fiscal year shall carry over to the next fiscal year and may be used for the operation of the district.

Sec. 5. Section twenty-eight E point twenty-four (28E.24), Code 1977, is amended to read as follows:

28E.24 EXPANSION OF DISTRICT. Cities and unincorporated areas may join an established unified-law-enforcement district upon the affirmative vote of the city council or county board of supervisors, whichever is applicable, and a tax may be levied for providing additional moneys for unified law enforcement purposes services only upon the affirmative vote of qualified electors of the city or unincorporated area voting in the manner provided in this division. A city or unincorporated area joining a unified-law-enforcement district shall contract with the unified-law-enforcement district for services until the beginning of a fiscal year when the city or unincorporated area may become a member.

~~A-unified-law-enforcement-district-may-encompass-more-than one-county.~~

Sec. 6. Section twenty-eight E point twenty-six (28E.26), Code 1977, is amended to read as follows:

28E.26 DURATION OF AGREEMENTS FOR LAW ENFORCEMENT PURPOSES. An agreement under this chapter to provide joint or co-operative services or facilities for unified law enforcement purposes shall not be executed for less than a three-year five-year period.

Sec. 7. Chapter twenty-eight E (28E), Code 1977, is amended by adding the following new section:

NEW SECTION. PUBLIC SAFETY COMMISSION. If the levy of a tax has been approved under section twenty-eight E point twenty-two (28E.22) of the Code, a public safety commission shall be established under section twenty-eight E point six (28E.6) of the Code. The public safety commission shall be responsible for administering the unified law enforcement agreement. The public safety commission shall be composed of elected officials from public agencies party to the agreement. The composition of the commission shall be determined by the terms of the agreement. A vacancy shall exist when a member of the commission ceases to hold the elected office which qualifies the member for commission membership.

Approved June 13, 1978