
Local Government Committee

HB 1458

Brief Description: Concerning municipal police districts.

Sponsors: Representative Blake.

Brief Summary of Bill

- Authorizes the creation of municipal police districts (district) that may be formed by two or more contiguous cities or towns for the purpose of provision of law enforcement services.
- Creates procedures for formation, annexation, dissolution, and governance of a district and provides for transfer of powers, assets, and employees from participating cities and towns to the district.

Hearing Date: 2/6/19

Staff: Yvonne Walker (786-7841).

Background:

Interlocal Cooperation Act.

The Interlocal Cooperation Act allows public agencies to enter into agreements with one another for joint or cooperative action. Any power, privilege, or authority held by a public agency may be exercised jointly with one or more other public agencies having the same power, privilege, or authority. A public agency for purposes of interlocal agreements includes any agency, political subdivision, or unit of local government. Public agencies that enter into joint agreements may create a separate legal or administrative entity, such as a nonprofit corporation or a partnership, to carry out the purposes of agreement.

Options for Providing Law Enforcement Services in Cities and Towns.

A city or town may provide law enforcement protection in a number of different ways. The most common way is to establish a municipal police department under the direction of a locally appointed police chief or marshal. Cities and towns may also enter into a contractual

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arrangement with another jurisdiction to provide law enforcement services or "mutual aid," which includes aid and assistance through loans or exchanges of personnel or material resources.

Summary of Bill:

Any two or more contiguous cities or towns may create a municipal police district (district), a special purpose district that is created to implement a municipal police district plan (plan). A "plan" means a plan to develop and finance a district, including, but not limited to, specific capital projects, all law enforcement services, and the preservation and maintenance of existing and future facilities.

Formation.

A district is formed through the following process:

Formation and Duties of Planning Committee. The governing bodies of each city and town engaged in a planning committee (committee) must appoint one elected official and the chief of police to the committee. Committee members may not receive compensation for attendance at meetings on behalf of the district, but may be reimbursed for travel and incidental expenses at the discretion of the governing body of the appointing city or town. The committee may receive funds from the participating cities and towns by interlocal agreement. The committee may dissolve itself at any time by a majority vote of the committee members. Any participating city or town may withdraw from the committee upon 30 calendar days' written notice to the other cities or towns.

A committee must adopt a plan for the governance, design, financing, and development of law enforcement services. The committee must:

- create opportunities for public input in the development of the plan;
- adopt a plan proposing the creation of a municipal police district and recommending governance, design, financing, and development of law enforcement service facilities and operations;
- recommend a plan for financing the district which must include: (1) a proposed budget for the first year of the district; (2) the proposed funding that is required to be provided by each participating city or town; and (3) the method for calculating each city or town's financial contribution. The financing plan must be adopted by the governing bodies of the participating cities or towns by interlocal agreement; and
- forward the plan to the governing bodies of the participating cities or towns to initiate the voter approval process.

Submission of Plan to Voters. Upon receipt of the plan from the committee, the governing bodies of the participating cities or towns may certify the plan to the ballot. The governing bodies of the cities or towns may perform duties as required to put the plan before the voters of the proposed district for their approval or rejection as a single ballot measure that both approves formation of the district and approves the plan. Sixty percent of the total persons voting on the single ballot measure to approve the plan and establish the district is required for approval.

Challenges to Formation. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of each county within, or partially within, the district and the attorney general within 30 days after the

final certification of the election. Failure to challenge within that time forever bars further challenge of the district's valid formation.

Annexation, Withdrawal, and Re-annexation.

A city or town that is contiguous to the boundary of a district is eligible for annexation by the district. An annexation is initiated by the adoption of a resolution by the governing body of a city or town requesting the annexation. The resolution requesting annexation must then be filed with the commission of the district that is requested to annex the city or town. An election to authorize the annexation may be held only if the governing body of the city or town seeking annexation adopts a resolution approving both the annexation and the related plan amendment. An annexation is authorized if the voters in the city or town proposed to be annexed approve a single ballot measure approving the annexation and related plan amendment. The ballot measure is approved if 60 percent of the total persons voting on the single ballot measure votes to approve the measure.

In order to withdraw from a district, the governing body of a city or town must adopt a resolution approving the withdrawal. After adoption of the resolution approving the withdrawal, the governing body of the city or town may perform duties as required to put the measure approving or not approving the withdrawal before the voters of the city or town. The ballot measure is approved if 60 percent of the total persons voting on the ballot measure vote to approve the withdrawal. A city or town that has withdrawn from a district may re-annex to the district upon adoption of a resolution by the commission of the district and by the city or town's governing body approving the re-annexation. Sixty percent of the voters of the city or town must approve of a re-annexation ballot measure.

Dissolution.

A commission of a district may initiate its dissolution by adopting a resolution that proposes dissolution of the district. After adoption of the resolution proposing dissolution of the district, the commission may put the measure approving the dissolution before the voters of the district. The ballot measure is approved if 60 percent of the total persons voting on the ballot measure vote to approve the dissolution. A district is automatically dissolved if after withdrawal of participating cities or towns there is only one remaining city or town in the district.

Commission.

The members of the planning committee who are elected officials shall serve as the commissioners of the district for a term of one year from the date the district is formed. Thereafter, the governing bodies of the participating cities and towns must each appoint one commissioner to the commission, each to serve a one-year term. Only elected officials of participating cities or towns are eligible to be appointed to serve as commissioners.

The commission may:

- enter into agreements with federal, state, local, and regional entities and departments as necessary to accomplish district purposes;
- accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;
- monitor and audit the progress and execution of district projects to protect the investment of the public and annually make public its findings;

- pay for services and enter into leases and contracts, including professional service contracts;
- hire, manage, and terminate employees; and
- exercise powers and perform duties as the commission determines necessary to carry out the purposes, functions, and projects of the district in accordance with the municipal police district plan and applicable laws.

Chief.

The commission must appoint a person to fill the position of chief of the district and must notify the governing bodies of each participating city or town of its appointment. The appointment is only effective after each participating city or town adopts a resolution approving of the person appointed by the commission. In the event of a vacancy in the position of chief of police, the commission shall appoint an interim chief to fill the position until a permanent appointment is made by the commission and approved by resolution of the governing body of each participating city or town.

Transfer of Responsibilities and Employees.

All powers, duties, and functions of a participating city or town pertaining to law enforcement services shall be transferred to the municipal police district. All property, funds, credits, and other assets of a participating city or town pertaining to law enforcement services, power, functions, and duties are transferred to the district.

All employees of the police departments of participating cities or towns are transferred to the district. Upon transfer, unless an agreement for different terms of transfer is reached between the collective bargaining representatives of the transferring employees and the participating cities or towns, an employee is entitled to the employee rights, benefits, and privileges to which he or she would have been entitled to as an employee of a participating city or town. If any or all of the participating cities or towns provide for civil service in their police departments, the collective bargaining representatives of the transferring employees and the participating cities or towns must negotiate regarding the establishment of a civil service system within the district.

The definition of "uniform personnel" in the Public Employee's Collective Bargaining Act is expanded to include municipal police districts.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.