

## **CHAPTER 28E JOINT EXERCISE OF GOVERNMENTAL POWERS**

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### **28E.1 PURPOSE.**

The purpose of this chapter is to permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to co-operate in other ways of mutual advantage. This chapter shall be liberally construed to that end.

#### **Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.1]

### **28E.2 DEFINITIONS.**

For the purposes of this chapter, the term "*public agency*" shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state. The term "*state*" shall mean a state of the United States and the District of Columbia. The term "*private agency*" shall mean an individual and any form of business organization authorized under the laws of this or any other state.

#### **Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.2]

Referred to in §28.7, 28F.2, 28G.2, 455B.301, 717F.1, 904.308  
See also § 28F.2

### **28E.3 JOINT EXERCISE OF POWERS.**

Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having such power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

#### **Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.3]

### **28E.4 AGREEMENT WITH OTHER AGENCIES.**

Any public agency of this state may enter into an agreement with one or more public or private agencies for joint or cooperative action pursuant to the provisions of this chapter, including the creation of a separate entity to carry out the purpose of the

agreement. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies involved shall be necessary before any such agreement may enter into force.

**Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.4]

**28E.5 SPECIFICATIONS.**

Any such agreement shall specify the following:

1. Its duration.
2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. However, if the agreement establishes a separate legal or administrative entity, the entity shall, when investing funds, comply with the provisions of sections 12B.10 and 12B.10A through 12B.10C and other applicable law.
3. Its purpose or purposes.
4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
6. Any other necessary and proper matters.

**Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.5]

**Section History: Recent Form**

92 Acts, ch 1156, §9  
Referred to in § 28E.8, 28E.41

**28E.6 ADDITIONAL PROVISIONS.**

1. If the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall also include:
  - a. Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented.
  - b. The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.
2. The joint board specified in the agreement shall be a governmental body for purposes of chapter 21 and the entity created

shall be a government body for purposes of chapter 22 unless the entity created or agreement includes public agencies from more than one state.

3. *a.* A summary of the proceedings of each regular, adjourned, or special meeting of the joint board of the entity created in the agreement, including the schedule of bills allowed, shall be published after adjournment of the meeting in one newspaper of general circulation within the geographic area served by the joint board of the entity created in the agreement. The summary of the proceedings shall include the date, time, and place the meeting was held, the members present, and the actions taken at the meeting. The joint board of the entity created in the agreement shall furnish the summary of the proceedings to be submitted for publication to the newspaper within twenty days following adjournment of the meeting. The publication of the schedule of bills allowed shall include a list of all salaries paid for services performed, showing the name of the person or firm performing the service and the amount paid. The publication of the schedule of bills allowed may consolidate amounts paid to the same claimant if the purpose of the individual bills is the same. However, the names and gross salaries of persons regularly employed by the entity created in the agreement shall only be published annually.

*b.* An entity created which had a cash balance, including investments, of less than one hundred thousand dollars at the end of the previous fiscal year and which had total expenditures of less than one hundred thousand dollars during the prior fiscal year is not required to publish as required in paragraph "a". However, such an entity shall file without charge, in an electronic format, the information described in paragraph "a" with the office of the county recorder in the most populous county served by the entity. The county recorder shall make the information submitted available to the public, which information shall also include access to a copy of the agreement creating the entity.

*c.* This subsection shall not apply to an entity created in an agreement that includes public agencies from more than one state or to a contract entered into pursuant to section 28E.12.

4. A joint board of an entity created in an agreement that is responsible for the operation of a public facility or a public improvement may undertake the emergency repair of the facility or improvement in the manner provided in section 384.103, subsection 2. If an emergency repair is undertaken by the joint board, the chairperson, chief officer, or chief official of the joint board shall perform the duties assigned to the chief officer or official of the governing body of the city under section 384.103, subsection 2.

### **Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.6]

### **Section History: Recent Form**

2006 Acts, ch 1153, §7, 9; 2007 Acts, ch 158, §1, 4; 2009 Acts, ch 100, §4, 21

Referred to in § 28E.8, 28E.28, 28E.41

## **28E.7 OBLIGATIONS NOT EXCUSED.**

No agreement made pursuant to this chapter shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility.

### **Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.7]

## **28E.8 FILING WITH SECRETARY OF STATE.**

1. *a.* Before entry into force, an agreement made pursuant to this chapter shall be filed, in an electronic format, with the secretary of state in a manner specified by the secretary of state.

*b.* Any amendment, modification, or notice of termination of an agreement made pursuant to this chapter shall be filed, in an electronic format, with the secretary of state within thirty days of the effective date of the amendment, modification, or termination, in a manner specified by the secretary of state.

2. *a.* In addition to subsection 1, each entity subject to section 28E.5 shall submit, in an electronic format, an initial report to the secretary of state as prescribed by the secretary of state. The report shall include, as applicable, the name of the entity created, the board members of the joint board created, whether the entity is exempt from the publication requirements of section 28E.6, subsection 3, a valid electronic mail address, and any additional information the secretary of state deems appropriate.

*b.* Following submission of an initial report pursuant to paragraph "a", each entity subject to section 28E.5 shall submit, in an electronic format, a biennial report to the secretary of state in a manner prescribed by the secretary of state by April 1 of every odd-numbered year beginning in calendar year 2009.

### **Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.8]

### **Section History: Recent Form**

95 Acts, ch 110, §1; 2007 Acts, ch 158, §2, 4

#### **28E.9 STATUS OF INTERSTATE AGREEMENT.**

If an agreement entered into pursuant to this chapter is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact. Such agreements shall, before entry into force, be approved by the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state.

In any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest, and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

### **Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.9]  
Referred to in § 275.1, 275.2, 282.7, 456A.24

#### **28E.10 APPROVAL OF STATUTORY OFFICER.**

If an agreement made pursuant to this chapter shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved as to all matters within the state officer's or agency's jurisdiction.

### **Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.10]  
Referred to in § 321.40, 331.553

#### **28E.11 AGENCY TO FURNISH AID.**

Any public agency entering into an agreement pursuant to this chapter may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may

be within its legal power to furnish.

**Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.11]

**28E.12 CONTRACT WITH OTHER AGENCIES.**

Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.

**Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.12]  
Referred to in § 28E.6

**28E.13 POWERS ARE ADDITIONAL TO OTHERS.**

The powers granted by this chapter shall be in addition to any specific grant for intergovernmental agreements and contracts.

**Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.13]

**28E.14 NO LIMITATION ON CONTRACT.**

Any contract or agreement authorized by this chapter shall not be limited as to period of existence, except as may be limited by the agreement or contract itself.

**Section History: Early Form**

[C66, 71, 73, 75, 77, 79, 81, § 28E.14]

**28E.15 DISTRICT AGENCY.**

A planning commission, council of governments or similar organization formed under the provisions of this chapter shall, upon designation as such by the governor, serve as a district, regional or metropolitan agency for comprehensive planning for its area for the purpose of carrying out the functions as defined for such agency by federal, state and local laws and regulations.

### **Section History: Early Form**

[C73, 75, 77, 79, 81, § 28E.15]

#### **28E.16 ELECTION FOR BONDS.**

When bonds which require a vote of the people are to be issued for financing joint facilities of a county and one or more cities within the county, pursuant to an agreement made under the authority of this chapter, or pursuant to other provisions of law, the board of supervisors and the council of each city shall arrange for a single election on the question of issuing the bonds, but if the county and the cities are proposing to make separate bond issues, the ballot shall contain separate questions, one to be voted upon by all voters of the county, and one or more to be voted upon only by the voters of the city which is to make a separate bond issue.

### **Section History: Early Form**

[C75, 77, 79, 81, § 28E.16]

Referred to in §28E.41

#### **28E.17 TRANSIT POLICY -- JOINT AGREEMENT -- CITY DEBT.**

1. It is the public policy of this state to encourage the establishment or acquisition of urban mass transit systems and the equipment, maintenance and operation thereof by public agencies in cooperation with, and with the assistance of the urban mass transportation administration of the United States department of transportation, pursuant to the provisions of the Urban Mass Transportation Act of 1964, as amended, Title 49, sections 1601 et seq., United States Code, which requires unification or official coordination of local mass transportation services on an area-wide basis as a condition of such assistance.

2. An agreement between one or more cities and other public agencies for this purpose may be made and carried out without an election and the agency created thereby may jointly exercise through a board of trustees as provided by the agreement all the rights, powers, privileges and immunities of cities related to the provision of mass transportation services, except the authority to incur bonded indebtedness.

3. *a.* A city which is a party to a joint transit agency may issue general corporate purpose bonds for the support of a capital program for the joint agency in the following manner:

(1) The council shall give notice and conduct a hearing on the proposal in the manner set forth in section 384.25. However, the notice must be published at least ten days prior to the hearing, and if a petition valid under section 362.4 is filed with the clerk of the city prior to the hearing, asking that the question of issuing



the bonds be submitted to the registered voters of the city, the council shall either by resolution declare the proposal abandoned or shall direct the county commissioner of elections to call a special election to vote upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in section 384.26.

(2) If no petition is filed, or if a petition is filed and the proposition of issuing bonds is approved at the election, the council may proceed with the authorization and issuance of the bonds.

*b.* An agreement may provide for full or partial payment from transit revenues to the cities for meeting debt service on such bonds.

*c.* This subsection shall be construed as granting additional power without limiting the power already existing in cities, and as providing an alternative independent method for the carrying out of any project for the issuance and sale of bonds for the financing of a city's share of a capital expenditures project of a joint transit agency, and no further proceedings with respect to the authorization of the bonds shall be required.

**Section History: Early Form**

[C75, § 28G.1--28G.4; C77, 79, 81, § 28E.17]

**Section History: Recent Form**

95 Acts, ch 67, §53; 2008 Acts, ch 1032, §140

**28E.18 SHARED USE OF FACILITIES.**

Before proceeding to construct or purchase a facility as otherwise provided by law, a public agency shall inquire of other public agencies having facilities within the same general geographic area concerning the availability of all or part of those facilities for rent or sharing by agreement with the inquiring public agency. If there are no suitable facilities available for rent or sharing, the governing body of the public agency shall record its findings in its meeting minutes.

**Section History: Recent Form**

83 Acts, ch 26, § 1

**28E.19 JOINT COUNTY INDIGENT DEFENSE FUND.**

Two or more counties may execute an agreement under this chapter to create a joint county indigent defense fund to be used to compensate attorneys appointed to represent indigents. In addition to other requirements of an agreement under this chapter, the agreement shall provide for the amount to be paid by each county

based on its population to establish and maintain an appropriate balance in the joint fund, and for a method of repayment if a county withdraws more funds than it has contributed.

**Section History: Recent Form**

83 Acts, ch 123, § 36, 209; 84 Acts, ch 1067, § 10; 99 Acts, ch 135, §12  
Referred to in § 331.424

**28E.20** Repealed by 96 Acts, ch 1194, § 1.

**28E.21 DEFINITION.**

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

**Section History: Early Form**

[C77, 79, 81, § 28E.21]  
Referred to in § 331.381

**28E.22 REFERENDUM FOR TAX.**

1. The board of supervisors, or the city councils of a district composed only of cities, may, and upon receipt of a petition signed by eligible electors residing in the district equal in number to at least five percent of the registered voters in the district shall, submit a proposition to the electorate residing in the district at any general election 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 district at rates not exceeding the rates specified in this section for the purpose of providing additional moneys for the operation of the district.

2. 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 an annual levy, the amount of which will not exceed a rate of one dollar and 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?

Yes .. No .. "

3. If a majority of the registered voters 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 28E.23.

4. Such moneys collected pursuant to the tax levy shall be 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. 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.

**Section History: Early Form**

[C77, 79, 81, § 28E.22]

**Section History: Recent Form**

83 Acts, ch 79, § 1; 95 Acts, ch 67, §53; 2001 Acts, ch 56, §1;  
2008 Acts, ch 1032, §141

Referred to in § 28E.24, 28E.28, 28E.28B, 331.381

**28E.23 BUDGET.**

1. The public safety commission, on or before January 10 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 by each city in the district from its general fund which are based upon an average of revenues raised for law enforcement purposes in the county or city for the three previous years.

2. 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:

a. 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:

(1) 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.

(2) 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.

*b.* 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.

**Section History: Early Form**

[C77, 79, 81, § 28E.23]

**Section History: Recent Form**

83 Acts, ch 123, § 37, 209; 2008 Acts, ch 1032, §201  
Referred to in § 28E.22, 331.381

**28E.24 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 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 28E.22, 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 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.

**Section History: Early Form**

[C77, § 28E.23; C79, 81, § 28E.24]

**Section History: Recent Form**

83 Acts, ch 123, § 38, 39, 209  
Referred to in § 28E.28A, 331.381

**28E.25 EXPANSION OF DISTRICT.**

Cities and unincorporated areas may join an established 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 services only upon the affirmative vote of registered voters of the city or unincorporated area voting in the manner provided in this division. A city or unincorporated area joining a district shall contract with the district for services until the beginning of a fiscal year when the city or unincorporated area may become a member.

**Section History: Early Form**

[C77, § 28E.24; C79, 81, § 28E.25]

**Section History: Recent Form**

95 Acts, ch 67, §53  
Referred to in § 331.381

## **28E.26 CITY CIVIL SERVICE AND RETIREMENT.**

The inclusion of a city in a unified law enforcement district shall not affect the prior establishment of a civil service system under chapter 400 or a pension or retirement system under either chapter 410 or 411.

### **Section History: Early Form**

[C77, § 28E.25; C79, 81, § 28E.26]  
Referred to in § 331.381

## **28E.27 DURATION OF AGREEMENTS FOR LAW ENFORCEMENT PURPOSES.**

An agreement under this chapter to provide joint or cooperative services or facilities for unified law enforcement purposes shall not be executed for less than a five-year period.

### **Section History: Early Form**

[C77, § 28E.26; C79, 81, § 28E.27]  
Referred to in § 331.381

## **28E.28 PUBLIC SAFETY COMMISSION.**

If the levy of a tax has been approved under section 28E.22, a public safety commission shall be established under section 28E.6. 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.

### **Section History: Early Form**

[C79, 81, § 28E.28]  
Referred to in § 331.381

## **28E.28A REFERENDUM ON TAX LEVY -- DISSOLUTION OF DISTRICT.**

1. After five years from the date that a district is established, the public safety commission, upon receipt of a petition signed by eligible electors residing within the district equal in number to at least fifteen percent of the registered voters in the district, shall submit a proposition to the electorate of the district at the next general election to discontinue the annual levy for unified law enforcement services in the district. If a majority of the registered voters in each city and the unincorporated area of the

county, as applicable, approve the proposition, the tax levy shall be discontinued.

2. If the discontinuation of the tax levy necessitates the dissolution of the district, the public safety commission shall dispose of any remaining property, the proceeds of which shall be applied first against any outstanding obligations of the district and any balance shall be remitted to the county and each city in the district in the same proportion that each jurisdiction contributed to the district's budget in its final fiscal year. The board of supervisors, on behalf of the unincorporated area of the county and the city councils of the cities included in the dissolved district shall continue to levy taxes and appropriate funds to the public safety fund as provided in section 28E.24 until all outstanding obligations of the dissolved district are paid.

**Section History: Recent Form**

83 Acts, ch 79, § 2; 95 Acts, ch 67, §53; 2001 Acts, ch 56, §2  
Referred to in § 331.381

**28E.28B LEGALIZATION OF TAX LEVIES.**

Each unified law enforcement district tax levy authorized pursuant to section 28E.22 prior to July 1, 1983, which continued to be collected for a period subsequent to July 1, 1983, or continues to be collected notwithstanding the expiration of the five-year period specified by the referendum which authorized the levy, is hereby legalized and deemed valid as if the levy had been authorized subsequent to July 1, 1983.

**Section History: Recent Form**

97 Acts, ch 7, §1

**28E.29 AMANA -- ADDITIONAL LAW ENFORCEMENT.**

If a tract of land is owned by a corporation organized under chapter 491 with assets of the value of one million dollars or more which has one or more platted villages located within the territorial limits of the tract of land, all of the territory within the plats of the villages with their additions or subdivisions, for the purposes of this section, is deemed to be one incorporated city. The corporation may assess and collect funds from its property owners for the purpose of obtaining additional law enforcement services from the county sheriff. The corporation may contract under this chapter with the county sheriff for additional law enforcement services.

**Section History: Early Form**

[C81, § 337.22; S81, § 28E.29; 81 Acts, ch 117, § 1201]

### **28E.30 AGREEMENT FOR LAW ENFORCEMENT ADMINISTRATIVE SERVICES.**

A county and a city within the county may enter into an agreement to provide administrative services through the county sheriff to the city for its police department. In addition to other provisions required by this chapter, the agreement shall specify the administrative services to be provided by the sheriff and the administrative or supervisory relationship between the sheriff and the mayor and city council. The agreement is subject to the approval of the county sheriff. The sheriff may accept compensation for the administrative services provided to the city, which compensation is in addition to the sheriff's compensation authorized under section 331.907. The additional compensation shall not be included in computing the total annual compensation of the sheriff pursuant to section 331.904, subsection 2.

#### **Section History: Recent Form**

88 Acts, ch 1057, §1

### **28E.31 EMERGENCY SERVICES -- CONTRACTS FOR MUTUAL AID.**

1. A municipality's fire department that agrees to provide for mutual aid regarding emergency services shall do so in writing. The contracts that are agreed upon may provide for compensation from the parties and other terms that are agreeable to the parties and may be for an indefinite period as long as they include a sixty-day cancellation notice by any party. The contracts agreed upon shall not be entered into for the purpose of reducing the number of employees of any party.

2. A municipal fire department may provide assistance to any other such department or district in the state at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous material incident, or other such disaster. The chief or highest ranking fire officer of an assisting department or district may render aid to a requesting department or district as long as the chief or officer is acting in accordance with the policies and procedures set forth by the governing board of the assisting department or district.

3. The chief or highest ranking officer of the municipal fire department of the district within which the incident occurs shall maintain control of the incident in accordance with the provisions of chapter 102. The chief or highest ranking officer of the department or district giving mutual aid shall be in charge of the assisting departmental or district personnel.

4. For purposes of this section, "*municipality*" means a city, county, township, benefited fire district, or agency formed under



this chapter and authorized by law to provide emergency services.

**Section History: Recent Form**

96 Acts, ch 1219, §62; 2000 Acts, ch 1117, §1

**28E.32 EMERGENCY SERVICES AGREEMENTS.**

1. A municipality that agrees to provide fire protection service or emergency medical service for another municipality shall do so in writing.

2. The written agreement shall state the purposes of the agreement and the services to be provided. The agreement shall state the duration of the agreement and provide for renewal or cancellation of the agreement.

3. An advisory board created by agreement may prepare a proposed annual budget for services provided pursuant to the agreement until the agreement is canceled or expires. For the proposed budget, the board may allocate among the parties to the agreement responsibility to provide revenue for the amount of the budget. The proposed budget shall be submitted to the municipality providing the services. However, the municipality providing the services shall have full and final authority over the proposed budget and may alter the proposed budget without approval of the board before it is included in the budget of such municipality.

4. For purposes of this section, "*municipality*" means a city, county, township, benefited fire district, or agency formed under this chapter and authorized by law to provide emergency services.

**Section History: Recent Form**

2000 Acts, ch 1117, §2; 2007 Acts, ch 96, §1, 2

**28E.33 AND 28E.34** Reserved.

**28E.35 DEFINITIONS.**

As used in this division unless the context otherwise requires:

1. "*Community cluster*" means a cooperative community unit established pursuant to this chapter for the joint exercise of powers by two or more governmental units.

2. "*Governmental unit*" means a city, county, or special taxing district.

**Section History: Recent Form**

90 Acts, ch 1200, §1

### **28E.36 ESTABLISHMENT OF COMMUNITY CLUSTER.**

Two or more governmental units located in the state may establish a community cluster by entering into an agreement for the joint exercise of powers pursuant to this chapter to make more efficient use of their resources by providing for joint functions, services, facilities, development of infrastructure and for revenue sharing, and to foster economic development.

#### **Section History: Recent Form**

90 Acts, ch 1200, §2

### **28E.37 DESIGNATION OF TOWNSHIPS.**

A county entering into an agreement to establish a community cluster may limit the area of the county included in the community cluster to designated townships.

#### **Section History: Recent Form**

90 Acts, ch 1200, §3

### **28E.38 REVENUE SHARING.**

The agreement establishing a community cluster may provide for the sharing of revenues by the governmental units forming the community cluster.

#### **Section History: Recent Form**

90 Acts, ch 1200, §4

### **28E.39 REFERENDUM FOR AD VALOREM TAX SHARING.**

An agreement establishing a community cluster shall require the approval of the registered voters residing within the area of the cluster if the agreement provides for the sharing of revenues from ad valorem property taxes. The proposition shall be submitted to the electorate by each governmental unit forming the community cluster to the electors residing within the area of the governmental unit at a general election or at a special election. However, if a county has designated only certain townships as being included within the community cluster, the proposition shall be submitted to the electorate of the county residing only in the townships included in the community cluster.

The ballot for the election shall be prepared in substantially the form for submitting special questions at general elections.

If a majority of the registered voters in the area of each governmental unit within the proposed community cluster voting on the proposition vote in favor of the proposition then the agreement establishing the community cluster shall take effect and the sharing

of revenues from ad valorem property taxes is authorized. If the proposition fails in the area of one or more governmental units within the proposed community cluster voting on the proposition then the governmental units in which the proposition passed may establish the community cluster in those areas in which the proposition passed and the sharing of revenues from ad valorem property taxes is authorized.

**Section History: Recent Form**

90 Acts, ch 1200, §5; 95 Acts, ch 67, §53

**28E.40 REGIONAL METROPOLITAN SERVICE AREA.**

Two or more contiguous counties, cities, or cities and counties may establish a regional metropolitan service area to provide for the joint delivery of services by an agreement under this chapter, subject to the limitations and requirements of sections 331.232, 331.260, 331.261, and 331.262, subsection 9.

**Section History: Recent Form**

91 Acts, ch 256, §1

**28E.41 JOINT COUNTY, CITY, FIRE DISTRICT, AND SCHOOL DISTRICT BUILDINGS.**

1. A county, city, fire district, or school district, which has areas within its boundaries which overlap areas within the boundaries of another county, city, fire district, or school district, or whose boundaries are contiguous with another county, city, fire district, or school district, may execute an agreement pursuant to this section for the joint construction or acquisition, furnishing, operation, and maintenance of a public building or buildings for their common use. Noncontiguous cities located within the same county, or cities located in contiguous counties, may also execute an agreement for the joint construction or acquisition, furnishing, operation, and maintenance of a joint public building or buildings for their common use. Such an agreement regarding a joint public building may allow for, but is not limited to, any of the following:

- a. Acquisition of a construction site and construction of a public building for common use.
- b. Purchase of an existing building for joint public use, or conversion of a building previously owned and maintained by a county, city, fire district, or school district for joint public use.
- c. Equipping or furnishing a new or existing building for joint public use.
- d. Operation, maintenance, or improvement of a joint public building.
- e. Any other aspect of joint public building construction,

acquisition, furnishing, operation, or maintenance mutually agreed upon by the county, city, fire district, or school district and not otherwise prohibited by law.

2. An agreement pursuant to subsection 1 shall be approved by resolution of the governing bodies of each of the participating counties, cities, fire districts, or school districts and shall specify the purposes for which the joint public building shall be used, the estimated cost thereof, the estimated amount of the cost to be allocated to each of the participating counties, cities, fire districts, or school districts, the proportion and method of allocating the expenses of the operation and maintenance of the building or improvement, and the disposition to be made of any revenues to be derived therefrom, in addition to the provisions of sections 28E.5 and 28E.6, and any other applicable provision of this chapter.

3. *a.* A county, city, fire district, or school district may expend funds or issue general obligation bonds for the payment of its share of the cost of constructing, acquiring, furnishing, operating, or maintaining a joint public building pursuant to subsection 1. Section 28E.16 shall apply regarding a single election to be authorized by the board of supervisors, city council, governing body of a fire district, and board of directors of a school district, in the event that a single bond issue throughout the overlapping or contiguous areas, or noncontiguous cities located in the same county or cities located in contiguous counties, is contemplated. If separate bond issues are authorized by the governing body of a county, city, fire district, or school district for its respective share of the cost of the joint public building, the applicable bonding provisions of chapters 74, 75, 296, 298, 331, 357B, 359, and 384 shall apply. With regard to any issuance of bonds pursuant to this section, a proposition to authorize an issuance of bonds by a county, city, fire district, or school district shall be deemed carried or adopted if the vote in favor of the proposition is equal to at least sixty percent of the vote cast for and against the proposition in each participating county, city, fire district, or school district.

*b.* Bonds shall not be issued by a county, city, fire district, or school district until provision has been made by each of the other participating counties, cities, fire districts, or school districts to the agreement for the payment of their shares of the cost of the joint public building. In the event that the cost of the construction or acquisition, furnishing, operation, and maintenance of the joint public building exceeds that which was originally estimated and agreed to, the governing body of a county, city, fire district, or school district shall have the authority, jointly or individually, as appropriate, to expend additional moneys or issue additional bonds to pay their respective portions of the increased costs.

c. The governing body of a county, city, fire district, or school district is authorized to enter into an agreement under this section to construct, acquire, furnish, operate, or maintain the public building which is the subject of the agreement for its own purposes to the same extent and in the same manner as if the public building were wholly owned by and devoted to the uses of the county, city, fire district, or school district.

d. The authority granted to a county, city, fire district, or school district pursuant to this section shall be in addition to, and not in derogation of, any other powers conferred by law upon a county, city, fire district, or school district to make agreements, appropriate and expend moneys, and to issue bonds for the same or similar purposes.

4. For purposes of this section, "*fire district*" means any governmental entity which provides fire protection services.

#### **Section History: Recent Form**

99 Acts, ch 145, §1

#### **28E.42 JOINT ISSUANCE OF SCHOOL DISTRICT OR FIRE DISTRICT BONDS.**

It is the intent of the general assembly to encourage school districts or fire districts to jointly issue general obligation bonds to fund separate projects proposed in each district and, by pooling their debt obligations, to realize a savings for taxpayers in each of the participating districts.

1. Two or more school districts may enter an agreement pursuant to this chapter for the purpose of financing projects for which debt obligations may be or have been incurred pursuant to chapter 296 or 298. For purposes of this section, "*school district*" means a public school district described in chapter 274.

2. Two or more fire districts may enter an agreement pursuant to this chapter for the purpose of financing projects for which debt obligations may be or have been incurred pursuant to chapter 74, 75, 331, 357B, 359, or 384. For purposes of this section, "*fire district*" means any governmental entity which provides fire protection services.

#### **Section History: Recent Form**

99 Acts, ch 145, §2