

SENATE BILL NO. 889

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

2833S.01H

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:

Section A. Chapter 85, RSMo, is amended by adding thereto
2 seventy-two new sections, to be known as sections 85.1000,
3 85.1005, 85.1010, 85.1015, 85.1020, 85.1025, 85.1030, 85.1035,
4 85.1040, 85.1045, 85.1050, 85.1055, 85.1060, 85.1065, 85.1070,
5 85.1075, 85.1080, 85.1085, 85.1090, 85.1100, 85.1105, 85.1110,
6 85.1115, 85.1120, 85.1125, 85.1130, 85.1135, 85.1140, 85.1145,
7 85.1150, 85.1155, 85.1160, 85.1165, 85.1170, 85.1175, 85.1180,
8 85.1185, 85.1190, 85.1195, 85.1200, 85.1205, 85.1210, 85.1215,
9 85.1220, 85.1225, 85.1230, 85.1235, 85.1240, 85.1245, 85.1250,
10 85.1255, 85.1260, 85.1265, 85.1270, 85.1275, 85.1280, 85.1285,
11 85.1290, 85.1300, 85.1305, 85.1310, 85.1340, 85.1355, 85.1360,
12 85.1365, 85.1370, 85.1375, 85.1380, 85.1385, 85.1390, 85.1395,
13 and 85.1400, to read as follows:

85.1000. 1. A "police protection district" is a
2 **political subdivision which is organized and empowered to**
3 **supply protection by any available means to persons and**
4 **property against injuries and damage from crimes and from**
5 **hazards which do or may cause harm or injury to persons and**
6 **property, and which is also empowered to render first aid**
7 **for the purpose of saving lives, and to give assistance in**
8 **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.

14 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

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

85.1010. 1. Notwithstanding the provisions of section
2 85.1005, no employee of any police protection district shall
3 serve as a member of any police district board while such
4 person is employed by any police protection district.

5 2. Notwithstanding any other provision of law to the
6 contrary, individual board members shall not be eligible for
7 employment by the board within twelve months of termination
8 of service as a member of the board unless such employment
9 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
2 initiated by a petition filed in the office of the clerk of
3 the county vested with jurisdiction in any county in which
4 all or part of the real property in the proposed district is
5 situated. The petition shall be signed by one hundred
6 voters or more of the district.

85.1025. The petition shall set forth:

2 (1) The name of the proposed district consisting of a
3 chosen name preceding the words "police protection district";

4 (2) An estimate of the number of inhabitants and of
5 the assessed valuation of the taxable tangible property of
6 the district, and of the yield from the intangible personal
7 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

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

15 (5) The wards shall be compact and contiguous and
16 contain equal populations as nearly as possible, and shall
17 be reapportioned, by the board of directors, within one
18 hundred eighty days after each decennial census is reported
19 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
3 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
2 petitions, a filing fee in the amount of one hundred dollars
3 to cover the payment of processing costs.

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
4 time and place not less than thirty days nor more than sixty
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
11 to the governing body of each municipality having territory
12 within the proposed boundaries of the proposed district, and
13 to the county commission of each county in which the
14 proposed district lies.

85.1045. 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
4 85.1000 to 85.1400, except as otherwise provided, maintain
5 and have original and exclusive jurisdiction over all
6 matters connected with or affected by said district. No
7 county clerk wherein such petition is filed shall be
8 disqualified to perform any duty imposed by sections 85.1000
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
2 petition for the organization of a district has been signed
3 and presented pursuant to the provisions of sections 85.1000
4 to 85.1400, and that the allegations of the petition are
5 true, the county clerk shall, by order duly entered of
6 record, adjudicate all questions of jurisdiction, declare
7 the district organized, define the boundaries thereof, and
8 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
2 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
16 the following form:

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
50 be void and of no effect. If the county clerk enters an
51 order declaring the decree of incorporation to be final and
52 conclusive, it shall at the same time designate the first
53 board of directors of the district who have been elected by
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
57 the person elected from ward 3 shall hold office for a term
58 of three years from the date of the election of the first
59 board of directors and until their successors are duly
60 elected and qualified. Thereafter, the elected members of
61 the board shall be elected to serve terms of three years and
62 until their successors are duly elected and qualified. The
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 5. Notwithstanding the provisions of subsections 1 to
67 4 of this section to the contrary, the mayor of each
68 municipality and chairperson of each village included within
69 the police protection district shall be an ex-officio member
70 of the board of directors so long as he or she shall hold
71 the office of mayor or chairperson, with all of the same
72 rights, privileges, and duties as an elected director.

85.1065. A person, to be qualified to serve as an
2 elected director, shall be a resident and voter of the
3 district and the ward from which he or she shall represent
4 for at least one year before the election or appointment and
5 be over the age of twenty-four years. In the event the
6 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
2 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
13 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;

- 14 (2) A review of all state statutes and regulations
15 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
11 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 or any of them for good
24 cause shown as set forth in section 106.220 upon a petition,
25 notice, and 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
6 meetings shall be posted continuously at the police station
7 or police stations of the district. Additional meetings may
8 be held, when the needs of the district so require, at a
9 place regular meetings are held, and notice of the time and
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
13 meetings of the board and all other records of the police
14 protection district shall be available for public inspection
15 at the main police station within the district by
16 appointment with the secretary of the board within one week
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
22 all powers of the board, without delegation thereof to any
23 other governmental or other body or entity or association,
24 and without delegation thereof to less than a quorum of the
25 board. 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
30 willfully and deliberately neglects or refuses to perform
31 his or her regular functions. Any member of the board of
32 directors who fails to attend four meetings in succession,
33 without being excused by the remaining members of the board,
34 shall result in a forfeiture of office. The district shall

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

38 2. Any vacancy on the board shall be filled by the
39 remaining members of the board. The appointee or appointees
40 shall act until the next general municipal election
41 following said vacancy in which notice of election may be
42 given sufficiently in advance and in accordance with law to
43 serve the remainder of the unexpired term.

44 3. Notwithstanding any provision of sections 610.015
45 and 610.020 to the contrary, when Missouri is activated for
46 deployment by the federal emergency management agency, state
47 emergency management agency, or statewide mutual aid, a
48 quorum of the board of directors of the affiliated police
49 protection district may meet in person, via telephone,
50 facsimile, internet, or any other voice or electronic means,
51 without public notice, in order to authorize by roll call
52 vote the disbursement of funds necessary for the deployment.

53 4. In the event action is necessary under subsection 3
54 of this section, the board of directors of the affiliated
55 police protection district shall keep minutes of the
56 emergency meeting and disclose during the next regularly
57 scheduled meeting of the board that the emergency meeting
58 was held, the action that precipitated calling the emergency
59 meeting without notice, and that the minutes of the
60 emergency meeting are available as a public record of the
61 board.

85.1115. On the first Tuesday in April after the
2 expiration of at least one full calendar year from the date
3 of the election of the elected members of the first board of
4 directors, and on the first Tuesday in April every one year
5 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
14 of the board shall qualify in the same manner as the members
15 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

22 contained in subdivision (9) of this section, involving an
23 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;

34 (7) To refund any bonded indebtedness of the district
35 without an election. The terms and conditions of refunding
36 bonds shall be substantially the same as those of the
37 original issue of bonds, and the board shall provide for the
38 payment of interest, not to exceed the legal rate, and the
39 principal of such refunding bonds in the same manner as is
40 provided for the payment of interest and principal of bonds
41 refunded;

42 (8) To have the management, control, and supervision
43 of all the business and affairs of the district, and the
44 construction, installation, operation, and maintenance of
45 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;

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

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

85 cost of such services. However, such actual and reasonable
86 costs shall not exceed one hundred dollars for responding to
87 each police call or alarm and two hundred fifty dollars for
88 each hour or a proportional sum for each quarter hour spent
89 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 (15) 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
102 for their spouses and eligible unemancipated children,
103 through either or both a contributory or noncontributory
104 plan. 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
110 accredited school or institution of higher learning, and who
111 is dependent on parents or guardians for at least fifty
112 percent of his or her support. The type and amount of such
113 benefits shall be determined by the board of directors of
114 the police protection district within the level of available
115 revenues of the pension program and other available revenues
116 of the district. If an employee contributory plan is

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

121 (16) To contract with any municipality that is
122 contiguous to a police protection district for the police
123 protection district to provide police protection to the
124 municipality for a fee as hereinafter provided;

125 (17) To provide for life insurance, accident,
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
136 twenty-three years of age, who is not married, not employed
137 on a full-time basis, not maintaining a separate residence
138 except for full-time students in an accredited school or
139 institution of higher learning, and who is dependent on
140 parents or guardians 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
143 protection district within available revenues of the
144 district, including the pension program of the district.
145 The provision and receipt of such benefits shall not make
146 the recipient an employee of the district. Directors who
147 are also volunteer members may receive such benefits while
148 serving as a director of the district;

149 (18) To contract for services with any rural,
150 volunteer, or subscription police department or
151 organization, or volunteer police protection association, as
152 defined in section 85.1195, for the purpose of providing the
153 benefits described in subdivision (17) of this section.

 85.1125. The amount to be paid annually by the
2 municipality to the police district pursuant to subdivision
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
8 protection district to the municipality, but not including
9 any portion of the tax rate of service provided by the
10 district, per one hundred dollars of assessed value in such
11 area. The tax rate so computed shall include any tax on
12 bonded indebtedness incurred by the district prior to
13 entering into such contract, but shall not include any of
14 the tax rate for bonded indebtedness incurred during the
15 term that the contract is in force.

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

 85.1135. Notwithstanding any other provision of law to
2 the contrary, any police protection district may contract
3 with any municipality or village that does not operate its
4 own police department to provide police protection services
5 for a fee to any area of the municipality or village that
6 does not belong to the police protection district. In such
7 event, the municipality and the police protection district
8 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.

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

85.1145. To levy and collect taxes as herein provided,
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
10 property, works and equipment of the district, and maintain
11 the necessary personnel, which rate of levy shall not exceed
12 thirty cents on the one hundred dollars valuation; may fix
13 an additional rate, not to exceed ten cents on the hundred

14 dollars valuation, the revenues from which shall be
15 deposited in a special fund and used only for the pension
16 program of the district, by submitting the following
17 question to the voters:

18 Shall the board of directors of _____ Police
19 Protection District be authorized to increase the
20 annual tax rate from _____ cents to _____ cents
21 per one hundred dollars valuation, the revenues
22 from which shall be deposited in a special fund
23 and used only for the pension program of the
24 district?

25 Provided, that if the question fails to receive a majority
26 of the votes cast, it shall not be resubmitted to the voters
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
30 board may levy under this section, by submitting the
31 following question to the voters at any election in such
32 district at which a member of the board of directors is to
33 be elected:

34 Shall the board of directors of _____ Police
35 Protection District be authorized to increase the
36 annual tax rate from _____ cents to _____ cents
37 on the hundred dollars assessed valuation?

38 In addition thereto, to fix a rate of levy which will enable
39 it to promptly pay in full when due all interest on and
40 principal of bonds and other obligations of the district,
41 and to pay any indebtedness authorized by a vote of the
42 people as provided in sections 85.1000 to 85.1400; and in
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
15 on the one hundred dollars assessed valuation to
16 provide funds for the support of the district?

17 FOR THE PROPOSITION

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
25 votes thereon do not vote in favor of the levy authorized by
26 this subsection, any levy previously authorized shall remain
27 in effect.

28 2. The board of directors of any police protection
29 district may levy, if a majority of the voters of the

30 district voting thereon approve, in addition to all other
31 taxes heretofore approved, an additional tax of not more
32 than ten cents per one hundred dollars of assessed valuation
33 to be used for the support of the district. 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
38 hundred dollars of assessed valuation to be used for the
39 support of the district. The proposition to levy the tax
40 authorized by this subsection may be submitted by the board
41 of directors at the next annual election of the members of
42 the board or at any regular municipal or school election
43 conducted by the county clerk or board of election
44 commissioners in such district or at a special election
45 called for the purpose, or upon petition of five hundred
46 registered voters of the district. A separate ballot
47 containing the question shall read as follows:

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
51 one hundred dollars assessed valuation to provide
52 funds for the support of the district?

53 FOR THE PROPOSITION

54 AGAINST THE PROPOSITION

55 (Place an X in the square opposite the one for
56 which you wish to vote.)

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

61 votes thereon do not vote in favor 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
2 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
26 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

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
33 such agency using the joint central police and emergency
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
40 collected as provided in this section including any funds or
41 tariffs paid by telephone subscribers for 911 emergency
42 service, such joint communication organization, however
43 organized, shall be governed by a board of directors, and
44 the board of directors shall consist in part of one member
45 appointed by each county, city, town, village, or tax-
46 supported police protection district so served. The members
47 shall be an elected official of a police protection
48 district, ambulance district, or city council appointed by
49 each such agency to serve for a one-year term or until a
50 successor is duly appointed.

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

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
3 impose under the provisions of section 85.1145, 85.1150,
4 85.1155, or 85.1350, under any provision of the constitution
5 or laws of this state, may increase each such revised or
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,
10 general, or special election:

11 Shall the board of directors of the _____ Police
12 Protection District be authorized to increase the
13 rate of levy for _____ (insert purpose of which
14 tax is levied) from _____ cents to _____ cents
15 on each one hundred dollars of assessed valuation?

16 YES NO

17 2. If any of the propositions submitted under
18 subsection 1 of this section is approved by a majority of
19 the voters of the district voting thereon, the board of
20 directors may increase the levy which was the subject of
21 such proposition to the amount authorized by such
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
4 unless it meets or will meet, upon the acquisition or
5 retention of equipment, real and personal property, and
6 personnel, at least the following minimum equipment and
7 personnel requirements:

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 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.

54 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
57 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.

62 4. Each dispatching center shall employ sufficient
63 personnel to ensure that no person will be required to be on
64 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

72 emergency dispatching center, and which are necessary or
73 advisable for the establishment, maintenance, or operation
74 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
11 commissions.

85.1175. 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
6 defaults of prior years and any contractual obligation and
7 shall make ample provision for the payment thereof. In case
8 the moneys produced from such levies, together with other
9 revenues of the district are not sufficient to pay
10 punctually the annual installments on its bonds and the
11 interest thereon, and to pay any defaults and deficiencies
12 on any such bonds or contracts duly approved by the voters
13 of the district, then the board shall provide for such
14 additional levying of taxes as may be necessary to pay for
15 all such, and notwithstanding any limitations, such taxes
16 shall be continued to be levied until the indebtedness of
17 the district shall be fully and currently paid.

85.1180. 1. The body having authority to levy taxes
2 within each county in which all or part of a district lies
3 shall levy the taxes provided in sections 85.1000 to
4 85.1400, and all officials charged with the duty of
5 collecting taxes in each such county shall collect such
6 taxes at the time and in the manner and with like interest
7 and penalties as other taxes are collected. 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
11 the district and paid into the depository thereof to the
12 credit of the district. All funds received by the district
13 shall be deposited in a depository 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
16 85.1000 to 85.1400, together with interest thereon and
17 penalties for default in payment thereof, and all costs of
18 collecting the same, shall, until paid, constitute a lien on
19 and against the property taxed, and such lien shall be on a
20 parity with the tax lien of general taxes, and no sale of
21 such property to enforce any general tax or other lien shall
22 extinguish the lien of district taxes.

85.1185. If the taxes levied are not paid as herein
2 provided, then the delinquent real property shall be sold at
3 the regular tax sale for the payment of said taxes, interest
4 and penalties, in the manner provided by the statutes of the
5 state of Missouri for selling property for the nonpayment of
6 general taxes. If there are no bids at said tax sale for
7 the property so offered, said property shall be struck off
8 to the county or other agency provided by law, and the
9 county or agency shall account to the district in the same
10 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
34 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

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

59 4. If the board deems it for the best interest of the
60 district, it shall grant the petition, but if the board
61 determines that some portion of the property mentioned in
62 the petition cannot as a practical matter be served by the
63 district, or if it deems it for the best interest of the
64 district that some portion of the property in the petition
65 not be included in the district, then the board shall grant
66 the petition in part only. If the petition is granted, the
67 board shall make an order to that effect and file the same
68 with the county clerk; and upon the order of the county
69 having jurisdiction over the district, the property shall be
70 included in the district. If the petition contains the
71 signatures of all the owners of the property pursuant to the
72 provisions of subdivision (2) of subsection 2 of this
73 section, the property shall be included in the district upon
74 the order of the county. If the petition contains the
75 signatures of twenty-five percent of the number of voters
76 who voted in the most recent gubernatorial election in the
77 area to be annexed pursuant to subdivision (1) or
78 subdivision (3) of subsection 2 of this section, the
79 property shall be included in the district subject to the
80 election provided in section 85.1200. The county having
81 jurisdiction over the district shall proceed to make any
82 such order including such additional property within the
83 district as is provided in the order of the board, unless
84 the county clerk shall find that such order of the board was
85 not authorized by law or that such order of the board was
86 not supported by competent and substantial evidence.

87 5. Any person aggrieved by any decision of the board
88 made pursuant to the provisions of this section may appeal

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.

92 6. No police protection district, or employee thereof,
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
3 the signatures required pursuant to subdivision (2) of
4 subsection 2 of section 85.1195, the decree of extension of
5 boundaries shall not become final and conclusive until it
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
9 newly included area voting on the question. The decree
10 shall also provide for the holding of the election to vote
11 on the proposition of extending the boundaries of the
12 district, and shall fix the date for holding the election.

13 2. The question shall be submitted in substantially
14 the following form:

15 Shall the boundaries of the _____ Police
16 Protection District be extended to include the
17 following described property? (Describe property.)

18 YES NO

19 3. If a majority of the voters voting on the
20 proposition vote in favor of the extension of the boundaries
21 of the district, then the county clerk shall enter its
22 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
6 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
2 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
 9 exceeding in any year the income and revenue provided for
 10 such year plus any unencumbered balances from previous
 11 years, said board shall order the submission of the
 12 proposition of issuing such obligations or bonds, or
 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
 16 be included within one and the same resolution, which
 17 resolution, in addition to such declaration of public
 18 interest or necessity, shall recite the objects and purposes
 19 for which the indebtedness is proposed to be incurred, the
 20 estimated cost of the works or improvements, as the case may
 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.) _____
 4 Police Protection District _____ (Here state the
 5 proposition to be submitted.) _____?

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

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
4 affect any contract or indebtedness entered into or imposed
5 upon such police protection district or person; and whenever
6 the county clerk shall, under the provisions of section
7 85.1250, dissolve a police protection district, the said
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
11 her duties shall take and subscribe an oath that he or she
12 will faithfully discharge the duties of his or her office,
13 and shall give bond with sufficient security, to be approved
14 by the county clerk to the use of such dissolved police
15 protection district, for the faithful discharge of his or
16 her duties, and shall proceed to liquidate the district
17 under orders of the county clerk, including the levying of
18 any taxes provided for in sections 85.1000 to 85.1400.

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
4 any indebtedness previously created, all as provided
5 herein. The repeal of any acts herein shall not be held to
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
3 clerk finds for any reason that due notice was not given,
4 the county clerk shall not thereby lose jurisdiction, and
5 the proceeding in question shall not thereby be void or be
6 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
13 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.

18 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

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

32 (5) The wards shall be compact and contiguous and
33 contain equal populations as nearly as possible, and shall
34 be reapportioned, by the board of directors, within one
35 hundred eighty days after each decennial census is reported
36 to the president of the United States;

37 (6) Such other data and information as may be useful
38 to the voters in determining the necessity for the
39 organization of the district;

40 (7) A prayer for the organization of the district.

41 4. The decree of incorporation shall not become final
42 and conclusive until it has been submitted to an election of
43 the voters residing within the boundaries described in such
44 decree, and until it has been assented to by a majority vote
45 of the voters of the district voting on the question. The
46 decree shall also provide for the holding of the election to
47 vote on the proposition of incorporating the district, and
48 to elect three persons to act as the elected members of the
49 first board of directors, and shall fix the date for holding
50 the election on the first general municipal election date to
51 vote on a tax pursuant to section 85.1150 following entry of
52 the decree in which notice of election may be issued
53 sufficiently in advance of the election according to law.

54 5. The question shall be submitted in substantially
55 the following form:

56 Shall there be incorporated a police protection
57 district?

58 YES

NO

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
93 the voters voting thereon. The person elected from ward 1
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. The
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.

105 8. Notwithstanding the provisions of subsections 1 to
106 4 of this section to the contrary, the mayor of each
107 municipality and chairperson of each village included within
108 the police protection district shall be an ex-officio member
109 of the board of directors so long as he or she shall hold
110 the office of mayor or chairperson, with all of the same
111 rights, privileges, and duties as an elected director.

112 9. Each board of the districts approving the plan for
113 proposed consolidation shall duly certify and file in the
114 office of the county clerk in which the district is located
115 a copy of the plan of consolidation, bearing the signatures
116 of those directors who vote in favor thereof, together with
117 a petition for consolidation. The petition may be made
118 jointly by all of the districts within the respective plan
119 of consolidation. A filing fee of fifty dollars shall be

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

122 10. The county clerk sitting in and for any county to
123 which the petition is presented is hereby vested with
124 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.

128 11. If the county clerk finds the plan for
129 consolidation to have been duly approved by the respective
130 boards of directors of the police protection districts
131 proposed to be consolidated, then the county clerk shall
132 enter its order of record, directing the submission of the
133 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
137 proposition of consolidating the districts and to elect
138 three persons, having the qualifications declared in section
139 85.1065 and being among the then directors of the districts
140 proposed to be consolidated, to become directors of the
141 consolidated district.

142 13. The question shall be submitted in substantially
143 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;

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

156 14. If, upon the canvass and declaration, it is found
157 and determined that a majority of the voters of the
158 districts voting on the proposition or propositions have
159 voted in favor of the proposition to incorporate the
160 consolidated district, the county shall then further, in its
161 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
164 of votes to hold office until the first Tuesday in April
165 which is more than one year after the date of election, the
166 one receiving the second highest number of votes to hold
167 office until two years after the first Tuesday aforesaid,
168 and the one receiving the highest number of votes until four
169 years after the first Tuesday in April as aforesaid. If any
170 other propositions are also submitted at the election, the
171 county clerk, in its order, shall also declare the results
172 of the votes thereon. If the county clerk shall find and
173 determine, upon the canvass and declaration, that a majority
174 of the voters of the consolidated district have not voted in
175 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
4 thereupon shall be a political subdivision of the state of
5 Missouri and a body corporate, with all the powers of like
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
12 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
3 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

7 name more than once for the measure, or to sign
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 state and district; my residence and post-office
22 address are correctly written after 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

41 address and residence correctly, and that each
42 signer is a voter of the state of Missouri and
43 _____ Police Protection District.

44 (signature and post-office address of affiant)

45 Subscribed and sworn to before me this _____ day
46 of _____, 20_____

47 (signature and title of officer before whom oath
48 is made and his or her post-office address)

85.1300. 1. If an initiative or referendum petition
2 is presented to the secretary of the board of directors,
3 which petition carries the names of voters of the district,
4 equal to twenty percent of the number of votes of members of
5 the district who voted in the last regular district
6 election, the board of directors shall submit the question
7 pursuant to the order or demand of the petition.

8 2. The measure called for in the petition is adopted
9 if it receives an affirmative majority vote of the voters
10 voting at the district election.

85.1305. In addition to the compensation provided
2 pursuant to section 85.1105 for police protection districts
3 located in any county with a charter form of government,
4 each member of any such police protection district board may
5 receive an attendance fee not to exceed one hundred dollars
6 for attending a board meeting conducted pursuant to chapter
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
11 conducted under chapter 610 in a calendar week.

85.1310. 1. In addition to all other limits set forth
2 in sections 85.1000 to 85.1400, the board in counties of the

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
6 taxable tangible property within the district as shown by
7 the last completed assessment, and with other revenues, will
8 raise the amount required by the district annually to supply
9 funds for paying the expenses of organization and operation
10 and the costs of acquiring, supplying and maintaining the
11 property, works and equipment of the district, and maintain
12 the necessary personnel, which rate of levy shall not exceed
13 forty cents on the one hundred dollars valuation. The board
14 in any county of the first classification having a
15 population in excess of nine hundred thousand may fix an
16 additional rate not to exceed twenty-five cents on the
17 hundred dollars valuation and the board in all other first
18 classification counties may fix an additional rate, not to
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
22 submitting the following question to the voters at the
23 municipal general, primary, or general election in such
24 district or at any election at which a member of the board
25 of directors is to be elected:

26 Shall the board of directors of _____ Police
27 Protection District be authorized to levy an
28 annual tax rate of _____ cents per one hundred
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,
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
38 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
53 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
57 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

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

85.1340. 1. Police protection districts, when asked
2 to respond to emergencies beyond its 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.

8 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.

22 3. 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.

41 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.

8 2. 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)
13 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
16 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.

22 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.

11 2. Following the police protection board's receipt of
12 the certificate, the county election authority shall order

13 an election to be held on one of the election days specified
14 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.

19 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.

✓