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425

SENATE FILE
BY SZYMONIAK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the city development board, its powers and
2 duties, and the annexation of land by cities and providing an
3 effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 425

1 Section 1. Section 368.4, Code 1991, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. All cities within an urbanized
4 area shall develop nonannexation agreements with one another
5 by July 1, 1992. In the absence of an agreement, the board
6 may impose a nonannexation line between two cities which may
7 be a line equidistant from the corporate boundaries of the
8 cities.

9 Sec. 2. Section 368.7, unnumbered paragraph 3, Code 1991,
10 is amended to read as follows:

11 An application for annexation of territory within the
12 urbanized area of a city other than the city to which the
13 annexation is directed must be approved both by resolution of
14 the council which receives the application and by the board.
15 Notice of filing, including a copy of the application, must be
16 served upon the council of each city whose boundary adjoins
17 the territory or is within two miles of the territory, the
18 board of supervisors for each county which contains a portion
19 of the territory, and any regional planning authority for the
20 area involved. In the discretion of a city council, the
21 resolution may include a provision for a transition for the
22 imposition of taxes as provided in section 368.11, subsection
23 13. The annexation is completed when the board has filed
24 copies of applicable portions of the proceedings as required
25 by section 368.20, subsection 2.

26 Sec. 3. Section 368.7, Code 1991, is amended by adding the
27 following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. If an application for voluntary
29 annexation and a petition for an involuntary annexation for a
30 common territory are submitted to the board at approximately
31 the same time, the board may consider the application and the
32 petition together without prejudice to either one. In
33 consideration of the requests, the board may seek additional
34 information from the applicant for voluntary annexation as
35 necessary, including directing the applicant to follow the

1 procedure and submit a petition pursuant to section 368.11.

2 Sec. 4. Section 368.9, Code 1991, is amended to read as
3 follows:

4 368.9 BOARD CREATED.

5 1. A city development board is created. The department of
6 economic development shall provide office space and staff
7 assistance, and shall budget funds to cover expenses of the
8 board and committees. The board consists of three seven
9 members appointed by the governor subject to confirmation by
10 the senate. The appointments must be for six-year staggered
11 terms beginning and ending as provided by section 69.19, or to
12 fill an unexpired term in case of a vacancy. Members are
13 eligible for reappointment, but no member shall serve more
14 than two complete six-year terms.

15 2. All board members shall possess demonstrated expertise
16 and interest in the growth and development of communities in
17 this state through a combination of training, experience, or
18 activity. The board shall be composed of the following:

19 a. Three members representing cities; one from a city with
20 a population of more than fifty thousand, one from a city with
21 a population of more than two thousand five hundred and not
22 more than fifty thousand, and one from a city with a
23 population of not more than two thousand five hundred.

24 b. Two members representing counties; one from a county
25 with a population of more than fifty thousand, and one from a
26 county with a population of fifty thousand or less.

27 c. One member who is a faculty member of an institution of
28 higher education under the jurisdiction of the state board of
29 regents.

30 d. One member representing the general public.

31 3. Each member is entitled to receive from the state
32 actual and necessary expenses in performance of board duties
33 and may also be eligible to receive compensation as provided
34 in section 7E.6.

35 Sec. 5. Section 368.11, Code 1991, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. Before a petition for any
3 involuntary city development action within an urban area is
4 filed as provided in this section, the applicant shall make
5 its intention known to all affected parties by sending a
6 letter of intent or a proposed action plan to the council of
7 each city and the board of supervisors of each county within
8 the urban area, and any regional planning authority for the
9 area involved.

10 Sec. 6. TRANSITION. The members of the city development
11 board serving unexpired terms of office immediately before the
12 effective date of this Act may continue to serve their
13 unexpired terms unless they are otherwise disqualified under
14 this Act. The governor shall initially appoint only the
15 members needed to comply with section 368.9, subsection 2. Of
16 the board members appointed by the governor pursuant to
17 section 368.9, subsection 2, paragraphs "a" and "b", one shall
18 be appointed to an initial term of two years, one shall be
19 appointed to an initial term of four years, and the remainder
20 to an initial term of six years. Thereafter, appointments
21 shall be for terms of six years.

22 Sec. 7. EFFECTIVE DATES. This Act, being deemed of
23 immediate importance, takes effect upon enactment except that
24 new members appointed to the city development board shall not
25 take office until May 1, 1991.

26 EXPLANATION

27 This bill provides that cities in an urbanized area are
28 required to develop nonannexation agreements with one another.
29 If these agreements are not established, the board may impose
30 a nonannexation line between two cities, which may be
31 equidistant between the boundaries of the two cities. The
32 bill also requires notice of filing an application for
33 voluntary annexation be served on each city which adjoins the
34 territory to be annexed or within two miles of the territory,
35 the board of supervisors of each affected county, and any

1 regional planning agency.

2 If an application for voluntary annexation and a petition
3 for involuntary annexation are submitted at approximately the
4 same time, the board may consider them together without
5 prejudice to either the application or petition.

6 A notice of an involuntary petition is to be sent to the
7 affected governmental bodies by the applicant.

8 The bill also increases the membership on the city
9 development board from three members to seven members. Three
10 members are to represent cities of varying population sizes;
11 one for less than 2,500, one for 2,500 to 50,000, and one for
12 over 50,000. Two members are to represent counties in varying
13 population sizes; one for 50,000 or less and one for more than
14 50,000. One remaining member is selected to represent the
15 general public and one member shall be a faculty member of an
16 institution of higher education under the jurisdiction of the
17 state board of regents.

18 Transition provisions are included. The bill may establish
19 a state mandate under chapter 25B.

20 This Act takes effect upon enactment.

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