

**CITY DEVELOPMENT BOARD[263]**

**Adopted and Filed**

**Rulemaking related to board proceedings on petitions for  
involuntary boundary change after committee approval**

The City Development Board hereby rescinds Chapter 10, “Board Proceedings on Petitions for Involuntary Boundary Change After Committee Approval,” Iowa Administrative Code, and adopts a new chapter with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 368.10.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapter 368 and section 17A.19.

*Purpose and Summary*

Pursuant to Executive Order 10, the Board rescinds Chapter 10 and adopts a new chapter in lieu thereof. The new chapter omits repetition of statutory language and clarifies Board policies and procedures.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 13, 2023, as **ARC 7140C**. Public hearings were held on January 2, 2024, and January 9, 2024. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Board on February 14, 2024.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 263—Chapter 6.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rulemaking will become effective on April 10, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 263—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10  
BOARD PROCEEDINGS ON PETITIONS FOR INVOLUNTARY BOUNDARY  
CHANGE AFTER COMMITTEE APPROVAL

**263—10.1(368) Election.** If a petition or plan is approved, the board shall submit the proposal at an election held pursuant to Iowa Code section 368.19, regardless of appeal or applications for rehearing filed pursuant to rule 263—9.13(368).

**263—10.2(368) Final order.** The board will issue an order stating the boundary change is complete in conjunction with the procedure after approval specified in Iowa Code section 368.20 and include such order with documents filed or recorded.

**263—10.3(368) Record.**

**10.3(1)** The record of an involuntary boundary adjustment proceeding shall include the following as applicable:

- a. The original petition or plan and any amendment;
- b. Proofs of service and publication of required public hearing notices;
- c. All pleadings filed with the board and committee and any answers or rulings on the pleadings;
- d. The public hearing transcript and all evidence received at public hearing;
- e. All briefs and documents filed on the board or committee by parties to the proceedings and all other filings made by those not parties;
- f. Public documents referenced by the board or committee;
- g. The committee's findings of fact, conclusions of law and determination;
- h. The board's election order;
- i. Certification and proof of publication of election results;
- j. The board's final order.

**10.3(2)** The record shall be opened when a petition is filed with the board and shall be closed when the board has issued its final order.

**263—10.4(368) Appeal.**

**10.4(1)** When an appeal is filed pursuant to Iowa Code section 368.22, the appellant shall notify the board and provide a copy of the appeal.

**10.4(2)** Within 30 days after the filing of the petition, the board shall transmit to the reviewing court the original or a certified copy of the entire record of the case that is the subject of the petition. By stipulation of all parties to the review proceedings, the record of such a case may be shortened.

**263—10.5(368) Board supervision of proposal execution.** The board shall proceed accordingly in the following cases:

**10.5(1) Discontinuance.** The board will supervise discontinuance of a city pursuant to Iowa Code section 368.21. The board shall take control of all city balances, property, and records during the six-month period following the last notice of discontinuance published by the board. Upon the close of the six-month period, the board shall determine the extent of any unpaid allowed claims and such determination shall be verified by a certified public accountant or by the state auditor. In the case of unpaid allowed claims, the board shall approve payment from the discontinued city's account or shall direct the appropriate governing body to levy the necessary taxes.

**10.5(2) Boundary adjustment.** The board may, upon request of the applicable governing bodies, provide advisory assistance in implementation of an annexation, severance, or consolidation.

**10.5(3) Consolidation.** After a consolidation has been approved in an election held pursuant to Iowa Code section 368.19, the board may authorize the cities to continue to operate as individual cities until an election of a new city council has been held and the result certified. The election of a new city council shall be held within 90 days of the date of the appeal period authorized by Iowa Code section 368.22.

These rules are intended to implement Iowa Code section 17A.19 and chapter 368.

[Filed 2/16/24, effective 4/10/24]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/6/24.