

468.265 Public hearing.

1. A public hearing must be conducted within forty-five days from the last date that the board enters an order with the auditor of each county where the drainage or levee district is situated as provided in [section 468.264](#). The auditor of each county where the participating drainage or levee district is located shall provide notice of a public hearing regarding the proposed merger. However, the board may designate the auditor of the county with the greatest portion of the district's territory to provide the notice. The notice must include all of the following:

- a. A description of the proposed merger.
- b. The determination made by the board under [section 468.264](#).
- c. Whether land in the participating drainage or levee district may be subject to any special assessment as provided in [section 468.269](#).
- d. The date, time, and place of the public hearing.
- e. That all written objections to the proposed merger must be filed in the office of the county auditor.

2. The auditor shall deliver the notice provided in [subsection 1](#) to all of the following:

- a. Each owner of land situated within the participating drainage or levee district which is part of the county, as shown by the transfer books of the auditor's office, including railway companies having right-of-way in the district.
- b. Each lienholder or encumbrancer of land situated or the auditor designated by the board within the participating drainage or levee district which is part of the county.
- c. Each actual occupant of land located in the participating drainage or levee district which is part of the county. However, the auditor is not required to name an individual occupant.
- d. Any other person in the county affected by the proposed merger as determined by the board.

3. If land is to be annexed as a condition of the merger, as provided in [this part](#), the auditor of the county where the land to be annexed is situated or the auditor designated by the board shall deliver the notice specified in [subsection 1](#) to the owner of such land.

4. a. Except as otherwise provided in [this section](#) the auditor shall provide the notice specified in [subsection 1](#) by ordinary mail to the persons described in [subsections 2 and 3](#).

b. The auditor shall cause the notice to be published in a newspaper of general circulation in the county where a participating drainage or levee district is situated or the auditor designated by the board. The publication shall be made not less than twenty days prior to the day set for the public hearing. Proof of service shall be made by affidavit of the publisher.

c. If an agent has been designated, the auditor shall provide the notice to a person's agent in the same manner as provided in [section 468.16](#).

5. The boards of one or more participating drainage or levee districts may conduct the public hearing jointly.

6. [This section](#) shall not be construed to prevent the board of a participating drainage or levee district from convening and conducting a public hearing in a manner consistent with [section 468.258](#).

2014 Acts, ch 1075, §4

NEW section