

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

[Prior to 1/9/91, City Development Board[220] Ch 4]

[Prior to 12/11/02, 263—Ch 4]

Chapter rescission date pursuant to Iowa Code section 17A.7: 4/10/29

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).

[ARC 7708C, IAB 3/6/24, effective 4/10/24]

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.

[ARC 7708C, IAB 3/6/24, effective 4/10/24]

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.

[ARC 7708C, IAB 3/6/24, effective 4/10/24]

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.

[ARC 7708C, IAB 3/6/24, effective 4/10/24]

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.

[ARC 7708C, IAB 3/6/24, effective 4/10/24]

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

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