

263—9.12(368) Appeal of a committee decision.

9.12(1) An appeal of a committee decision or the legality of an election on the proposed boundary adjustment may be initiated by any party to the proceedings or any resident or owner of land in the territory or the city for which the boundary adjustment is proposed by filing a petition seeking judicial review of the decision pursuant to Iowa Code sections 17A.19 and 368.22.

9.12(2) A petition challenging the committee's decision must be filed within 30 days of the date of the committee's decision to approve or disapprove the boundary adjustment. A petition challenging the legality of the election must be filed within 30 days of the publication of the election results.

9.12(3) Appeal of approval of a petition or plan does not stay the election.

9.12(4) Within 30 days of being notified of the filing of an appeal, the board's staff shall transmit a certified copy of the agency record to the reviewing court. 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 evidence received or considered and all other submissions;
- f.* All briefs and documents filed on the board or committee by parties to the proceedings and all other filings made by those who are not parties;
- g.* Public documents taken note of by the board or committee;
- h.* The committee's findings of fact, conclusions of law and determination;
- i.* The board's election order;
- j.* Certification and proof of publication of election results;
- k.* The board's final order.

By stipulation of all parties to the appeal, the record of the case may be shortened.