

FILED MAR 9 1999

SENATE FILE 346
BY FINK

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to public meeting requirements for involuntary
2 annexations and elections on annexation petitions or plans.

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

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SF 346 LOCAL GOVERNMENT

1 Section 1. Section 368.11, unnumbered paragraph 4, Code
2 1999, is amended to read as follows:

3 At least ~~ten~~ thirty days before a petition for involuntary
4 annexation is filed as provided in this section, the
5 petitioner shall make its intention known by sending a letter
6 of intent by certified mail to the council of each city whose
7 urbanized area contains a portion of the territory, the board
8 of supervisors of each county which contains a portion of the
9 territory, the regional planning authority of the territory
10 involved, each affected public utility, and to each property
11 owner listed in the petition. The written notification shall
12 include notice that the petitioners shall hold a public
13 meeting on the petition for involuntary annexation prior to
14 the filing of the petition.

15 Sec. 2. Section 368.11, Code 1999, is amended by adding
16 the following new unnumbered paragraph after unnumbered
17 paragraph 5:

18 NEW UNNUMBERED PARAGRAPH. In any case where the board of
19 supervisors of the county in which the territory is located is
20 not the petitioner, the board must, upon receipt of the letter
21 of intent to annex, call a public meeting on the proposed
22 petition. The public meeting shall be held within ten days of
23 receipt of such letter and shall be conducted by the board of
24 supervisors. Prior to the meeting, the board shall publish
25 notice of the meeting in a newspaper of general circulation in
26 the county.

27 Sec. 3. Section 368.19, Code 1999, is amended to read as
28 follows:

29 368.19 TIME LIMIT -- ELECTION.

30 1. The committee shall approve or disapprove the petition
31 or plan as amended, within ninety days of the final hearing,
32 and shall file its decision for record and promptly notify the
33 parties to the proceeding of its decision. If a petition or
34 plan is approved, the board shall set a date not less than
35 thirty days nor more than ninety days after approval for a

1 special election on the proposal and the county commissioner
2 of elections shall conduct the election. In a case of
3 incorporation or discontinuance, registered voters of the
4 territory or city may vote, and the proposal is authorized if
5 a majority of those voting approves it. In a case of
6 ~~annexation-or~~ severance, registered voters of the territory
7 and of the city may vote, and the proposal is authorized if a
8 majority of the total number of persons voting approves it.
9 In a case of consolidation, registered voters of each city to
10 be consolidated may vote, and the proposal is authorized only
11 if it receives a favorable majority vote in each city. ~~The~~
12 ~~county-commissioner-of-elections-shall-publish-notice-of-the~~
13 ~~election-as-provided-in-section-49.53-and-shall-conduct-the~~
14 ~~election-in-the-same-manner-as-other-special-city-elections.~~

15 2. In a case of annexation:

16 a. If the territory to be annexed is less than six hundred
17 forty acres in area, the petition or plan must be approved by
18 the board of supervisors of the county in which the territory
19 is located within thirty days of a final determination on the
20 petition or plan by the city development board. If the
21 petition or plan is approved by the board of supervisors, the
22 supervisors shall direct the county commissioner of elections
23 to call a special election on the proposal. Registered voters
24 of the territory and of the city may vote, and the proposal is
25 authorized if a majority of the total number of persons voting
26 approves it.

27 b. If the territory to be annexed is six hundred forty
28 acres or more in area, registered voters of the territory and
29 of the city may vote, and the proposal is authorized if a
30 majority of the total number of persons residing in the
31 territory and voting approves it and if a majority of the
32 total number of persons residing in the city and voting
33 approves it. If the amount of territory annexed by a city
34 exceeds six hundred forty acres in the aggregate over a three-
35 year period, all subsequent petitions for involuntary

1 annexation proposed by the city shall be voted on pursuant to
2 this paragraph, regardless of the amount of territory proposed
3 to be annexed.

4 3. The county commissioner of elections shall publish
5 notice of the election as provided in section 49.53 and shall
6 conduct the election in the same manner as other special city
7 elections.

8 4. The city shall provide to the commissioner of elections
9 a map of the area to be incorporated, discontinued, annexed,
10 severed, or consolidated, which must be approved by the
11 commissioner as suitable for posting. The map shall be
12 displayed prominently in at least four places within the
13 voting precinct, and inside each voting booth, or on the left-
14 hand side inside the curtain of each voting machine.

15 5. The costs of an incorporation election shall be borne
16 by the initiating petitioners if the election fails, but if
17 the proposition is approved the cost shall become a charge of
18 the new city.

19 EXPLANATION

20 This bill provides that in any case of involuntary
21 annexation where the petitioner is not the county board of
22 supervisors, the board of supervisors is required to hold a
23 public meeting on the petition in the same manner as the
24 petitioner city. The meeting must be held within 10 days of
25 receipt of a letter of intent to annex mailed to the county
26 board by the petitioner.

27 The bill also amends provisions relating to annexation
28 elections. The bill provides that if less than 640 acres of
29 territory are proposed to be annexed, the petition or plan
30 must receive the approval of the county board of supervisors
31 of the county in which the territory is located before the
32 petition or plan may go to special election. At the election,
33 a majority of all voters is required for approval. If the
34 territory to be annexed is more than 640 acres, a bifurcated
35 vote is required and the proposal must receive the votes of a

1 majority of city residents in favor and a majority of voters
2 in the territory in favor. If a city has annexed more than
3 640 acres in the aggregate over three years, all subsequent
4 petitions or plans filed are subject to the bifurcated vote
5 provisions.

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