

MAR 2 2006  
LOCAL GOVERNMENT

HOUSE FILE 2602  
BY FOEGE

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to voluntary annexation and municipal services  
2 provided to annexed territory.

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

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HF 2602

1 Section 1. NEW SECTION. 368.7B MUNICIPAL SERVICES.

2 1. The notice of a public hearing required in section  
3 368.7 regarding an annexation application shall include  
4 applicable information from the annexing city as follows:

5 a. A description of existing municipal services, including  
6 but not limited to water supply, sewage disposal, and fire and  
7 police protection provided to the territory to be annexed.

8 b. A plan for extending municipal services to be provided  
9 by the annexing city to the annexed territory within three  
10 years of July 1 of the fiscal year in which city taxes are  
11 first collected against property in the annexed territory.

12 2. Prior to expiration of the three-year period  
13 established in this section, the annexing city shall submit a  
14 report to the city development board describing the status of  
15 the provision of municipal services identified in the plan.  
16 If the city fails to provide municipal services, or fails to  
17 show substantial and continuing progress in providing  
18 municipal services to the annexed territory, the board may  
19 initiate proceedings to sever the annexed territory from the  
20 city. The board shall notify the city of the severance  
21 proceedings and shall hold a public hearing on the proposed  
22 severance. The board shall give notice of the hearing in the  
23 same manner as required in section 368.7. The board may order  
24 severance of all or a portion of the territory and the order  
25 to sever is not subject to approval at an election. A city  
26 may request that the board allow up to an additional three  
27 years to provide municipal services if good cause is shown.  
28 As an alternative to severance of the territory, the board may  
29 impose a moratorium on additional annexation by the city until  
30 the city complies with its plan for extending municipal  
31 services to the annexed territory.

32 EXPLANATION

33 This bill applies the municipal services requirements of  
34 involuntary annexation to voluntary annexations. Pursuant to  
35 Code section 368.7, the city or the city development board or

1 an appointed committee pursuant to subsection 4, is required  
2 to give notice of a public hearing on an application for  
3 voluntary annexation. The bill requires that when this notice  
4 is given, information from the annexing city regarding  
5 existing and future municipal services shall be included.

6 The annexing city must have a plan for extending municipal  
7 services to an annexed territory within three years of July 1  
8 of the fiscal year in which city taxes are first collected  
9 against property in the annexed territory. The bill requires  
10 the city to report to the city development board on the city's  
11 progress in providing municipal services as identified in the  
12 plan. The board may order a severance of annexed territory or  
13 impose a moratorium on future annexation of territory if the  
14 city fails to provide such services.

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