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STATE OF IOWA
LEGISLATIVE FISCAL BUREAU

MEMORANDUM

TO: Legislative Fiscal Committee Members
FROM: Dwayne Ferguson
DATE: August 22, 1999
RE: Vision Iowa Board Meeting – August 9, 2000

The Vision Iowa Board held its second meeting on August 9 at the Department of Economic Development (DED). The Board initially dealt with several organizational issues and the approval of its mission statement.

Nancy Landess, Tourism Division Director, presented information on the Community Attraction and Tourism (CAT) Program. In FY 2000, the Program received an appropriation of \$12.5 million from the Rebuild Iowa Infrastructure Fund (RIIF) and allocated \$1.2 million of these funds for out-of-state advertising. Ms. Landess presented information showing increased phone calls and website requests associated with the promotional campaign. Ms. Landess continued with a discussion of the Program applicants and awards for FY 2000. (This information was presented to the Legislative Fiscal Committee during the August 2 meeting.) For FY 2001, the CAT Program again received an appropriation of \$12.5 million from the RIIF Fund with \$1.2 million allocated for out-of-state marketing.

CAT Program – Administrative Rules

The next agenda item was the Administrative Rules for the CAT Program. The Vision Iowa Board develops the Rules and recommends them to the Economic Development Board for approval and promulgation. This is necessary since the Vision Iowa Board is not authorized to adopt administrative rules. (A copy of the Administrative Rules for the CAT Program as passed by the Vision Iowa Board and the Economic Development Board is attached.) Some of the issues addressed by the Board were:

- Rating Responsibilities – DED staff will review applications and provide comments and evaluations but will not recommend ratings. The actual rating (scoring) for each proposal will be done by the Board members.
- Geographic Diversity – The Board decided not to include a geographic diversity requirement in the Administrative Rules. The Board determined that it is the Board's responsibility to insure geographic diversity when they make awards.
- Long-Term Tax-Generating Impact – The Board's discussion indicated that it was not clear how the projects would generate additional taxes over the long-term. Most of the properties involved in the CAT projects will be owned by local governments and therefore would not be taxed. Other taxes could be sales tax, income taxes from new employees, and related taxes. The Board will keep this issue in mind when evaluating proposals.
- CAT and Vision Iowa Review Committees – It was decided that the two review committees would meet on the same day as the Vision Iowa Board meeting. Board members not on the Committees will be invited to attend the meetings to hear the issues discussed. The intent was to avoid repeating the same discussions and expediting the approval process when the proposals came before the full Board.
- Non-Financial Support – Non-financial support includes the value of labor and other services used to meet the local match requirement. The Board limited non-financial support to 25.0% of the local match requirement. Donated real property is to be considered as financial match and valued at the fair market value.
- Small Cities – The Board decided that when several cities cooperate and apply together for a single project, the city sizes will be treated separately rather than a combined population. This will allow the small cities to qualify for funding reserved for smaller cities and less populated counties.
- Grant Administration Costs – The costs for administering the grant or loan are to be paid from local funds. This would include costs for grant writing and other development costs.
- Contract Negotiations – DED staff, in establishing contracts with award recipients, can make technical corrections that are within the intent of the Board-approved award. The Board appeared unwilling to allow DED staff much leeway in establishing contract parameters at this time.
- Applicant Disclosure – The Board decided not to include in Administrative Rules requirements that the applicant disclose rule or law violations. Disclosures will be obtained by the project application which will be developed at a future date.
- Wage Threshold – The Board examined wage data and threshold requirements for other DED programs. The Board decided that because of

the potential variability in projects, they would not set a specific wage threshold. Wage levels can still be a factor considered by the Board in making the awards. DED staff pointed out that this was an issue raised at the August Legislative Fiscal Committee meeting.

- Rating System – The proposed Administrative Rules contain a point scoring system for evaluation of project proposals. The factors to be examined include:
 - Feasibility (25 points maximum) – The Board will evaluate the feasibility of the project by examining initial capitalization, project budget, financial projections, marketing analysis, marketing plan, management team, operational plan, and other factors. A minimum score of 15 points is required for a project to be eligible.
 - Economic Impact (25 points maximum) – The Board will examine the number of jobs to be created, wages, benefits (including health benefits), safety, long-term tax generation, and other economic impact factors. A minimum score of 15 points is required for a project to be eligible.
 - Leveraged Activity (10 points maximum) – The Board will examine the degree to which the facility of project will stimulate development of other recreational and cultural attractions and encourage economic growth and job opportunities. A minimum score of ~~15~~⁶ points is required for a project to be eligible.
 - Matching Funds (25 points maximum) – The proportionately larger the local match, compared to the Program award, the more points the project will receive.
 - Planning Principles (10 points maximum) - The Rules list a number of factors to be considered including: efficient and effective use of land resources; transportation choices; maintaining the unique sense of place with respect for cultural, historical, and environmental features; conservation of open spaces, farmland, and critical environmental areas; and safety, livability and revitalization of the community.
 - Technology and Values (5 points maximum) – The Rules identifies valuable traits of technology that are to be considered: long-distance learning and internet access; enhancement of education, wellness, and attractiveness for all age groups; and the extent to which the facilities are non-smoking.

The Board unanimously approved the Administrative Rules for the CAT Program as amended.

Vision Iowa Program – Administrative Rules

Next the Board turned its attention to the Administrative Rules for the Vision Iowa Program (VIP). The Rules are similar to the CAT Program Rules, and all changes made to the CAT Program were incorporated into the VIP Rules. Other major issues addressed by the Board include:

- Non-Financial Match – The Board discussed reducing the maximum “soft match” to less than 25.0%, but left the maximum unchanged. The Board will scrutinize this aspect of a project proposal and favor smaller proportions of non-financial match.
- Neutrality Agreements for Organizing Labor – The Board had originally included a requirement that projects provide for neutrality agreements for organizing by employees. The Board decided to eliminate this from their requirements.
- Public Hearings – The Board originally considered requiring the project organizers to hold at least two public hearings but decided to eliminate this requirement.
- Scoring System – Essentially the same scoring system will be used for the CAT and VIP programs.

The Board approved the amended Rules for forwarding to the DED Board for promulgation. (A copy of the Administrative Rules for the Vision Iowa Program as passed by the Vision Iowa Board and the Economic Development Board is attached.)

Timing

The Board discussed the timing for implementation of the Administrative Rules, receiving applications, and making awards. The earliest date the Rules can become effective is December 20, so the initial round of awards will most likely be after January 1, 2001. The Board can begin receiving and reviewing project applications after the application form has been developed but before the Administrative Rules have completed the review process. Awards will not be made until the Administrative Rules are in place.

The Board set its next meeting for September 13. C. J. Niles, DED Director, announced that she anticipates the Board staff person authorized for FY 2001 will be hired before the next meeting.

If you have any additional questions or would like further clarifications, please let me know (515-281-6561).

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF [261]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development hereby gives Notice of Intended Action to amend and renumber Chapter 65, "Community Attraction and Tourism Development Program," Iowa Administrative Code.

The Vision Iowa Board approved the proposed amendments on August 9, 2000 and forwarded the amendments to the Iowa Department of Economic Development to initiate rulemaking as provided in 2000 Iowa Acts, Senate File 2447, section 4.

The proposed amendments update the current rules to incorporate the requirements of 2000 Iowa Acts, Senate file 2447. References to IDED are replaced with "Vision Iowa Board," citations are updated, and new evaluation criteria are added in this Notice of Intended Action.

Public comments concerning the proposed amendments will be accepted until 4:30 p.m. on _____. Interested persons may submit written or oral comments by contacting _____, Vision Iowa Board, 200 East Grand Avenue, Des Moines, Iowa 50309; phone number (515) 242-_____. Several public hearings have been scheduled to receive comments about the proposed amendments:

[Dates, times, locations & any other relevant details about public hearings via ICN to be inserted here before filing]

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

These rules are intended to implement 2000 Iowa Acts, Senate File 2447.

The following amendments are proposed.

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

ITEM 1. Amend the 261--Chapter 65 by amending the title heading and revising the chapter number, as follows:

CHAPTER 65 211

~~RECREATION, ENVIRONMENT, ART AND CULTURAL HERITAGE INITIATIVE~~

~~(REACH)~~

COMMUNITY ATTRACTION AND TOURISM DEVELOPMENT PROGRAM

ITEM 2. Amend the implementation reference in rules 261--65.1 through 261--65.11 as follows:

78GA, ~~HF772~~ SF2447

ITEM 3. Amend 261--65.1 (78GA, HF772) as follows:

~~261--65 211.1~~(78GA, ~~HF772~~ SF2447) Purpose. The community attraction and tourism development program ~~a component of the recreation, environment, art and cultural heritage initiative~~, is designed to assist communities in the development and creation of multiple purpose attraction and tourism facilities.

ITEM 4. Amend 261--65.2 (78GA, HF772) as follows:

~~261--65.2 211.2~~ (78GA, ~~HF772~~ SF2447) Definitions. When used in this chapter, unless the context otherwise requires:

“Attraction” means a permanently located recreational, cultural, or entertainment activity, that is available to the general public.

“Board” means the vision Iowa board established by 2000 Iowa Acts, Senate File 2447.

“Community attraction and tourism program review committee” or “CATD review committee” means the committee established by 2000 Iowa Acts, Senate File 2447 and identified as the following members of the vision Iowa board: the three members of the general public, one from each of the three tourism regions: the mayor of a city with a population of less

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

than twenty thousand; the county supervisor from a county that has a population ranking in the bottom thirty-three counties according to the 1990 census. The chair and vice chair of the vision Iowa board may serve as ex-officio members of any subcommittee of the board.

“Community” and “political subdivision” means a city or county, or an entity established pursuant to Iowa Code chapter 28E.

“Department” or “IDED” means the Iowa department of economic development.

“Economic development organization” means an entity organized to position a community to take advantage of economic development opportunities and strengthen a community’s competitiveness as a place to work and live.

“Float loan” or “interim financing” means a short-term loan (maximum of 30 months) from obligated but unexpended funds.

“Fund” means the community attraction and tourism fund established pursuant to 1999 Iowa Acts, ~~House File 772, section 3(2)~~ 2000 Iowa Acts, Senate File 2447, section 7(1).

“Loan” means an award of assistance with the requirement that the award be repaid with term, interest rate, and other conditions specified as part of the award. A deferred loan is one for which the payment of principal, interest, or both, is not required for some specified period. A forgivable loan is one for which repayment is eliminated in part or entirely if the borrower satisfies specified conditions.

“Local support” means endorsement by local individuals ~~or entities~~ and organizations that have a substantial interest in a project, ~~particularly by those whose opposition or indifference would hinder the activity’s success.~~

“Private organization” means a corporation, partnership, or other organization that is operated for profit.

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

“Program” means the community attraction and tourism program established in 2000 Iowa Acts, Senate File 2447, section 7(1).

“Public organization” means a not-for-profit economic development organization or other not-for-profit organization ~~that~~ including those that sponsors or supports community or tourism attractions and activities.

“Recipient” means the entity under contract with ~~DED~~ the vision Iowa board to receive community attraction and tourism development funds and undertake the funded activity.

“Recreational and cultural attraction” means an attraction that enhances the quality of life in the community.

“School district” means a school corporation organized under Iowa Code chapter 274.

“Subrecipient” means a private organization or other entity operating under an agreement or contract with a recipient to carry out a funded community attraction and tourism development activity.

“Tourism opportunity” means a facility that draws people into the community from at least 50 miles away from home, one way.

“Vertical infrastructure” means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails. It does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

“Nonfinancial support” may include but is not limited to, the value of labor and services which may not total more than 25% of a local match. Real and personal property donated for purposes of the project are considered financial support at its fair market value.

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

ITEM 5. Amend 261--65.3(78GA, HF772) as follows:

~~261--65.3~~ 211.3(78GA, HF772-SF2447) Program components and eligibility requirements.

There are ~~three~~ two direct components to the community attraction and tourism development program. The first component relates to community attraction, tourism or leisure projects that are sponsored by political subdivisions, ~~and public organizations,~~ and school districts in cooperation with a city or county. This component is referred to as the community attraction component. ~~The second component relates to the encouragement and creation of public-private partnerships for exploring the development of new community tourism and attraction activities.~~ ~~This component is referred to as the project development component.~~ A third The second component provides community attraction and tourism development funds for interim financing for eligible projects under the community attraction component. This component is referred to as the interim financing component.

~~65.3(1)~~ 211.3(1) Community attraction component. The objective of the community attraction component is to provide financial assistance for community-sponsored attraction and tourism projects. Community attraction projects may include but are not limited to the following: museums, theme parks, cultural and recreational centers, heritage attractions, sports arenas and other attractions.

~~65.3(2)~~ Project development component. ~~The department, at its discretion, may also provide funding for project development related to proposed activities under this program.~~ ~~Project development assistance could be for the purpose of assisting in departmental evaluation of proposals, or could be one of the proposed activities in a funding request whose further project development could reasonably be expected to lead to an eligible community attraction and~~

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

~~tourism development activity. Feasibility studies are eligible for assistance under this component.~~

~~65.3(3)~~ 211.3(2) Interim financing component.

a. The objective of the community attraction and tourism development interim financing component is to provide short term financial assistance for eligible community attraction and tourism ~~activities~~ projects. Financial assistance may be provided as a float loan. A float loan may only be made for ~~activities~~ projects that can provide the vision Iowa board with an irrevocable letter of credit or equivalent security instrument ~~from~~ a lending institution rated AA- or better, ~~assignable to IDED~~ in an amount equal to or greater than the principal amount of the loan.

b. Applications for float loans shall be processed, reviewed and considered on a first-come, first-served basis to the extent funds are available. Applications that are incomplete or require additional information, investigation or extended negotiation may lose funding priority. Applications for float loans shall meet all other criteria required for the community attraction component.

ITEM 6. Amend 261--65.4 (78GA, HF772) as follows:

~~261--65.4~~ 211.4 (78GA, ~~HF772-SF2447~~) Allocation of funds.

~~65.4(1)~~ 211.4 (1) Except as otherwise noted in this section, all community attraction and tourism development funds shall be awarded for projects as specified in rule ~~65.3~~ 211.3 (78GA, ~~HF772-SF2447~~).

211.4(2) One-third of the moneys shall be allocated to provide assistance to cities and counties which meet the following criteria:

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

a. A city which has a population of ten thousand or less according to the most recently published census.

b. A county which has a population that ranks in the bottom thirty-three counties according to the most recently published census.

211.4(3) Two-thirds of the moneys shall be allocated to provide assistance to any city and county in the state, which may include a city or county included under subrule 211.4(2) .

211.4(4) If two or more cities or counties submit a joint project application for financial assistance under the program, all joint applicants must meet the criteria of subrule 211.4(2) in order to receive any moneys allocated under that rule.

211.4(5) If any portion of the allocated moneys under rule 211.4(2) has not been awarded by April 1 of the fiscal year for which the allocation is made, the portion which has not been awarded may be utilized by the vision Iowa board to provide financial assistance under the program to any city or county in the state.

~~65.4(2) IDEED may retain a portion of community attraction and tourism development funds for administrative costs associated with program implementation and operation. The percent of funds retained for administrative costs shall not exceed 1 percent in any year.~~

~~65.4(3) For the fiscal year beginning July 1, 1999, \$400,000 is allocated from the fund to be used to provide grants to up to three political subdivisions, in an amount not to exceed \$200,000 per grant. The purpose of the three grants is to study the feasibility and viability of developing and creating a multiple purpose attraction and tourism facility.~~

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

ITEM 7. Amend 261--65.5(78GA, HF772) as follows:

~~261--65.5~~ 211.5(78GA, HF772-SF2447) Eligible applicants. Eligible applicants for community attraction and tourism development funds include political subdivisions, ~~and~~ public organizations, and school districts in cooperation with a city or county.

~~65.5(1)~~ 211.5(1) Any eligible applicant may apply directly or on behalf of a subrecipient.

~~65.5 (2)~~ 211.5(2) Any eligible applicant may apply individually or jointly with another eligible applicant or other eligible applicants.

ITEM 8. Amend 261--65.8(78GA, HF772) as follows:

~~261--65.6~~ 211.6(78GA, HF772-SF2447) Eligible projects and forms of assistance.

~~65.6(1)~~ 211.6(1) Eligible projects include those which are related to a community or tourism attraction, and which would position a community to take advantage of economic development opportunities in tourism and strengthen a community's competitiveness as a place to work and live. Eligible projects include building construction or reconstruction, rehabilitation, conversion, acquisition, demolition for the purpose of clearing lots for development, site improvement, equipment purchases, and other projects as may be deemed appropriate by ~~IDED~~ the vision Iowa board.

~~65.6(2)~~ 211.6(2) Eligible forms of assistance include grants, interest-bearing loans, non-interest-bearing loans, float loans under the interim financing component, interest subsidies, deferred payment loans, forgivable loans, loan guarantees, or other forms of assistance as may be approved by ~~IDED~~ the vision Iowa board.

~~65.6(3)~~ 211.6(3) Financial assistance for an eligible activity may be provided in the form of a multi-year award to be paid in increments over a period of years, subject to the availability of funds.

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

~~65.6(4)~~ 211.6(4) IDED, with the approval of the chair or vice chair of the vision Iowa board, reserves the right to ~~negotiate the terms of an award~~ make technical corrections which are within the intent of the terms of a board-approved award.

~~65.6(5)~~ 211.6(5) Applicants may use community attraction and tourism funds in conjunction with other sources of funding must report other sources of funding or pending funding, public or private, for the project including the local recreation infrastructure grants program administered by the department of natural resources and the Iowa historic site preservation program administered by the department of cultural affairs. IDED may consult with appropriate staff from the department of cultural affairs and the department of natural resources to coordinate the review of applications under the programs.

ITEM 9. Amend subrules 65.7(1) and 65.7(3) as follows:

~~65.7(1)~~ 211.7(1) The ~~department~~ vision Iowa board shall not approve an application for assistance under this program to refinance an existing loan.

~~65.7(3)~~ 211.7(3) The ~~department~~ vision Iowa board shall not approve an application for assistance in which community attraction and tourism development funding would constitute more than 50 percent of the total project costs. A portion of the resources provided by the applicant for project costs may be in the form of in-kind or ~~non-cash~~ non-financial contributions.

ITEM 10. Amend 261--65.8(78GA, HF772) as follows:

~~261--65.8~~ 211.8(78GA, HF772-SF2447) Threshold application requirements. To be considered for funding under the community attraction and tourism development program, an application must meet the following threshold requirements:

~~65.8(1)~~ 211.8(1) There must be demonstrated local support for the proposed activity.

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

~~65.8(2)~~ 211.8(2) A need for community attraction and tourism development program funds must exist after other financial resources have been identified for the proposed activity project.

~~65.8(3)~~ 211.8(3) ~~Some portion of the~~ The proposed activity project must primarily involve the creation or renovation of vertical infrastructure with demonstrated substantial regional or statewide economic impact.

211.8(4) The project must provide and pay at least 50 percent of the cost of a standard medical insurance plan for all full-time employees working at the project after the completion of the project for which financial assistance was received.

ITEM 11. Amend 261--65.9(78GA, HF772) as follows:

~~261--65.9-211.9(78GA, HF772-SF2447)~~ Application review criteria. Applications meeting the threshold requirements of rule ~~65.8~~ 211.8 will be reviewed by IDED staff and passed on to the vision Iowa board. IDED staff shall provide a review, analysis and evaluation of the applications to the CATD review committee of the vision Iowa board. The CATD review committee shall evaluate and rank applications based on the following criteria:

~~65.9(1)~~ 211.9(1) Feasibility. The feasibility of the existing or proposed facility to remain a viable enterprise. (0-25 points.). Rating factors for this criterion include, but are not limited to, the following: initial capitalization, project budget, financial projections, marketing analysis, marketing plan, management team, and operational plan. In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

~~65.9(2)~~ 211.9(2) Economic impact. (0-25 points.). Number of jobs created and other measures of economic impact including long term tax generation. The evaluation of the economic impact of a proposed activity shall also include a review of the wages, benefits,

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

including health benefits, safety, and other attributes of the activity that would improve the quality of attraction and tourism employment in the community. Additionally, the economic impact of an activity project shall also be reviewed based on the degree to which the activity project enhances the quality of life in a community; increases the recreational and cultural attraction and tourism opportunities, contributes to the community's efforts to retain and attract a skilled workforce, and creatively uses existing resources in the community. In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

~~65.9(3)~~ 211.9(3) Leveraged activity. The degree to which the facility or project will stimulate the development of other recreational and cultural attractions or tourism opportunities and enhance economic growth and job opportunities. (0-25/10 points). In order to be eligible for funding, proposals must score at least 8 6 points on this rating factor.

~~65.9(4) Geographic diversity. The extent to which facilities are located in different regions of the state (0-10 pts.).~~

211.9(4) 65.9(5) Local match Matching funds. The proportion of local non-state match to be contributed to the project, and the extent of public and private participation. (0-15/25 pts.).

211.9(5) Planning principles. The extent to which the project has taken the following planning principles into consideration: (0-10 pts)

a. Efficient and effective use of land resources and existing infrastructure by encouraging development in areas with existing infrastructure or capacity to avoid costly duplication of services and costly use of land.

b. Provision for a variety of transportation choices, including pedestrian traffic.

c. Maintenance of unique sense of place by respecting local cultural, historical and natural environmental features.

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

- d. Conservation of open space and farmland and preservation of critical environmental areas.
- e. Promotion of the safety, livability, and revitalization of existing urban and rural communities.

211.9(6) Technology and values. The extent to which the project has taken the following into consideration: (0-5 pts).

a. Encourage technologies that allow for long distance learning and internet access to facility resources so that all Iowa communities may benefit from the development.

b. Extent to which to project enhances education, wellness (health), and breadth of the project to attract Iowans of all ages.

c. Extent to which facilities are non-smoking.

A minimum score of 65 points is needed for a project to be recommended for funding.

ITEM 12. Amend 261--65.10, opening paragraph as follows:

~~261--65.10~~ 211.10 (78GA, HF772-SF2447) Application procedure. Subject to availability of funds, applications are reviewed and rated by IDED staff on an ongoing basis and reviewed at least quarterly by the board. Applications will be reviewed by staff for completeness and eligibility. If additional information is required, the applicant shall be provided with notice, in writing, to submit additional information. ~~The IDED staff may refer applications to the project development component, subject to availability of fund.~~ A review, analysis and evaluation from the IDED staff will be submitted to the director of the department the CATD review committee of the board who will then make a final recommendation to the complete board for final approval, denial or deferral. The vision Iowa board has the option to fund a component of a proposed project if the entire project does not qualify for funding.

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

ITEM 13. Amend 261-65.10(2) as follows:

~~65.10(2)~~ 211.10(2) IDEED may provide technical assistance to applicants as necessary.

IDEED staff and board members may conduct on-site evaluations of proposed activities.

ITEM 14. Amend subrule 65.10 (3) as follows:

~~65.10(3)~~ 211.10(3) A comprehensive business plan must accompany the application and shall include at least the following information: initial capitalization including a description of sources of funding, project budget, detailed financial projections for five years, marketing analysis, marketing plan, management team, and the operational plan that provides detailed information about how the proposed attraction will be operated and maintained including a time line for implementing the ~~activity~~ project. Additionally, applicants shall also provide the following information: the number of jobs to be created, and the wages and benefits associated with those jobs; direct measures of economic impact including long-term tax generation, but excluding the use of economic multipliers; a description of the current attraction and tourism employment opportunities in the community including information about wages, benefits and safety; and a description of how the ~~activity~~ project will enhance the quality of life in a community and contribute to the community's efforts to retain and attract a skilled workforce.

ITEM 15. Amend subrule 65.11(1) as follows:

~~65.11(1)~~ 211.11(1) Administration of awards.

a. A contract shall be executed between the recipient and ~~IDEED~~ the vision Iowa board. These rules and applicable state laws and regulations shall be part of the contract.

b. The recipient must execute and return the contract to ~~IDEED~~ the vision Iowa board within 45 days of transmittal of the final contract from ~~IDEED~~ the vision Iowa board. Failure to do so may be cause for ~~IDEED~~ the vision Iowa board to terminate the award.

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

c. Certain activities projects may require that permits or clearances be obtained from other state or local agencies before the activity-project may proceed. Awards may be conditioned upon the timely completion of these requirements.

d. Awards may be conditioned upon commitment of other sources of funds necessary to complete the activity-project.

e. Awards may be conditioned upon IDED receipt and board approval of an implementation plan for the funded activity-project.

ITEM 16. Amend subrule 65.11(5) as follows:

~~65.11(5)~~ 211.11(8) Amendments to contracts. Any substantive change to a contract shall be considered an amendment. Changes include time extensions, budget revisions and significant alteration of the funded project that change the scope, location, objectives or scale of the approved activity-project. Amendments must be requested in writing by the recipient and are not considered valid until approved by the vision Iowa board and ~~approved~~ confirmed in writing by IDED following the procedure specified in the contract between the recipient and IDED.

ITEM 17. Amend subrule 65.11(8) as follows:

65.11(8) Remedies for noncompliance. At any time before contract closeout, ~~ISED~~ the board may, for cause, find that a recipient is not in compliance with the requirements of this program. At ~~ISED's~~ the board's discretion, remedies for noncompliance may include penalties up to and including the return of program funds to ~~ISED~~ the board. Reasons for a finding of noncompliance include but are not limited to the recipient's use of funds for activities not described in the contract, the recipient's failure to complete funded activities in a timely manner, the recipient's failure to comply with applicable state or local rules or regulations or the lack of a continuing capacity of the recipient to carry out the approved activity in a timely manner.

COMMUNITY ATTRACTION & TOURISM RULES (revised 8-12-00)

ITEM 18. Amend the implementation provision at the end of the chapter, following rule 261--

65.11(78GA, HF772):

These rules are intended to implement ~~1999 Iowa Acts, House File 772, section 3,~~
~~subsection 2, and sections 23-24~~ 2000 Iowa Acts, Senate File 2447.

C.J. Niles, Director

VISION IOWA RULES (revised 8-12-00)

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF [261]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development hereby gives Notice of Intended Action to establish two new chapters, Chapter 212, "Vision Iowa Program," and Chapter 213, "Vision Iowa Board: Uniform Waiver and Variance Rules," Iowa Administrative Code.

The Vision Iowa Board approved the proposed rules on August 9, 2000 and forwarded the rules to the Iowa Department of Economic Development to initiate rulemaking as provided in 2000 Iowa Acts, Senate File 2447, section 4.

Proposed new Chapter 212, "Vision Iowa Program, establishes program guidelines, describes application procedures, outlines review criteria, and provides information on program administration. Proposed new Chapter 213, "Vision Iowa Board: Uniform Waiver and Variance Rules," describes the procedures for applying for, issuing or denying waivers and variance from Vision Iowa Board rules.

Public comments concerning the proposed new chapters will be accepted until 4:30 p.m. on_____. Interested persons may submit written or oral comments by contacting _____, Vision Iowa Board, 200 East Grand Avenue, Des Moines, Iowa 50309; phone number (515) 242-_____. Several public hearings have been scheduled to receive comments about the proposed new rules:

[Dates, times, locations & any other relevant details about public hearings via ICN to be inserted here before filing]

VISION IOWA RULES (revised 8-12-00)

These rules are intended to implement 2000 Iowa Acts, Senate File 2447.

The following new chapters are proposed.

VISION IOWA RULES (revised 8-12-00)

ITEM 1. Amend 26 IAC by adopting the following new chapter:

CHAPTER 212

VISION IOWA PROGRAM

261--212.1(78GA,SF2447) Purpose. The vision Iowa board is charged by the Iowa legislature and the governor with establishing, overseeing and providing approval of the administration of the vision Iowa program and the community attraction and tourism program of the state of Iowa.

The board will encourage and support creative projects that enhance the lives of Iowans throughout the state, will encourage and support visionary thinking in cities and towns and counties of all sizes and in all areas, and will leverage state money as heavily as possible to attract funds for these projects from other sources. The vision Iowa board will support projects that build on Iowa's unique assets and values and expand the recreational, cultural and educational opportunities in the state.

261--212.2(78GA,SF2447) Definitions. When used in this chapter, unless the context otherwise requires:

"Attraction" means a permanently located recreational, cultural, or entertainment activity, that is available to the general public.

"Board" means the vision Iowa board as created in 2000 Iowa Acts, Senate File 2447.

"Department" or "IDED" means the Iowa department of economic development.

"Economic development organization" means an entity organized to position a community to take advantage of economic development opportunities and strengthen a community's competitiveness as a place to work and live.

"Float loan" or "interim financing" means a short-term loan (maximum of 30 months) from obligated but unexpended funds.

VISION IOWA RULES (revised 8-12-00)

"Fund" means the vision Iowa fund established pursuant to 2000 Iowa Acts, Senate File 2447, section 11(1).

"Loan" means an award of assistance with the requirement that the award be repaid with term, interest rate, and other conditions specified as part of the award. A deferred loan is one for which the payment of principal, interest, or both, is not required for some specified period. A forgivable loan is one for which repayment is eliminated in part or entirely if the borrower satisfies specified conditions.

"Local support" means endorsement by local individuals and organizations that have a substantial interest in a project.

"Major tourism facility" means a project of at least \$20,000,000 in scope that has substantial regional or statewide economic impact.

"Nonfinancial support" may include but is not limited to, the value of labor and services which may not total more than 25% of a local match. Real and personal property donated for purposes of the project is considered financial support at its fair market value.

"Political subdivision" means a city or county, or an entity established pursuant to Iowa Code chapter 28E.

"Private organization" means a corporation, partnership, or other organization that is operated for profit.

"Program" means the vision Iowa program established in 2000 Iowa Acts, Senate File 2447.

"Public organization" means a not-for-profit economic development organization or other not-for-profit organization including those that sponsor or support community or tourism attractions and activities.

VISION IOWA RULES (revised 8-12-00)

“Recipient” means the entity under contract with the vision Iowa board to receive vision Iowa funds and undertake the funded project.

“School district” means a school corporation organized under Iowa Code chapter 274.

“Subrecipient” means a private organization or other entity operating under an agreement or contract with a recipient to carry out a funded vision Iowa project.

“Vertical infrastructure” means land acquisition and construction, major renovation and major repairs of buildings, all appurtenant structures, utilities, site development, and recreational trails.. It does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

“Vision Iowa program review committee” means the committee established by 2000 Iowa Acts, Senate File 2447 and identified as the following members of the vision Iowa board: the four members of the general public, the mayor of a city with a population of twenty thousand or more, the director of the department of economic development, the treasurer of state or designee, and the auditor of state or designee. The chair and vice chair of the vision Iowa board may serve as ex-officio members of any subcommittee of the board.

261--212.3(78GA,SF2447) Allocation of funds. Except as otherwise noted in 2000 Iowa Acts, Senate File 2447, all vision Iowa funds shall be awarded for projects as specified in Iowa Code section 12.72.

261--212.4(78GA,SF2447) Eligible applicants.

212.4(1) Eligible applicants for vision Iowa funds include political subdivisions, public organizations, and school districts in cooperation with a city or county.

212.4(2) Any eligible applicant may apply directly or on behalf of a subrecipient.

VISION IOWA RULES (revised 8-12-00)

212.4(3) Any eligible applicant may apply individually or jointly with another eligible applicant or other eligible applicants.

261--212.5(78GA,SF2447) Eligible projects and forms of assistance.

212.5(1) Eligible projects include those which are related to a major tourism facility which would position a community to take advantage of economic development opportunities in tourism and strengthen a community's competitiveness as a place to work and live. Eligible projects include building construction or reconstruction, rehabilitation, conversion, acquisition, demolition for the purpose of clearing lots for development, site improvement, equipment purchases, and other projects as may be deemed appropriate by the vision Iowa board.

212.5(2) Eligible forms of assistance include grants, interest-bearing loans, non-interest-bearing loans, interim financing, interest subsidies, deferred payment loans, forgivable loans, loan guarantees, float loans, or other forms of assistance as may be approved by the vision Iowa board.

212.5(3) Financial assistance for an eligible project may be provided in the form of a multi-year award to be paid in increments over a period of years, subject to the availability of funds.

212.5(4) IDED, with the approval of the chair and vice chair of the vision Iowa board, reserves the right to make technical corrections which are within the intent of the terms of a board-approved award.

212.5(5) Applicants must report other sources of funding or pending funding, public or private, for the project including the local recreation infrastructure grants program administered by the department of natural resources and the Iowa historic site preservation program administered by the department of cultural affairs. IDED may consult with appropriate staff from

VISION IOWA RULES (revised 8-12-00)

the department of cultural affairs and the department of natural resources to coordinate the review of applications under the programs.

261--212.6(78GA,SF2447) Ineligible projects.

212.6(1) The board shall not approve an application for assistance under this program under any of the following circumstances:

- a. To refinance an existing loan.
- b. To fund a project that has previously received financial assistance under the vision Iowa program, unless the applicant demonstrates that the assistance would be used for a significant expansion of the project.
- c. A project in which vision Iowa funding would constitute more than 50 percent of the total project costs. A portion of the resources provided by the applicant for project costs may be in the form of non- financial support.

261--212.7(78GA,SF2447) Threshold application requirements. To be considered for funding under the vision Iowa program, an application shall meet the following threshold requirements:

212.7(1) There must be demonstrated local support for the proposed project.

212.7(2) A need for vision Iowa program funds must exist after other financial resources have been identified for the proposed project.

212.7(3) The proposed project must primarily involve the creation or renovation of vertical infrastructure with demonstrated substantial regional or statewide economic impact.

212.7(4) The project must provide and pay at least 50% of the cost of a standard medical insurance plan for all full-time employees working at the project after the completion of the project for which financial assistance was received.

VISION IOWA RULES (revised 8-12-00)

261--212.8(78GA,SF2447) Application review criteria. Applications meeting the threshold requirements of rule 261--212.7(78GA,SF2447) will be reviewed by IDEED and passed on to the vision Iowa board. IDEED staff shall provide a review, analysis and evaluation of applications to the vision Iowa board. IDEED staff shall provide a review, analysis and evaluation of applications to the vision Iowa program review committee of the vision Iowa board. The vision Iowa review committee shall evaluate and rank applications based on the following criteria:

212.8(1) Feasibility. The feasibility of the existing or proposed facility to remain a viable enterprise. (0-25 points). Rating factors for this criterion include, but are not limited to, the following: initial capitalization, project budget, financial projections, marketing analysis, marketing plan, management team, and operational plan. In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

212.8(2) Economic impact. (0-25 points). Number of jobs created and other measure of economic impact including long term tax generation. The evaluation of the economic impact of a proposed activity shall also include a review of the wages, benefits, including health benefits, safety, and other attributes of the activity that would improve the quality of employment in the community. Additionally, the economic impact of an activity shall also be reviewed based on the degree to which the activity enhances the quality of life in a region; increases diversity of projects available, contributes to the community's efforts to retain and attract a skilled workforce, and creatively uses existing resources in the community. In order to be eligible for funding, proposals must score at least 15 points on this rating factor.

212.8(3) Leveraged activity. The degree to which the facility or project will stimulate the development of other recreational and cultural attractions or tourism opportunities and enhance economic growth and job opportunities. The degree to which the facility or project is strategically aligned with other existing regional or statewide cultural, recreational,

VISION IOWA RULES (revised 8-12-00)

entertainment, or educational activities in the community (0-10 points). In order to be eligible for funding, proposals must score at least 6 points on this rating factor.

212.8(4) Matching funds. The proportion of local match to be contributed to the project, and the extent of public and private participation. (0-25 pts).

212.8(5) Planning principles. The extent to which the project has taken the following planning principles into consideration: (0-10 pts).

- a. Efficient and effective use of land resources and existing infrastructure by encouraging development in areas with existing infrastructure or capacity to avoid costly duplication of services and costly use of land.
- b. Provision for a variety of transportation choices, including pedestrian traffic.
- c. Maintenance of unique sense of place by respecting local cultural, historical and natural environmental features.
- d. Conservation of open space and farmland and preservation of critical environmental areas.
- e. Promotion of the safety, livability, and revitalization of existing urban and rural communities.

212.8(6) Technology and values. The extent to which the project has taken the following into consideration: (0-5 pts).

- a. Encourage technologies that allow for long distance learning and internet access to facility resources so that all Iowa communities may benefit from the development.
- b. Extent to which to project enhances education, wellness (health), and breadth of the project to attract Iowans of all ages.
- c. Extent to which facilities are non-smoking.

A minimum score of 65 points is needed for a project to be recommended for funding.

261--212.9(78GA,SF2447) Application procedure.

VISION IOWA RULES (revised 8-12-00)

212.9(1) Subject to availability of funds, applications are reviewed by IDED staff on an ongoing basis and reviewed at least quarterly by the board. Applications will be reviewed by staff for completeness and eligibility. If additional information is required, the applicant shall be provided with notice, in writing, to submit additional information. A review, analysis and evaluation from the IDED staff will be submitted to the vision Iowa review committee of the board who will then make a final recommendation to the complete board for final approval, denial or deferral. The vision Iowa board has the option to fund a component of a proposed project if the entire project does not qualify for funding.

212.9(2) Application forms for Vision Iowa are available upon request from IDED, 200 East Grand Avenue, Des Moines, Iowa 50309.

212.9(3) IDED may provide technical assistance as necessary to applicants. IDED staff may conduct on-site evaluations of proposed projects.

212.9(4) A comprehensive business plan must accompany the application and shall include at least the following information: initial capitalization including a description of sources of funding, project budget, detailed financial projections for five years, marketing analysis, marketing plan, management team, and an operational plan that provides detailed information about how the proposed attraction will be operated and maintained including a time line for implementing the activity.

212.9(5) Applicants shall also provide the following information: the number of jobs to be created, and the wages and benefits associated with those jobs; direct measures of economic impact including long-term tax generation, but excluding the use of economic multipliers; a description of the current attraction and tourism employment opportunities in the community including information about wages, benefits and safety; and a description of how the project will

VISION IOWA RULES (revised 8-12-00)

enhance the quality of other existing regional or statewide cultural, recreational, entertainment, and educational activities or employment in the community and a description of the long-term economic viability of the project, including projected revenues and expenses for five years.

261--10(78GA,SF2447) Administration of awards.

212.10(1) A contract shall be executed between the recipient and the vision Iowa board. These rules and applicable state laws and regulations shall be part of the contract.

212.10(2) The recipient must execute and return the contract to the vision Iowa board within 45 days of transmittal of the final contract from the vision Iowa board. Failure to do so may be cause for the vision Iowa board to terminate the award.

212.10(3) Certain projects may require that permits or clearances be obtained from other state or local agencies before the activity may proceed. Awards may be conditioned upon the timely completion of these requirements.

212.10(4) Awards may be conditioned upon commitment of other sources of funds necessary to complete the project.

212.10(5) Amendments to contracts. Any substantive change to a contract shall be considered an amendment. Changes include time extensions, budget revisions and significant alteration of the funded projects that change the scope, location, objectives or scale of the approved project. Amendments must be requested in writing by the recipient and are not considered valid until approved by the vision Iowa board and confirmed in writing by IDED following the procedure specified in the contract between the recipient and the vision Iowa board.

These rules are intended to implement 2000 Iowa Acts, Senate File 2447.

VISION IOWA RULES (revised 8-12-00)

ITEM 2. Adopt a new chapter 213 as follows:

CHAPTER 213

VISION IOWA BOARD: UNIFORM WAIVER AND VARIANCE RULES

261--213.1(ExecOrd11) Applicability. This chapter outlines a uniform process for the granting of waivers or variances from rules adopted by the board. The intent of this chapter is to allow persons to seek exceptions to the application of rules issued by the board.

213.1(1) Definitions.

“Board” or “Vision Iowa board” means the vision Iowa board created by 2000 Iowa Acts, Senate File 2447.

“Person” means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any legal entity.

“Waiver or variance” means an agency action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

213.1(2) Authority.

a. A waiver or variance from rules adopted by the board may be granted in accordance with this chapter if (1) the board has authority to promulgate the rule from which waiver or variance is requested or has final decision-making authority over a contested case in which a waiver or variance is requested; and (2) no statute or rule otherwise controls the grant of a waiver or variance from the rule from which waiver or variance is requested.

b. No waiver or variance may be granted from a requirement which is imposed by statute. Any waiver or variance must be consistent with statute.

VISION IOWA RULES (revised 8-12-00)

261--213.2(ExecOrd11) Board discretion. The decision on whether the circumstances justify the granting of a waiver or variance shall be made at the discretion of the board upon consideration of all relevant factors.

213.2(1) Criteria for waiver or variance. The board may, in response to a completed petition or on its own motion, grant a waiver or variance from a rule, in whole or in part, as applied to the circumstances of a specified situation if the board finds each of the following:

- a. Application of the rule to the person at issue would result in hardship or injustice to that person; and
- b. Waiver or variance on the basis of the particular circumstances relative to that specified person would be consistent with the public interest; and
- c. Waiver or variance in the specific case would not prejudice the substantial legal rights of any person; and
- d. Where applicable, substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.

In determining whether waiver or variance should be granted, the board shall consider whether the underlying public interest policies and legislative intent of the rules are substantially equivalent to full compliance with the rule. When the rule from which a waiver or variance is sought establishes administrative deadlines, the board shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all licensees, grantees and constituents.

213.2(2) Special waiver or variance rules not precluded. These uniform waiver and variance rules shall not preclude the board from granting waivers or variances in other contexts

VISION IOWA RULES (revised 8-12-00)

or on the basis of other standards if a statute or other board rule authorizes the board to do so, and the board deems it appropriate to do so.

261--213.3(ExecOrd 11) Requester's responsibilities in filing a waiver or variance petition.

213.3(1) Application. All petitions for waiver or variance must be submitted in writing to the Vision Iowa Board, 200 East Grand Avenue, Des Moines, Iowa 50309-18191. If the petition relates to a pending contested case, a copy of the petition shall also be filed in the contested case proceeding.

213.3(2) Content of petition. A petition for waiver or variance shall include the following information where applicable and known to the requester (for an example of a petition for waiver or variance, see Exhibit A at the end of this chapter):

- a. A description and citation of the specific rule from which a waiver or variance is requested.
- b. The specific waiver or variance requested, including the precise scope and operative period that the waiver or variance will extend.
- c. The relevant facts that the petitioner believes would justify a waiver or variance.
- d. A signed statement from the petitioner attesting to the accuracy of the facts provided in the petition, and a statement of reasons that the petitioner believes will justify a waiver or variance.
- e. A history of any prior contacts between the board and the petitioner relating to the regulated activity, license, grant, loan or other financial assistance affected by the proposed waiver or variance, including a description of each affected license, grant, loan or other financial assistance held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity, license, grant or loan within the last five years.
- f. Any information known to the requester regarding the board's treatment of similar

VISION IOWA RULES (revised 8-12-00)

cases.

g. The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question, or which might be affected by the grant of a waiver or variance.

h. The name, address, and telephone number of any person or entity who would be adversely affected by the grant of a petition.

i. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver or variance.

j. Signed releases of information authorizing persons with knowledge regarding the request to furnish the board with information relevant to the waiver or variance.

213.3(3) Burden of persuasion. When a petition is filed for a waiver or variance from a board rule, the burden of persuasion shall be on the petitioner to demonstrate by clear and convincing evidence that the board should exercise its discretion to grant petitioner a waiver or variance.

261--213.4 (ExecOrd11) Notice. The board shall acknowledge a petition upon receipt. The board shall ensure that notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law, within 30 days of the receipt of the petition. In addition, the board may give notice to other persons. To accomplish this notice provision, the board may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law, and provide a written statement to the board attesting that notice has been provided.

261--213.5(ExecOrd 11) Board responsibilities regarding petition for waiver or variance.

213.5(1) Additional information. Prior to issuing an order granting or denying a waiver

VISION IOWA RULES (revised 8-12-00)

or variance, the board may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the board may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the board's designee, a committee of the board, or a quorum of the board.

213.5(2) Hearing procedures. The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply in three situations: (a) to any petition for a waiver or variance of rule filed within a contested case; (b) when the board so provides by rule or order; or (c) when a statute so requires.

213.5(3) Ruling. An order granting or denying a waiver or variance shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

213.5(4) Conditions. The board may condition the grant of the waiver or variance on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question through alternative means.

213.5(5) Time for ruling. The board shall grant or deny a petition for a waiver or variance as soon as practicable, but in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the board shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

213.5(6) When deemed denied. Failure of the board to grant or deny a petition within the required time period shall be deemed a denial of that petition by the board.

VISION IOWA RULES (revised 8-12-00)

213.5(7) Service of order. Within seven days of its issuance, any order issued under this chapter shall be transmitted to the petitioner or the person to whom the order pertains, and to any other person entitled to such notice by any provision of law.

261--213.6(ExecOrd11) Public availability. Subject to the provisions of Iowa Code section 17A.3(1)"e," the board shall maintain a record of all orders granting or denying waivers and variances under this chapter. All final rulings in response to requests for waivers or variances shall be indexed and available to members of the public at the Vision Iowa Board, 200 East Grand Avenue, Des Moines, Iowa 50309-1819.

261--213.7(ExecOrd11) Voiding or cancellation. A waiver or variance is void if the material facts upon which the request is based are not true or if material facts have been withheld. The board may at any time cancel a waiver or variance upon appropriate notice if the board finds that the facts as stated in the request are not true, material facts have been withheld, the alternative means of compliance provided in the waiver or variance have failed to achieve the objectives of the statute, or the requester has failed to comply with the conditions of the order.

261--213.8(ExecOrd11) Violations. Violation of conditions in the waiver or variance approval is the equivalent of violation of the particular rule for which the waiver or variance is granted and is subject to the same remedies or penalties.

261--213.9(ExecOrd11) Defense. After the board issues an order granting a waiver or variance, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

261--213.10(ExecOrd 11,17A) Appeals. Granting or denying a request for waiver or variance is final agency action under Iowa Code chapter 17A. An appeal to district court shall be taken within 30 days of the issuance of the ruling in response to the request unless a contrary time is

VISION IOWA RULES (revised 8-12-00)

provided by rule or statute.

Exhibit A
Sample Petition (request) for Waiver/Variance

BEFORE THE VISION IOWA BOARD

Petition by (insert name of petitioner))
for the waiver of (insert rule citation)) PETITION FOR
relating to (insert the subject matter).) WAIVER

Requests for waiver or variance from a board rule shall include the following information

in the petition for waiver or variance where applicable and known:

- a. Provide the petitioner's (person asking for a waiver or variance) name, address, and telephone number.
- b. Describe and cite the specific rule from which a waiver or variance is requested.
- c. Describe the specific waiver or variance requested; include the exact scope and time period that the waiver or variance will extend.
- d. Explain the important facts that the petitioner believes justify a waiver or variance.

Include in your answer why (1) applying the rule will result in hardship or injustice to the petitioner; and (2) granting a waiver or variance to the petitioner is consistent with the public interest; and (3) granting the waiver or variance will not prejudice the substantial legal rights of any person; and (4) where applicable, how substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.

- e. Provide history of prior contacts between the board and petitioner relating to the regulated activity, license, grant, loan or other financial assistance that would be affected by the waiver or variance; include a description of each affected license, grant, loan or other financial assistance

VISION IOWA RULES (revised 8-12-00)

held by the petitioner, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity, license, grant or loan within the last five years.

f. Provide information known to the petitioner regarding the board's treatment of similar cases.

g. Provide the name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question, or which might be affected by the grant of a waiver or variance.

h. Provide the name, address, and telephone number of any person or entity who would be adversely affected or disadvantaged by the grant of the waiver or variance.

i. Provide the name, address, and telephone number of any person with knowledge of the relevant or important facts relating to the requested waiver or variance.

j. Provide signed releases of information authorizing persons with knowledge regarding the request to furnish the board with information relevant to the waiver or variance.

I hereby attest to the accuracy and truthfulness of the above information.

Petitioner's signature

Date

Petitioner should note the following when requesting or petitioning for a waiver or variance:

1. The petitioner has the burden of proving, by clear and convincing evidence, the following to the board: (a) application of the rule to the petitioner would result in hardship or injustice to the petitioner; and (b) waiver or variance on the basis of the particular circumstances relative to the petitioner would be consistent with the public interest; and (c) waiver or variance in the specific case would not prejudice the

VISION IOWA RULES (revised 8-12-00)

substantial legal rights of any person; and (d) where applicable, how substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.

2. The board may request additional information from or request an informal meeting with the petitioner prior to issuing a ruling granting or denying a request for waiver or variance.

3. All petitions for waiver or variance must be submitted in writing to the Vision Iowa Board, 200 East Grand Avenue, Des Moines, Iowa 50309-18191. If the petition relates to a pending contested case, a copy of the petition shall also be filed in the contested case proceeding.

These rules are intended to implement Executive Order Number 11 and 2000 Iowa Acts, Senate File 2447.

C.J. Niles, Director