

## Red Tape Review Rule Report (Due: September 1, 2023)

<b>Department Name:</b>	City Development Board	<b>Date:</b>	8/31/2023	<b>Total Rule Count:</b>	5
<b>IAC #:</b>	263	<b>Chapter/ SubChapter/ Rule(s):</b>	Chapter 10	<b>Iowa Code Section Authorizing Rule:</b>	Chapter 368
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

This chapter describes the board’s procedures for involuntary boundary changes following the approval of such changes by a committee created pursuant to Iowa Code section 368.14.

**Is the benefit being achieved? Please provide evidence.**

Yes. The board is able to carry out its oversight obligations imposed by chapter 368.

**What are the costs incurred by the public to comply with the rule?**

Cities, residents, and property owners affected by city development actions may incur costs to appeal such action pursuant to 368.22.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

Pursuant to Iowa Code section 368.9, the Economic Development Authority (IEDA) provides office space and staff assistance to the board and budgets funds to cover expenses of the board and committees created pursuant to chapter 368. Staff time is required to administer the board’s activities.

**Do the costs justify the benefits achieved? Please explain.**

Yes. The procedures outlined in this chapter ensure the board can fulfill its oversight obligations as imposed by Iowa Code chapter 368.

**Are there less restrictive alternatives to accomplish the benefit?  YES  NO**

**If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.**

The board's oversight obligations are imposed by Iowa Code chapter 368. The documentations and procedures outlined in the chapter are no more than necessary to fulfil those obligations.

**Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]**

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Yes.

Rule 263.10.1 should be updated to remove statutory language.

Rule 263.10.2 should be updated to use more concise language.

Rule 263.10.3 should be updated for clarity.

Rule 263.10.4 should be updated to remove statutory language.

Rule 263.10.5 should be updated to remove statutory language and for clarity.

Implementation sentences for individual rules in the chapter should be replaced with a single implementation sentence for the chapter as a whole.

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

None.

**\*RULES PROPOSED FOR RE-PROMULGATION\* (list rule number[s] or include text if available):**

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

**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).

**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.

**263—10.3(368) Record.** The record of an involuntary boundary adjustment proceeding shall include the following as applicable:

1. The original petition or plan and any amendment;
2. Proofs of service and publication of required public hearing notices;
3. All pleadings filed with the board and committee and any answers or rulings on the pleadings;
4. The public hearing transcript and all evidence received at public hearing;
5. All briefs and documents filed on the board or committee by parties to the proceedings and all other filings made by those not parties;
6. Public documents referenced by the board or committee;
7. The committee's findings of fact, conclusions of law and determination;
8. The board's election order;

- 9. Certification and proof of publication of election results;
- 10. The board's final order.

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.

**263—10.4(368) Appeal.** When an appeal is filed pursuant to Iowa Code section 369.22, the ~~board~~ appellant shall notify the board and provide a copy of the appeal.

Within 30 days after 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 which is the subject of the petition. By stipulation of all parties to the review proceedings, the record of such a case may be shortened.

**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.

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

**\*For rules being re-promulgated with changes, you may attach a document with suggested changes, if available.**

#### METRICS

<b>Total number of rules repealed:</b>	<b>0</b>
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>341*</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>11*</b>

**\*Estimated. The reduction in word count and restrictive terms may be impacted by the board's review of the proposed updates.**

**ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?**

No.