

DISCONTINUANCE – WITH PETITION FOR SPECIAL ELECTION

The City Development Board (“Board”) provides this summary for general informational purposes only and is not intended to serve as a precise statement of Iowa law concerning boundary adjustments. For further information, review [Iowa Code Chapter 368](#) and [Iowa Administrative Rule 263](#). Should you have legal questions concerning the boundary adjustment process, including annexations, city personnel are strongly encouraged to contact their City Attorney.

1. City Council adopts a Resolution of Intent to Discontinue and sets the date for public hearing.
2. Prior to any action by the City Council on the discontinuance, including the public hearing, the City shall publish notice of the public hearing in an official county newspaper and the notice shall include the time and place of the public hearing at least ten **(10) business days** prior to any action by the City Council or post notice in accordance with **Iowa Code §362.3** if the City’s population two hundred (200) or less.
3. At the public hearing, the City Council must receive oral and written comments regarding the discontinuance proposal from any person.
4. At the same or subsequent meeting, the City Council passes a Resolution of Discontinuance.
5. If the City receives a petition for special election regarding the discontinuance within thirty (30) days of the effective date of the resolution of discontinuance, the City must direct the County commissioner of elections to call a special election on the question of the discontinuance or the City shall adopt a resolution abandoning the discontinuance. Notice of the election must be given by publication as required in **Iowa Code §49.53**.
6. If the majority of those voting approve the discontinuance, the City must file one (1) original and one (1) copy of its request and all supporting documentation. Electronic submission is acceptable via email to cdb@iowaeda.com. The Program Administrator will provide written acknowledgement of receipt of the submission. Materials to be submitted to the Board include:
 - a. Copy of the Resolution of Intent to Discontinue.
 - b. Copies of all notices, publications, **and** certification that the City has complied with the notice requirements of *Iowa Code Chapter 368*, including proof of mailing of the application(s) and affidavit of publication of the required public notice.
 - c. Copy of the Resolution of Discontinuance.
 - d. Copy of the Petition received requesting an election.
 - e. Canvas of Special Election Results from the County Board of Supervisors.
 - f. Map of the Territory.
 - g. Legal Description of the Territory.
Please submit a word version of the legal description to cdb@iowaeda.com
 - h. Listing of any outstanding debt held by the City.
 - i. Listing of all real property and assets owned by the City.
 - j. Listing of all bank accounts (including investment accounts) held by the City.
 - k. Listing of any outstanding claims owed by the City.
 - l. Listing of any ongoing litigation matters involving the City.
 - m. Most recent three (3) months of financial statements; and
 - n. Contact information (Name, Address, Phone & Email) for a point of contact throughout the discontinuance process.
7. Following the receipt of a complete submission, the Board will consider the request for discontinuance at the first meeting conducted thirty-one (31) days or more after the submission is filed. The Board will provide notice of the meeting to consider the

discontinuance. At this meeting, the Board will hear input on whether the proposal is complete and properly filed and whether to approve the discontinuance.

8. Upon approval of the discontinuance, the City will cease to exist. The Board will publish Notice of Adjudication of Claims in the County newspaper in which the City is located twice upon approval of discontinuance. The Board will adjudicate any claims against the City for a period of six (6) months as well as receive any funds due to the City during the same time frame. The Board will publish notice of adjudication in the County newspaper twice upon approval of discontinuance. The Board will issue a written decision to the City Clerk of the discontinuing City and other required parties pursuant to **Iowa Code Chapter 368** and will file copies of the Board's proceedings with the Secretary of State, County Recorder, and required parties.
9. During the six-month adjudication period, the City Development Board Program Manager will work with the City, County, and State to close any necessary accounts, direct receipt of funds, and pay any necessary claims. The City is responsible for transferring all records of the City to the County Auditor.
10. Upon completion of the six-month adjudication period, the Board will consider the discontinuance for final approval. The Board will provide notice of the meeting to interested parties. The Board will issue a final written decision and provide to the former City Clerk and other required parties pursuant to **Iowa Code Chapter 368**. The Board will file copies of the Board's proceedings with the Secretary of State, County Recorder, and required parties pursuant to **Iowa Code §368.20(2)**. The Board will transfer all remaining funds after the adjudication process to the County Treasurer. If there were not enough funds available to pay all legitimate claims, the Board will cause necessary taxes to be levied against the properties within the discontinued City to pay the claims allowed.

PLEASE NOTE: If the City owns a cemetery, the Board shall determine if any perpetual care funds exist and provide for their transfer to a trustee named by a district court or to the County or other suitable governmental agency.