

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

Department Name:	City Development Board	Date:	8/31/2023	Total Rule Count:	12
IAC #:	263	Chapter/ SubChapter/ Rule(s):	Chapter 7	Iowa Code Section Authorizing Rule:	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 application and approval procedures for voluntary annexations.

Is the benefit being achieved? Please provide evidence.

Yes. Cities are able to apply for and receive board decisions on voluntary annexations.

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

Cities requesting the board’s approval of annexations require staff time to compile and submit documentation to the board and to participate in any necessary board meetings or hearings where a proposed annexation is considered. Additionally, the cost of recording board orders approving annexations are paid by the city annexing territory.

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 review documents submitted to the board and administer the board’s activities.

Do the costs justify the benefits achieved? Please explain.

Yes. The documentation and 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Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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 263.7.1 should be updated to clarify the purpose of the chapter.

Rule 263.7.2 should be updated to remove statutory language and other redundant language and to clarify roles and responsibilities of landowners, cities, and the board.

Rule 263.7.3 should be updated to reduce the number of paper copies of requests submitted to the board and address electronic submission of documents.

Rule 263.7.4 should be updated to use more concise language.

Rule 263.7.5 should be updated to remove statutory language and other redundant language.

Rule 263.7.6 should be updated to remove statutory language and other redundant language.

A new rule 263.7.7 should be created to address the board's initial review steps. This rule will replace and consolidate language currently contained in multiple rules. The initial review steps are the same regardless of the specific annexation situation and do not need to be repeated in multiple rules.

Rule 263.7.7 should be renumbered and updated to remove statutory language and other redundant language. Some language that is redundant within the chapter can be consolidated in the two new rules addressing initial review steps and post-decision steps.

Rule 263.7.8 should be updated to remove statutory language and other redundant language. Some language that is redundant within the chapter can be consolidated in the two new rules addressing initial review steps and post-decision steps.

Rule 263.7.9 should be updated to remove statutory language and other redundant language. Some language that is redundant within the chapter can be consolidated in the two new rules addressing initial review steps and post-decision steps.

Rule 263.7.10 should be updated for clarity and consistency with the other rules.

Rule 263.7.11 should be consolidated with the new rule described above addressing board outcomes.

Rule 263.7.12 should be updated to remove statutory language and other redundant language. Some language that is redundant within the chapter can be consolidated in the two new rules addressing initial review steps and post-decision steps.

A new rule 263.7.13 should be created to address the steps the board will take following approval or denial of a request. This rule will replace and consolidate language currently contained in multiple rules. The post-decision steps are the same regardless of the specific annexation situation and do not need to be repeated in multiple rules.

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

263.7.11

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

Proposed updated rule text for this chapter will be shared with the board at its meeting on September 13, 2023 and finalized after that meeting.

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

METRICS

Total number of rules repealed:	1
Proposed word count reduction after repeal and/or re-promulgation	1613*
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	36*

*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?

Generally, chapter 368 should be updated to define more terms for submissions, board actions, and parties involved. Specifically, the chapter should consistently refer to any submission before the board as a “petition”, consistent with the proposed updated rules. This is the term commonly used by the board, staff, and stakeholders. Currently, the chapter uses the term “application” to refer both to landowner requests made to a city and city requests made to the board. There are also places in the chapter that describe “requests for board approval” and “proposals” that could be clarified by using the term petition.

Section 368.7(4)“b” requires the board to “convert” certain applications for voluntary annexation to an involuntary petition. This should be done at the discretion of the petitioning city and considered a new petition.

Section 368.17 currently bars a committee appointed by the board from approving certain actions. The board as a whole should also be barred from those actions, as is set forth in the rules.

368.20 should clarify how the board should proceed when an appeal is pending.