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RURAL IMPROVEMENT ZONE - IOWA

Kilgore v. Iowa State Appeal Bd.

Court of Appeals of Iowa - May 14, 2014 - Slip Copy - 2014 WL 1976868

Kevin Kilgore was one of twelve signatories to a petition to protest the Sun Valley Rural Improvement Zone ("RIZ") budget for fiscal year 2013. The Iowa State Appeal Board ("Board") concluded the petition to protest lacked the requisite number of signatures because only two of the signatories owned property in the RIZ and therefore did not schedule a protest hearing.

Kilgore argued that all eligible voters in the county were authorized to sign a budget protest petition protesting the budget. He asserted the requirement in Iowa Code section 384.195 that only "persons affected by the budget" may protest the budget includes any resident of the county and not just those residents who own property or reside within the RIZ.

Kilgore filed a petition for judicial review in the district court, and the Board's decision to deny the budget-protest hearing was affirmed by the district court.

On appellate review, the Court of Appeals agreed the protest petition lacked the requisite number of signatures, and therefore affirmed the ruling of the district court.

Only those persons "in the municipality" are qualified to sign the petition, and the word "municipality" in the statute necessarily refers to the municipality which proposes the budget, expenditure. The statute specifically excludes "county" from the definition of "municipality."

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