

SUPREME COURT OF IOWA

City of Des Moines v. City Development Board of the State of Iowa

633 N.W.2d 305 (Iowa 2001) · No. No. 00-0419 · Decided September 6, 2001

SUMMARY

The Iowa Supreme Court held that the district court lacked jurisdiction to review the City Development Board's stay of Des Moines's annexation proceedings because Des Moines did not file its petition for judicial review within the thirty-day period prescribed by Iowa Code section 368.22. The court concluded that section 368.22 applies to all appeals from Development Board decisions, including interlocutory decisions, and affirmed dismissal of the petition.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Cady, Justice; Cady; Snell, Senior Judge; Streit
JURISDICTION	Iowa
DECIDED	September 6, 2001
DOCKET	No. 00-0419
DISPOSITION	affirmed
PROCEDURAL POSTURE	City of Des Moines appealed the district court's dismissal of its petition for judicial review challenging the City Development Board's decision to stay proceedings on Des Moines's involuntary-annexation petition.
STANDARD OF REVIEW	Review is for errors at law.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential
PARTIES	City of Des Moines v. City Development Board of the State of Iowa, Warren County, Iowa, The Iowa Rural Rights Association, Robert Dunn, June Tenhagen, David Van Patten, Raymond E. Phillips, Jr., Steve Klinefelter, Peg Klinefelter, William Don Harbert, Jim Shelley, Wayne Jones, Jo Jones, Bruce Strain, Debbie Cunningham, Car Cunningham, John Francis Anderson

TOPICS

judicial review of agency action

administrative procedure act

exhaustion of remedies

appellate jurisdiction

municipal law

PRACTICE AREAS

Administrative law

Municipal law

Appellate procedure

Statutory interpretation

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction to review the City Development Board's interlocutory stay decision when Des Moines filed its petition more than thirty days after the Board filed that decision.
2. Whether Iowa Code section 368.22's thirty-day filing period applies to all petitions for judicial review arising from chapter 368 city-development proceedings, including review of interlocutory agency decisions.
3. Whether the judicial-review provisions of Iowa Code chapter 17A are the exclusive means of reviewing City Development Board action and displace the specific review procedures in chapter 368.

HOLDINGS

1. All petitions for judicial review filed in district court from a proceeding under Iowa Code chapter 368 are subject to the thirty-day time limit imposed by Iowa Code section 368.22, including petitions challenging interlocutory Board decisions.
2. A timely petition for judicial review is a jurisdictional prerequisite; because Des Moines filed more than thirty days after the challenged Board decision, the district court had no authority to hear the petition.
3. Iowa Code chapter 17A is generally the exclusive means of judicial review of agency action, but it does not displace a specific statute that expressly provides otherwise; chapter 368 and chapter 17A are to be read together for City Development Board proceedings.

KEY QUOTATIONS

“The judicial review provisions of this section and chapter 17A shall be the exclusive means by which a person or party who is aggrieved or adversely affected by agency action may seek judicial review of that agency action.” (311)

“We conclude that all petitions for judicial review filed in district court from a proceeding under chapter 368 are subject to the thirty-day time limit imposed by section 368.22.” (312)

FACTUAL BACKGROUND

In June 1998, Des Moines petitioned the City Development Board to approve the involuntary annexation of approximately fifteen square miles in Warren County. The Board approved the petition but stayed further action while related litigation concerning another annexation petition proceeded. On June 17, 1999, the Board again stayed action on Des Moines's petition, and Des Moines did not file its petition for judicial review until November 4, 1999.

PROCEDURAL HISTORY

Des Moines filed an involuntary-annexation petition with the City Development Board. After the Board stayed further proceedings, Des Moines filed a petition for judicial review; the respondents moved to dismiss. The district court concluded that it had jurisdiction but dismissed the petition because Des Moines had not shown that review of final agency action would fail to provide an adequate remedy. The Supreme Court of Iowa affirmed, concluding that the petition was untimely and that the district court lacked authority to hear it.

DISPOSITION

affirmed

CASES CITED

- IES Utils. Inc. v. Iowa Dep't of Revenue & Fin., 545 N.W.2d 536, 538 (Iowa 1996)
- State ex rel. Vega v. Medina, 549 N.W.2d 507, 508 (Iowa 1996)
- Sioux City Brick & Tile Co. v. Employment Appeal Bd., 449 N.W.2d 634, 638 (Iowa 1989)
- Foley v. Iowa Dep't of Transp., 362 N.W.2d 208, 210 (Iowa 1985)
- Sharp v. Iowa Dep't of Job Serv., 492 N.W.2d 668, 669 (Iowa 1992)
- McKart v. United States, 395 U.S. 185, 193, 89 S. Ct. 1657, 1662, 23 L. Ed. 2d 194, 203 (1969)
- Salsbury Labs. v. Iowa Dep't of Env'tl. Quality, 276 N.W.2d 830, 836 (Iowa 1979)
- Oliver v. Teleprompter Corp., 299 N.W.2d 683, 687 (Iowa 1980)
- Budde v. City Dev. Bd., 276 N.W.2d 846, 850-51 (Iowa 1979)
- State v. Sullins, 509 N.W.2d 483, 485 (Iowa 1993)
- Goergen v. State Tax Comm'n, 165 N.W.2d 782, 787 (Iowa 1969)
- Crawford v. Iowa State Highway Comm'n, 247 Iowa 736, 739-40, 76 N.W.2d 187, 189 (1956)