

CHAPTER 232

MUNICIPAL OFFICERS CONFLICT OF INTEREST

H. F. 736

AN ACT relating to powers and duties of municipal officers.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred sixty-eight A point twenty-two
2 (368A.22), Code 1966, is hereby amended by adding at the end thereof the
3 following new subsection:

4 "Any contract entered into in violation of this section is void."

1 SEC. 2. Chapter three hundred sixty-eight A (368A), Code 1966, is
2 hereby amended by adding thereto the following new section:

3 "No ordinance, resolution, or motion voted upon shall be invalid by
4 reason of conflict of interest in an officer of a municipality unless the vote
5 of such officer was decisive to the passage of such ordinance, resolution,
6 or motion. Where a specific majority or unanimous vote of a municipal body
7 is required by statute, such majority or vote shall be computed on the
8 basis of the number of officers not disqualified by reason of conflict of
9 interest. For the purposes of this section, the statement of any officer that he
10 declines to vote by reason of conflict of interest shall be conclusive and shall
11 be entered of record. However, a quorum of such public body shall be de-
12 termined as provided in section three hundred sixty-eight A point one
13 (368A.1)."

1 SEC. 3. This Act, being deemed of immediate importance, shall take
2 effect and be in force from and after its passage and publication in The
3 Burlington Hawk-Eye, a newspaper published in Burlington, Iowa, and
4 the Evening Democrat, a newspaper published in Ft. Madison, Iowa.

Approved April 14, 1969.

I hereby certify that the foregoing Act, House File 736, was published in The Burlington Hawk-Eye, Burlington, Iowa, April 17, 1969 and in the Evening Democrat, Ft. Madison, Iowa, April 18, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 233

MUNICIPAL CIVIC CENTERS

H. F. 361

AN ACT to amend chapter three hundred twenty-five (325), Acts of the Sixty-second General Assembly to authorize certain cities to acquire by purchase, lease or construction and to reconstruct, complete, equip, improve, repair, remodel, operate, control, maintain and manage civic centers and additions thereto; to acquire and improve property therefor; to levy taxes for the maintenance and operation thereof; to borrow money and issue bonds and to refund bonds and to levy taxes to pay bonds and interest thereon.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter three hundred twenty-five (325), section one (1),
2 Acts of the Sixty-second General Assembly, is hereby amended by striking
3 from line four (4) the word and figure "five (5)" and inserting in lieu thereof
4 the word "ten".

1 SEC. 2. Chapter three hundred twenty-five (325), section two (2), Acts
2 of the Sixty-second General Assembly, is hereby amended as follows:

3 1. By striking from line two (2) the words and figures "ninety thousand
4 (90,000)" and inserting in lieu thereof the words "fifty thousand".

5 2. By striking from line five (5) the words and figures "ninety thousand
6 (90,000)" and inserting in lieu thereof the words "fifty thousand".

1 SEC. 3. Chapter three hundred twenty-five (325), section three (3),
2 Acts of the Sixty-second General Assembly, is hereby amended by striking
3 from line two (2) the words and figures "ninety thousand (90,000)" and
4 inserting in lieu thereof the words "fifty thousand".

1 SEC. 4. Chapter three hundred twenty-five (325), section eleven (11),
2 Acts of the Sixty-second General Assembly, is hereby amended by striking
3 from line three (3) the words and figures "ninety thousand (90,000)" and
4 inserting in lieu thereof the words "fifty thousand".

1 SEC. 5. Chapter three hundred twenty-five (325), section one (1), Acts
2 of the Sixty-second General Assembly, is hereby amended by striking all
3 of said section following the word "uses" in line fifteen (15) thereof and in-
4 serting in lieu thereof a period.

1 SEC. 6. Chapter three hundred twenty-five (325), section one (1), Acts
2 of the Sixty-second General Assembly, is hereby amended by adding there-
3 to the following subsection four (4):

4 "4. 'Project' shall mean the acquisition by purchase or construction of
5 civic centers, additions thereto and facilities therefor, the reconstruction,
6 completion, equipment, improvement, repair or remodeling of civic centers,
7 additions thereto and facilities therefor, and the acquisition of property
8 therefor of every kind and description, whether real, personal or mixed, by
9 gift, purchase, lease, condemnation or otherwise and the improvement of
10 the same."

1 SEC. 7. Chapter three hundred twenty-five (325), section seven (7),
2 Acts of the Sixty-second General Assembly, is hereby amended by striking
3 from line six (6) thereof the words "restaurants, and retail shops,".

1 SEC. 8. Chapter three hundred twenty-five (325), section ten (10),
2 Acts of the Sixty-second General Assembly, is hereby amended by insert-
3 ing after the word "into" in line two (2) thereof the words "or bonds issued"
4 and inserting after the word "lease" in line four (4) thereof the words "or
5 the adoption of the resolution authorizing the issuance of such bonds", and
6 by renumbering said section as Section 13.

1 SEC. 9. Chapter three hundred twenty-five (325), Acts of the Sixty-
2 second General Assembly, is hereby amended by adding thereto the follow-
3 ing new sections as Sections 10, 11 and 12:

4 "Sec. 10. In addition to the powers otherwise conferred upon cities hav-
5 ing a population in excess of fifty thousand (50,000) as provided by this Act
6 and as an alternative to leasing civic centers from nonprofit corporations
7 as hereinbefore provided, such cities are hereby authorized to undertake
8 and carry out any project as hereinbefore defined, and the governing bodies
9 thereof are authorized to operate, control, maintain and manage civic cen-
10 ters and additions thereto and facilities therefor. To pay the cost of oper-
11 ating, maintaining and managing a civic center which is owned and oper-

12 ated by any such city, the city council thereof is authorized to levy an an-
 13 nual special tax not exceeding one-half mill per annum on all the taxable
 14 property in the city, said levy to be in addition to all other levies author-
 15 ized by law for similar purposes.

16 "Sec. 11. To pay all or any part of the cost of carrying out any project
 17 said cities are authorized to borrow money and to issue and sell general
 18 obligation bonds, and to refund bonds issued for any project or for refund-
 19 ing purposes at the same rate or rates, at a higher rate or rates, or at a lower
 20 rate or rates, and from time to time as often as the city council shall find
 21 it advisable and necessary so to do. The city council may provide for the
 22 retirement of the bonds at any time prior to maturity, and in such manner
 23 and upon payment of such premiums as it may determine in the resolution
 24 providing for the issuance of the bonds. It shall not be necessary to submit
 25 to the voters the proposition of issuing bonds for refunding purposes, but
 26 prior to the issuance of bonds for other purposes, the city council shall
 27 submit to the voters of the city the proposition of issuing the bonds, and
 28 in this connection the city council is hereby authorized to call a special
 29 election, on its own motion, at which the proposition shall be submitted
 30 to the voters. Notice of said election shall be published once each week for
 31 at least four (4) consecutive weeks in a newspaper published and having a
 32 general circulation in the city, which notice shall state the date of the elec-
 33 tion, the hours of opening and closing the polls and the precincts and poll-
 34 ing places, as well as the question to be submitted. The election shall be
 35 held on a date not less than five (5) nor more than twenty (20) days after
 36 the last publication of the notice. At such election the ballot shall be pre-
 37 pared and used in substantially the form for submitting special questions
 38 at general elections and the form of proposition shall be substantially as
 39 follows:

40 'Shall the city of _____, in the county of _____, State of
 41 Iowa, issue bonds in the amount of _____ for the purpose of
 42 _____?'

43 No such proposition shall be declared carried unless the vote in favor of the
 44 issuance of the bonds is equal to at least sixty (60) percent of the total
 45 vote cast for and against the proposition at the election. Before the issu-
 46 ance of bonds under this Act, the city council shall adopt a resolution pro-
 47 viding for the levy of annual taxes sufficient to pay maturing installments
 48 of the principal of and interest on said bonds in accordance with the pro-
 49 visions of chapter seventy-six (76) of the Code, and said bonds shall mature
 50 within a period not exceeding twenty (20) years from date of issue, shall
 51 bear interest at a rate or rates not exceeding six (6) percent per annum and
 52 shall be of such form as the city council shall by resolution provide, but
 53 the aggregate indebtedness of any such city shall not exceed five (5) percent
 54 of the actual value of the taxable property within the city as ascertained
 55 by the last preceding state and county tax lists.

56 Bonds issued pursuant to the provisions of this Act shall be sold by the
 57 city council in the manner prescribed by chapter seventy-five (75) of the
 58 Code; provided, however, that refunding bonds may either be sold and the
 59 proceeds thereof applied to the payment of the bonds being refunded, or
 60 the refunding bonds may be issued in exchange for and upon surrender and
 61 cancellation of the bonds being refunded.

62 "Sec. 12. The city council of any such city is authorized to apply for
 63 and accept federal aid or nonfederal gifts or grants of funds and to use the
 64 same to pay all or any part of the cost of carrying out any project, or of

65 operating and maintaining the same, or to pay principal of or interest on
 66 any bonds issued under the provisions of this Act. All bonds issued under
 67 the terms of this Act shall be exempt from taxation by the State of Iowa
 68 and the interest thereon shall be exempt from the state income tax."

1 SEC. 10. Chapter three hundred twenty-five (325), sections eleven (11)
 2 and twelve (12), Acts of the Sixty-second General Assembly, as amended
 3 hereby, are hereby renumbered as sections fourteen (14) and fifteen (15).

1 SEC. 11. This Act shall be construed as providing an alternative and
 2 independent method for carrying out any project, for the issuance and sale
 3 or exchange of bonds in connection therewith and for refunding bonds
 4 pertinent thereto, without reference to any other statute, and shall not be
 5 construed as an amendment of or subject to the provisions of any other
 6 law, and no other further proceedings in respect to the issuance or sale or
 7 exchange of bonds under this Act shall be required, except such as are
 8 prescribed by this Act, any provisions of other statutes of the state to the
 9 contrary notwithstanding.

Approved May 8, 1969.

CHAPTER 234

AUTHORITY OF TOWNS TO ISSUE BRIDGE BONDS

H. F. 186

AN ACT relating to the authority of towns with respect to public bridges, culverts, viaducts, underpasses, grade crossing separations and approaches thereto and authorizing towns to contract indebtedness and issue general obligation bonds therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter three hundred eighty-one (381), Code 1966, is
 2 hereby amended by adding thereto the following new sections:

3 1. "Towns may by ordinance assume the care, supervision, and control
 4 of any public bridge, culvert, viaduct, underpass, grade crossing separation
 5 and approaches thereto, not constructed or maintained by any railroad
 6 company under the provisions of chapter three hundred eighty-seven (387),
 7 within their corporate limits. A town which has so assumed the care, super-
 8 vision and control of any such public bridge, culvert, viaduct, underpass,
 9 grade crossing separation and approaches thereto shall, with respect there-
 10 to, have all of the duties and powers of a city under the provisions of sec-
 11 tion three hundred eighty-one point one (381.1)."

12 2. "Towns shall have the power within their corporate limits to con-
 13 struct public bridges, culverts, viaducts, underpasses, grade crossing sepa-
 14 rations and approaches thereto and, with respect thereto, shall have all of
 15 the duties and powers of a city under the provisions of section three hun-
 16 dred eighty-one point one (381.1)."

1 SEC. 2. Section three hundred eighty-one point seven (381.7), Code
 2 1966, is hereby amended as follows:

3 1. By inserting in line one (1) after the word "Cities" the words "and
 4 towns".

5 2. By inserting in line twenty (20) after the word "city" the words "or
 6 town".