

January 28, 1959.
Judiciary 2.

House File 171
By HIRSCH.

Passed House, Date 2-10-59 Passed Senate, Date.....
Vote: Ayes 102 Nays 0 (6) Vote: Ayes..... Nays.....
Approved..... 2-7-59

A BILL FOR

An Act to legalize and validate the proceedings of the city council of the city of Indianola, in Warren county, state of Iowa, in the conduct of an election on the propositions of the issuance of memorial building bonds, for the levy of taxes for the payment thereof, and the use of other city funds for memorial building purposes.

WHEREAS, pursuant to a petition with the requisite signatures, the city council of the city of Indianola, Iowa, provided for the submission to the voters of said city at a special election held on August 12, 1958, pursuant to the provisions of chapter thirty-seven (37) Code 1958, propositions as follows:

"Shall the city of Indianola, Iowa, for the purpose of paying a part of the cost of erecting and equipping a memorial building to be used as a natatorium as provided in chapter thirty-seven (37) of the Code, be authorized to use the unexpended sum of forty thousand (\$40,000.00) in the memorial fund heretofore collected by the levy of a memorial bond fund tax pursuant to an election of the voters of Indianola, Iowa, held on December 18, 1944, and for such purpose to use land heretofore acquired by the city as a site for a memorial building?"

"Shall the city of Indianola, Iowa, erect and equip a memorial building to be used as a natatorium as provided in chapter thirty-seven (37) of the Code and issue bonds in the sum of not to exceed one hundred and ten thousand (\$110,000.00) which, in addition to an unexpended balance of forty thousand (\$40,000.00) in the memorial fund, shall be used to cover the expense of the same, and levy a tax annually of not to exceed twenty (20) years to pay the principal and interest on said bonds?"

and

WHEREAS, at said election said propositions carried by a majority of 78% of the total votes cast for and against said propositions at said election; and

WHEREAS, doubts have arisen as to the legal sufficiency of said election petition as hereinbefore referred to, the election proceedings subsequent thereto, the election

itself, the giving of notice thereof, and the authority of the city council and city officials of said city to contract indebtedness and issue bonds for such purpose and to use the unexpended balance of forty thousand (\$40,000.00) in the memorial fund of said city for such purpose as authorized at said election of August 12, 1958, and it is deemed advisable to put said doubts and all other doubts concerning the same that might arise, forever at rest; now, therefore,

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

1 Section 1. All proceedings heretofore taken by
2 the city council of the city of Indianola, in the
3 county of Warren, state of Iowa, preliminary to and in
4 connection with the call of special election held on
5 August 12, 1958, for the submission of the propositions
6 for the authorization and issuance of one hundred and
7 ten thousand (\$110,000.00) of memorial building bonds
8 of said city for the construction of a memorial building
9 to be used as a natatorium, and for the use of the
10 balance of forty thousand \$(40,000.00) in the city's
11 memorial fund for such purpose, including also the
12 petition calling for said election, the election itself
13 and the adoption of said propositions at said election
14 by the voters of said city, are hereby legalized,
15 validated and confirmed, and shall constitute full
16 authority for the city council of said city to issue said
17 bonds for the purposes authorized at said election, in an
18 amount not exceeding one hundred and ten thousand (\$110,000.00),
19 and to levy taxes for the payment of the principal and
20 interest of said bonds, and to use said forty thousand
21 (\$40,000.00) in the memorial fund of said city for such
22 purpose, and said bonds, when issued, shall constitute

23 valid and binding obligations of said city.

- 1 Sec. 2. THIS ACT, being deemed of immediate importance,
- 2 shall be in full force and effect from and after its
- 3 passage and publication in the Record-Herald and Indianola
- 4 Tribune a newspaper published at Indianola, Iowa, and
- 5 Osceola Sentinel a newspaper published at Osceola, Iowa,
- 6 all without expense to the state.

EXPLANATION OF HOUSE FILE 171

The voters of the city of Indianola, Iowa, on August 12, 1958, at a special election, authorized the issuance of certain bonds in the amount of \$110,000 to erect and equip a memorial building to be used as a natatorium and authorized the use of \$40,000 in an unexpended balance in the memorial funds in addition to cover the expense, and authorized the use of lands purchased with funds from the memorial fund, belonging to the city, as a site for a memorial building, and authorized the levying of a tax.

The propositions carried by a majority of 78 percent of the total votes cast for and against the propositions at the election. However, certain questions have arisen as to the legality of the proceedings, and as to the legality of the use of the land, and the use of the memorial fund heretofore collected. This Legalizing Act is to resolve these questions and doubts.

