

Reprinted 5/78

APR 10 1978

HOUSE FILE 2403

Judiciary & Law Enforcement

By HINKHOUSE, SCHNEKLOTH,
PELTON and NEWHARD

Passed House, Date 5-3-78 (p. 2199) Passed Senate, Date 5-11-78 (p. 2199)
Vote: Ayes 76 Nays 16 Vote: Ayes 30 Nays 14
Approved June 2, 1978

A BILL FOR

1 An Act to legalize proceedings taken by the county board of
2 supervisors of Clinton county relating to the remodeling,
3 expansion and repair of the Clinton county care facility
4 and to authorize payments for additional costs incurred if
5 the payments can be accomplished without a levy of addi-
6 tional taxes.

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HOUSE FILE 2403

H-6238

1 Amend House File 2403 as follows:

2 1. Page 2, by inserting after line 14 the follow-
3 ing:

4 "WHEREAS, the general assembly is of the opinion
5 that the private parties involved in the transactions
6 enumerated in this Act should be paid for their
7 materials and services but that actions of local
8 public officials which are contrary to the Code of
9 Iowa should not be easily sanctioned by the procedure
10 of obtaining a legalizing Act and that local public
11 officials should not be easily forgiven for failing
12 to determine the proper procedures required by law
13 in entering into and carrying out public contracts
14 and once determined, proceeding contrary to such law;
15 and".

H-6238 FILED Adopted 5/3 BY PATCHETT of Johnson
APRIL 24, 1978 (p. 2199) JESSE of Polk
SHIMANEK of Jones

1 WHEREAS, the county of Clinton was in need of an expanded
2 and remodeled health care facility and the facility was being
3 operated pursuant to a temporary certificate issued by the
4 state department of health because of violations relating
5 to the lack of adequate facilities then existing; and

6 WHEREAS, the proposition for such expansion and remodeling
7 was submitted on August 12, 1975, to the voters pursuant to
8 chapter three hundred forty-five (345) of the Code of Iowa,
9 1975, and was endorsed by more than seventy percent of the
10 voters; and

11 WHEREAS, pursuant to the election, the Clinton county board
12 of supervisors invited public bids for the project and after
13 review of the bids entered into certain contracts with Vulcan
14 Construction Company and R. L. M. Johnson & Associates for
15 the necessary construction and architectural work to be
16 performed; and

17 WHEREAS, during the construction period some of the pro-
18 posed work originally subject to bid, but deleted by negotia-
19 tions, was later recontracted for pursuant to appropriate
20 change orders; and additional remodeling and emergency repair
21 work were also performed after issuance of appropriate change
22 orders; and

23 WHEREAS, pursuant to requests by the state fire marshal
24 and the state board of health, additional costs were incurred
25 during the construction period in order to meet code and
26 safety requirements; and

27 WHEREAS, the Clinton county care facility serves as a
28 living quarters and provides care for transferees from the
29 mental health institute in Mt. Pleasant, Iowa, as well as
30 cares for individuals committed by legal process and as such
31 this expansion and remodeling program may be considered a
32 mental health or mental retardation project within the meaning
33 of section three hundred forty-five point one (345.1) of the
34 Code of Iowa 1977; and

35 WHEREAS, all of the above work contracted for has been

1 completed and there are available funds on hand, including
2 federal revenue sharing funds, which can be utilized for the
3 payment of such work performed by Vulcan Construction Company
4 and R. L. M. Johnson & Associates; and

5 WHEREAS, additional project costs evidenced by seven change
6 orders in the amount of two hundred sixty-seven thousand three
7 hundred eighty-eight dollars and ninety-three cents
8 (\$267,388.93) were not submitted to the voters of the county
9 nor did the board provide notice and hold an additional public
10 hearing on the additional project costs as may have been
11 required pursuant to section three hundred forty-five point
12 one (345.1) of the Code, but the board did hold additional
13 public hearings after public notices were given pursuant to
14 the provisions of the Federal Revenue Sharing Act; and

15 WHEREAS, since doubts have arisen concerning the legal
16 sufficiency of the Clinton county board of supervisors'
17 compliance with the provisions of sections three hundred
18 forty-five point one (345.1) and three hundred thirty-two
19 point seven (332.7) and chapter twenty-three (23) of the Code
20 of Iowa 1977 and it is deemed advisable and necessary to put
21 such doubts and all others that might arise concerning the
22 same to rest; NOW THEREFORE,

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

24 Section 1. All proceedings theretofore taken by the board
25 of supervisors of Clinton county in connection with and
26 pertaining to entering into contracts with Vulcan Construction
27 Company and R. L. M. Johnson & Associates for the expansion
28 and remodeling of the Clinton county care facility in Clinton
29 County, Iowa, including all payments made and those authorized
30 to be made by the board of supervisors are hereby legalized,
31 validated and confirmed.

32 Sec. 2. The Clinton county board of supervisors is au-
33 thorized, pursuant to its contractual agreements, to make
34 payments in the amount of one hundred ninety-five thousand
35 nine hundred fifteen dollars and twenty-three cents

1 (\$195,915.23) to Vulcan Construction Company and R. L. M.
2 Johnson & Associates, which represents the unpaid balance
3 due and owing.

4 Sec. 3. All payments made pursuant to this Act shall be
5 accomplished without a levy of additional taxes and such pay-
6 ments to be made will be derived from moneys presently avail-
7 able to the county which include funds previously obtained
8 from federal revenue sharing programs.

9 Sec. 4. This Act, being deemed of immediate importance,
10 shall take effect and be in force from and after its publica-
11 tion in The Clinton Herald, a newspaper published in Clinton,
12 Iowa, and in the The DeWitt Observer, a newspaper published
13 in DeWitt, Iowa, without expense to the state.

14 EXPLANATION

15 This bill legalizes proceedings taken by the board of
16 supervisors of Clinton County relating to contracts entered
17 into for the expansion and remodeling of the Clinton County
18 Care Facility.

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See Judiciary 5/8 2/10 (p. 145)

HOUSE FILE 2403

Judiciary
DeKoster, Chairperson
Hill of Poik
Doderer

HOUSE FILE 2403

By HINKHOUSE, SCHNEKLOTH,
PELTON and NEWHARD

(As Amended and Passed by the House)

Passed House, Date 5-3-78 (p. 2188) Passed Senate, Date 5-11-78 (p. 1422)

Vote: Ayes 76 Nays 16 Vote: Ayes 30 Nays 14

Approved 6-2-78

A BILL FOR

1 An Act to legalize proceedings taken by the county board of
2 supervisors of Clinton county relating to the remodeling,
3 expansion and repair of the Clinton county care facility
4 and to authorize payments for additional costs incurred if
5 the payments can be accomplished without a levy of addi-
6 tional taxes.

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House Amendments _____

1 WHEREAS, the county of Clinton was in need of an expanded
2 and remodeled health care facility and the facility was being
3 operated pursuant to a temporary certificate issued by the
4 state department of health because of violations relating
5 to the lack of adequate facilities then existing; and

6 WHEREAS, the proposition for such expansion and remodeling
7 was submitted on August 12, 1975, to the voters pursuant to
8 chapter three hundred forty-five (345) of the Code of Iowa,
9 1975, and was endorsed by more than seventy percent of the
10 voters; and

11 WHEREAS, pursuant to the election, the Clinton county board
12 of supervisors invited public bids for the project and after
13 review of the bids entered into certain contracts with Vulcan
14 Construction Company and R. L. M. Johnson & Associates for
15 the necessary construction and architectural work to be
16 performed; and

17 WHEREAS, during the construction period some of the pro-
18 posed work originally subject to bid, but deleted by negotia-
19 tions, was later recontracted for pursuant to appropriate
20 change orders; and additional remodeling and emergency repair
21 work were also performed after issuance of appropriate change
22 orders; and

23 WHEREAS, pursuant to requests by the state fire marshal
24 and the state board of health, additional costs were incurred
25 during the construction period in order to meet code and
26 safety requirements; and

27 WHEREAS, the Clinton county care facility serves as a
28 living quarters and provides care for transferees from the
29 mental health institute in Mt. Pleasant, Iowa, as well as
30 cares for individuals committed by legal process and as such
31 this expansion and remodeling program may be considered a
32 mental health or mental retardation project within the meaning
33 of section three hundred forty-five point one (345.1) of the
34 Code of Iowa 1977; and

35 WHEREAS, all of the above work contracted for has been

1 completed and there are available funds on hand, including
2 federal revenue sharing funds, which can be utilized for the
3 payment of such work performed by Vulcan Construction Company
4 and R. L. M. Johnson & Associates; and

5 WHEREAS, additional project costs evidenced by seven change
6 orders in the amount of two hundred sixty-seven thousand three
7 hundred eighty-eight dollars and ninety-three cents
8 (\$267,388.93) were not submitted to the voters of the county
9 nor did the board provide notice and hold an additional public
10 hearing on the additional project costs as may have been
11 required pursuant to section three hundred forty-five point
12 one (345.1) of the Code, but the board did hold additional
13 public hearings after public notices were given pursuant to
14 the provisions of the Federal Revenue Sharing Act; and

15 WHEREAS, the general assembly is of the opinion that the
16 private parties involved in the transactions enumerated in
17 this Act should be paid for their materials and services
18 but that actions of local public officials which are contrary
19 to the Code of Iowa should not be easily sanctioned by the
20 procedure of obtaining a legalizing Act and that local public
21 officials should not be easily forgiven for failing to
22 determine the proper procedures required by law in entering
23 into and carrying out public contracts and once determined,
24 proceeding contrary to such law; and

25 WHEREAS, since doubts have arisen concerning the legal
26 sufficiency of the Clinton county board of supervisors'
27 compliance with the provisions of sections three hundred
28 forty-five point one (345.1) and three hundred thirty-two
29 point seven (332.7) and chapter twenty-three (23) of the Code
30 of Iowa 1977 and it is deemed advisable and necessary to put
31 such doubts and all others that might arise concerning the
32 same to rest; NOW THEREFORE,

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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35 of supervisors of Clinton county in connection with and

1 pertaining to entering into contracts with Vulcan Construction
2 Company and R. L. M. Johnson & Associates for the expansion
3 and remodeling of the Clinton county care facility in Clinton
4 County, Iowa, including all payments made and those authorized
5 to be made by the board of supervisors are hereby legalized,
6 validated and confirmed.

7 Sec. 2. The Clinton county board of supervisors is au-
8 thorized, pursuant to its contractual agreements, to make
9 payments in the amount of one hundred ninety-five thousand
10 nine hundred fifteen dollars and twenty-three cents
11 (\$195,915.23) to Vulcan Construction Company and R. L. M.
12 Johnson & Associates, which represents the unpaid balance
13 due and owing.

14 Sec. 3. All payments made pursuant to this Act shall be
15 accomplished without a levy of additional taxes and such pay-
16 ments to be made will be derived from moneys presently avail-
17 able to the county which include funds previously obtained
18 from federal revenue sharing programs.

19 Sec. 4. This Act, being deemed of immediate importance,
20 shall take effect and be in force from and after its publica-
21 tion in The Clinton Herald, a newspaper published in Clinton,
22 Iowa, and in the The DeWitt Observer, a newspaper published
23 in DeWitt, Iowa, without expense to the state.

24 EXPLANATION

25 This bill legalizes proceedings taken by the board of
26 supervisors of Clinton County relating to contracts entered
27 into for the expansion and remodeling of the Clinton County
28 Care Facility.

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HOUSE FILE 2403

AN ACT

TO LEGALIZE PROCEEDINGS TAKEN BY THE COUNTY BOARD OF SUPERVISORS OF CLINTON COUNTY RELATING TO THE REMODELING, EXPANSION AND REPAIR OF THE CLINTON COUNTY CARE FACILITY AND TO AUTHORIZE PAYMENTS FOR ADDITIONAL COSTS INCURRED IF THE PAYMENTS CAN BE ACCOMPLISHED WITHOUT A LEVY OF ADDITIONAL TAXES.

WHEREAS, the county of Clinton was in need of an expanded and remodeled health care facility and the facility was being operated pursuant to a temporary certificate issued by the state department of health because of violations relating to the lack of adequate facilities then existing; and

WHEREAS, the proposition for such expansion and remodeling was submitted on August 12, 1975, to the voters pursuant to chapter three hundred forty-five (345) of the Code of Iowa, 1975, and was endorsed by more than seventy percent of the voters; and

WHEREAS, pursuant to the election, the Clinton county board of supervisors invited public bids for the project and after review of the bids entered into certain contracts with Vulcan Construction Company and R. L. M. Johnson & Associates for the necessary construction and architectural work to be performed; and

WHEREAS, during the construction period some of the proposed work originally subject to bid, but deleted by negotiations, was later recontracted for pursuant to appropriate change orders; and additional remodeling and emergency repair work were also performed after issuance of appropriate change orders; and

WHEREAS, pursuant to requests by the state fire marshal and the state board of health, additional costs were incurred during the construction period in order to meet code and

safety requirements; and

WHEREAS, the Clinton county care facility serves as a living quarters and provides care for transferees from the mental health institute in Mt. Pleasant, Iowa, as well as cares for individuals committed by legal process and as such this expansion and remodeling program may be considered a mental health or mental retardation project within the meaning of section three hundred forty-five point one (345.1) of the Code of Iowa 1977; and

WHEREAS, all of the above work contracted for has been completed and there are available funds on hand, including federal revenue sharing funds, which can be utilized for the payment of such work performed by Vulcan Construction Company and R. L. M. Johnson & Associates; and

WHEREAS, additional project costs evidenced by seven change orders in the amount of two hundred sixty-seven thousand three hundred eighty-eight dollars and ninety-three cents (\$267,388.93) were not submitted to the voters of the county nor did the board provide notice and hold an additional public hearing on the additional project costs as may have been required pursuant to section three hundred forty-five point one (345.1) of the Code, but the board did hold additional public hearings after public notices were given pursuant to the provisions of the Federal Revenue Sharing Act; and

WHEREAS, the general assembly is of the opinion that the private parties involved in the transactions enumerated in this Act should be paid for their materials and services but that actions of local public officials which are contrary to the Code of Iowa should not be easily sanctioned by the procedure of obtaining a legalizing Act and that local public officials should not be easily forgiven for failing to determine the proper procedures required by law in entering into and carrying out public contracts and once determined, proceeding contrary to such law; and

WHEREAS, since doubts have arisen concerning the legal sufficiency of the Clinton county board of supervisors' compliance with the provisions of sections three hundred forty-five point one (345.1) and three hundred thirty-two point seven (332.7) and chapter twenty-three (23) of the Code of Iowa 1977 and it is deemed advisable and necessary to put such doubts and all others that might arise concerning the same to rest; NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. All proceedings theretofore taken by the board of supervisors of Clinton county in connection with and pertaining to entering into contracts with Vulcan Construction Company and R. L. H. Johnson & Associates for the expansion and remodeling of the Clinton county care facility in Clinton County, Iowa, including all payments made and those authorized to be made by the board of supervisors are hereby legalized, validated and confirmed.

Sec. 2. The Clinton county board of supervisors is authorized, pursuant to its contractual agreements, to make payments in the amount of one hundred ninety-five thousand nine hundred fifteen dollars and twenty-three cents (\$195,915.23) to Vulcan Construction Company and R. L. H. Johnson & Associates, which represents the unpaid balance due and owing.

Sec. 3. All payments made pursuant to this Act shall be accomplished without a levy of additional taxes and such payments to be made will be derived from moneys presently available to the county which include funds previously obtained from federal revenue sharing programs.

Sec. 4. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Clinton Herald, a newspaper published in Clinton,

Iowa, and in the The DeWitt Observer, a newspaper published in DeWitt, Iowa, without expense to the state.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2403, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 2, 1978

ROBERT D. RAY
Governor