



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

March 14, 2012

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 2292, an Act to legalize the proceedings of the City Council of Ankeny, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project with Pirc-Tobin Construction, INC. of Alburnett, Iowa, in connection with, and to legalize said contract, and authorize its performance by said council and the financing including project notes issued thereof.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry E. Branstad".

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



Senate File 2292

AN ACT

TO LEGALIZE THE PROCEEDINGS OF THE CITY COUNCIL OF ANKENY, IOWA, INCLUDING ALL LEGAL NOTICES GIVEN, IN CONNECTION WITH THE MAKING OF A CONTRACT FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE NE 7TH STREET SANITARY SEWER IMPROVEMENT PROJECT WITH PIRC-TOBIN CONSTRUCTION, INC. OF ALBURNETT, IOWA, IN CONNECTION WITH, AND TO LEGALIZE SAID CONTRACT, AND AUTHORIZE ITS PERFORMANCE BY SAID COUNCIL AND THE FINANCING INCLUDING PROJECT NOTES ISSUED THEREOF.

WHEREAS, on August 15, 2011, the City Council passed a resolution ordering the construction of certain improvements to the NE 7th Street Sanitary Sewer Improvement Project of said City, and directed publication of a Notice of Hearing and Letting, pursuant to the provisions of Chapters 26 and 384 of the Code of Iowa, 2011; and

WHEREAS, on September 19, 2011, said City entered into a contract for the construction of said improvements, covered by the resolution ordering construction hereinabove mentioned, with Pirc-Tobin Construction, Inc., which company thereafter filed its performance and maintenance bond with the City; and

WHEREAS, said construction work has now been commenced and a portion completed by said contractor, and said contractor has been partially paid for such work from available bond proceeds of said City; and

WHEREAS, doubts have arisen concerning the legality of the construction contract due to the omission of the publication of Notice of Hearing and Letting as required by Section 26.3 of the Iowa Code, and further due to said omission, doubts have arisen concerning the power of the Council to order disbursement of additional funds to the contractor and to issue and sell bonds to pay for the remaining cost of said