

MAR 27 1974

HOUSE FILE 1473

*Ways and Means
Calendar
See Judiciary 3/28, Page 41*

By COMMITTEE ON WAYS AND MEANS

Passed House, Date 3-28-74 (1293) Passed Senate, Date 4-2-74 (1129)
Vote: Ayes 79 Nays 1 Vote: Ayes 43 Nays 0
Approved 4-3-74

A BILL FOR

1 An Act to legalize contracts awarded by the town of Liberty-
2 ville, Jefferson County, Iowa, dated February 4th, 1974,
3 for the improvements and extensions to the municipal water-
4 works in said town.

5 WHEREAS, records of the town of Libertyville, Jefferson
6 County, Iowa, show that on the first day of October 1973,
7 the town council adopted a resolution ordering construction
8 of improvements and extensions to the municipal waterworks
9 and fixing the date for hearing thereon and the taking of
10 bids therefor and directing publication of a notice of hear-
11 ing and letting, pursuant to the provisions of chapters 23
12 and 397 of the Code of Iowa, 1973; and

13 WHEREAS, said hearing was held and no objections received;
14 and

15 WHEREAS, bids were received and contracts awarded and,

16 WHEREAS, it has been discovered by said town that said
17 notice of hearing and letting was published only in the news-
18 paper having general circulation within the municipality and
19 was not also published in a newspaper of general circulation
20 in the state of Iowa as required by section 397.16 of the
21 Code of Iowa, 1973; and

22 WHEREAS, doubts have arisen concerning the legality of
23 the construction contracts due to the failure to publish said
24 notice of hearing and letting in the second newspaper and
25 it is required that said doubts be resolved; NOW THEREFORE,

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

2 Section 1. All notices given by the town of Libertyville,
3 Jefferson County, Iowa, in connection with and pertaining
4 to the hearing and letting and the award of contracts for
5 the construction of improvements and extensions to the mu-
6 nicipal waterworks, said contracts being dated February 4,
7 1974, pursuant to the resolution ordering construction adopted
8 August 15, 1973, and said contracts themselves are hereby
9 legalized, validated and confirmed and shall constitute full
10 authority for the said town council to proceed with the con-
11 struction of said improvements as provided in same resolution
12 ordering construction.

13 Sec. 2. Nothing herein contained shall be construed as
14 to affect pending litigation, if any.

15 Sec. 3. This Act, being deemed of immediate importance,
16 shall take effect and be in force from and after its publi-
17 cation in The Fairfield Ledger, a newspaper published in
18 Fairfield, Iowa, and in The Record-Republican, a newspaper
19 published in Bonaparte, Iowa, without expense to the state.

20 EXPLANATION

21 On September 25, 1972, the electors of the town of Liberty-
22 ville, Jefferson County, Iowa, by a vote of 85 to 12, autho-
23 rized the town to contract with the city of Fairfield, Iowa,
24 for the purchase of water to supply the needs of the existing
25 waterworks. Following the election, the town council adopted
26 a resolution ordering construction of these improvements and
27 extensions and providing that notice of hearing and letting
28 be given. Section 397.16 of the Code of Iowa provides that
29 the notice of hearing and letting must be published in a news-
30 paper having general circulation in the municipality and also
31 in a newspaper having general circulation in the state of
32 Iowa. The newspaper with such latter circulation is The Des
33 Moines Register. The work was let in two contracts. There
34 were four bids received on the first contract and three bids
35 received on the second. Notice of the letting was published

1 in The Fairfield Ledger as required by the statute, but through
 2 oversight, was not published in The Des Moines Register.
 3 The low bids for each of the contracts were received in
 4 November, 1973, and are considerably more favorable than could
 5 be obtained if the town is required to recommence the bidding
 6 procedure. Since the citizens of the community must pay these
 7 additional costs, it is extremely important that the present
 8 contracts be preserved. In addition to the notice being
 9 published in The Fairfield Ledger, there were publications
 10 in trade journals and a wide general circulation of information
 11 with respect to the hearing and letting as evidenced by the
 12 number of bids received, some from out of the state. The
 13 purpose of this Act is to legalize the letting procedure and
 14 avoid considerable costs and delay to the residents of the
 15 town of Libertyville, Iowa.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

*Proof of Publication 3/28 (A-1084)
 Fairfield Daily Ledger 3/21
 4/17 (2,1463) (4-1709)
 Ledger and Republican 4-11-74*