

APR 19 1973

Place On Calendar

S. Judiciary 5/4, Pass 5/10

HOUSE FILE 676 (568)

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Passed House, Date 4-30-73 (1071) Passed Senate, Date 6-11-73 (1640)
Vote: Ayes 85 Nays 0 Vote: Ayes 30 Nays 0
Approved 6-19-73

A BILL FOR

1 An Act to legalize and validate the proceedings of the Town
2 Council of the Town of Sanborn, in the County of O'Brien,
3 State of Iowa, in connection with the placing of the
4 management and control of the Waterworks System of said
5 Town in the Town Council.

6 WHEREAS, it appears from the records of the Council of
7 the Town of Sanborn, in the County of O'Brien, State of Iowa,
8 that heretofore the Council of the Town of Sanborn, Iowa,
9 did submit to the voters of said Town the proposition of
10 whether the management in control of the Town's Waterworks
11 should be placed in the hands of a Board of Trustees, and
12 said proposition carried at such election and the management
13 and control of the Town's Waterworks was, in fact, placed
14 in the hands of the Board of Trustees, and such Board of
15 Trustees continuously managed the Waterworks for many years,
16 and until the election mentioned hereafter; and

17 WHEREAS, at a special election on October 5, 1951, the
18 question of whether the management and control of the Water-
19 works System be placed in the hands of the duly elected
20 Council, and at said election there were 198 votes cast, of
21 which 102 votes were for the proposition and 96 votes were
22 against the proposition and said proposition carried, and
23 the management and control of the Waterworks was assumed by
24 the Council; and

25 WHEREAS, thereafter, the management and control of the

1 Waterworks in the Town of Sanborn has been exercised by the
2 Council, but doubts have arisen concerning the validity and
3 legal sufficiency of the election of October 5, 1951, and
4 concerning the jurisdiction of the Council to exercise the
5 management and control over the Municipal Waterworks in the
6 Town of Sanborn, and it is deemed advisable to put such doubts
7 and all others that might arise concerning the same forever
8 at rest; NOW THEREFORE

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

10 Section 1. That all proceedings heretofore taken by the
11 Town Council of the Town of Sanborn, O'Brien County, Iowa,
12 preliminary to and in connection with the election of October
13 5, 1951, in said Town, and the adoption by the voters of the
14 proposition whether the management and control of the Water-
15 works System be placed in the hands of the duly elected
16 Council, and the authority and jurisdiction of the Council
17 over the management and control over such Waterworks are
18 hereby legalized, validated and confirmed, and all actions
19 taken and all contracts made by the Sanborn Town Council,
20 of the type and nature which may be taken and made by town
21 councils invested with the management and control of their
22 municipal waterworks, in regard to the management and control
23 of the Waterworks System of the Town of Sanborn prior to the
24 effective date of this Act are hereby legalized, validated
25 and confirmed.

26 Sec. 2. This Act, being deemed of immediate importance,
27 shall take effect and be in force from and after its publica-
28 tion in The Sanborn Pioneer, a newspaper published in San-
29 born, Iowa, and in The Hartley Sentinel, a newspaper pub-
30 lished in Hartley, Iowa, without expense to the State.

31 EXPLANATION

32 On October 5, 1951, the Town Council in Sanborn, Iowa,
33 submitted the question whether the management and control
34 of the waterworks should be reinvested in the Council. The
35 election carried by a margin of 102 votes for and 96 votes

1 against the proposition, and since that date the management
2 and control of the Sanborn Waterworks has been in the Council.
3 Confirmation of the election is necessary to permit the Council
4 to complete the current waterworks improvements and financing
5 therefor and to permit effective long-range operation of the
6 Sanborn waterworks system.

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