

*See Journal 3/30 So Pass 4/3  
(19 1068)*

MAR 23 1979

HOUSE FILE 712

Place On Calendar

By COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

(Formerly House File 249)

Passed House, Date 3-28-79 (p 1191) Passed Senate, Date 4-20-79 (p 1205)  
Vote: Ayes 26 Nays 4 Vote: Ayes 38 Nays 6  
Approved April 30, 1979

## A BILL FOR

1 An Act relating to the legalization and validation of proceed-  
2 ings taken by the board of supervisors of Allamakee county  
3 relating to the remodeling and repair of the Allamakee  
4 county care facility and to authorize payments for additional  
5 costs incurred if the payments can be accomplished without  
6 a levy of additional taxes.

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712

1 WHEREAS, Allamakee county was in need of an expanded and  
2 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, a proposition for the construction of an addition  
7 to the county care facility at a total cost of not to exceed  
8 five hundred thousand (500,000) dollars, was submitted to  
9 the voters pursuant to chapter three hundred forty-five (345),  
10 Code of Iowa, 1973, on June 4, 1974 and was approved by sixty-  
11 eight percent of the voters; and

12 WHEREAS, such addition was subsequently constructed in  
13 conformity with all applicable statutes, at a total cost of  
14 four hundred seventy-three thousand seven hundred eighty  
15 dollars and twenty-eight cents (\$473,780.28); and

16 WHEREAS, the board of supervisors of Allamakee county  
17 subsequently ordered the remodeling of the original county  
18 care facility building on March 4, 1976 and entered into  
19 contracts therefor with David R. Stillwell Construction of  
20 Waukon, Iowa and Hengel Brothers, Inc., of LaCrosse, Wisconsin,  
21 with such contracts later amended by change orders; and

22 WHEREAS, said remodeling work was completed under the  
23 supervision of architects Powers--Willis and Associates of  
24 Iowa City, Iowa and by contractors David R. Stillwell  
25 Construction and Hengel Brothers, Inc., at a total cost of  
26 two hundred thirteen thousand sixty-two (213,062) dollars,  
27 of which all but thirty-seven thousand one hundred sixteen  
28 dollars and eighty-six cents (\$37,116.86), has been paid;  
29 and

30 WHEREAS, said contracts were made following due notice  
31 of public hearing on the project as required by section three  
32 hundred forty-five point one (345.1), Code of Iowa, 1975,  
33 and public bids for the project were duly invited, but the  
34 project was not submitted to the voters of the county as  
35 required pursuant to section three hundred forty-five point

1 one (345.1), Code of Iowa, 1975; and

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

12 WHEREAS, doubts have arisen concerning the legal sufficiency  
13 of the compliance of the board of supervisors of Allamakee  
14 county with the provisions of section three hundred forty-  
15 five point one (345.1), Code of Iowa, 1975, and it is deemed  
16 advisable and necessary to put such doubts and all others  
17 that might arise concerning the same to rest; NOW THEREFORE,  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

19 Section 1. That all proceedings heretofore taken by the  
20 board of supervisors of Allamakee county in connection with  
21 and pertaining to entering into contracts with David R.  
22 Stillwell Construction, Hengel Brothers, Inc., and Powers-  
23 -Willis and Associates for the remodeling and repair of the  
24 original Allamakee county care facility building in Allamakee  
25 county, including all payments made and those authorized to  
26 be made by the board of supervisors are hereby legalized,  
27 validated and confirmed.

28 Sec. 2. That the board of supervisors of Allamakee county  
29 is authorized, pursuant to its contractual agreements, to  
30 make payments in the amount of thirty-seven thousand one  
31 hundred sixteen dollars and eighty-six cents (\$37,116.86)  
32 to David R. Stillwell Construction and Hengel Brothers, Inc.,  
33 and Powers--Willis and Associates, which represents the unpaid  
34 balance due and owing.

35 Sec. 3. That all payments made pursuant to this Act shall

1 be accomplished without a levy of additional taxes and such  
2 payments to be made will be derived from moneys presently  
3 available to the county which include funds previously obtained  
4 from federal revenue sharing programs.

5 Sec. 4. This Act, being deemed of immediate importance,  
6 shall take effect and be in force from and after its  
7 publication in the Postville Herald, a newspaper published  
8 in Postville, Iowa, and in the Waukon Democrat, a newspaper  
9 published in Waukon, Iowa.

10 EXPLANATION

11 The bill legalizes and validates proceedings taken by the  
12 Allamakee County Board of Supervisors relating to the  
13 remodeling and repair of the Allamakee County Care Facility  
14 and authorizes payment of additional costs incurred if the  
15 payments can be accomplished without a levy of additional  
16 taxes.

17 The bill will be effective upon publication.

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HOUSE FILE 712

AN ACT

RELATING TO THE LEGALIZATION AND VALIDATION OF PROCEEDINGS  
TAKEN BY THE BOARD OF SUPERVISORS OF ALLAMAKEE COUNTY  
RELATING TO THE REMODELING AND REPAIR OF THE ALLAMAKEE  
COUNTY CARE FACILITY AND TO AUTHORIZE PAYMENTS FOR  
ADDITIONAL COSTS INCURRED IF THE PAYMENTS CAN BE ACCOM-  
PLISHED WITHOUT A LEVY OF ADDITIONAL TAXES.

WHEREAS, Allamakee county 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, a proposition for the construction of an addition  
to the county care facility at a total cost of not to exceed  
five hundred thousand (500,000) dollars, was submitted to  
the voters pursuant to chapter three hundred forty-five (345),  
Code of Iowa, 1973, on June 4, 1974 and was approved by sixty-  
eight percent of the voters; and

WHEREAS, such addition was subsequently constructed in  
conformity with all applicable statutes, at a total cost of  
four hundred seventy-three thousand seven hundred eighty  
dollars and twenty-eight cents (\$473,780.28); and

WHEREAS, the board of supervisors of Allamakee county  
subsequently ordered the remodeling of the original county  
care facility building on March 4, 1976 and entered into  
contracts therefor with David R. Stillwell Construction of  
Waukon, Iowa and Hengel Brothers, Inc., of LaCrosse, Wisconsin,  
with such contracts later amended by change orders; and

WHEREAS, said remodeling work was completed under the  
supervision of architects Powers--Willis and Associates of  
Iowa City, Iowa and by contractors David R. Stillwell  
Construction and Hengel Brothers, Inc., at a total cost of  
two hundred thirteen thousand sixty-two (213,062) dollars,  
of which all but thirty-seven thousand one hundred sixteen  
dollars and eighty-six cents (\$37,116.86), has been paid;  
and

WHEREAS, said contracts were made following due notice  
of public hearing on the project as required by section three  
hundred forty-five point one (345.1), Code of Iowa, 1975,  
and public bids for the project were duly invited, but the  
project was not submitted to the voters of the county as  
required pursuant to section three hundred forty-five point  
one (345.1), Code of Iowa, 1975; 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 law 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, doubts have arisen concerning the legal sufficiency of the compliance of the board of supervisors of Allamakee county with the provisions of section three hundred forty-five point one (345.1), Code of Iowa, 1975, 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. That all proceedings heretofore taken by the board of supervisors of Allamakee county in connection with and pertaining to entering into contracts with David R. Stillwell Construction, Hengel Brothers, Inc., and Powers--Willis and Associates for the remodeling and repair of the original Allamakee county care facility building in Allamakee county, including all payments made and those authorized to be made by the board of supervisors are hereby legalized, validated and confirmed.

Sec. 2. That the board of supervisors of Allamakee county is authorized, pursuant to its contractual agreements, to make payments in the amount of thirty-seven thousand one hundred sixteen dollars and eighty-six cents (\$37,116.86) to David R. Stillwell Construction and Hengel Brothers, Inc., and Powers--Willis and Associates, which represents the unpaid balance due and owing.

Sec. 3. That 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 Postville Herald, a newspaper published in Postville, Iowa, and in the Waukon Democrat, a newspaper published in Waukon, Iowa.

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FLOYD H. MILLEN  
Speaker of the House

\_\_\_\_\_  
TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 712, Sixty-eighth General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved *April 30* 1979

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ROBERT D. RAY  
Governor