

MAY 10 1979

HOUSE FILE 762

Ways and Means

By HALVORSON of Clayton and AVENSON

*Do Pass 5/10 (p. 2342)  
Sen. Judiciary 5/10 Do Pass 5/11 (p. 1734)*

Passed House, Date 5-10-79 (p. 229) Passed Senate, Date 5-11-79 (p. 1735)

Vote: Ayes 90 Nays 5 Vote: Ayes 40 Nays 10

Approved June 4, 1979

## A BILL FOR

1 An Act to legalize proceedings taken by the city of Indianola  
2 relating to the letting of certain contracts.  
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1 WHEREAS, the Indianola park and recreation commission  
2 entered into a contract with Howard Lester, Inc. for opening  
3 a dam, burying debris, and the grading and rolling of a parking  
4 area at a municipal park; and

5 WHEREAS, the Indianola park and recreation commission  
6 failed to advertise for bids by giving proper notice of the  
7 date, place, and time of the bid openings by proper publication  
8 prior to the date of the acceptance of the same; and

9 WHEREAS, the Indianola park and recreation commission also  
10 entered into a contract with Downing Construction, Inc. for  
11 the construction of sanitary facilities at a park at a cost  
12 of eleven thousand two hundred dollars and failed to hold  
13 a public hearing on the proposed project as required by law  
14 and further failed to advertise for bids by giving proper  
15 notice of the date, place, and time of the bid openings by  
16 proper publication prior to the date of the acceptance of  
17 the same; and

18 WHEREAS, some doubt has arisen as to the validity of the  
19 contract executed between the city of Indianola and Howard  
20 Lester, Inc., and the contract executed between the city of  
21 Indianola and Downing Construction, Inc. for certain  
22 construction projects at the municipal parks and said acts  
23 and contracts should be legalized and the matter once and  
24 for all be put to rest; NOW THEREFORE,

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

26 Section 1. That all proceedings taken by the Indianola  
27 park and recreation commission, pertaining to the letting  
28 of a contract for the opening of a dam, the burying of debris,  
29 and the grading and rolling of a parking area and the letting  
30 of a contract for the construction of sanitary facilities  
31 at a municipal park where the commission failed to hold a  
32 public hearing on the proposed projects and failed to properly  
33 publish notice of the time, place, an date of the bid opening,  
34 are validated, legalized, and confirmed and shall constitute  
35 valid, legal and binding contracts for the opening of a dam,

1 the burying of debris, and the grading and rolling of a parking  
2 area at a municipal park and for the construction of sanitary  
3 facilities at a municipal park.

4 EXPLANATION

5 The bill legalizes contracts entered into between the city  
6 of Indianola and Downing Construction, Inc. and Howard Lester,  
7 Inc.

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HOUSE FILE 762

AN ACT

TO LEGALIZE PROCEEDINGS TAKEN BY THE CITY OF INDIANOLA  
RELATING TO THE LETTING OF CERTAIN CONTRACTS.

WHEREAS, the Indianola park and recreation commission entered into a contract with Howard Lester, Inc. for opening a dam, burying debris, and the grading and rolling of a parking area at a municipal park; and

WHEREAS, the Indianola park and recreation commission failed to advertise for bids by giving proper notice of the date, place, and time of the bid openings by proper publication prior to the date of the acceptance of the same; and

WHEREAS, the Indianola park and recreation commission also entered into a contract with Downing Construction, Inc. for the construction of sanitary facilities at a park at a cost of eleven thousand two hundred dollars and failed to hold a public hearing on the proposed project as required by law and further failed to advertise for bids by giving proper notice of the date, place, and time of the bid openings by proper publication prior to the date of the acceptance of the same; and

WHEREAS, some doubt has arisen as to the validity of the contract executed between the city of Indianola and Howard Lester, Inc., and the contract executed between the city of Indianola and Downing Construction, Inc. for certain construction projects at the municipal parks and said acts and contracts should be legalized and the matter once and for all be put to rest; NOW THEREFORE,

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

Section 1. That all proceedings taken by the Indianola park and recreation commission, pertaining to the letting of a contract for the opening of a dam, the burying of debris, and the grading and rolling of a parking area and the letting of a contract for the construction of sanitary facilities

at a municipal park where the commission failed to hold a public hearing on the proposed projects and failed to properly publish notice of the time, place, and date of the bid opening, are validated, legalized, and confirmed and shall constitute valid, legal and binding contracts for the opening of a dam, the burying of debris, and the grading and rolling of a parking area at a municipal park and for the construction of sanitary facilities at a municipal park.

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FLOYD H. MILLEN  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 762, Sixty-eighth General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved June 4, 1979

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ROBERT D. RAY  
Governor