

CHAPTER 1253

JASPER COUNTY LEGALIZING ACT

S. F. 1055

AN ACT to legalize and validate the proceedings of the board of supervisors of Jasper county, Iowa, in their appointment of Kenneth L. Whitehead, Jasper county attorney, as full-time Jasper county attorney from part-time status, on the 15th day of July, 1975, and raising his annual salary from \$12,500.00 to \$22,500.00 effective the 1st day of August, 1975, and declaring the validity of said actions and authorizing the issuance and payment of said annual salary of \$22,500.00 to said Jasper county attorney commencing on the 1st day of August, 1975, and declaring that said contractual appointment of Kenneth L. Whitehead as full-time Jasper county attorney and the \$22,500.00 salary commensurate with said change in status of the Jasper county attorney shall constitute a valid and binding obligation upon Jasper county, Iowa.

WHEREAS, it appears from the records of the Jasper County Board of Supervisors that on July 15, 1975, unanimous action was taken to appoint the elected Jasper County Attorney, Kenneth L. Whitehead, a full-time County Attorney from his prior part-time status and to raise his annual salary from \$12,500.00 to \$22,500.00; and

WHEREAS, it appears that on June 30, 1975, H.F. 802 was approved and became law on July 1, 1975, without publication, providing that no increase be made in certain elected county officers' salaries including the County Attorneys', as they existed on June 30, 1975, except for a maximum of \$1,500.00, if said increase or any part thereof was approved by the Board of Supervisors; and

WHEREAS, the Jasper County Board of Supervisors, on July 1, 1975, offered said full-time County Attorney position to Kenneth L. Whitehead, and said Kenneth L. Whitehead, who was a partner in the law firm of Salisbury, Fleck and Whitehead, requested one week to consider said offer due to its personal and professional implications; and

WHEREAS, the Jasper County Board of Supervisors unanimously determined that a full-time County Attorney and County legal advisor was necessary due to the amount of criminal and civil cases pending in Jasper County, especially civil lawsuits against Jasper County Officers and Jasper County itself, for which private legal counsel would have to be retained due to the part-time status of the Jasper County Attorney; and

WHEREAS, the Jasper County Attorney agreed to give up the private practice of law as of August 1, 1975, withdraw from the aforementioned law firm, and devote his full energies and abilities in the representation of Jasper County, Iowa, and has done so, provided he be paid, as of August 1, 1975, based on an annual salary of \$22,500.00, and that the County of Jasper has so paid the Jasper County Attorney based on the aforementioned contractual agreement; and

WHEREAS, said H.F. 802 was not published but became effective on July 1, 1975, and said Jasper County Board of Supervisors and Jasper County Attorney had no knowledge of the effect of this law until long after said contract was in effect; and

WHEREAS, the intent of the General Assembly in passing H.F. 802 was to return to the counties the power to set the salaries of their elected officials and the aforementioned action by the Jasper County Board of Supervisors was consistent with the law prior to the passage of H.F. 802 and an exercise of a local body realizing the needs of the political subdivision and responding to said needs; and

WHEREAS, the Jasper County Compensation Board met pursuant to H.F. 802 and as a result of said meeting and deliberations, recommended in its proposed salary schedule for fiscal year 1976-1977, that the salary of the Jasper County

Attorney be increased from \$22,500.00 to \$23,000.00, beginning July 1, 1976, and the Board of Supervisors unanimously approved said recommendations, after public hearing on December 3, 1975, by resolution on December 16, 1975; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the acts and proceedings of such Board of Supervisors in appointing Kenneth L. Whitehead as full-time County Attorney and commensurately raising the County Attorney's salary, as of August 1, 1975, from \$12,500.00 to \$22,500.00, and authorizing the issuance of County payroll warrants from August 1, 1975, forward to pay said increased salary, and it is deemed advisable to put such doubts and all other that might arise concerning same forever at rest, NOW THEREFORE,

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. That all proceedings and actions heretofore taken by the Board of
2 Supervisors of Jasper County, Iowa, preliminarily to and in connection with the
3 appointment of Kenneth L. Whitehead, Jasper County Attorney, from a part-time
4 status to a full-time status as of August 1, 1975, with a salary of \$22,500.00 from
5 and after said date, by resolution adopted on the 15th day of July, 1975, are
6 hereby legalized, validated and confirmed and the aforesaid contractual
7 appointment shall constitute a valid and binding obligation of Jasper County,
8 Iowa, according to its terms, until July 1, 1976, when the salary recommended by
9 the Jasper County Compensation Board and approved by the Jasper County
10 Board of Supervisors on the 16th day of December, 1975, shall, according to the
11 provisions of the Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
12 one hundred ninety-one (191), become effective.

1 SEC. 2. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in The Newton Daily News, a
3 newspaper published in Newton, Iowa, and in the Waterloo Daily Courier, a
4 newspaper published in Waterloo, Iowa, without expense to the state.

Approved April 19, 1976

I hereby certify that the foregoing Act, Senate File 1055, was published in The Newton Daily News, Newton, Iowa on May 18, 1976, and in the Waterloo Daily Courier, Waterloo, Iowa on May 18, 1976.

MELVIN D. SYNHORST, *Secretary of State*