

## CHAPTER 1199

## CLINTON COUNTY LEGALIZING ACT

H. F. 2403

AN ACT to legalize proceedings taken by the county board of supervisors of Clinton county relating to the remodeling, expansion and repair of the Clinton county care facility and to authorize payments for additional costs incurred if the payments can be accomplished without a levy of additional taxes.

WHEREAS, the county of Clinton 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, the proposition for such expansion and remodeling was submitted on August 12, 1975, to the voters pursuant to chapter three hundred forty-five (345) of the Code of Iowa, 1975, and was endorsed by more than seventy percent of the voters; and

WHEREAS, pursuant to the election, the Clinton county board of supervisors invited public bids for the project and after review of the bids entered into certain contracts with Vulcan Construction Company and R. L. M. Johnson & Associates for the necessary construction and architectural work to be performed; and

WHEREAS, during the construction period some of the proposed work originally subject to bid, but deleted by negotiations, was later recontracted for pursuant to appropriate change orders; and additional remodeling and emergency repair work were also performed after issuance of appropriate change orders; and

WHEREAS, pursuant to requests by the state fire marshal and the state board of health, additional costs were incurred during the construction period in order to meet code and safety requirements; and

WHEREAS, the Clinton county care facility serves as a living quarters and provides care for transferees from the mental health institute in Mt. Pleasant, Iowa, as well as cares for individuals committed by legal process and as such this expansion and remodeling program may be considered a mental health or mental retardation project within the meaning of section three hundred forty-five point one (345.1) of the Code of Iowa 1977; and

WHEREAS, all of the above work contracted for has been completed and there are available funds on hand, including federal revenue sharing funds, which can be utilized for the payment of such work performed by Vulcan Construction Company and R. L. M. Johnson & Associates; and

WHEREAS, additional project costs evidenced by seven change orders in the amount of two hundred sixty-seven thousand three hundred eighty-eight dollars and ninety-three cents (\$267,388.93) were not submitted to the voters of the county nor did the board provide notice and hold an additional public hearing on the additional project costs as may have been required pursuant to section three hundred forty-five point one (345.1) of the Code, but the board did hold additional public hearings after public notices were given pursuant to the provisions of the Federal Revenue Sharing Act; 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 Code of Iowa 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, since doubts have arisen concerning the legal sufficiency of the Clinton county board of supervisors' compliance with the provisions of sections three hundred forty-five point one (345.1) and three hundred thirty-two point seven (332.7) and chapter twenty-three (23) of the Code of Iowa 1977 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. All proceedings theretofore taken by the board of supervisors of Clinton county in connection with and pertaining to entering into contracts with Vulcan Construction Company and R. L. M. Johnson & Associates for the expansion and remodeling of the Clinton county care facility in Clinton County, Iowa, including all payments made and those authorized to be made by the board of supervisors are hereby legalized, validated and confirmed.

Sec. 2. The Clinton county board of supervisors is authorized, pursuant to its contractual agreements, to make payments in the amount of one hundred ninety-five thousand nine hundred fifteen dollars and twenty-three cents (\$195,915.23) to Vulcan Construction Company and R. L. M. Johnson & Associates, which represents the unpaid balance due and owing.

Sec. 3. 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 Clinton Herald, a newspaper published in Clinton, Iowa, and in the The DeWitt Observer, a newspaper published in DeWitt, Iowa, without expense to the state.

Approved June 2, 1978

I hereby certify that the foregoing Act, House File 2403, was published in The Clinton Herald, Clinton, Iowa on June 7, 1978, and in The DeWitt Observer, DeWitt, Iowa on June 8, 1978.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 1200

### GRIMES LEGALIZING ACT

S. F. 2263

AN ACT for the legalization of the sale of \$390,000 general obligation corporate purpose bonds dated April 1, 1978, and \$320,000 water revenue bonds dated April 1, 1978, of the city of Grimes, Polk county, Iowa.

WHEREAS, the City of Grimes (the "City") has heretofore proposed to contract indebtedness and issue \$390,000 General Obligation Corporate Purpose Bonds to provide funds to pay the cost to that extent of constructing facilities useful for the collection and disposal of sewage and industrial wastes in a sanitary manner and refunding temporary sewer revenue obligations delivered in payment of materials and services furnished therefor and of improving and extending the Municipal Waterworks, and has published notice of the proposed action and held a hearing thereon, and has called a special city election to vote on the question of issuing bonds for the purpose of improving and extending the Municipal Waterworks, at which election the proposition was adopted