

Reported Recommending
Ind. Postponed
Passed Senate
Failed to Pass Senate
Passed House
Failed to Pass House

Senate File 228

February 7, 1947.*
Passed on File.

By FAUL.

A BILL FOR

An Act to empower and obligate the city of Des Moines to cancel certain warrants issued by the said city of Des Moines and subsequently declared illegal and void.

WHEREAS, by Ordinance No. 4266, passed by the City Council of the city of Des Moines, Iowa, on April 22, 1935, the City Council of the city of Des Moines, Iowa, for the fiscal year 1935-36, authorized expenditures for corporate purposes to be made from the General Fund in the amount of one hundred eighty-eight thousand dollars (\$188,000) in excess of the amount previously budgeted for said fiscal year, and thereafter and pursuant to said ordinance made expenditures in said amount from said fund and issued warrants of said city in like amount to evidence such expenditures, which said warrants were paid in whole or in part out of other funds belonging to said city; and

WHEREAS, the corporate purposes for which said expenditures were made and said warrants issued included election expenses, city employees' wages, and materials and supplies used by said city during said fiscal year, for all of which the city of Des Moines enjoyed the use and benefit; and,

WHEREAS, said expenses were incurred and said warrants were issued in good faith and in the behalf that they were lawful expenditures and obligations of the city of Des Moines, but thereafter all of said expenditures to said amount were invalidated by the decision of the Supreme Court of Iowa in the case of Clark v. City of Des Moines, 267 N. W. Rep. 97; and,

WHEREAS, of said total expenditures aggregating one hundred eighty-eight thousand dollars (\$188,000) there was collected the sum of seventy-five thousand three hundred forty-one and 24/100 dollars (\$75,341.24) in office receipts, leaving a deficit of one hundred twelve thousand six hundred fifty-eight dollars and 76/100 dollars (\$112,658.76); and,

WHEREAS, in addition thereto there were warrants issued in prior years as follows:

WARRANT NO.	DATE	TO WHOM PAYABLE	AMOUNT
3-44, 308	June 18, 1931	Harry Barr	\$ 5.40
6- 4, 288	October 11, 1935	N. H. Kucharo	17.50
6-10, 415	November 20, 1935	Sanders Motor Co.	5.25
6-11, 494	December 12, 1935	Sanders Motor Co.	3.94
6-13, 444	December 26, 1935	Sanders Motor Co.	4.20

aggregating thirty-six dollars and twenty-nine cents (\$36.29); and,

WHEREAS, a complete list of the aforesaid outstanding warrants, issued prior to April 1, 1936, is now on file in the office of the City Auditor of Des Moines, Iowa, having been filed with and approved by the said city council under Roll Call No. 3600, dated January 5, 1939; and,

WHEREAS, each and all of the aforesaid acts were done and performed by a previous city council and the present council desires to eliminate said existing deficit in the amount of One Hundred twelve thousand six hundred ninety-five dollars and five cents (\$112,695.05), and

WHEREAS, the said city of Des Moines is without power to dispose of the foregoing warrants now held by it; now, therefore,

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

1 Section 1. The City Treasurer of the City of Des Moines,
 2 Iowa, is empowered and prior to April 1, 1948 shall deduct from
 3 the balance in the General Fund or Consolidated Fund as shown
 4 on his records the amount of One Hundred twelve thousand six
 5 hundred ninety-five dollars and five cents (\$112,695.05) and
 6 the City Auditor is directed to cancel from the record of
 7 outstanding warrants the warrants which go to make up the
 8 aforesaid amount. The said amount to be deducted from the
 9 Treasurer's book balance shall be deducted from any unincumbered
 10 cash available in the general or consolidated fund on April 1,

11 1947 and April 1, 1948.

12 Thereafter each and all of the foregoing warrants, in all,
13 aggregating the sum of One Hundred twelve thousand six hundred
14 ninety-five dollars and five cents (\$112,695.05) shall be deemed
15 cancelled, void, and of no force and effect, and the City
16 Treasurer of the city of Des Moines shall mark thereon the
17 following, “cancelled pursuant to the terms of
18 Acts of the Fiftyth-Second General Assembly of Iowa.” The City
19 Auditor shall cancel the said warrants shown by the record of
20 outstanding warrants in like manner.