

February 16, 1951.

House File 444

Public Lands and Buildings. By NELSON of Woodbury, and MUNGER.

Passed House, Date

Vote: Ayes..... Nays.....

Passed Senate, Date

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to provide for the appointment of a board of auditorium trustees in municipal corporations and to prescribe the organization, powers, and duties of such boards.

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

1 Section 1. Board appointed. In any municipal corporation
2 having a population of eighty thousand or more and operating under
3 the commission form of government in which a municipal auditorium
4 has been established under the provisions of section three hundred
5 sixty-eight point fifty-six (368.56) there shall be appointed,
6 and in all other municipal corporations in which such an auditorium
7 has so been established there may be appointed, a board of
8 auditorium trustees.

1 Sec. 2. Original appointments. The council, by a majority
2 vote of the members, shall appoint five (5) qualified resident
3 electors of the municipal corporation, who shall constitute the
4 original board; one of said board members to serve for a one-year
5 term; one to serve for a two-year term; one to serve for a three-
6 year term; one to serve for a four-year term; and one to serve for
7 a five-year term. Each person originally appointed shall serve
8 until July 1 of the year in which the period of such original

9 appointment shall expire.

1 Sec 3. Appointments. Each year, and on or before the first
2 day of June, the council, by majority vote, shall appoint one
3 qualified elector of the municipal corporation, to serve for a
4 five-year term as a member of the board, such term to commence
5 on the first day of July of the year of appointment.

1 Sec. 4. Vacancies. In the event a vacancy occurs on the
2 board by reason of death, disability, or removal from the corporate
3 limits of any member, such vacancy shall be filled by a majority
4 vote of the members of the city council for the unexpired term.

1 Sec. 5. Compensation. The members of the board of audi-
2 torium trustees shall serve without compensation.

1 Sec. 6. Powers and duties. The board of auditorium trustees
2 shall have the following powers and duties:

3 1. First meeting. To meet on the first day of July in each
4 year, or as soon thereafter as practicable, and organize by the
5 election of a president and secretary from their own number.

6 2. Auditorium. To have charge, control, and supervision
7 of the municipal auditorium, its appurtenances, fixtures, and
8 equipment, and rooms containing same, and to direct and control
9 all affairs relating to such auditorium.

10 3. Employees. To employ a manager, and such assistants and
11 employees as may be necessary for the proper and efficient
12 management of such auditorium and other trust property held by the
13 board, and to fix the compensation of such personnel.

14 4. Tenure. All personnel employed by the board shall serve

15 at the pleasure of the board and the provisions of chapters
16 seventy (70) and three hundred sixty-five (365) shall not be
17 applicable.

18 5. Purchases. To select, purchase, and pay for furniture,
19 fixtures, equipment, and supplies for such auditorium.

20 6. Use of Auditorium. To authorize the use of such audi-
21 torium and to fix charges therefor.

22 7. Rules and regulations. To make and enforce all necessary
23 rules and regulations governing the affairs of the board and the
24 administration, use, and preservation of the auditorium and
25 other property held by the board and to provide penalties for
26 the violation of such rules and regulations.

27 8. Expenditures. To have exclusive control of all pro-
28 ceeds from taxes levied or allocated by the council for audi-
29 torium purposes and of the expenditure of all moneys available
30 by gift or otherwise and of all moneys belonging to the auditorium
31 fund, including penalties.

32 9. Gifts. To accept gifts of real or personal property,
33 and devises and bequests, including trust funds; to take titles
34 to said property in the name of said board of auditorium trustees;
35 to execute deeds and bills of sale for the conveyance of said
36 property; to execute trusts accompanying gifts, to expend the
37 income received from such gifts for the operation or improvement
38 of such auditorium; to operate and manage properties received and
39 held by the board, as aforesaid, and to receive and expend funds
40 in connection therewith.

41 10. Accounts. To keep a current and accurate record of all
42 proceedings of the board and of all receipts and expenditures.

43 11. Contracts. To make contracts for the use of such audi-
44 torium, provided that no lease of the premises, or any part thereof,
45 shall be made for a term in excess of twel^ye (12) months, without
46 prior approval of the city council.

47 12. Auditorium fund. All moneys received and set apart for
48 the operation of such auditorium shall be deposited in the municipal
49 treasury and credited to the auditorium fund and paid out only
50 upon recommendation of the board of trustees signed by its secretary.

51 13. Annual report. The board of trustees shall immediately,
52 at the close of each municipal fiscal year, make to the council
53 a report containing a statement of the condition of the auditorium,
54 the amount of money expended, the amount of money or description
55 and estimated value of property, real or personal, received by
56 such board during the prior fiscal year, together with such
57 other information as it may deem important, and such further
58 information as the council may require.

1 Sec. 7. Saving Clause. Should any section, clause, sentence,
2 or provision of this Act be held to be invalid for any reason,
3 such holding or decree shall not be construed as affecting the
4 validity of any of the remaining portions of this Act, it being
5 the intent of the legislature that this Act shall stand and the
6 legislature would have adopted the remainder of this Act,
7 notwithstanding the validity of any such section, clause, sentence,
8 or provision.

1 Sec. 8. This Act shall be in full force and effect from and
2 after its publication in The Coggon Monitor, a newspaper published
3 at Coggon, Iowa, and The Anthon Herald, a newspaper published at
4 Anthon, Iowa.

EXPLANATION OF H. F. 444

The purpose of this Act is to provide for the administration of municipal auditoriums by a board of trustees. The provisions of the bill make such board mandatory in commission cities of 80,000 or more population and permissive in all other municipal corporations.