

February 15, 1951.

**Senate File 343**

Passed on File.

By VAN EATON (Munger and Nelson of Woodbury).

Passed Senate, Date.....

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

Passed House, 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  
3 under the commission form of government in which a municipal  
4 auditorium has been established under the provisions of section  
5 three hundred sixty-eight point fifty-six (368.56) there shall be  
6 appointed, and in all other municipal corporations in which  
7 such an auditorium has so been established there may be appointed,  
8 a board of auditorium trustees.

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

9 original appointment shall expire.

1 Sec. 3. Appointments. Each year, and on or before the first  
2 day of June, the council, by a 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  
5 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  
4 each year, or as soon thereafter as practicable, and organize  
5 by the election of a president and secretary from their own  
6 number.

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

11 3. Employees. To employ a manager and such assistants and  
12 employees as may be necessary for the proper and efficient manage-  
13 ment of such auditorium and other trust property held by the

14 board, and to fix the compensation of such personnel.

15 4. Tenure. All personnel employed by the board shall serve  
16 at the pleasure of the board and the provisions of chapters  
17 seventy (70) and three hundred sixty-five (365) shall not be  
18 applicable.

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

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

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

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

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

40 and held by the board, as aforesaid, and to receive and expand  
41 funds in connection therewith.

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

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

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

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

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

6 stand and the legislature would have adopted the remainder of  
7 this Act, notwithstanding the invalidity of any such section,  
8 clause, sentence, or provision.

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

EXPLANATION OF S. F. 343

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 eighty thousand or more population and permissive in all other municipal corporation.