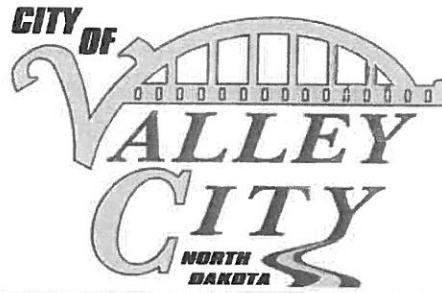


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May 14, 2018

✓ Brian Mindt 749 12th Street NW Valley City, ND 58072	Lloyd Nelson 370 3rd Street NW Valley City, ND 58072	Gary Schlagel 902 6th Ave NE Valley City, ND 58072	Robert Drake 1105 6th St. SE Valley City, ND 58072
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Committee Members:

On May 4, 2018, the Committee for Initiation of City Ordinance submitted the attached document to the City Auditor's office for review. The undersigned City Auditor responds as follows to your request for approval.

According to the Home Rule Charter of the City of Valley City, Barnes County, North Dakota,

A petition to initiate an ordinance shall be presented to the City Auditor for approval as to form prior to circulation. Each petition shall have printed thereon: "Initiation of city ordinance providing for \_\_\_\_\_" and shall accurately identify and summarize the true nature of the initiated ordinance and set forth the text of the ordinance. A request for approval shall be presented over the names and signature of three (3) or more qualified electors who shall constitute the 'Committee for the Petitioners' and who shall act for the petitioners. Within ten (10) days after receipt of the petition, the City Auditor shall either approve the petition for circulation if it is in proper form and contains the full text of the measure or if the City Auditor does not approve the petition, he or she shall give written notice to the Committee for the petitioners of his or her reason for not approving their petition.

... The petition shall be filed in the City Auditor's office and shall contain a request that the ordinance set out in the petition be submitted to a vote of the qualified electors of the City if it is not passed by the governing body of the municipality.

The purpose of the review by the City Auditor is to ensure that petitions are worded clearly and simply so the petition is not misleading or likely to cause confusion to voters. **Petition drafts must be consistent with applicable law.**

The proposed initiated ordinance text reads as follows: "No expenditure of public funds shall be used for the Valley City Project number SU-2-990 (057), Central Avenue-Urban Grant Project. Public funds shall be defined as set forth under North Dakota Century Code Section 21-04-01." After consulting with the City Attorney, I must reject circulation of this petition for the following reasons:

1. The Home Rule Charter requires your petition to contain a request “that the ordinance set out in the petition be submitted to a vote of the qualified electors of the City if it is not passed by the governing body of the municipality.” However, your petition does not contain this required language.
2. Initiated Ordinances create new legislation and referred ordinances repeal legislation. The function of this initiated ordinance is clearly to repeal previous commission action and prevent future commission action. Therefore, it is not appropriately done through an initiated ordinance.
3. Even if this initiated ordinance were treated as a referendum, it would be rejected for failure to comply with the requirements of Article 4, section 2 of the Home Rule Charter.

Again, in consultation with the City Attorney, I find that the submitted petition must be denied because it does not comply with the requirements of the Home Rule Charter.

Sincerely,



Avis Richter  
City Auditor/Finance Director  
City of Valley City