

ADVISORY LEGAL OPINION

This advisory legal opinion is rendered pursuant to Section 9.2 (b) (1) of the Home Rule Charter of the City of West Plains, Missouri, regarding the legality of the subject matter and wording of an Initiative Petition that proposes an ordinance adopting provisions for the enhanced utilization of the property in the center of Butler Children’s Park commonly known as the Parkside House.

After reviewing applicable constitutional, statutory, ordinance, and charter provisions, I am of the following opinion:

1. The **subject matter** of the proposed initiative ordinance is in violation of Article III, Section 51 of the Missouri Constitution which provides that an initiative ordinance shall not be used for the appropriation of money other than new revenues created and provided for in the proposed ordinance. Since the proposed initiative ordinance does not create or provide for new funds to cover the expenses that would be incurred by the City under the terms of the proposed ordinance, the **proposed ordinance violates the Missouri Constitution and does not comply with Article IX, Section 9.1(a) of the City of West Plains Home Rule Charter.**
2. The **wording** only of the proposed initiative petition entitled Petition by residents of West Plains, Missouri, to appropriate municipal funds for the restoration and preservation of Parkside House substantially complies with the requirements of the Home Rule Charter of the City of West Plains, Missouri. However, as indicated above, the **subject matter** of the proposed initiative ordinance violates the Missouri Constitution and West Plains Home Rule Charter.

Dated December 18, 2018.

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