

CITY OF RIVERGROVE

P.O. Box 1104

Lake Oswego, OR 97065

November 10, 2025

Oregon Secretary of State – Audits Division
255 Capitol Street NE, Suite 500
Salem, OR 97310-0722

*Subject: Petition for Municipal Financial Audit – City of Rivergrove
(Fiscal Year 2024–2025)*

Dear Audits Division Staff,

The City of Rivergrove respectfully submits this correspondence to express concern regarding the validity and accuracy of the petition filed to request a municipal financial audit under ORS 297.445. Upon thorough review of the petition packet, we have identified multiple discrepancies that call into question both the sufficiency and the integrity of the signatures collected.

1. Summary of Findings

The submitted packet contains twelve petition sheets. Each sheet provides space for residents to sign and indicate their support for an audit request. However, the petitioners did not use a consistent or accurate fiscal-year reference across the forms.

Sheet	Action for Petition	Year End	Completed Signatures (Name + Address)
1 & 2	Not Completed	June 2025	11
3 & 4	2024 - 2025	July 2025	5
5 & 6	2024 – 2025	July 2025	3
7 & 8	FY 2024 – 2025	July 2025	9
9 & 10	Not Completed	2025	11
11 & 12	Not Completed	July 2025	11

In total, the City identified approximately 50 completed signature lines (containing both name and address). None of the 12 sheets list the correct fiscal year end and it varies between sections on what fiscal year the petitions represent.

2. Why These Errors Are Material

Oregon's petition process is a vital part of democratic participation, but it depends on accurate and consistent information. Residents must clearly understand what they are signing. When petitions vary in content—especially regarding the fiscal year or purpose—they can mislead signers and compromise the validity of the process.

Although ORS 297.445 does not explicitly specify form accuracy, Oregon's broader petition laws require 100 percent accurate and uniform presentation of petition data. Petitioners must bear this minimal burden to ensure fairness and informed consent, particularly when small municipalities face significant financial costs if the petition triggers an audit.

3. Request for Administrative Review

The City of Rivergrove respectfully requests that the Secretary of State:

1. Review the petition for sufficiency, clarity, and accuracy before requiring the City to undergo an audit;
2. Invalidate or exclude signatures collected on petition sheets with incorrect or missing fiscal-year data; and
3. Provide a written determination confirming whether the petition meets statutory requirements under ORS 297.445 after review of these discrepancies.

Given that the petitioners received fewer than 30 valid signatures on correct labeled sheets, the petition does not meet the minimum threshold for a city of Rivergrove's size and should therefore be deemed insufficient.

4. Conclusion

The City of Rivergrove supports transparency and fiscal accountability, but also insists on fairness and procedural integrity. We urge the Secretary of State to apply Oregon's established standards for petition accuracy to this matter. Accurate petitions protect both the public and the municipalities that must bear the consequences of their outcomes.

We appreciate your attention to this matter and request confirmation once a determination is made.

5. Relevant Statewide Petition Precedent and Legal Standard

Oregon's Secretary of State has long exercised authority to reject statewide petition sheets that fail to meet statutory and rule-based requirements for accuracy. Courts have upheld this authority, recognizing that consistency and accuracy are fundamental to the petition process.

Under OAR 165-014-0275 and related provisions, the Secretary of State may reject

signature sheets for errors such as missing circulator certification, uniform handwriting irregularities, or alterations to required information. These standards demonstrate Oregon's insistence on precise and accurate petition documentation.

In **Lemons v. Bradbury** (9th Cir. 2008), petitioners challenged the Secretary of State's verification and rejection of signatures. The court upheld the Secretary's process, emphasizing the importance of uniform statewide standards for signature verification and petition compliance. Oregon appellate courts have also recognized similar authority for rejecting defective petitions under state rules.

This precedent shows that Oregon law treats accuracy as a legal requirement, not an administrative preference. Petitions with inconsistent or misleading data—such as incorrect or missing fiscal-year information—fall short of the accuracy standard applied statewide and should not be enforced against local governments without correction.

Sincerely,

A handwritten signature in cursive script that reads "Chris Barhyte".

Chris Barhyte
Mayor - City of Rivergrove

cc: City Manager