



Mayor Timothy J. Mahoney
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April 8, 2015

Ms: [redacted]

Dear Ms. [redacted]

Recently a ballot was sent to your firm to allow you to vote on accepting a special assessment for flood protection. I am writing to major businesses in Fargo to urge them to vote yes on this ballot.

Let me tell you why I think a yes vote is appropriate. Fargo recently received a new flood plain map declaration from FEMA which raised the 100-year flood level to 39.5 feet, up from 38.5 feet which was in place for over 20 years. Now all properties below 39.5 feet and not protected by a certified flood levee will begin to pay higher flood insurance rates.

FEMA, the federal agency responsible for flood mapping and flood insurance ratings, is now taking the next steps in raising the 100-year flood elevation to an anticipated 41.1 feet. This mapping effort will place almost all structures south of I-94 into the 100-year flood plain unless the City can construct certified levees at all vulnerable waterway locations AND complete the F-M Area Diversion Project.

The ballot sent to your organization was for the acceptance of a special assessment district that would be used only as a financial back stop in the event the one cent sales tax dedicated to the financing of the F-M Diversion is inadequate to pay the bonds for this project. All the financial models reveal that sales taxes dedicated to the project are adequate. However, sales tax backed bonds do not receive as favorable of an interest rate or carrying capacity as a bond backed by special assessments to benefitting properties, thus the need for this backup special assessment.

Since your company is one of the larger and more visible entities in our community I would urge you to get behind this assessment vote. The final tally for the vote is an open record and since the F-M Diversion is a highly visible project, the media will be interested in how organizations voted.

If you haven't already submitted your ballot, please consider a yes vote. If you have already voted and would like to reconsider your vote, please submit a letter to the Cass County Joint Water Resource District at lewisc@casscountynd.gov requesting a change in your vote.

Permanent flood protection is vital in allowing Fargo and your company to grow and prosper.

Sincerely,

Timothy J. Mahoney
Mayor

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CHAPTER 16.1-10 CORRUPT PRACTICES

16.1-10-01. Corrupt practice - What constitutes.

A person is guilty of corrupt practice within the meaning of this chapter if the person willfully engages in any of the following:

1. Expends any money for election purposes contrary to the provisions of this chapter.
2. Engages in any of the practices prohibited by section 12.1-14-02 or 12.1-14-03.
3. Is guilty of the use of state services or property or the services or property of a political subdivision of the state for political purposes.

16.1-10-02. Use of state or political subdivision services or property for political purposes.

1. No person may use any property belonging to or leased by, or any service which is provided to or carried on by, either directly or by contract, the state or any agency, department, bureau, board, commission, or political subdivision thereof, for any political purpose.
2. The following definitions must be used for the purposes of this section:
 - a. "Political purpose" means any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of public office or a position taken in any bona fide news story, commentary, or editorial. Factual information may be presented regarding a ballot question solely for the purpose of educating voters if the information does not advocate for or against or otherwise reflect a position on the adoption or rejection of the ballot question.
 - b. "Property" includes motor vehicles, telephones, typewriters, adding machines, postage or postage meters, funds of money, and buildings. However, nothing in this section may be construed to prohibit any candidate, political party, committee, or organization from using any public building for such political meetings as may be required by law, or to prohibit such candidate, party, committee, or organization from hiring the use of any public building for any political purpose if such lease or hiring is otherwise permitted by law.
 - c. "Services" includes the use of employees during regular working hours for which such employees have not taken annual or sick leave or other compensatory leave.

16.1-10-03. Political badge, button, or insignia at elections.

No individual may buy, sell, give, or provide any political badge, button, or any insignia within a polling place or within one hundred feet [30.48 meters] from the entrance to the room containing the polling place while it is open for voting. No such political badge, button, or insignia may be worn within that same area while a polling place is open for voting.

16.1-10-04. Publication of false information in political advertisements - Penalty.

A person is guilty of a class A misdemeanor if that person knowingly, or with reckless disregard for its truth or falsity, publishes any political advertisement or news release that contains any assertion, representation, or statement of fact, including information concerning a