

CLERK FILE No. 308051

C. F. No. 308051

Initiative No. 90, prohibiting the City of
Seattle from providing below market value
leases to professional sports organizations.

Date Filed with Clerk MAY 17, 2006

Received by Emilia M. Sanchez

City Clerk Staff

ACTION OF THE COUNCIL

Referred	To
Referred	To
Referred	To
Reported	Disposition
Re-referred	To
Reported	Disposition

Honorable President:

The _____

to which was referred this file, respectfully reports that the same was

REPORT OF

SPONSORED BY:

The _____ Committee.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Clerk Staff

Memo to File
From: Judith E. Pippin, City Clerk

June 14, 2006

Mr. Chris Van Dyk, Petitioner of Record for Initiative 90, submitted an email message to Acting City Clerk Scott Cline on Thursday, May 18, 2006, as follows:

"With respect to our filing of Initiative 90 yesterday, we are officially withdrawing it due to our incorrect submission with respect to form, and an error in the text."

Proponents of Initiative 90 subsequently refiled a corrected initiative, which became Initiative 91.

Judith E. Pippin

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**Legislative Department
Office of City Clerk
Memorandum**

Date: May 17, 2006
To: The Honorable Thomas Carr
City Attorney
From: Scott Cline, Acting City Clerk
Subject: Proposed Initiative Petition - **Initiative No. 90**

I am forwarding with this memo Clerk File No. 308051 which contains Initiative No. 90, a proposed ordinance to prohibit the City of Seattle from providing below market value leases to professional sports organizations.

The proposed initiative was filed with the Office of the City Clerk on Wednesday, May 17, 2006 at 12:37 p.m. and is submitted pursuant to Article IV, Section 1B of the City Charter, and Seattle Municipal Code 2.08. The initiative is sponsored by Citizens for More Important Things.

The title of the Clerk File (CF) is:

"Initiative No. 90, prohibiting the City of Seattle from providing below market value leases to professional sports organizations.

The file is transmitted to you for preparation of a ballot title.

attachment (CF 308051)

cc: Mayor Gregory J. Nickels
City Councilmembers
Executive Director, Ethics and Elections Commission

600 4th Avenue Floor 3, PO Box 94728, Seattle, Washington 98124-4728
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025
email: clerk@seattle.gov

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FILED
CITY OF SEATTLE

May 17, 2005

MAY 17 PM 12:37

CITY CLERK
Via Hand-Delivery

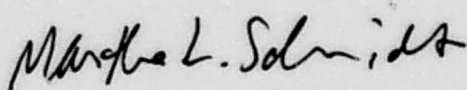
Judith Pippin
Seattle City Clerk's Office
600 4th Avenue, Floor 3
PO Box 94728
Seattle, Washington 98124-4728

Re: Proposed Initiative Prohibiting The City Of Seattle From Providing Below
Market Value Leases To Professional Sports Organizations

Dear Ms. Pippin:

Enclosed for your review is a proposed initiative that we seek to have placed on
the ballot this fall for consideration by the voters of Seattle. Please contact us if you have
any questions.

Sincerely,



Martha L. Schmidt
1415 Second Avenue, Apt 2310
Seattle, WA 98101



Rachael Myers
603 - 13th Avenue East, Apt 5001
Seattle, WA 98102

Enclosure

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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**AN ORDINANCE to Prohibit the City of Seattle from Providing or Leasing
Facilities or other Goods, Services, or Real Property to Professional Sports
Organizations at Below Fair Market Value, and Providing A Method to Enforce this
Restriction**

Whereas, from time to time, the City of Seattle may lease or otherwise provide facilities or services to for-profit professional sports organizations; and,

Whereas, the Supreme Court of the State of Washington has determined that such provision of facilities or other goods or services by a jurisdiction of the State of Washington may be for consideration of any value provided that such value be agreed to by an appropriate legislative authority, and the terms of such are not subject to judicial review; and,

Whereas, the City of Seattle in the past has experienced a return below fair market value for some goods or services it has provided or leased to professional sports teams; and,

Whereas, the Charter of the City of Seattle expressly reserves legislative authority for the City of Seattle to the People of the City of Seattle;

Now, Therefore, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

A new provision of the Seattle Municipal Code is added to read as follows:

Sec. 1. Consideration for the value of goods, services, real property or facilities provided or leased by the City of Seattle to for-profit professional sports organizations or to any other public entity, or non-profit organization, which may in turn provide such goods, services, real property or facilities to a for-profit professional sports organization, must be at or above the fair market value of the goods, services, real property or facility being provided or leased.

Sec. 2. Fair market value is defined herein, for the purpose of assessing the fair market value of a lease, as no less than the rate of return on a U.S. Treasury Bond of thirty years duration at the time of inception of any such provision of goods or services, real property or lease; and further, such return shall be computed as the net cash on cash return, after interest and any financing costs, on the depreciated value of the cash investment of the City of Seattle in such goods, services, real property or facility, and shall exclude all intangible, indirect, non-cash items such as goodwill, cultural or general economic benefit to the City, and shall also exclude unsecured future cash revenues.

Sec. 3. Nothing in this resolution shall prevent the leasing or providing of goods, services, real property or facilities to not-for-profit organizations, other than as limited by Section 1 above, for the direct benefit of the health, welfare, or safety of the people of the City of Seattle.

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Sec. 4. Notwithstanding any of the language contained in sections 1 through 3 of this initiative, nothing in this resolution shall be interpreted or applied so as to limit or restrict any Washington State legislative or constitutional grant of power to the legislative authority or other officer of the City of Seattle, and the reach of this initiative is expressly circumscribed and limited by any such legislative or constitutional grant of power.

Sec. 5. Any resident of the City of Seattle shall, by virtue of his/her status as a taxpayer in the City, have legal standing to challenge, in King County Superior Court, any act, lease, ordinance, or resolution taken, entered into, or enacted by the City of Seattle which allegedly violates this initiative, within ninety (90) days of such act, lease, ordinance or resolution; such a resident shall be entitled to injunctive relief preventing said act, lease, ordinance, or resolution from becoming effective, without the necessity of any bond being posted, so long as the elements necessary to obtain injunctive relief pursuant to RCW 7.40.020 are established to the satisfaction of the Court.

Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

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