

CLERK FILE No. 308056

C. F. No. 308056

Initiative No. 91, prohibiting the City of  
Seattle from providing below value leases  
to professional sports organizations.

Date Filed with Clerk MAY 19, 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 <u>9-18-06</u> <del>2-18-06</del>	Disposition <u>Filed</u>

Honorable President:

The \_\_\_\_\_

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

9-11-06 Held to 9-18-06  
9-18-06 Filed 9-0

SPONSORED BY:

REPORT OF THE COMMITTEE

Honorable President:

The \_\_\_\_\_ Committee.

to which was referred this file, respectfully reports that the same was considered, and the recommendation is:

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

9-11-06 Held to 9-18-06 8-0 (Excosrd: Melver)  
9-18-06 Filed 9-0

Clerk Staff

Chair





**Legislative Department  
Office of City Clerk  
Memorandum**

**Date:** May 19, 2006  
**To:** The Honorable Thomas Carr  
City Attorney  
**From:** Ernie Dornfeld, Acting City Clerk *Ernie Dornfeld*  
**Subject:** Proposed Initiative Petition - **Initiative No. 91**

I am forwarding with this memo Clerk File No. 308056 which contains Initiative No. 91, a proposed ordinance to prohibit the City of Seattle from providing below value leases to professional sports organizations.

The proposed initiative was filed with the Office of the City Clerk on Friday, May 19, 2006 at 1:22 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. 91, prohibiting the City of Seattle from providing below value leases to professional sports organizations.

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

The petitioner, Citizens for More Important Things, has requested that Initiative 90, which this petitioner filed on May 17, 2006, be withdrawn due to an error in the text.

attachment (CF 308056)

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

600 4<sup>th</sup> 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](mailto:clerk@seattle.gov)

Accommodations for people with disabilities provided upon request. An equal opportunity employer

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

SEATTLE CITY ATTORNEY  
THOMAS A. CARR

**MEMORANDUM**

TO: Judith Pippin, City Clerk  
FROM: Ted Inkley, Assistant City Attorney  
SUBJECT: Ballot Title for Initiative Measure No. 91  
DATE: May 26, 2006

***Via e-mail and hand-delivered***

This office has established the following ballot title for Initiative 91. The measure was filed with the Clerk's office last Friday, May 19:

Seattle Initiative Measure Number 91 concerns property, goods, and services Seattle provides to for-profit professional sports.

If enacted the measure would require that for-profit professional sports organizations pay the City at least "fair value" for goods, services, real property, or facilities the City provides or leases to them, either directly or through another public entity or a non-profit organization. The measure defines "fair value," based in part on the rate of return for 30-year U.S. Treasury Bonds. Any Seattle resident would have standing to file a lawsuit challenging City acts that allegedly violated the measure.

Should this measure be enacted into law?

Yes.....

No.....

If you have any questions, please contact me at 615-0788.

cc: Thomas Carr, City Attorney  
Wayne Barnett, Executive Director, Ethics and Elections  
Chris Van Dyk

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



City of Seattle  
Legislative Department



**Office of the City Clerk**

Judith E. Pippin  
City Clerk

May 26, 2006

**CERTIFIED MAIL AND E-MAIL**

Mr. Chris Van Dyk  
Citizens for More Important Things  
P. O. Box 4473  
Seattle, WA 98194

RE: PROPOSED INITIATIVE NO. 91

Dear Mr. Van Dyk:

I have reviewed your proposed petition related to the prohibition of below-value leases to professional sports organizations - proposed Initiative No. 91. The petition, as presented, conforms to general standards set forth for initiative petitions. I believe you are aware of the typographical correction needed in the warning box (ordinance number should be 94289). Otherwise, once you have inserted "91" after "Measure No.", and inserted the ballot title as shown below, within the parentheses after "entitled:", your petition should be ready to go. Please email me a copy of the final petition with these changes for final approval.

The ballot title for the petition has been prepared to read as follows:

**Seattle Initiative Measure Number 91 concerns property, goods, and services Seattle provides to for-profit professional sports.**

**If enacted the measure would require that for-profit professional sports organizations pay the City at least "fair value" for goods, services, real property, or facilities the City provides or leases to them, either directly or through another public entity or a non-profit organization. The measure defines "fair value," based in part on the rate of return for 30-year U.S. Treasury Bonds. Any Seattle resident would have standing to file a lawsuit challenging City acts that allegedly violated the measure.**

**Should this measure be enacted into law?**

**Yes.....**

**No.....**

600 Fourth Avenue, Floor 3, P.O. Box 94728, Seattle, Washington 98124-4728  
(206) 684-8344, Fax: (206) 386-9025, TDD: (206) 233-0025  
Internet Address: <http://www.seattle.gov/leg/clerk/clerk.htm>  
Accommodations for people with disabilities provided upon request. An EEO employer.  
"Printed on Recycled Paper"

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

Page 2

Mr. Chris Van Dyk

May 26, 2006

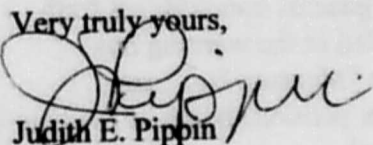
RE: PROPOSED INITIATIVE NO. 91

The initiative process is defined in Article IV Section 1 of the City Charter, Seattle Municipal Code Section 2.08, and Washington State Code (RCW) 29.27.050. If you would like copies of these reference materials, please let me know.

The signed petitions for Initiative 91 must be filed with the City Clerk within 180 days from the date of this letter, or by 5:00 p.m. Wednesday, November 22, 2006. If at least 17,968 signatures on petitions for Initiative 91 have been filed on or before that date, they will then be transmitted to King County Elections Department for signature verification. A total of at least 17,968 valid Seattle resident registered voter signatures will be required to validate the initiative before transmittal to the City Council.

Please do not hesitate to contact me if you have questions. You can reach me at 206-684-8361.

Very truly yours,

  
Judith E. Pippin  
City Clerk

attachment

cc: Mayor Gregory J. Nickels  
City Councilmembers  
Executive Director, Ethics and Elections Commission  
King County Records and Elections  
Martha L. Schmidt  
Rachael Myers

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



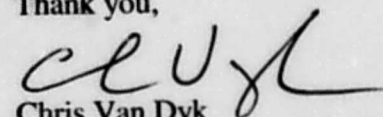
Judith Pippin  
Seattle City Clerk  
600 4<sup>th</sup> Avenue  
Floor 3  
Seattle, WA 98124-4728

Re: Proposed Initiative Prohibiting the City of Seattle from Providing Below  
Value Leases to Professional Sports Organizations

The sponsor of this initiative, and contact person, are as follows:

Citizens for More Important Things  
Attn: Chris Van Dyk  
PO Box 4473  
Seattle, WA 98194  
206-854-6127  
[cvandyk5@msn.com](mailto:cvandyk5@msn.com)  
[info@citizensformoreimportantthings.org](mailto:info@citizensformoreimportantthings.org)

Thank you,

  
Chris Van Dyk  
Co-chair, Citizens for More Important Things  
May 17, 2006

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

FILED  
CITY OF SEATTLE  
06 MAY 19 PM 1:22  
CITY CLERK

May 17, 2005

*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  
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* *Rachael Myers*

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  
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

FILED  
CITY OF SEATTLE  
MAY 19 PM 1:22  
CITY CLERK



**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 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 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 value of the goods, services, real property or facility being provided or leased.

Sec. 2. Fair value is defined herein 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.

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.

Please  
place  
39¢ stamp  
here.

**Every Signature Counts-- Return Every Petition Even If  
It Only Has One Name**

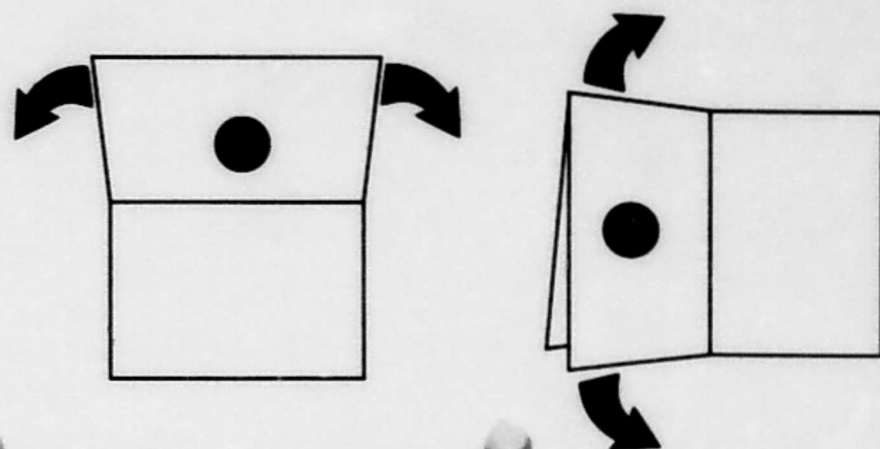
**Return your Petition by Mail No Later Than June 30th**

Self Mailer Instructions: **DO NOT CUT THIS PETITION.** Complete the return address and the petition gatherer form. Fold the petition in half from top to bottom and then again from left to right so the mailing panel is on the outside. Tape all sides shut and mail with a first class stamp. Return the entire petition or signatures will be void. Have any questions.

**54-6127 or  
importantthings.org**

**Citizens for More Important Things**  
PO Box 4473  
Seattle, WA 98194

Will be changing  
"Warning" language  
by removing "I" from  
end of ordinance  
#  
Chris aware of issue  
5/19/06 1:30 pm.



FILED  
CITY OF SEATTLE  
MAY 19 PM 1:22  
CITY CLERK



**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 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 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 value of the goods, services, real property or facility being provided or leased.

Sec. 2. Fair value is defined herein 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.

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.

Please  
place  
39¢ stamp  
here.

Citizens for More Important Things  
PO Box 4473  
Seattle, WA 98194

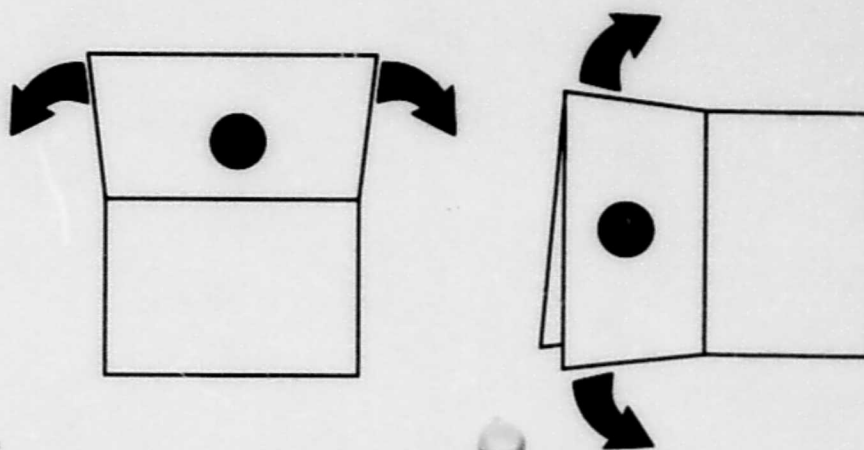
**Every Signature Counts-- Return Every Petition Even If  
It Only Has One Name**

**Return your Petition By Mail No Later Than June 30th**

Self Mailer Instructions: **DO NOT CUT THIS PETITION.** Complete the return address and the petition gatherer form. Fold the petition in half from top to bottom and then again from left to right so the mailing panel is on the outside. Tape all sides shut and mail with a first class stamp. Return the entire petition or signatures will be invalid. If you need more petitions or have any questions.

**Contact us at 206-854-6127 or  
info@citizensformoreimportantthings.org**

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_



FILED  
CITY OF SEATTLE  
MAY 19 PM 1:22  
CITY CLERK





**Focus On What Matters Most**  
Prioritize Funding for Schools, Health Care and  
Affordable Housing, Not Sports Stadiums.

# Yes On I-91

Initiative petition for submission to the Seattle City Council. See the back of this petition for the complete text of the initiative.

**To the City Council of The City of Seattle:**

We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. .... entitled: (here set forth the established ballot title of the measure), a full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from

the time of receipt thereof by the City Council, then to be submitted to the qualified electors of The City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, and my residence address is correctly stated.

	Signature	Printed Name	Street Address	Phone Number	Date
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

**WARNING: "Ordinance 942891 provides as follows: "Section 1. It is unlawful for any person: 1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or 2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or 3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or 4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle. "The provisions of this ordinance shall be printed as a warning one very petition for a City initiative, referendum, or Charter amendment." Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment."**