

Clerk File No.

311183

The City of Seattle – Legislative Department

Clerk File sponsored by: _____

Clerk File No. 311183

Initiative Measure No. 102, to establish protections for Seattle tax payers from cost overruns on all state transportation projects within Seattle, to establish policies to provide cost transparency and accountability, and to prohibit city officials from entering into interlocal agreements that do not meet the standards established through said protections.

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action:	Disposition: <i>Filed</i>

December 9, 2010

Date Filed with City Clerk

Janet Polata

By

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote

CF No.311183

Title: Initiative Measure No. 102, to establish protections for Seattle tax payers from cost overruns on all state transportation projects within Seattle, to establish policies to provide cost transparency and accountability, and to prohibit city

Date Filed with City Clerk: 20101209

FILED
CITY OF SEATTLE

2010 DEC -9 AM 10: 20

CITY CLERK

To The Office of the City Clerk,

This letter of transmittal contains the name and contact information for the Chair and Spokesperson of the group Move Seattle Smarter, who is filing this proposed initiative entitled Seattle Taxpayer Protection Initiative. Please see the information below:

Drew Paxton, Chair and Spokesperson for Move Seattle Smarter

963 21st Ave

Seattle, WA 98122

(206) 406-5951

Please use this information as necessary for contact. Thank you for your cooperation in this matter.

Sincerely,



Drew Paxton

Move Seattle Smarter

Initiative
Petition # 102
December 9, 2010
Ph Simmons,
City Clerk

seattle taxpayer protection initiative

Initiative petition for submission
to the Seattle City Council.
A complete text of the initiative
is on the reverse side.

Return signed petitions to:
Move Seattle Smarter
P.O. Box 17385
Seattle, WA 98127

to the city council and the city of seattle

We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment of an ordinance of the measure known as Initiative Measure No. XXX entitled: Initiative XXX concerns establishing protections for Seattle tax payers from cost overruns on all state transportation projects within Seattle, establishes policies to provide cost transparency and accountability, and prohibits city officials from entering into interlocal agreements that do not meet the standards established through said protections. Should this measure be enacted into law?, a true, full, 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, in the precinct (if known) written after my name, and my residence address is correctly stated.

ONLY SEATTLE RESIDENTS MAY SIGN. MUST BE A REGISTERED VOTER.

	Signature	Printed Name	Street Address	Zip Code	Date
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____

Ordinance 942891 provides as follows:

Section 1. It is unlawful for any person:

- WARNING**
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 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 a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means of 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 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 on every 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.

seattle taxpayer protection initiative

AN ORDINANCE relating to City fiscal policies.

WHEREAS, The benefits of transportation megaprojects are routinely exaggerated and costs downplayed to make such projects seem more appealing to the People.

WHEREAS, 90% of transportation megaprojects incur cost overruns averaging 30%.

WHEREAS, The City Council adopted a resolution establishing City policy that the State shall be solely responsible for all costs, including cost overruns, of certain State transportation projects.

WHEREAS, The People through this Initiative intend to adopt a similar policy in the Seattle Municipal Code as permanent protections for Seattle taxpayers, applicable to all State transportation projects within Seattle, and to require City elected officials to carry out such policies in exercising their powers and authority.

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

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

PART I ADOPTION OF CITY POLICIES

NEW SECTION. Sec. 101. The following City policies are hereby adopted to apply in connection with any State transportation projects located totally or partly within the City of Seattle:

- (1) The City of Seattle and its elected officials shall exercise their full powers and authority to hold the State of Washington solely responsible for all costs, including cost overruns, on State transportation projects, and to protect City of Seattle taxpayers from responsibility for such costs and cost overruns.
- (2) The City of Seattle and its elected officials shall exercise their full powers and authority to obtain, at the earliest possible time, viable and transparent funding plans, including an itemized project budget, for State transportation projects within the City of Seattle, including related project components and amenities that are important to Seattle residents and businesses.
- (3) The City of Seattle and its elected officials shall not enter into interlocal agreements with the State until meeting the requirements of paragraph 1 and 2 of this section.
- (4) It is the position of the people of Seattle that no State project should begin construction within the City of Seattle until these City policies are met.

PART II DUTIES TO CARRY OUT POLICIES

NEW SECTION. Sec. 201. Whenever a State transportation project is proposed totally or partly within the City of Seattle, Seattle elected officials shall have the following duties:

- (1) The City Council, Mayor, and City Attorney shall act collectively and independently to carry out the policies adopted in Part I of this ordinance.
- (2) The City Council and the Mayor shall have the duty to obtain from the State or elsewhere, at the earliest possible time, a viable and transparent funding plan for such project and for all related project components and amenities that are important to Seattle residents and businesses.
- (3) The City Attorney shall investigate all available legal strategies to carry out and enforce the policies adopted in Part I of this ordinance, including but not limited to enforcing provisions in the State Constitution that may prohibit the State from requiring City taxpayers to fund State transportation projects.
- (4) The City Council, Mayor, and City Attorney shall issue quarterly reports on their efforts to carry out the duties established herein.

PART III ESTABLISHMENT OF COST ACCOUNTABILITY COMMISSION

NEW SECTION. Sec. 301. Within two months after the effective date of this ordinance, the Mayor and the President of the City Council shall each appoint five individuals to a Cost Accountability Commission. The President of the City Council and Mayor shall jointly fill vacancies as necessary. The Commission shall:

- (1) Elect a chairperson and meet at least quarterly or more frequently as necessary.
- (2) Oversee the implementation of this ordinance, including actions taken or not taken by elected officials to carry out their duties under Part II of this ordinance, and report thereon on a quarterly basis.
- (3) Recommend, on a quarterly basis, additional actions that can be taken by elected officials to carry out their duties under Part II of this ordinance.
- (4) At the conclusion of four years after adoption of this ordinance, recommend to the City Council potential modifications to improve the effectiveness of this ordinance.

PART IV

NEW SECTION. Sec. 401: Construction and Codification.

This ordinance is to be liberally construed to advance its purpose of protecting Seattle taxpayers from cost overruns on State transportation projects. However, this ordinance governs the City and its officials only to the extent that they are acting within the scope of their powers and authority under State law and the City Charter, and shall not be construed to authorize or require actions beyond or in conflict with such authority. Nor shall anything in this ordinance be deemed to authorize or compel the City or its officials to refuse to cooperate with the State with regard to the State transportation project.

NEW SECTION. Sec. 402: Severability.

If any provisions of this ordinance, or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of its terms and provisions to other persons or circumstances shall remain in effect. The Citizens of Seattle declare that they support each of the provisions of this ordinance independently.

SEATTLE TAXPAYER PROTECTION INITIATIVE

AN ORDINANCE relating to City fiscal policies.

WHEREAS, The benefits of transportation mega-projects are routinely exaggerated and costs downplayed to make such projects seem more appealing to the People.

WHEREAS, 90% of transportation mega-projects incur cost over-runs of an average of 30%.

WHEREAS, The City Council adopted a resolution establishing City policy that the State shall be solely responsible for all costs, including cost overruns, of certain State transportation projects.

WHEREAS, The People through this Initiative intend to adopt a similar policy in the Seattle Municipal Code as permanent protections for Seattle taxpayers, applicable to all State transportation projects within Seattle, and to require City elected officials to carry out such policies in exercising their powers and authority.

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

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

PART I

ADOPTION OF CITY POLICIES

NEW SECTION. Sec. 101. The following City policies are hereby adopted to apply in connection with any State transportation projects located totally or partly within the City of Seattle:

- (1) The City of Seattle and its elected officials shall exercise their full powers and authority to hold the State of Washington solely responsible for all costs, including cost overruns, on State transportation projects, and to protect City of Seattle taxpayers from responsibility for such costs and cost overruns.
- (2) The City of Seattle and its elected officials shall exercise their full powers and authority to obtain, at the earliest possible time, viable and transparent funding plans for State transportation projects within the City of Seattle, including related project components and amenities that are important to Seattle residents and businesses.

PART II

DUTIES TO CARRY OUT POLICIES

NEW SECTION. Sec. 201. Whenever a State transportation project is proposed totally or partly within the City of Seattle, Seattle elected officials shall have the following duties:

- (1) The City Council, Mayor, and City Attorney shall act collectively and independently to carry out the policies adopted in Part 1 of this ordinance.
- (2) The City Council and the Mayor shall have the duty to obtain from the State or elsewhere, at the earliest possible time, a viable and transparent funding plan for such

project and for all related project components and amenities that are important to Seattle residents and businesses.

(3) The City Attorney shall investigate all available legal strategies to carry out and enforce the policies adopted in Part I of this ordinance, including but not limited to enforcing provisions in the State Constitution that may prohibit the State from requiring City taxpayers to fund State transportation projects.

(4) The City Council, Mayor, and City Attorney shall issue quarterly reports on their efforts to carry out the duties established herein.

PART III

ESTABLISHMENT OF COST ACCOUNTABILITY COMMISSION

NEW SECTION. Sec. 301. Within two months after the effective date of this ordinance, the Mayor and the President of the City Council shall each appoint five individuals to a Cost Accountability Commission. The President of the City Council and Mayor shall jointly fill vacancies as necessary. The Commission shall:

- (1) Elect a chairperson and meet at least quarterly or more frequently as necessary.
- (2) Oversee the implementation of this ordinance, including actions taken or not taken by elected officials to carry out their duties under Part II of this ordinance, and report thereon on a quarterly basis.
- (3) Recommend, on a quarterly basis, additional actions that can be taken by elected officials to carry out their duties under Part II of this ordinance.
- (4) At the conclusion of four years after adoption of this ordinance, recommend to the City Council potential modifications to improve the effectiveness of this ordinance.

PART IV

NEW SECTION. Sec. 401: Construction and Codification.

This ordinance is to be liberally construed to advance its purpose of protecting Seattle taxpayers from cost overruns on State transportation projects. However, this ordinance governs the City and its officials only to the extent that they are acting within the scope of their powers and authority under State law and the City Charter, and shall not be construed to authorize or require actions beyond or in conflict with such authority. Nor shall anything in this ordinance be deemed to authorize or compel the City or its officials to refuse to cooperate with the State with regard to the State transportation project.

NEW SECTION. Sec. 402: Severability.

If any provisions of this ordinance, or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of its terms and provisions to other persons or circumstances shall remain in effect. The Citizens of Seattle declare that they support each of the provisions of this ordinance independently.



**Legislative Department
Office of City Clerk
Memorandum**

Date: December 9, 2010
To: The Honorable Peter Holmes
City Attorney *ms*
From: Monica Martinez Simmons, City Clerk
Subject: Initiative Measure No. 102

Please find attached a copy of Clerk File No. 311183, which contains Initiative Measure No. 102, proposing an ordinance "to establish protections for Seattle tax payers from cost overruns on all state transportation projects within Seattle, to establish policies to provide cost transparency and accountability, and to prohibit city officials from entering into interlocal agreements that do not meet the standards established through said protections."

The proposed initiative measure was filed with the Office of the City Clerk on Thursday, December 9, 2010, at 10:20 a.m., pursuant to Article IV, Section 1B of the Seattle City Charter, and Seattle Municipal Code Section 2.08. The coordinating organization for the initiative measure is: Move Seattle Smarter, and the contact spokesperson is Drew Paxton, 963 21st Ave., Seattle, WA 98122, telephone number: 206-406-5951.

The title of the Clerk File (CF) is:

"Initiative Measure No. 102, to establish protections for Seattle tax payers from cost overruns on all state transportation projects within Seattle, to establish policies to provide cost transparency and accountability, and to prohibit city officials from entering into interlocal agreements that do not meet the standards established through said protections."

This duplicate file is being transmitted to you for purpose of preparing a ballot title in accordance with Seattle Municipal Code 2.08.020.

Thank you, Peter, and please advise if I can assist in any way.

Attachment (CF 311183)

cc: Mayor Mike McGinn
Council President Richard Conlin & City Councilmembers
Wayne Barnett, Executive Director Seattle Ethics and Elections Commission

City of Seattle
Legislative Department
Office of the City Clerk



Monica Martinez Simmons, City Clerk

CERTIFIED MAIL

December 9, 2010

Mr. Drew Paxton
Chair and Spokesperson for Move Seattle Smarter
963 21st Ave.
Seattle, WA 98122

RE: Filing of Initiative Measure No. 102, December 9, 2010

Dear Mr. Paxton:

This acknowledges receipt and filing of the Move Seattle Smarter proposed initiative measure on Thursday, December 9, 2010, 10:20 a.m. This proposed measure will be known and designated as Initiative Measure No.102 and relates to the following:

Initiative Measure No. 102, to establish protections for Seattle tax payers from cost overruns on all state transportation projects within Seattle, to establish policies to provide cost transparency and accountability, and to prohibit city officials from entering into interlocal agreements that do not meet the standards established through said protections.

The petition is currently being reviewed for compliance with the appropriate petition filing requirements, and a duplicate has also been transmitted to the City Attorney for preparation of a ballot title. Written and telephonic notification will be provided to you no later than the end of business on **Wednesday, December 15, 2010**, with the results of the petition compliance review and status of the ballot title.

Should you have any questions regarding this initiative process or the information contained herein, please contact me at 206-684-8361 or via email at monica.simmons@seattle.gov.

Sincerely,

Monica Martinez Simmons, MMC
City Clerk

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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