



**City of Seattle Legislative Department**  
**Office of the City Clerk**  


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**Monica Martinez Simmons, City Clerk**

FILED  
 CITY OF SEATTLE  
 2016 APR -7 AM 9:04  
 CITY CLERK

April 6, 2016

*Transmitted Via E-mail*

Julie Wise, Director  
 King County Elections  
 919 Southwest Grady Way  
 Renton, WA 98057-2906

**SUBJECT:** Request for Call and Conduct of Special Election, August 2, 2016;  
 Initiative Measure No. 123, which relates to building and operating  
 a mile-long elevated park on Alaskan Way

Dear Ms. Wise:

Please find enclosed a certified copy of Seattle Resolution No. 31607, requesting the Director of Elections call and conduct a special election in the City of Seattle in conjunction with the primary election to be held August 2, 2016, for the purpose of submitting to the qualified electors Initiative Measure No. 123, approved by the City Council on August 17, 2015. In accordance with Seattle City Charter Article IV, the City Council has reviewed Initiative Measure No. 123, directing placement on the August 2, 2016, primary election ballot.

I hereby certify that the following ballot title was approved by the Seattle City Attorney in accordance with his responsibilities set forth in RCW 29A.36.071:

**THE CITY OF SEATTLE  
 INITIATIVE MEASURE NUMBER 123**

The City of Seattle Initiative Measure Number 123 concerns building and operating a mile-long elevated park on Alaskan Way.

If enacted, the measure would establish a public development authority (PDA) to build and operate an elevated park and other amenities along the waterfront integrating one block of the existing Alaskan Way Viaduct into the design. The PDA would seek public and private funding, including City funds, for this purpose and be responsible for its monetary liabilities. A twelve-member appointed and elected Council would govern the PDA including four members elected from the PDA Constituency, a public oversight membership group.

Should this measure be enacted into law?

- Yes
- No

Those in favor shall vote "Yes;" those opposed shall mark their ballots "No."

Julie Wise, Director  
King County Elections  
April 6, 2016

Should you have any questions regarding this matter, please do not hesitate to contact me at (206) 684-8361 or [monica.simmons@seattle.gov](mailto:monica.simmons@seattle.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Monica B. Simmons". The signature is fluid and cursive, with a long horizontal stroke at the end.

Monica Martinez Simmons  
City Clerk

Enclosure: *Certified copy of Resolution No. 31607*

cc: Mayor Edward Murray  
City Councilmembers  
Peter Holmes, City Attorney  
Wayne Barnett, Executive Director, Ethics & Elections Commission

# Ballot measure submission cover sheet

Print Form

This form must be included with each resolution/ordinance submitted to King County Elections. If you have any questions on how to complete this form please contact Election Operations at 206-296-1565, option 4.

Resolution can be delivered to King County Elections by:

email: [election.operations@kingcounty.gov](mailto:election.operations@kingcounty.gov)

mail or in-person: King County Elections  
919 SW Grady Way  
Renton, WA 98057

## jurisdiction information

City of Seattle

name of jurisdiction

Monica Martinez Simmons

jurisdiction contact person

City Clerk

title

206-684-8361

contact phone

[monica.simmons@seattle.gov](mailto:monica.simmons@seattle.gov)

contact email

Seattle City Hall, 600 4th Ave, floor 3, Seattle, WA 98124

jurisdiction mailing address

## ballot measure information

2016 election date of participation

February 9     April 26     August 2     November 8

Initiative Measure

type of measure (levy, bond, etc.)

## voters' pamphlet information

If you are participating in a special election in February or April please complete the following. For the August primary and November general elections all ballot measures are automatically included in the voters' pamphlet.

Will you be participating in the voters' pamphlet?

yes

no

If you answered yes please make a selection below.

attached resolution includes request for voters' pamphlet publication

request for voters' pamphlet publication to follow in another resolution

## contact information for publication

This contact information will be listed on [www.kingcounty.gov/elections](http://www.kingcounty.gov/elections) as well as in the voters' pamphlet. This contact should be able to respond to questions from voters regarding the jurisdiction's ballot measure.

Polly Grow

jurisdiction contact person

Seattle Ethics and Elections

title

206-615-1248

contact phone

[polly.grow@seattle.gov](mailto:polly.grow@seattle.gov)

contact email

## for office use only

CITY OF SEATTLE  
RESOLUTION 31607

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5 A RESOLUTION regarding a voter-proposed Initiative Measure establishing a public  
6 development authority (PDA) to build and operate a mile-long elevated park and other  
7 amenities along Seattle's waterfront, integrating one block of the existing Alaskan Way  
8 Viaduct into the design of the elevated park; authorizing the City Clerk and the Executive  
9 Director of the Ethics and Elections Commission to take those actions necessary to  
10 enable the proposed Initiative to appear on the August 2, 2016 ballot and the local voters'  
11 pamphlet; requesting the King County Elections' Director to place the proposed initiative  
12 on the August 2, 2016 election ballot; and providing for the publication of such initiative.  
13

14 WHEREAS, the removal of the Alaskan Way Viaduct and its replacement with a bored tunnel by  
15 the State of Washington, and the replacement of the Elliot Bay Seawall by The City of  
16 Seattle, present a historic opportunity for Seattle to transform Seattle's Central  
17 Waterfront; and

18 WHEREAS, in 2003 the City began a public process for developing a community vision for the  
19 Central Waterfront to reconnect Seattle to its waterfront, in conjunction with the removal  
20 of the Alaskan Way Viaduct and replacement of the aging Elliott Bay Seawall; and

21 WHEREAS, the City has engaged with thousands of people, as individuals and members of  
22 organizations, to develop the vision for Waterfront Seattle; and

23 WHEREAS, in 2012, Resolution 31399 established the City's support for the Strategic Plan,  
24 Central Waterfront Concept Design and Framework Plan, and the Funding Plan for the  
25 Waterfront redevelopment and improvements, which rely on the removal of the Alaskan  
26 Way Viaduct as planned by the State; and

27 WHEREAS, proponents of establishing a public development authority (PDA) to build and  
28 operate a mile-long elevated park and other amenities along Seattle's waterfront,  
29 integrating one block of the existing Alaskan Way Viaduct into the design of the elevated

1 park, have submitted to the Office of the City Clerk a petition bearing a sufficient number  
2 of signatures to qualify the proposed Initiative filed in Clerk File 319421 ("Initiative  
3 Measure No. 123") for placement on the August 2, 2016 ballot; and

4 WHEREAS, Initiative Measure 123 is inconsistent with the Strategic Plan, Central Waterfront  
5 Concept Design and Framework Plan, and the Funding Plan for the Waterfront  
6 redevelopment and improvements and undermines the vision for Waterfront Seattle; and

7 WHEREAS, Article IV of the City Charter specifies that it shall be the duty of the City Council  
8 to submit an initiative bearing a sufficient number of signatures to the voters of the City  
9 for their ratification or rejection; NOW, THEREFORE,

10 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

11 Section 1. In accordance with City Charter Article IV, Section 1, the Council has  
12 reviewed Initiative Measure No. 123 and rejects it.

13 Section 2. The City Clerk is authorized and directed to take those actions necessary to  
14 place Initiative Measure No. 123 filed in Clerk File 319350, a copy of which is attached as  
15 Attachment A, before the voters at the August 2, 2016 election, including but not limited to  
16 publishing the proposed initiative measure as provided by the City Charter.

17 Section 3. The Executive Director of the Ethics and Elections Commission is  
18 authorized and requested to take those actions necessary to place information regarding  
19 Initiative Measure No. 123 in the August 2, 2016 voters' pamphlet.

20 Section 4. The Director of Elections of King County, Washington, as ex officio  
21 supervisor of elections, is requested to place Initiative Measure No. 123 on the August 2, 2016  
22 ballot, with the following ballot title approved by the Seattle City Attorney:

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**THE CITY OF SEATTLE  
INITIATIVE MEASURE NUMBER 123**

The City of Seattle Initiative Measure Number 123 concerns building and operating a mile-long elevated park on Alaskan Way.

If enacted, the measure would establish a public development authority (PDA) to build and operate an elevated park and other amenities along the waterfront integrating one block of the existing Alaskan Way Viaduct into the design. The PDA would seek public and private funding, including City funds, for this purpose and be responsible for its monetary liabilities. A twelve-member appointed and elected Council would govern the PDA including four members elected from the PDA Constituency, a public oversight membership group.

Should this measure be enacted into law?

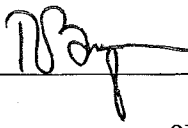
Yes .....

No .....

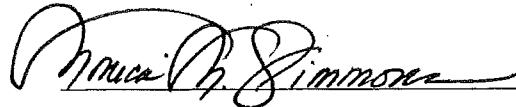
Those in favor shall vote "Yes;" those opposed shall mark their ballots "No."

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Adopted by the City Council the 17<sup>th</sup> day of August, 2015, and  
signed by me in open session in authentication of its adoption this 17<sup>th</sup> day  
of August, 2015.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Filed by me this 17<sup>th</sup> day of August, 2015.

  
\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Attachment A: Initiative Measure No. 123

# A Waterfront for All

## Alaskan Way Elevated Park + Other Amenities

INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL

**WARNING**

Ordinance 94289 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 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."

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 the measure known as Initiative Measure Number 123 entitled:

**THE CITY OF SEATTLE**

**INITIATIVE MEASURE NUMBER 123**

The City of Seattle Initiative Measure Number 123 concerns building and operating a mile-long elevated park on Alaskan Way.

If enacted, the measure would establish a public development authority (PDA) to build and operate an elevated park and other amenities along the waterfront integrating one block of the existing Alaskan Way Viaduct into the design. The PDA would seek public and private funding, including City funds, for this purpose and be responsible for its monetary liabilities. A twelve-member appointed and elected Council would govern the PDA including four members elected from the PDA Constituency, a public oversight membership group.

Should this measure be enacted into law?

Yes

No

Those in favor shall vote "Yes;" those opposed shall mark their ballots "No."

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 herself or himself 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.

**\*\*ONLY REGISTERED CITY OF SEATTLE VOTERS MAY SIGN THIS PETITION\*\***

Petitioner's Signature	Printed Name	Residence Address (Street and Number)	Date Signed
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## Ordinance

An Ordinance forming a public development authority to build, maintain and operate an elevated park for the central waterfront and other amenities. Be it ordained by the City of Seattle as follows: SECTION 1: The City of Seattle shall form a public development authority to build, maintain and operate an elevated park for the central waterfront and other amenities by granting a charter in the form attached hereto. The City shall also grant any air rights, franchises, and/or city owned property as necessary to facilitate the construction of the elevated park and other amenities of the public development authority created herein.

### CHARTER OF THE DOWNTOWN WATERFRONT PRESERVATION AND DEVELOPMENT AUTHORITY

ARTICLE I. NAME. The name of this corporation shall be The Downtown Waterfront Preservation and Development Authority (hereinafter the "DWPDA").

ARTICLE II. PURPOSE. With the construction of the SR 99 tunnel, there is an historic opportunity to change and revitalize the central waterfront to benefit the citizens of Seattle. The viaduct provides unparalleled views of downtown, Puget Sound, and the Olympic Mountains accessible to those using the viaduct. The DWPDA enables the City to create a "waterfront for all" with a plan that includes a commercial boardwalk, cycle track and streetscape along the piers, an elevated park and associated development that features a world-class car-free promenade and a spectacular view for use by pedestrians and slow-moving bicyclists, and a surface roadway configuration of the Downtown Waterfront that balances the needs of the many interests, users, and transportation modes in the corridor. The DWPDA will provide public view access by retaining approximately 400 feet of the existing viaduct from approximately north of the Pike Street Hillclimb to just north of Union Street. This will be joined to a new wide (approximate 45 feet) garden bridge for pedestrians and slow-moving bicycles to Century Link Field. Other amenities will be provided such as an accessible bridge from Union St to the elevated park and Waterfront Park, frequent stairs, ramps and elevators, redevelopment of Waterfront Park, anchor real estate developments at the north and south ends of the park to sustain the project, and seamless integration with the Pike Place Market. DWPDA will seek private monies (without relinquishing control of the Corporation) to carry out its purposes and goals or part thereof as well as money from government sources. To this purpose, the City Council of Seattle shall make funds available to the PDA from any source available to do so including, without limitation, the general fund, grant funds from any public or private entity, and by issuing Councilmanic Revenue Bonds if advisable to

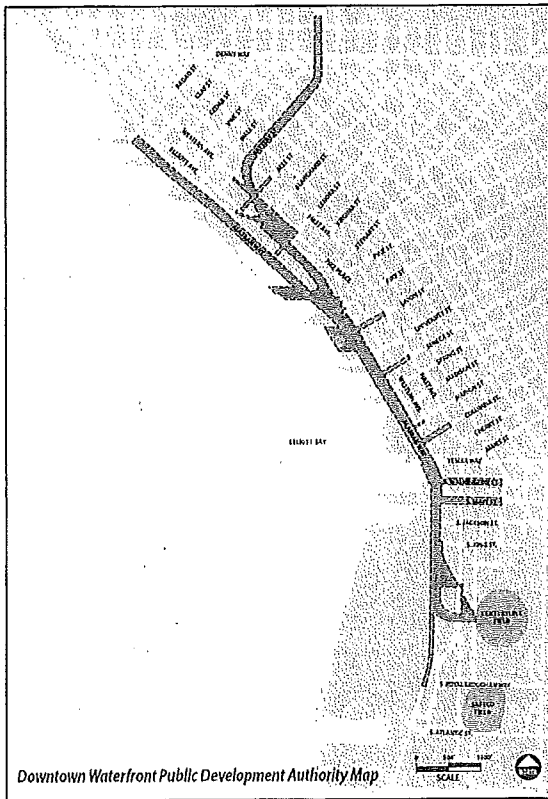
properties of DWPDA and no creditor or other person shall have any right of action against the City of Seattle on account of any debts, obligations or liabilities of DWPDA. Section 3. Mandatory Disclaimer. The following disclaimer shall be posted in a prominent place where the public may readily see it in DWPDA's principal and other offices. It shall also be printed or stamped on all contracts, bonds, and other documents that may entail any debt or liability by DWPDA. DWPDA is organized pursuant to Seattle Municipal Code (SMC) 3.110 and RCW 35.21.660, 35.21.670, and 35.21.730-.755. RCW 35.21.750 provides as follows: "All liabilities incurred by such public corporation, commission, or authority shall be satisfied exclusively from the assets and properties of such public corporation, commission or authority and no creditor or other person shall have any right of action against the city, town, or county creating such corporation, commission, or authority on account of any debts, obligations, or liabilities of such public corporation, or authority."

ARTICLE IV. DURATION. The duration of DWPDA shall be perpetual.

ARTICLE V. POWERS. DWPDA shall have and exercise all powers necessary or convenient to effect the purposes for which DWPDA is organized and perform authorized DWPDA functions, including without limitations, the power to: 1) Own and sell real and personal property; 2) Contract for any purpose with individuals, associations and corporations, and with Washington State or any county therein, the U.S.A., and any subdivision or agency of either the State or federal government; 3) Sue and be sued in its name; 4) Lend and borrow money; 5) Do anything a natural person may do; 6) Perform all manner and type of community services and activities relating to the purpose of the DWPDA and its plan for the downtown waterfront utilizing, local, state, federal or private funds; 7) Administer and execute federal grants and programs; 8) Receive and administer federal funds; 9) Provide and implement municipal services; 10) Transfer, with or without consideration, any funds, real or personal property, property interests, or services received from Federal Government or private sources or, if otherwise legal, from a state, county, or any of its political subdivisions or agencies; 11) Receive and administer private funds, goods or services for any lawful public purpose; 12) Purchase, lease, exchange, mortgage, encumber, improve, use, or otherwise transfer or grant security interests in real or personal property or any interest therein; buy and contract on deferred terms; grant or acquire options on real and personal property; and contract regarding the income or receipts from real property; 13) Issue negotiable bonds and notes in conformity with Seattle Municipal Code 13.110.420 and applicable provisions of the Uniform Commercial Code and state law in such principal amounts, with such covenants, interest rates, maturities and options of redemption as, in the discretion of the DWPDA Council, shall be necessary or appropriate to provide sufficient funds for achieving any DWPDA purposes; or to secure financial assistance from the United States or other sources for DWPDA project and activities; 14) Contract for, lease, and accept transfers, gifts or loans or funds or property from the United States, a state, county, and any political subdivision or agency of either a state or federal government, any property acquired by any such entity through gift, purchase, construction, lease, assignment, default or exercise of the power of eminent domain; 16) Recommend to appropriate governmental authorities, public improvements and expenditures with regard to DWPDA, including the transfer or commitment of real property; 17) Recommend to the United States, a state, and any political subdivision or agency of either such tax, financing, and security measures as DWPDA may deem appropriate to maximize the public interest of the City of Seattle and its citizens; 18) Lend its funds, property, credit or services for DWPDA purposes, or act as a surety or guarantor for DWPDA purposes; 19) Control the use and disposition of DWPDA property, assets, and credit; 20) Invest and reinvest its funds, provided that such investment is as near "risk-free" as possible; 21) Fix and collect charges for services rendered or to be rendered, and establish the consideration for property transferred, as per applicable RCW; 22) Maintain books and records as appropriate for the conduct of its affairs and as may be required by the City pursuant to its grant and contractual agreements; all books and records must be available for public review at all times, including all checking accounts of DWPDA ("Petty cash" must never exceed one tenth of one percent of assets); 23) Conduct the affairs of DWPDA, including adopting Rules and Regulations for the operations of DWPDA and carry on its operations, and use its property as allowed by law and consistent with Seattle Municipal Code Ch. 3.110, its Charter, and its Rules and Regulations, and RCW where applicable, name DWPDA officials, designate agents, and engage employees, prescribing their duties, qualifications, and compensation; and secure the services of consultants for professional services, technical assistance, or advice; 24) Request that real or other property held by any public agency within the city limits of Seattle which is unused, under-used or surplus, be made available to DWPDA, and such property shall be made available to DWPDA without charge if there is no legal prohibition; 25) Indemnify and recommend to the United States, a state, and any political subdivision or agency of either, the acquisition by the appropriate governmental entity - for transfer to or use by DWPDA - of property and property rights which, if so acquired, whether through purchase or the exercise of eminent domain, and so transferred or used,

would materially advance the purposes for which DWPDA is characterized; 26) Exercise and enjoy such powers as may be authorized by law.

ARTICLE VI. LIMITS. DWPDA, in all activities and transactions, shall be limited in the following respects: 1) All funds, assets or credit of DWPDA shall be applied toward or expanded upon services, projects and activities authorized by its Charter. No part of the net earnings of DWPDA shall inure to the benefit of, or be distributable as such to, the DWPDA Council members, officers of DWPDA or other private persons, except that DWPDA is authorized and empowered to: a) Compensate DWPDA officials and others performing services for DWPDA a reasonable amount for services rendered, and reimburse reasonable expenses actually incurred in performing their duties; b) Assist DWPDA officials as members of a general class of persons to be assisted by an DWPDA Council-



Downtown Waterfront Public Development Authority Map

facilitate the purpose of the DWPDA and its plan for the Seattle waterfront.

ARTICLE III. AUTHORITY AND LIMIT ON LIABILITY. Section 1. Authority. The DWPDA Corporation is a public corporation organized pursuant to RCW 35.21.660, RCW 35.21.670, and RCW 35.21.730-.755, and Seattle Municipal Code Ch. 3.110. This Charter is subject to the constitutions and laws of the United States and the State of Washington, regulations adopted under those laws, and the Seattle Municipal Code. As a public corporation organized under said State and local laws, it is a political subdivision of the State with an area of operation limited to the City of Seattle and in the area of the Downtown Waterfront as generally depicted on the attached map. Section 2. Limit on Liability. All liabilities incurred by DWPDA shall be satisfied exclusively from the assets and

approved project or actively to the same extent as other members of the class as long as no special privilege or treatment accrues to such DWPDA official; c) Defend and indemnify any DWPDA official (including employees), any former DWPDA official, and their successors, against all costs, expenses, judgments, and liabilities, including attorneys' fees, reasonably incurred by or imposed upon them in connection with or resulting from any claim, action, or proceeding, civil or criminal, in which they are or may be made a party by reason of being or having been an DWPDA official or by reason of any action alleged to have been taken or omitted by them as such official, provided that they were acting in good faith on behalf of DWPDA, and within the scope of duties imposed or authorized by law. This power of indemnification shall not be exclusive of other rights to which DWPDA officials may be entitled as a matter of law; d) Sell assets for a consideration greater than their reasonable market value or acquisition costs, charge more for service than the expense of providing them, or otherwise secure an increment in a transaction, or carry out any other transaction or activity as per RCW; e) Purchase insurance to protect and hold personally harmless any of its officials (including its employees and agents) from any action, claim, or proceeding instituted against the foregoing individuals arising out of the performance, in good faith, of duties for, or employment with, DWPDA and to hold these individuals harmless from any expenses connected with the defense, settlement, or monetary judgments from such actions, claims, or proceedings. The purchase of such insurance and its policy limits shall be discretionary with the DWPDA Council, and such insurance shall not be considered to be compensation to the insured individuals. The powers conferred by this subsection shall not be exclusive of any other powers conferred by law to purchase liability insurance. 2) No funds, assets, or property of DWPDA shall be used for any partisan political activity or to further the election or defeat of any candidate for public office; nor shall any funds or substantial part of the activities of DWPDA be used for publicity or educational purposes designed to support or defeat legislation pending before the Congress of the United States, or the legislature of this State or the City Council; provided, however, that the members and officials of DWPDA may respond to requests by contacting members of Congress, State legislators or City Council members for information and may appear before any such legislative body in connection with funding and other matters directly affecting DWPDA or its ability to carry out the purposes for which it is chartered. 3) DWPDA shall have no power of eminent domain nor any power to levy taxes or special assessments except revenue bonds or like instruments. 4) DWPDA may not incur or create any liability that permits recourse by any contracting party or members of the public to any assets, services, resources or credit of the City of Seattle. 5) DWPDA shall not issue shares of stock, pay dividends, or make loans to its corporate officials.

**ARTICLE VII. THE DWPDA COUNCIL.** Section 1. Interim Council. An Interim Council shall govern the DWPDA no longer than 180 days. The Interim Council shall act and have all the powers granted to the permanent Council in this Charter. The Interim Council shall exercise its powers to have DWPDA become operational, including adopting a plan to carry out the purposes of the DWPDA and a delineation of where the DWPDA shall operate. The members of the Interim Council shall be those elected by this proposition and an additional three (3) members selected by the elected Interim Council members and appointed within forty-five (45) days after the voter approval day. The elected Interim Council members shall be: 1. Kate Martin, Teri Hein, Richard Warner, Susan Bean, Don Harper and Irene Wall. The three Interim Council members shall be chosen by a simple majority of the elected Interim Council chosen from a nominee pool from which the candidates are self-nominated. Immediately after the voter approval day and for a period of twenty-one (21) days, interested members of the public who are registered voters in the City of Seattle and who are not currently a port, city, county, or State elected official, shall self-nominate by submitting to the Interim Council a letter of interest expressing their desire to serve and shall include in their letter a statement about their qualifications and the reasons why they are uniquely qualified to serve. The self-nomination letter shall include an itemization and description of the experience, education, training, and talents of the applicants, and a certification the applicant is a registered voter in the City of Seattle who does not hold any other elective office. Section 2. The management of DWPDA shall rest with the Council. There shall be twelve (12) members: Four members shall be appointed by the Board of the Seattle Metropolitan Park District; Four (4) elected by the Constituency; and four (4) appointed by the Council of the DWPDA chosen from a nominee pool which the candidates are self-nominated. At the first meeting of the permanent Council, the Council shall elect four members of the Interim Council to serve on Council. Thereafter, the Council shall make a public call for nominations at a minimum of sixty days before the expiration of any term and self-nominations shall be accepted until such time as designated by the DWPDA which will allow the Council to select a person to be appointed prior to the expiration of the current term for the position. Interested members of the public who are registered voters in the City of Seattle and who are not currently a port, city, county, or State elected official, shall self-nominate by submitting to the Council a letter of interest expressing their desire to serve and shall include in their letter a statement about their qualifications and the reasons why they are uniquely qualified to serve. The self-nomination letter shall include an itemization and description of the experience, education, training, and talents of the applicants, and a certification the applicant is a registered voter in the City of Seattle who does not hold any other elective office. The Council shall look for the applicants to be appointed who have the following skills or experience in the following fields: municipal finance, asset management, law, transportation, planning, design, engineering, construction, communications, real estate development, and non-profit management. While Council shall look for the above enumerated skills or experience, appointment is not limited to applicants who have just the skills enumerated above. Section 3. City Council Confirmation. Members appointed shall be promptly submitted to the City Council for confirmation. Any such person whose name and supporting documentation have been submitted to the City Council shall, unless and until their name has been rejected by the City Council, have full powers and responsibilities of a confirmed DWPDA Council member. No such person shall have or purport to have or exercise such powers and responsibilities until their name and all supporting documentation required by the City Council have been submitted to the City Council for confirmation. DWPDA Council nominees shall be confirmed unless at least three members of the City Council sign an affidavit requesting full confirmation hearings. Section 4. The terms of members of the DWPDA shall be four years, except for the initial

designation of Council positions to achieve staggered terms. No person shall serve more than eight (8) consecutive years on the Council, except that service on the Interim Council shall not count against this limit. At the first meeting of the permanent Council, the Council positions shall be divided into three categories. Category One shall consist of two positions appointed by the Seattle Metropolitan Park District, one position elected by the Constituency, and one position elected by the DWPDA Council. The term of office of Category One positions shall be that which most closely coincides with the second anniversary of the formation of the permanent Council. Category Two positions shall consist of one position appointed by the Seattle Metropolitan Park District, two positions elected by the Constituency, and one position elected by the DWPDA. The term of office for Category Two shall be that which most closely coincides with the third anniversary of the formation of the permanent Council. Category Three shall consist of one position appointed by the Seattle Metropolitan Park District, one position elected by the Constituency and two positions elected by the DWPDA and the term of office shall be that which most closely coincides with the fourth anniversary of the formation of the permanent Council. Section 5. The Council may create committees by resolution with a minimum of three (3) members and a maximum of six (6) members, except that any committee created while governed by the Interim Council shall not exceed four (4) members or a majority of the Interim Council. Section 6. DWPDA Council Concurrence Required. Prior authorization or concurrence of the DWPDA Council by resolution shall be necessary for any of the following transactions: 1) Transfer or conveyance of an interest in real estate other than a lien or satisfaction of a mortgage after payment has been received and the execution of a lease for a current term of less than one year. 2) The contracting of debts, issuance of notes, debentures or bonds, and the mortgaging or pledging of corporate assets to secure the same. 3) The donation of money, property or other assets belonging to DWPDA. 4) An action by DWPDA as surety or guarantor. 5) All transactions in which; (1) the consideration exchanged or received by DWPDA exceeds one hundred thousand dollars (\$100,000). 6) Adoption of an annual budget and a separate capital budget. 7) Certification of annual reports and statements to be filed with the City Clerk as true and correct in the opinion of the DWPDA Council and its members. 8) Such other transactions, duties and responsibilities as the Charter or Rules and Regulations shall have reposed in the DWPDA Council or which require DWPDA Council participation by written request of any DWPDA Council member. Section 7. The DWPDA Council Review. The DWPDA Council shall meet at least once each month. The DWPDA Council shall review monthly statements of income and expenses which compare budgeted expenditures to actual expenditures. The DWPDA Council shall also review balance sheets each month. The DWPDA Council shall review all such information at regular meetings, the minutes of which shall specifically note such reviews, and include such information. If possible, all DWPDA Council meetings shall be broadcast. Recordings shall be made and shall be available through the Seattle Public Library. Section 8. DWPDA Council concurrence and Quorum Defined. "DWPDA Council concurrence," as used in this Article, may be obtained at any regular or special DWPDA Council meeting by an affirmative vote of majority of the DWPDA Council members voting on the issue. A quorum to commence an DWPDA Council meeting shall be no fewer than seven members of the DWPDA Council, or a majority of the then existing Interim Council. Section 9. Officers and Division of Duties. The DWPDA shall have at least two or more officers. The same person shall not occupy both the chief executive (chair) office and the office responsible for the custody of funds and maintenance of accounts and finances. The initial officers shall be the Chair, Vice-Chair, Secretary, and Treasurer. Officers shall be elected from among the members of the Council by the Council for a term of one year, and members of Council may serve additional terms as officers if elected by Council. Section 10. Removal of DWPDA Council Members. If any DWPDA Council member resigns, or becomes ineligible to serve, or becomes unable to serve (a member who misses three (3) or more consecutive DWPDA Council meetings or 2/3 (two-thirds) of scheduled DWPDA Council meetings in six consecutive months shall be deemed unable to serve), their replacement shall be appointed by the same official who appointed the departing DWPDA Council member. An DWPDA Council member shall be removed upon conviction of any felony. Upon any grand jury indictment, the DWPDA Council member shall "stand aside" until after the trial is over and a verdict is rendered. A temporary replacement shall be appointed by the Mayor.

**ARTICLE VIII. CONSTITUENCY.** Section 1. Composition. The Constituency of the DWPDA shall consist of its general membership which shall be open to all persons sixteen years of age and over who shall pay dues as provided in the Bylaws of the Constituency. The Rules and Regulations shall provide for meetings of members, including notice, quorum, and other provisions dealing with the membership, except as provided herein. The Constituency must have regularly scheduled meetings and an annual meeting when it elects position(s) to the Council. For purposes of notice, the Constituency shall consist of members of record who have paid their annual dues, as provided in the Bylaws of the Constituency. Section 2. The concurrence of the Constituency shall also be required on the following matters: (1) any proposed amendments to the Charter; (2) any proposed amendments to the Rules and Regulations of the DWPDA if said amendment deals with matters which are within the power and responsibility of the Constituency as set forth in this section; (3) proposed amendments to the provisions of the Rules and Regulations governing procedures for meetings of the Constituency; (4) annually fixing the compensation of Council members, if any, and the nature and limit of expenses incurred by Council members that may be reimbursed; (5) election or selection of an independent auditor; and (6) election of the members to the class of Council membership expiring each year, as provided herein. Section 3. Constituency concurrence, as used herein, shall be defined as follows: (1) Concurrence by the Constituency as required in Section 2, paragraphs (1) through (5) shall require an affirmative vote of a majority of the constituents voting on the issue and shall require an affirmative vote of at least twenty percent (20%) of the Constituency membership, if the membership is less than 100 persons, or shall require an affirmative vote of at least ten percent (10%) of the Constituency membership, if the membership is more than 100. (2) Concurrence by the Constituency as required in Section 2, Paragraph (6) of this Article shall require an affirmative vote of a majority of the Constituents voting, provided that the affirmative vote of the winning candidate represents at least 10% of the Constituency membership; provided further, however, that if no candidate receives a majority affirmative vote, a run-off election between the two highest vote getters shall be held not later than one month following

the first election and shall be decided as provided in this paragraph. Section 4. Any proposed changes in the plan for DWPDA must be submitted by Council to the Constituency for comment with a comment period of no less than forty-five days. Before taking any action to effectuate a change in plan, the Council must consider any comments by the Constituency received during the forty-five day comment period. Section 6. The Constituency shall elect a person or persons to serve on Council in one of the four positions for the Constituency as provided herein and any Rules and Regulations adopted by the Constituency.

ARTICLE IX. CITY COUNCIL CONCURRENCE. Section 1. City Council concurrence Required. The concurrence, by majority of the entire City Council is required on the following matters: 1) Any proposed amendments to the Charter; 2) Annually fixing the compensation of DWPDA Council members, if any, and the nature and limit of expenses incurred by DWPDA Council members that may be reimbursed. Per diem for DWPDA Council members cannot exceed the per diem of the Mayor of Seattle; each member's monthly expenses cannot exceed the Mayor of Seattle's per diem salary; 3) Selection of an independent auditor on a yearly basis.

ARTICLE X. MEETINGS. Section 1. Open Public Meetings. 1) All DWPDA Council meetings, including executive, all other permanent and ad hoc committee meetings, shall be open to the public to the extent required by RCW 42.30.010 et seq. Efforts to open meetings above and beyond the letter of the law are to be encouraged and applauded. The DWPDA Council and committees may hold executive sessions to consider matters enumerated in RCW 42.30.010 et seq. or privileged matters recognized by law, and shall enter the cause thereof in its official journal. Notice of meetings shall be given in a manner consistent with RCW 42.30.010 et seq. In addition, DWPDA shall routinely provide reasonable notice of meetings to any individual specifically requesting it in writing. At such meetings, any citizen shall have a reasonable opportunity to address the DWPDA Council either orally or by written petition. Voting by telephone is not permitted. Section 2. Meetings of the DWPDA Council. 1) The DWPDA Council shall meet at least once each month. 2) Special meetings of the DWPDA Council may be called as provided in the Rules and Regulations. Section 3. Parliamentary Authority. The rules contained in Robert's Rules of Order (Revised) shall govern DWPDA in all cases to which they are applicable where they are not inconsistent with the Charter and/or the Rules and Regulations. Section 4. Minutes. Copies of all minutes of all regular or special meetings of the DWPDA Council shall be available to any person or organization that requests them. The minutes of all DWPDA Council meetings shall include a record of individual votes. An audio recording of all meetings must be made, maintained, and made available. Efforts to do likewise with video are to be made. Meetings should be broadcast if possible.

ARTICLE XI. RULES AND REGULATIONS. The DWPDA Council shall adopt Rules and Regulations to provide such rules for governing DWPDA and its activities as are not inconsistent with this Charter. The adoption of the Rules and Regulations, and any amendments thereto, shall require an affirmative vote of a majority of the whole DWPDA Council and the General Constituency. The Rules and Regulations shall provide, among other things, for 1) The existence of committees of DWPDA and the duties of any such committees; 2) Regular and special meetings of the DWPDA Council; 3) Any matters set forth in Seattle Municipal Code 3.110.140 not inconsistent with the Charter or not provided for herein.

ARTICLE XII. AMENDMENTS TO CHARTER AND RULES AND REGULATIONS. Section 1. Proposals to Amend Charter or Rules and Regulations. 1) Proposals to amend the Charter or Rules and Regulations shall be presented in a format which strikes over material to be deleted and underlines new material. 2) Any two (2) DWPDA Council members may introduce an amendment to the Charter or the Rules and Regulations (which may consist of new Rules and Regulations) at any regular meeting or at any special meeting prior to which thirty (30) days' advance notice has been given. Section 2. DWPDA Council Consideration of Proposed Amendments. If notice of a proposed amendment to the Charter or to the Rules and Regulations, and information, including the text of the proposed amendment and a statement of its purpose and effect, is provided to members of the DWPDA Council and the General Constituency fifteen (15) days prior to any regular DWPDA Council meeting and/or General Constituency meeting any special meeting of which thirty (30) days' advance notice has been given, then the DWPDA Council or the General Constituency may vote on the proposed amendment at the same meeting as the one which the amendment is introduced. Section 3. Vote Required for Amendments to Charter. Resolutions of the DWPDA Council approving amendments to the Charter require an affirmative vote representing a majority of DWPDA Council members and a majority of the General Constituency voting. Section 4. City Council Concurrence. After adoption of a proposed amendment to the Charter of DWPDA, as set forth herein, by the DWPDA, the proposed amendment shall be transmitted to the City Council for concurrence. If the City Council concurs, the Mayor of Seattle shall cause to be issued duplicate originals of the revised Charter, each signed by the Mayor and bearing the City Seal attested by the City Clerk. Section 6. Effective Date of Amendments to the Rules and Regulations. Amendments to the Rules and Regulations shall not take effect until ten (10) days after filing of the same with the City Clerk.

ARTICLE XIII. RECORDS AND REPORTING REQUIREMENTS. Section 1. Establishment and Maintenance of Office and Records. DWPDA shall: 1) maintain a principal office within the limits of the City; 2) File and maintain current

with the City Clerk a listing of all officials, their positions, and their business and home address, their business and home phone numbers, the address of its principal office and all other offices used by it, and a current set of its Rules and Regulations; and 3) Maintain all DWPDA records in a manner consistent with the Preservation and Destruction of Public Records Act, RCW Chapter 40.14. Section 2. Annual Report. DWPDA shall: 1) Within five (5) months of the end of its fiscal year, file an annual report with the City Clerk, the City Council, the Mayor and all Seattle Public Libraries containing a certified statement of assets and liabilities, income and expenditures, and changes in its financial position during the previous year; a summary of significant accomplishments; a list of depositories used; a projected operating budget for the current fiscal year and a separate capital budget; a summary of projects and activities to be undertaken during the current year; a list of DWPDA officials and a list of officers bonded pursuant to Seattle Municipal Code 3.110.240(c). This report must be audited by the State Auditor, and independent auditor, or both. Section 2. Public Records. The public shall have access to records and information of DWPDA to the extent required by state law and City ordinance. Efforts to go above and beyond the letter of the law in this regard are to be encouraged and applauded. All DWPDA checking accounts shall be open and available to the public.

ARTICLE XIV. COMMENCEMENT. DWPDA shall come into existence and be authorized 90 days after the office of the King County Records and Elections certifies the passage of this Initiative.

ARTICLE XV. DISSOLUTION. Section 1. Dissolution of DWPDA shall be in the form and manner required by law, City ordinance, and the Rules and Regulations. Upon dissolution of DWPDA and the winding up of its affairs, all of the rights, assets and property of DWPDA shall pass to and be distributed according to the terms of any applicable Grant Agreements or covenants with the Federal Government, or agreements with donors, or other parties made at the time of acquisition, or to a qualified entity specified in Seattle Municipal Code 3.110.490. Section 2. Dissolution Statement. Upon enactment of a resolution by the City Council for dissolution of DWPDA or by DWPDA for its own dissolution

other than for purposes of merger or reorganization in a plan approved by the mayor, DWPDA shall file a dissolution statement signed by its chief executive officer setting forth: a) The name and principal office of DWPDA; b) The debts, obligations, and liabilities of DWPDA, and the property and assets available to satisfy the same; the provisions to be made for satisfaction of outstanding liabilities and performance of executor contracts; and the estimated time for completion of its dissolution; c) any pending litigation or contingent liabilities; d) The DWPDA Council resolution providing for such dissolution and the date(s) and proceeding(s) leading toward its adoption, whenever the dissolution be voluntary; and e) a list of persons to be notified upon completion of dissolution.

ARTICLE XVI. MISCELLANEOUS. Section 1. Bonding. The members of the DWPDA Council and any other officers or officials with the responsibility for handling DWPDA accounts and finances, shall file with DWPDA fidelity bonds in an amount determined adequate and appropriate by the DWPDA Council. DWPDA shall pay the premium for such bond. Those officials may hold such positions only as long as such bonds continue in effect. DWPDA shall notify the Mayor and the public in its annual report of the officials responsible for DWPDA funds, accounts and finances, the names of such officials and the amounts of the bonds prescribed for them, and confirm that such bonds are currently in effect. Section 2. Safeguarding of Funds. DWPDA funds shall be deposited into a depository acceptable to the mayor and be otherwise safeguarded pursuant to such instructions as the mayor may from time to time issue. Section 3. Insurance. DWPDA shall maintain in full force and effect public liability insurance in an amount specified by the mayor sufficient to cover potential claims for bodily injuries, death or disability, and for property damage, which may arise from or be related to projects and activities of DWPDA, naming the City as an additional insured. Section 4. Code of Ethics. No current DWPDA official or employee shall engage in conduct prohibited under Seattle Municipal Code 3.110.560. Uncompensated officials and employees designated compensated employees shall annually by April 15 file statements of economic interest as required under Seattle Municipal Code 3.110.570. The Council shall enforce the provisions of Seattle Municipal Code 3.110.580. Additionally, all final DWPDA Council determinations under Seattle Municipal Code 3.110.580 shall be provided to the City Board of Ethics for its information. The City Board of Ethics, in its discretion, may comment on any determinations and provide its comments to the DWPDA Council. Section 5. Discrimination Prohibited. 1) As provided in Seattle Municipal Code 3.110.280, neither DWPDA Council nor Constituency membership may directly or indirectly be based upon or limited by age, race, color, religion, sex, national origin, marital status, sexual orientation, political ideology, or the physical handicap of a capable person. The DWPDA Council shall take steps to assume equality of employment opportunity, as provided in the code. 2) DWPDA use of funds provided to it by the City shall be subject to the requirements of Seattle Municipal Code Chapter 20.46 (Women's and Minority Business Utilization). Section 6. Nonexclusive Charter. This Charter is nonexclusive and does not preclude the granting by the City of other charters to establish additional public corporations. Section 7. Standing. Any citizen of Seattle will have standing in court to enforce any provision of this Initiative. Section 8. Severability. If any part of this Charter is found by a court to be unconstitutional, according to either Federal or State constitutions, the remaining parts shall remain in force. The officials of any Court shall interpret this Charter in the broadest sense in order that DWPDA may carry out its mandate.

## A WATERFRONT FOR ALL

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parkmyviaduct.org

State of Washington,  
County of King

I, Monica Martence Simmons certify that this is a true and correct  
copy of Resolution 31607, on file in the records  
of the City of Seattle, Office of the City Clerk



Signed by: Monica M. Simmons  
Signature: Monica M. Simmons  
Title: City Clerk  
Date: 4-6-16