CF 311489
#2

# Legislative Department
# Office of City Clerk
# Memorandum

**Date:** April 28, 2011

**To:** Council President Conlin and Members of the City Council

**From:** Monica Martinez Simmons, City Clerk

**Subject:** *Clerk File Number 311489; Report of the City Clerk on the Certificate of Sufficiency for Initiative Measure No.101, relating to a tunnel replacing that portion of SR 99 commonly known as the Alaskan Way Viaduct.*

Please be advised on April 13, 2011, the King County Department of Elections delivered to the Seattle City Clerk the official Certificate of Sufficiency for Initiative Measure No. 101, concerning prohibition of the construction, operation, or use of City of Seattle right(s)-of-way or City-owned property for the construction and/or operation of a tunnel replacing that portion of SR 99 commonly known as the Alaskan Way Viaduct.

King County Department of Elections found the signatures submitted under the Initiative Measure No. 101 to be sufficient under the provisions of the Revised Code of Washington, Seattle Municipal Code 1.10.110 and 35A.01.040. The Certificate of Sufficiency has been filed under Clerk File No. 311489 and the Initiative Petition is filed under Clerk File No. 310969.

Pursuant to Article IV(1)( B) of the Seattle City Charter, the City Clerk is required to transmit the verification of sufficiency, together with her report thereon to the City Council at a regular meeting not more than twenty (20) days after the City Clerk has received verification of the sufficiency of such petition signatures, and such transmission shall be the introduction of the initiative bill or measure to the City Council. The Initiative and the City Clerk's Report will also be placed on the Full Council agenda on May 2, 2011.

Please do not hesitate to contact me should you have questions regarding this matter at ext. 4-8361.

Attachments (2)
- Certificate of Sufficiency
- Initiative Petition No. 101

Cc: Mayor Mike McGinn
Peter Holmes, City Attorney
Wayne Barnett, SEEC

FILED
CITY OF SEATTLE

2011 APR 13 PM 2:44

CITY CLERK

King County
Department of Elections

# CERTIFICATE OF SUFFICIENCY

**THIS IS TO CERTIFY** that the petition submitted on March 30, 2011 to King County Elections Department, for the City of Seattle Initiative 101, has been examined and the signatures thereon carefully compared with the registration records of the King County Elections Department, and as a result of such examination, found the signatures to be sufficient under the provisions of the *Revised Code of Washington SMC 1.10.110 and 35A.01.040.*

Dated and Signed on the 13th day of April, 2011

Sherril Huff, Director

# I xx STOP THE TUNNEL

INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL

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: "City of Seattle Initiative Measure [Insert City Title Here:_____ _____.",] 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 am a legal voter of The City of Seattle, State of Washington. My residence address is correctly stated. I have personally signed this petition.

( * Only Registered Seattle Voters Can Sign This Petition * )

| PETITIONER'S SIGNATURE: | PRINTED NAME: | HOME ADDRESS, STREET AND NUMBER |
|---|---|---|
| 1 | | |
| EMAIL ADDRESS: | DATE: | CONTACT PHONE: |
| 2 | | |
| EMAIL ADDRESS: | DATE: | CONTACT PHONE: |
| 3 | | |
| EMAIL ADDRESS: | DATE: | CONTACT PHONE: |
| 4 | | |
| EMAIL ADDRESS: | DATE: | CONTACT PHONE: |
| 5 | | |
| EMAIL ADDRESS: | DATE: | CONTACT PHONE: |

## COMPLETE TEXT OF INITIATIVE NO. ____

**AN ORDINANCE** to prohibit the construction, operation, or use of City of Seattle right-of-way(s) or City-owned property, wherever situated, above or below the ground, for the construction of and/or operation of a tunnel, and/or tunnel for vehicular traffic, or for tunnel-related facilities that replace in whole or in part that portion of SR 99 commonly known as the Alaskan Way Viaduct; **WHEREAS**, the City of Seattle, King County and Washington State executives have declared their intention to support and to take all necessary acts within their powers to cause a deep-bored tunnel to be built as a replacement for the Alaskan Way Viaduct (hereinafter "Viaduct"); and **WHEREAS**, the proposed tunnel will likely cause a significant expenditure of the public's funds, double the amount for two alternative options selected through the Alaskan Way Stakeholders Advisory Committee process in December, 2008, the hybrid elevated alternative and the hybrid surface alternative ; and **WHEREAS**, public transportation tunnel projects of all kinds invariably, and significantly exceed in dollars and time their original estimates and budgets; and **WHEREAS**, the proposed tunnel project, if it is built, will likely cause significant inconvenience and loss, in time and money to thousands of present and future Viaduct users, over several years due to a lengthy construction time and/or because of likely construction delays, and/or due to the loss of the through capacity of the present Viaduct; and **WHEREAS**, the proposed tunnel will cause a significant disruption of and impacts to the scenic vistas now available to and/or enjoyed by the thousands of daily users of the Viaduct; and **WHEREAS**, it is not reasonable or practical to mitigate the above impacts and those related to the construction of a deep-bore tunnel that would replace the Viaduct if it is allowed to be constructed in the public right-of-way, or on public property, including those in the subterranean zones; **NOW, THEREFORE**, be it ordained by the City of Seattle as follows: Sec. 1. The City's approach to the repair or replacement of the Alaskan Way Viaduct has inappropriately favored replacement of the existing structure in part with a tunnel. For instance, references in the City's Comprehensive Plan purport to prohibit elevated structures, but allow tunnels with a surface roadway and a surface roadway without a tunnel, both of which are impractical to accommodate the level of traffic on the Alaskan Way Viaduct. The Council is urged to make changes in the City's Comprehensive Plan to retain options for addressing the Alaskan Way Viaduct, including repair or replacement with an elevated structure. Additionally, the Alaskan Way Viaduct is an essential public facility both as a bypass highway and an access facility to downtown and northwest Seattle neighborhoods. The site for this essential public facility should not be eliminated. Section 2. A new Section 15.55 of the Seattle Municipal Code is added to read as follows: The construction, operation or use of any City right-of-way or City-owned property wherever situated for a tunnel for vehicular traffic, or tunnel-related facility, to replace in whole or in part the Alaskan Way Viaduct is hereby prohibited. Section 3. All ordinances and/or parts of ordinances in conflict with the provisions of this measure are hereby repealed. Section 4. If any provision of this ordinance or its application to any person or circumstances is declared illegal, the remainder of the ordinance or its application to other persons or circumstances shall not be affected thereby. Section 5. The City Attorney is directed to fully defend against any challenge to this ordinance and/or to its application to any person, property or circumstance.

"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 petition 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."

**PLEASE RETURN THIS PETITION AS SOON AS POSSIBLE TO: Seattle Citizens Against the Tunnel**
**3213 W. Wheeler St. #271 Seattle, WA 98199 or, CALL OR WRITE FOR PICKUP BY A SCAT MEMBER:**
**206-660-8290 Phone 206-283-6300 Fax initiative@scatnow.com WWW.SCATNOW.COM**

FILED
CITY OF SEATTLE

2011 APR 13 PM 2:44

CITY CLERK

**King County**
Elections Department
919 SW Grady Way
Renton, WA 98057-2906
**206.296.8683** Fax 206.296.0108 TTY Relay: 711

April 13, 2011

Monica Martinez Simmons
Seattle City Clerk
600 Fourth Avenue, Floor 3
Seattle, WA 98124

**RE: Seattle Initiative 101**

Dear Ms. Simmons:

The King County Elections Department examined the signatures contained on the City of Seattle Initiative 101. Of the signatures that were compared against those on file with our office, 1,723 were determined to be registered voters of King County in the City of Seattle. That number exceeds the 1,179 valid signatures required to certify, therefore the petition is sufficient.

If you have questions, please contact Jacqueline H. Timmons, Program Manager of Voter Services at (206) 296-1608.

Sincerely,

Sherril Huff
Elections Director

cc: Jacqueline H. Timmons, Voter Services Manager

enclosures: Original Petition pages
Certificate of Sufficiency

FILED
CITY OF SEATTLE
2011 APR 13 PM 2:44
CITY CLERK

King County
Department of Elections

# CERTIFICATE OF SUFFICIENCY

**THIS IS TO CERTIFY** that the petition submitted on March 30, 2011 to King County Elections Department, for the City of Seattle Initiative 101, has been examined and the signatures thereon carefully compared with the registration records of the King County Elections Department, and as a result of such examination, found the signatures to be sufficient under the provisions of the *Revised Code of Washington SMC 1.10.110 and 35A.01.040.*

Dated and Signed on the 13th day of April, 2011

Sherril Huff, Director

FILED
CITY OF SEATTLE

2011 MAR 21 AM 10: 32

CITY CLERK

**King County**
Elections Department
919 SW Grady Way
Renton, WA 98057-2906
**206.296.8683** Fax 206.296.0108 TTY Relay: 711

March 18, 2011

Monica Martinez Simmons
Seattle City Clerk
600 Fourth Avenue, Floor 3
Seattle, WA 98124

**RE: Seattle Petition I-101**

Dear Ms. Simmons:

The King County Elections Department examined the signatures contained on the City of Seattle Initiative 101 Petition. Of the signatures that were compared against those on file with our office, 19,450 were determined to be registered voters of King County in the City of Seattle. Since that number did not meet the requirement of 20,629 valid signatures to certify, it is determined that the petition is insufficient.

If you have questions, please contact Jacqueline H. Timmons, Program Manager of Voter Services at (206) 296-1608.

Sincerely,

Sherril Huff
Elections Director

cc: Jacqueline H. Timmons, Voter Services Manager

enclosures: City of Seattle I-101 Petition