Honorable Joan DuBuque
City's Scheduling Motion
Noted for June 14, 2011
Without argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

CITY OF SEATTLE, A Washington municipal corporation, Plaintiff, vs. SEATTLE CITIZENS AGAINST THE TUNNEL; ELIZABETH A. CAMPBELL, in her capacity as Seattle Citizens Against the Tunnel's Campaign Manager and the principal initiative petitioner; WASHINGTON STATE DEPARTMENT OF TRANSPORTATION. Defendants.	No. 11-2-13620-5SEA ~~[PROPOSED]~~ ORDER ON PLAINTIFF CITY OF SEATTLE'S SCHEDULING MOTION Noted for: June 14, 2011 Without Argument **(CLERK'S ACTION REQUIRED)**

THIS COURT, having considered the City of Seattle's Scheduling Motion, the accompanying supporting documents, any responses and their accompanying supporting documents, any replies in support, and the other pleadings and documents on file with this Court,

ORIGINAL.

PETER S. HOLMES
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

It is hereby ORDERED, ADJUDGED, AND DECREED that:

The following Schedule is adopted for the City's motion for summary judgment and Campbell's motion to strike under RCW 4.24.525:

[Option 1]

1. The hearing on the two motions is set for June 28, at 9:00 a.m.

2. The Seattle Charter time-line for the City Council to take action on proposed Initiative 101 is tolled for two weeks from the prior stipulated order timeframe of June 30th to July 14th.

3. With respect to Campbell's Motion to Strike under RCW 4.24.525 briefs are due as follows:

   A. Monday, June 20: City of Seattle and WSDOT responses due by 4:30 p.m.

   B. Friday, June 24: Campbell's reply is due by noon

4. With respect to the City's Motion for Summary Judgment briefs are due as follows:

   A. Monday, June 20: Campbell's response is due by 4:30 p.m.

   B. Monday, June 27: City's reply is due by noon.

[Option 2]

1. The hearing on the two motions is set for July 18, 2011, at ~~2:00~~ 1:30 PM p.m.

2. The Seattle Charter time-line for the City Council to take action on proposed Initiative 101 is tolled until Monday, August 15, 2011. The court finds good cause for such tolling as the defendants filed the motion to Strike on the day its response to

3. With respect to Campbell's Motion to Strike under RCW 4.24.525 briefs are due as follows:

   A. Thursday, July 7: City of Seattle and WSDOT responses due by 4:30 p.m.

   B. Wednesday, July 13, 2011: Campbell's reply is due by 4:30 p.m.

Plaintiff's summary judgment was due & noted the matter for hearing on a date the court was unavailable e.g. July 8, 2011 & without getting permission for oral argument. Additionally, the court is accomodating defense scheduling conflicts.

PETER S. HOLMES
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

4. With respect to the City's Motion for Summary Judgment briefs are due as follows:

A. Thursday, July 7: Campbell and SCAT's responses due by 4:30 p.m.

B. Wednesday, July 13, 2011: City of Seattle's reply is due by 4:30 p.m.

DATED this 14th day of June, 2011.

By: Joan DuBuque
Honorable Joan DuBuque
Superior Court Judge

Presented by:

PETER S. HOLMES
Seattle City Attorney

Jeff Slayton, WSBA No. 14215
John B. Schochet, WSBA No. 35869
Gary E. Keese, WSBA No. 19265
Assistant City Attorneys
Attorneys for Plaintiff City of Seattle

PETER S. HOLMES
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

CF 310969
#1

City of Seattle
Legislative Department
Office of the City Clerk
Monica Martinez Simmons, City Clerk

April 8, 2011

HAND DELIVERED

Ms. Sherril Huff, Director
King County Elections
9010 East Marginal Way So.
Tukwila, WA 98108

SUBJECT: Initiative No. 101 Signature Transmittal

Dear Ms. Huff:

The proponents of City of Seattle Initiative No. 101 submitted their petitions with my office on Thursday, April 7, 2011, at approximately 1:00 p.m. Initiative No. 101 concerns prohibition of the construction, operation, or use of City of Seattle right-of-way(s) 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. Elizabeth Campbell, representing Seattle Citizens Against the Tunnel, estimated the 338 petition pages contain approximately 3,182 signatures.

Accompanying this transmittal letter is one box containing 338 petition pages. The pages have been numbered sequentially, 1 through 338.

In accordance with King County Elections guidelines, please verify the validity of these signatures for determination of sufficiency/insufficiency for the purpose of Initiative No. 101. Please be advised that the Seattle City Charter requires Twenty Thousand Six Hundred Twenty-nine (20,629) valid signatures to qualify this initiative for presentation to the Seattle City Council. The number of validated signatures submitted in the first batch was Nineteen Thousand Four Hundred Fifty (19,450), and so One Thousand One Hundred Seventy Nine (1,179) additional signatures are required for the initiative to qualify.

The signatures being transmitted were gathered under the additional 20-day period allowed pursuant to the Seattle City Charter and City Clerk Rule No. 00-01. The notice of insufficiency of signatures was provided to the petitioner on March 21, 2011. Therefore, we request that you please also validate that the signatures were gathered between March 21, 2011, and April 10, 2011 (including March 21).

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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Should you have any questions or if we can provide any assistance in this matter, please contact City Clerk Monica Martinez Simmons at (206) 684-8361.

Very truly yours,

Carol Shenk
Information Manager
Office of the City Clerk

Cc: Monica Martinez Simmons, City Clerk
City Councilmembers
Mayor Mike McGinn
City Attorney Peter Holmes
Wayne Barnett, Director, Ethics and Elections Commission
Elizabeth Campbell, representing Seattle Citizens Against the Tunnel

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receipt of petition acknowledgement

KingCounty Elections

submitter information

Submitter's name	Carol Shenk	
Company/Organization	City of Seattle Office of the City Clerk	
Address	600 4th Ave PO Box 94728 Seattle 98124	
E-mail: shenkc@seattle.gov	Phone: 206 684 5474	Fax:

sign here [Carol Sh] date here [4/8/2011]

sponsor information (if applicable)

Initiative/Petition sponsor name	Elizabeth Campbell	
Company/Organization	Seattle Citizens Against the Tunnel	
Address		
E-mail	Phone	Fax

sign here [ ] date here [ ]

petition information

Formula, law citation, or city code reference determining the number of signatures required
Seattle City Charter

Number of signatures submitted
estimated 3,182

Number of pages submitted
338

Notice: All information submitted on this form is a public record. King County Election will notify the petition submitter regarding the estimated start date of the petition within five business days of receipt. Petitions are processed in order of the date received.

office use only

Date received: 4/8/11	Number of pages submitted: 338	Election staff signature: Jacqueline H. Timmons
Date completed:	Signatures verified:	Election staff signature:

City of Seattle
Legislative Department
Office of the City Clerk
Monica Martinez Simmons, City Clerk

SIGNATURE SUBMITTAL RECEIPT

Initiative Measure No. 101

On April 7, 2011 at 1:00 a.m./(p.m.) I filed 338
Day/Date Time # of pages

Petition pages for I-101 containing, 3,182 signatures*, with the
# of signatures

Seattle City Clerk, for transmission to the King County Records and Elections Division for signature verification.

Signed E. A. Campbell

ELIZABETH A. CAMPBELL
Print Name

*The number of signatures has not been verified by the City Clerk

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City Clerk Staff Only

Page # 1 through 338

Batch # 2

Date/Time Stamp: FILED CITY OF SEATTLE 2011 APR -7 PM 1:08 CITY CLERK

Pages as numbered by Petitioner 338

Pages counted by City Clerk Staff 338

Carol Shu
Received by (City Clerk)

COPY TO INITIATIVE REPRESENTATIVE(S)
RETAIN ORIGINAL FOR OFFICIAL FILE

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King County
Department of Elections
RNT-EL-0100
919 SW Grady Way
Renton, WA 98057-2906
206-296-VOTE (8683) TTY Relay: 711
www.kingcounty.gov/elections

April 8, 2011

Monica Martinez Simmons
Seattle City Clerk
City Hall, Floor 3
600 4th Avenue
Seattle, WA 98104-1859

RE: Certification of Terminal Date for Petition – Seattle Initiative No. 101 – Additional Signatures

Dear Ms. Simmons:

Effective 11:00 a.m., Friday, April 8, 2011, King County Elections will begin the determination of sufficiency on the additional signatures for Seattle Initiative Measure No. 101.

As prescribed by RCW 35A.01.040(4), the foregoing date is certified as the terminal date for the petition. No signer may withdraw his or her signature hereafter nor may any further signatures be added to the petition, unless otherwise determined by City Charter of the City of Seattle.

As referenced in your February 3, 2011 letter, a total of 20,629 valid signatures of City of Seattle registered voters are needed to meet the sufficiency requirement of the law.

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

Sincerely,

Sherril Huff
Elections Director

cc: Jacqueline Timmons, Program Manager of Voter Services

City of Seattle
Legislative Department
Office of the City Clerk
Monica Martinez Simmons, City Clerk

Via Certified Mail & Email Transmission

March 21, 2011

Ms. Elizabeth A. Campbell
Seattle Citizens Against the Tunnel
3213 W. Wheeler Street, #271
Seattle, WA 98199

SUBJECT: Notice of Insufficiency; Initiative Measure No. 101

Dear Ms. Campbell:

Today I received written notification from King County Elections that they have completed the signature verification process and that there were an insufficient number of valid signatures submitted for Initiative Measure No. 101. Enclosed please find a copy of King County's notification of insufficiency.

Pursuant to your February 1, 2011, correspondence and related Article IV of the Seattle City Charter, upon notice of insufficiency, petitioners are allowed an additional 20-day period in which to complete such petition for the purpose of acquiring the required number of valid signatures. "City Clerk Rule No. 00-01, "Calculating the 20 Day Deadline for Submission of Additional Initiative Petition Signatures" (**Clerk File Number: 303620**), provides in Section 2:

> 2.0 For any particular petition drive, the additional twenty day period shall begin at the election of the principal petitioner, either:
>
> 1. Immediately after the expiration of the initial 180 day period (i.e. on the 181st day); or
> 2. on the day the petitioner is provided with the notice of insufficiency.

Since you elected the option of waiting to utilize the additional twenty days only if the County issued a Notice of Insufficiency, please be advised the 20-day start date for gathering additional signatures begins today, on the date of notification. Signatures can be gathered beginning today, Monday, March 21, 2011, and ending on Sunday, April 10, 2011. Pursuant to King County's notification, 19,450 signatures were determined to be registered voters of King County in the City of Seattle. The required number of signatures to certify Initiative Measure No. 101 is 20,629.

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email: clerk@seattle.gov
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Ms. Elizabeth A. Campbell
March 21, 2011

Should you have any questions regarding this matter, please contact me at (206) 684-8361 or via email at Monica.simmons@seattle.gov.

Very truly yours,

Monica Martinez Simmons
City Clerk

Attachment (1)

cc: City Councilmembers
Mayor Michael McGinn
Peter Holmes, City Attorney
Wayne Barnett, Ethics & Elections Commission

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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

King County
Elections

Elections Division
919 Southwest Grady Way
Renton, WA 98057-2906

FILED
CITY OF SEATTLE
2011 MAR 21 AM 10: 32
CITY CLERK

E-504

Monica Simmons
Confidential

King County
Department of Elections
RNT-EL-0100
919 SW Grady Way
Renton, WA 98057-2906
206-296-VOTE (8683) TTY Relay: 711
www.kingcounty.gov/elections

February 4, 2011

Monica Martinez Simmons
Seattle City Clerk
City Hall, Floor 3
600 4th Avenue
Seattle, WA 98104-1859

RE: Certification of Terminal Date for Petition – Seattle Initiative No. 101

Dear Ms. Martinez Simmons:

Effective 9:00 a.m., Monday, February 28, 2011, King County Elections will begin the determination of sufficiency for Seattle Initiative Measure No. 101.

As prescribed by RCW 35A.01.040(4), the foregoing date is certified as the terminal date for the petition. No signer may withdraw his or her signature hereafter nor may any further signatures be added to the petition, unless otherwise determined by City Charter of the City of Seattle.

As referenced in your February 3, 2011 letter, a total of 20,629 valid signatures of City of Seattle registered voters are needed to meet the sufficiency requirement of the law.

If you have questions, please feel free to contact me at 206-296-1608.

Sincerely,

Sherril Huff
Elections Director

cc: Jacqueline Timmons, Program Supervisor of Voter Services
Julie Wise, Program Supervisor of Voter Services
File Copy

King County
Elections

Elections Division
919 Southwest Grady Way
Renton, WA 98057-2906

FILED
CITY OF SEATTLE
2011 FEB -9 PM 2:58
CITY CLERK

SEATTLE WA 980
04 FEB 2011 PM 4 L

Monica Martinez Simmons
Seattle City Clerk
City Hall, Floor 3
600 4th Avenue
Seattle, WA 98104-1859

E-504

9810431850

IN PERSON OTC

FEB - 3 2011

City of Seattle
Legislative Department
Office of the City Clerk

Monica Martinez Simmons, City Clerk

February 3, 2011

HAND DELIVERED

Ms. Sherril Huff, Director
King County Elections
9010 East Marginal Way So.
Tukwila, WA 98108

SUBJECT: Initiative Measure No. 101; Signature Transmittal - Batch 1

Dear Ms. Huff:

The proponents of City of Seattle Initiative Measure No. 101, concerning prohibiting replacing the Alaskan Way Viaduct with a tunnel, submitted their petitions with my office on Tuesday, February 1, 2011, at approximately 10:00 a.m. Ms. Elizabeth Campbell, Chair of Citizens Against the Tunnel, estimated the petition pages contain approximately 27,500 signatures.

Accompanying this transmittal letter are four (4) boxes containing 2,904 petition pages. The petition pages have been numbered sequentially beginning with #000001 and ending with #002904. The following petition pages have been packaged and delivered as follows:

Box 1 of 4 – Petition Nos. 000001 – 000750
Box 2 of 4 – Petition Nos. 000751 – 001500
Box 3 of 4 – Petition Nos. 001501 – 002250
Box 4 of 4 – Petition Nos. 002251 – 002904

In accordance with King County Elections guidelines, please verify the validity of these signatures for determination of sufficiency/insufficiency for the purpose of Initiative Measure No. 101. Please be advised twenty thousand six hundred and twenty nine (20,629) valid signatures are required to qualify this initiative for presentation to the Seattle City Council and/or placement on an election ballot.

Should you have any questions or if I can provide any assistance in this matter, please do not hesitate to contact me at (206) 684-8361.

Very truly yours,

Monica Martinez Simmons
City Clerk

Cc: Mayor Mike McGinn
City Councilmembers
City Attorney Peter Holmes
Wayne Barnett, Director, Ethics and Elections Commission
Elizabeth Campbell, Chair, SCAT, Initiative Measure No. 101

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(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025
email: clerk@seattle.gov
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receipt of petition acknowledgement

KingCounty Elections

submitter information

Submitter's name: Monica Martinez Simmons, City Clerk		
Company/Organization: City of Seattle		
Address: 600 Fourth Avenue, Floor 3		
E-mail: monica.simmons@seattle.gov	Phone: 206-684-8361	Fax: 206-386-9025

sign here: Monica B. Simmons

date here: Feb 3, 2011

sponsor information (if applicable)

Initiative/Petition sponsor name: Elizabeth Campbell, Chair, Seattle Citizens Against the Tunnel		
Company/Organization: SCAT		
Address: 3213 W. Wheeler No. 271, Seattle, WA 98199		
E-mail: campbell.beth@comcast.net	Phone: 206-769-8459	Fax:

sign here:

date here:

petition information

Formula, law citation, or city code reference determining the number of signatures required: 10% of total votes cast for mayor at the last mayoral election

Number of ~~signatures~~ PAGES submitted: 2904

Number of pages submitted:

Notice: All information submitted on this form is a public record. King County Election will notify the petition submitter regarding the estimated start date of the petition within five business days of receipt. Petitions are processed in order of the date received.

office use only

Date received: 2/3/11	Number of pages submitted: 2904	Election staff signature: Jacqueline H. Timmons
Date completed:	Signatures verified:	Election staff signature:

City of Seattle
Legislative Department
Office of the City Clerk
Monica Martinez Simmons, City Clerk

SIGNATURE SUBMITTAL RECEIPT

Initiative Measure No. 101

On 1ST February 2011 at 10:05 a.m./p.m., I filed 2900 approx
Day/Date Time # of pages

Petition pages for I-101 containing, 27,500 approx signatures*, with the
# of signatures

Seattle City Clerk, for transmission to the King County Records and Elections Division for signature verification.

Signed E. A. Campbell

ELIZABETH CAMPBELL
Print Name

*The number of signatures has not been verified by the City Clerk

---

City Clerk Staff Only

Page # 000001 through 002897

Batch # 1

Date/Time Stamp:

FILED
CITY OF SEATTLE
FEB -1 AM 10:02
CITY CLERK

Pages as numbered by Petitioner 000001 – 002897

Pages counted by City Clerk Staff 000001-002904

Monica B. Simmons
Received by (City Clerk)

COPY TO INITIATIVE REPRESENTATIVE(S)
RETAIN ORIGINAL FOR OFFICIAL FILE

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SCAT

SEATTLE CITIZENS AGAINST the TUNNEL

FILED
CITY OF SEATTLE
2011 FEB -1 AM 10:01
CITY CLERK

Tuesday, February 01, 2011

Ms. Monica Simmons
Office of the City Clerk
600 4th Avenue, Floor 3
PO Box 94728
Seattle, Washington 98124-4728

Dear Monica,

Please be advised that the proponents of I-101, Seattle Citizens Against the Tunnel, elects to choose the option of waiting until the initial petitions are verified, and then if we do not have sufficient verified signatures and upon notice of that eventuality, to proceed with the allowed additional 20 day period after receipt of such a notice to gather sufficient signatures for our measure to qualify for a ballot.

Sincerely Yours,

E. A. Campbell

Elizabeth A. Campbell, Chair
Seattle Citizens Against the Tunnel

3213 W Wheeler Street, #271 · Seattle, WA 98199 · 206.660.8290 · initiative@scatnow.com

City of Seattle
Legislative Department
Office of the City Clerk
Monica Martinez Simmons, City Clerk

August 6, 2010

Sherril Huff, Director
King County Elections
919 Southwest Grady Way
Renton, WA 98057-2906

Subject: Initiative Measure No. 101

Dear Ms. Huff:

Please be advised that a proposed initiative measure was filed with my office on July 29, 2010, designated Initiative Measure No. 101. The subject initiative concerns prohibition of the construction, operation, or use of City of Seattle right-of-way(s) 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.

The Seattle City Attorney's Office has provided the following ballot title:

THE CITY OF SEATTLE
INITIATIVE MEASURE NUMBER 101

The City of Seattle Initiative Measure Number 101 prohibits replacing the Alaskan Way Viaduct with a tunnel.

If enacted, the measure would prohibit 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. The measure also urges the Council to make changes in the City's Comprehensive Plan to retain options for addressing the Alaskan Way Viaduct, including repair or replacement of the viaduct with an elevated structure.

Should this measure be enacted into law?
Yes.....
No..... "

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

600 4th Avenue Floor 3, PO Box 94728, Seattle, Washington 98124-4728
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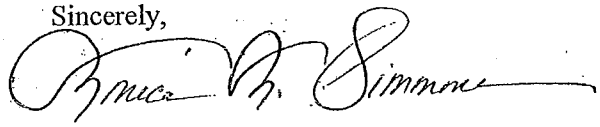
The initiative's proponents have been informed that the minimum number of resident registered voter signatures required is 20,629 and shall be filed with my office no later than end of business on February 1, 2011. The appropriate transmittal will subsequently be forwarded to your office for sufficiency verification.

Sherril, I look forward to working with your staff on this matter and appreciate the assistance they have provided me. Should you have any questions or require additional information at this time, please do not hesitate to contact me at (206) 684-8361 or monica.simmons@seattle.gov.

Sincerely,



Monica Martinez Simmons
City Clerk

Enc. (2)

cc: Wayne Barnett, Executive Director, SEEC

600 4th Avenue Floor 3, PO Box 94728, Seattle, Washington 98124-4728
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City of Seattle
Legislative Department
Office of the City Clerk

Monica Martinez Simmons, City Clerk

CERTIFIED MAIL
70051820000339764441

August 5, 2010

Elizabeth A. Campbell
3213 W. Wheeler Street, #271
Seattle, WA 98199

Subject: *Initiative Measure No. 101*

Dear Ms. Campbell:

The subject initiative measure filed with my office on behalf of Seattle Citizens Against the Tunnel (SCAT) on July 29, 2010, designated Initiative Measure No. 101, has been reviewed and approved as to form. The ballot title has been prepared by the City Attorney's Office in accordance with SMC 2.08.020 and reads as follows:

THE CITY OF SEATTLE
INITIATIVE MEASURE NUMBER 101

The City of Seattle Initiative Measure Number 101 prohibits replacing the Alaskan Way Viaduct with a tunnel.

If enacted, the measure would prohibit 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. The measure also urges the Council to make changes in the City's Comprehensive Plan to retain options for addressing the Alaskan Way Viaduct, including repair or replacement of the viaduct with an elevated structure.

Should this measure be enacted into law?
Yes
No

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

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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The initiative process is outlined in Article IV, Section 1 of the City Charter, Seattle Municipal Code Section 2.08, and the Washington State Code (RCW) 29.27.050. Please be advised the signed petitions for Initiative Measure No. 101 must be filed with the City Clerk within 180 days from approval notification. The 180-day count begins Friday, August 6, 2010. The number of signatures required shall be equal to or not less than ten (10) percent of the total number of votes cast for the office of Mayor at the last preceding municipal election (2009). The minimum number of resident registered voter signatures required is 20,629 and shall be filed with my office no later than the end of the business day on Tuesday, February 1, 2011 at 5:00p.m. The appropriate documentation and petition signatures will then be transmitted to the King County Elections Department for verification of the sufficiency of signatures in accordance with state law.

Should you have any questions, please feel free to contact me at (206) 684-8361 or via e-mail at Monica.simmons@seattle.gov

Very truly yours,

Monica Martinez Simmons
City Clerk

Cc: Mayor McGinn
City Councilmembers
Peter Holmes, City Attorney
Wayne Barnett, Director, EEC

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SEATTLE CITY ATTORNEY
PETER S. HOLMES

FILED
CITY OF SEATTLE
2010 AUG -4 PM 3:51
CITY CLERK

MEMORANDUM

TO: Monica Martinez Simmons, City Clerk

FROM: Jeff Slayton, Assistant City Attorney

SUBJECT: Ballot Title for Initiative 101 (Clerk File 310969)

DATE: August 4, 2010

Via e-mail and hand-delivered

In response to your July 29, 2010 memorandum regarding proposed Initiative Measure 101, this office has established the following ballot title:

THE CITY OF SEATTLE
INITIATIVE MEASURE NUMBER 101

The City of Seattle Initiative Measure Number 101 prohibits replacing the Alaskan Way Viaduct with a tunnel.

If enacted, the measure would prohibit 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. The measure also urges the Council to make changes in the City's Comprehensive Plan to retain options for addressing the Alaskan Way Viaduct, including repair or replacement of the viaduct with an elevated structure.

Should this measure be enacted into law?
Yes
No

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

If you have any questions, please contact me at 233-2154.

City of Seattle
Legislative Department
Office of the City Clerk
Monica Martinez Simmons, City Clerk

COPY

CERTIFIED MAIL

August 2, 2010

Corrected Version

Ms. Elizabeth A. Campbell
3213 W. Wheeler Street, #271
Seattle, WA 98199

RE: Filing of Initiative Measure No. 101, July 29, 2010

Dear Ms. Campbell:

This acknowledges receipt and filing of the Seattle Citizens Against the Tunnel (SCAT) proposed initiative measure on Thursday, July 29, 2010, 9:56a.m. This proposed measure will be known and designated as Initiative Measure No.101 and relates to the following:

> **"Initiative Measure No. 101, to prohibit the construction, operation, or use of City of Seattle right-of-way(s) 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."**

The petition is currently being reviewed for compliance with the appropriate petition filing requirements. A duplicate has also been transmitted to the City Attorney for preparation of a ballot title. I will provide you with both written and telephonic notification no later than the end of business on **Thursday, August 5, 2010**, with the results of the petition compliance review and status of the ballot title preparation.

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

Legislative Department
City Hall, Floor 2
600 4th Avenue
PO Box 34025
Seattle, WA 98124-4025

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Total Postage & Fees	$ $3.24	08/03/2010

SEATTLE COLUMBIA CTR STA 98104 AUG - 3 2010

Sent To: Ms Elizabeth Campbell
Street, Apt. No., or PO Box No.: 3213 W. Wheeler St #271
City, State, ZIP+4: Seattle WA 98199

PS Form 3800, June 2002 — See Reverse for Instructions

Ms. Elizabeth A. Campbell
3213 W. Wheeler Street, #271
Seattle, WA 98199

Legislative Department
Office of City Clerk
Memorandum

Date: July 29, 2010

To: The Honorable Peter Holmes
City Attorney

From: Monica Martinez Simmons, City Clerk

I am forwarding with this memo Clerk File No. 310969, which contains Initiative Measure No. 101, a proposed ordinance to: "prohibit the construction, operation, or use of City of Seattle right-of-way(s) 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."

The proposed initiative was filed with the Office of the City Clerk on Thursday, July 29, 2010, at 9:56a.m. and is submitted pursuant to Article IV, Section 1B of the City Charter, and Seattle Municipal Code 2.08. The coordinating organization for the initiative is the Seattle Citizens Against the Tunnel (SCAT). The contact person on file is Elizabeth Campbell, 3213 W. Wheeler Street, #271, Seattle, WA 98199, telephone: 206-769-8459.

The title of the Clerk File (CF) is:

"Initiative Measure No. 101, to prohibit the construction, operation, or use of City of Seattle right-of-way(s) 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."

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

attachment (CF 310969)

cc: Mayor McGinn
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

COPY

CERTIFIED MAIL

July 29, 2010

Ms. Elizabeth A. Campbell
3213 W. Wheeler Street, #271
Seattle, WA 98199

RE: Filing of Initiative Measure No. 101, July 29, 2010

Dear Ms. Campbell:

This acknowledges receipt and filing of the Seattle Citizens Against the Tunnel (SCAT) proposed initiative measure on Thursday, July 29, 2010, 9:56a.m. This proposed measure will be known and designated as Initiative Measure No.101 and relates to the following:

> **"Initiative Measure No. 101, to prohibit the construction, operation, or use of City of Seattle right-of-way(s) 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."**

The petition is currently being reviewed for compliance with the appropriate petition filing requirements. A duplicate has also been transmitted to the City Attorney for preparation of a ballot title. I will provide you with both written and telephonic notification no later than the end of business on Tuesday, August 3, 2010, with the results of the petition compliance review and status of the ballot title preparation.

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

SCAT

SEATTLE CITIZENS AGAINST THE TUNNEL

FILED
CITY OF SEATTLE
2010 JUL 29 AM 9:56
CITY CLERK
#101 [illegible]
petition register

Thursday, July 29, 2010

City of Seattle
Office of the City Clerk
600 4th Avenue, Floor 3
Seattle, Washington 98124-4728

Please find attached a proposed initiative petition. The following individual will be the contact person for this petition:

Elizabeth A. Campbell
3213 W. Wheeler St. #271
Seattle, WA 98199
206-769-8459
206-283-6300 FAX
email: campbell.beth@comcast.net

Thank you in advance for your time and consideration of this initiative.

Sincerely,

SEATTLE CITIZENS AGAINST THE TUNNEL

E. A. Campbell

Elizabeth A. Campbell, Chair

Enclosure

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:
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EMAIL ADDRESS:	DATE:	CONTACT PHONE:
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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

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 *)

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15 PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
16 PETITIONER'S SIGNATURE:	PRINTED NAME:	HOME ADDRESS, STREET AND NUMBER
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 SIGNED PETITION AS SOON AS POSSIBLE TO:

Seattle Citizens Against the Tunnel (SCAT)

3213 W. Wheeler St. #271

Seattle, WA 98199

or, CALL OR WRITE FOR PICKUP BY A SCAT MEMBER:

206-660-8290 Phone **initiative@scatnow.com E-Mail**

206-283-6300 Fax

WWW.SCATNOW.COM