

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

DECLARATION OF CAROL SHENK,  
Legislative Information Manager

I, Carol Shenk, declare under penalty of perjury under the laws of the State of  
Washington as follows:

DECLARATION OF CAROL SHENK - 1

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

1 1. I am the Legislative Information Manager for the City of Seattle. I am over the age of 18  
2 years and am competent to testify as to the matters herein.

3 2. On March 29, 2011 at approximately 10:00am, the Seattle City Clerk's Office received a  
4 petition to refer Ordinance 123542 from Scot A. Brannon and Andrew W. Paxton of Protect  
5 Seattle Now. Attached as **Exhibit 1** is a true and correct copy of the Signature Submittal Sheet.

6 3. After an initiative petitioner submits an approved petition, signature gathering may begin.  
7 The petitioner(s) have 180 days to collect signatures equal to 10% of the votes cast at the previous  
8 mayoral election (currently 20,629 signatures).

9 4. After receiving an initiative petition with a facially sufficient number of signatures, the City  
10 Clerk's Office transmits the signatures to the King County Elections Director for validation.

11 5. If there are a sufficient number of valid signatures certified to the City Clerk, the Clerk must,  
12 within 20 days, transmit the initiative petition to the City Council at a regular meeting.

13 6. The delivery of the initiative by the Clerk acts as introduction of the initiative bill in the  
14 Council.

15 7. On July 29, 2010, Elizabeth Campbell filed an initiative petition form with the Seattle  
16 City Clerk's Office. Attached as **Exhibit 2** is a true and correct copy of the proposed initiative  
17 petition with cover letter from Ms. Campbell.

18 8. On August 5, 2010, the City Clerk's Office provided Ms. Campbell with the ballot title  
19 for the initiative that had been prepared by the Seattle City Attorney.

20 9. The approved ballot title for proposed Initiative 101 is as follows:

21 **THE CITY OF SEATTLE**  
22 **INITIATIVE MEASURE NUMBER 101**

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

DECLARATION OF CAROL SHENK - 2

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

1 If enacted, the measure would prohibit the construction, operation or use of any  
2 City right-of-way or City-owned property wherever situated for a tunnel for  
3 vehicular traffic, or tunnel-related facility, to replace in whole or in part the  
4 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.

5 10. The two operative sections of Initiative 101 are as follows:

6 Section 2. A new Section 15.55 of the Seattle Municipal Code is added to read as  
follows:

7 The construction, operation or use of any City right-of-way or City-owned  
8 property wherever situated for a tunnel for vehicular traffic, or tunnel-related  
9 facility, to replace in whole or in part the Alaskan Way Viaduct is hereby  
prohibited.

10 Section 3. All ordinances and/or parts of ordinances in conflict with the  
provisions of this measure are hereby repealed.

11 See Exhibit 2.

12 11. In February 2011, Ms. Campbell delivered petitions with signatures to the City Clerk's  
13 Office and the City Clerk's Office forwarded these petition signatures to King County Elections  
14 for validation.

15 12. On March 18, 2011, King County informed the City Clerk's Office, and on March  
16 21, 2011 the City Clerk's Office in turn informed Ms. Campbell, that there were  
17 insufficient valid signatures.

18 13. Pursuant to the City Charter, Ms. Campbell was given another 20 days to collect  
19 signatures.

20 14. Ms. Campbell collected additional signatures and on April 13, 2011 King County verified  
21 that sufficient valid signatures had been submitted. Attached as **Exhibit 3** is a true and correct  
22 copy of the Certificate of Sufficiency.  
23

1 15. Pursuant to the City Charter, the City Clerk's Office submitted Initiative 101 and the  
2 certificate of sufficiency to the City Council and both items were placed on its May 2, 2011  
3 referral calendar. Attached as **Exhibit 4 and 5** are true and correct copies of the April 28, 2011  
4 cover letter and May 2, 2011 City Council referral calendar, respectively.

5 16. Under the City Charter, the City Council has until June 16<sup>th</sup> to act on the proposed  
6 initiative; the last regular council meeting before the Charter deadline is Monday, June  
7 13, 2011.

8 Signed at Seattle, King County, Washington this 5<sup>th</sup> day of May, 2011.

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10 

11 Carol Shenk  
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# EXHIBIT 1



**SIGNATURE SUBMITTAL RECEIPT**

**Referendum No. 1**  
**(Ref: Ordinance No. 123542)**

On March 27, 2011, Tuesday at 10 00 a.m./p.m., I filed 2,431  
Day/Date Time # of pages

Petition pages for Referendum 1 containing, 28,929 signatures\*, with the  
# of signatures

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

Scot A. Brannon Signed Andrew W. Paxton  
Scot A. Brannon Andrew W. Paxton  
Print Name

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

**City Clerk Staff Only**

Page # 1 through 2,431

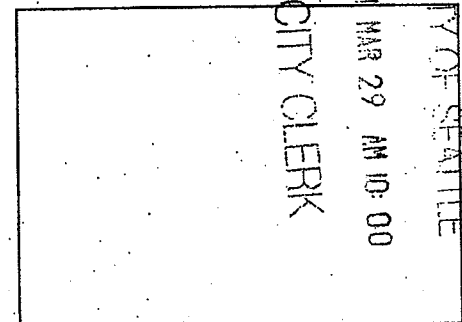
Batch # \_\_\_\_\_

Pages as numbered by Petitioner 1 through 2,431

Pages counted by City Clerk Staff 2,431

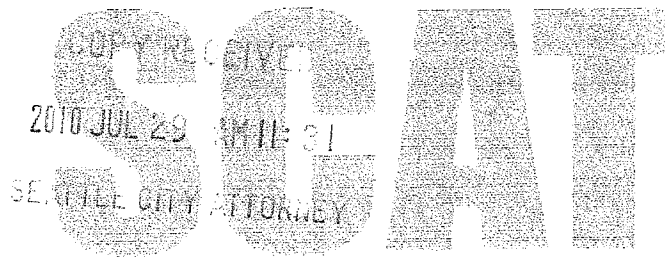
Monica M. Simmons  
Received by (City Clerk)

Date/Time Stamp:



**COPY TO REFERENDUM REPRESENTATIVE(S)**  
**RETAIN ORIGINAL FOR OFFICIAL FILE**

## EXHIBIT 2



SEATTLE CITIZENS AGAINST THE TUNNEL

Thursday, July 29, 2010

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

FILED  
CITY OF SEATTLE  
2010 JUL 29 AM 9:56  
CITY CLERK  
#101 - ma  
Petition logs for

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

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:
3		
EMAIL ADDRESS:	DATE:	CONTACT PHONE:
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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**

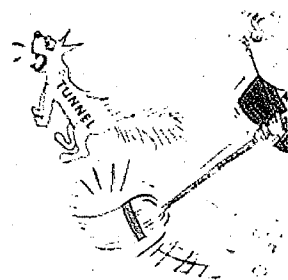
**Seattle, WA 98199**

**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**



# EXHIBIT 3

FILED  
CITY OF SEATTLE

2011 APR 13 PM 2:44

CITY CLERK



**King County  
Department of Elections**

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## **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 13<sup>th</sup> day of April, 2011

  
\_\_\_\_\_  
Sherril Huff, Director

# EXHIBIT 4



**Legislative Department  
Office of City Clerk  
Memorandum**

COPY RECEIVED

2011 APR 28 AM 11:57

SEATTLE CITY ATTORNEY

**Date:** April 28, 2011  
**To:** Council President Conlin and Members of the City Council  
**From:** Monica Martinez Simmons, City Clerk *Ms*  
**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

# EXHIBIT 5

# COUNCIL BILLS FOR INTRODUCTION AND REFERRAL

Monday, May 2, 2011  
Revised 4/29/11 9:20 a.m.

ITEM NO.	C.B. NO.	DESCRIPTION	COMMITTEE REFERRAL
<b><u>BY GODDEN:</u></b>			
1.	C.B. 117162	Appropriating money to pay certain audited claims and ordering the payment thereof.	Full Council
<b><u>BY HARRELL:</u></b>			
2.	C.B. 117163	Relating to the City Light Department; declaring the former Sunnydale Substation (PMA 609) located at 15002 8th Avenue South in Burien, Washington, to be surplus to The City of Seattle's needs; authorizing its sale to the Port of Seattle; authorizing the Superintendent of the City Light Department to execute a Purchase and Sale Agreement and other documents in connection therewith; and ratifying and confirming certain prior acts.	Energy, Technology, and Civil Rights
<b><u>BY RASMUSSEN:</u></b>			
3.	C.B. 117164	Relating to the SR 99 Alaskan Way Viaduct Replacement from South Holgate Street to South King Street Stage 2 Project; accepting an easement for electrical facilities and placing said easement under the jurisdiction of Seattle City Light; and accepting an easement for water, drainage and wastewater facilities and placing said easement under the jurisdiction of Seattle Public Utilities.	Transportation
<b><u>BY CLARK:</u></b>			
4.	C.B. 117165	Relating to street-food vending, merchandise displays, and sidewalk cafes; amending Sections 11.14.450, 11.16.280, 11.23.420, 11.23.440, 11.31.121, 11.72.430, 15.02.042, 15.02.044, 15.02.046, 15.02.048, 15.04.074, 15.16.010, 15.16.012, 15.16.020, 15.16.040, 15.16.050, 15.16.060, 15.16.070, 15.16.080, 15.17.005, 15.17.050, 15.17.080, 15.17.100, 15.17.150, 15.17.200, 15.91.010, and 15.91.016 of the Seattle Municipal Code; adding Sections 11.14.157, 11.14.227, 11.14.228, 11.72.195, 15.16.075, 15.17.006, 15.17.007, 15.17.008, 15.17.009, 15.17.120, 15.17.130, 15.17.152, and 15.17.250; repealing Chapter 10.10, and Sections 10.03.110, 15.17.010, and 15.17.020; amending the current Seattle Department of Transportation Street Use fee schedule by adding new vending-related Street Use permit use codes and amending vending-related	Built Environment

# COUNCIL BILLS FOR INTRODUCTION AND REFERRAL

Monday, May 2, 2011  
Revised 4/29/11 9:20 a.m.

ITEM NO.	C.B. NO.	DESCRIPTION	COMMITTEE REFERRAL
		Street Use permit fees.	
5.	<u>BY RASMUSSEN:</u> C.B. 117166	Relating to Shoreline Street End permits; amending the current Seattle Department of Transportation Street Use Fee Schedule by amending the Shoreline Street End permit fee methodology, and repealing Section 1 and Attachment A of Ordinance 119673 Shoreline Street End Permit Fee Methodology.	Transportation

# RESOLUTIONS FOR INTRODUCTION AND REFERRAL

Monday, May 2, 2011  
Revised 4/29/11 9:20 a.m.

ITEM NO.	RES. NO.	DESCRIPTION	COMMITTEE REFERRAL
6.	<u>BY LICATA:</u> RES. 31293	Authorizing the Director of Housing to enter into a Multifamily Housing Limited Property Tax Exemption Agreement between the City of Seattle and R.D. Merrill at Stone Way II, LLC for new multifamily rental housing constructed as part of a mixed- use project on property situated at 4301 Stone Way North, Seattle, Washington, under Seattle's Multifamily Housing Property Tax Exemption Program, Seattle Municipal Code Chapter 5.73.	Housing, Human Services, Health, and Culture

CLERK FILES FOR INTRODUCTION AND REFERRAL

Monday, May 2, 2011  
Revised 4/29/11 9:20 a.m.

ITEM NO.	C.F. NO.	DESCRIPTION	COMMITTEE REFERRAL
<b><u>BY CONLIN:</u></b>			
7.	C.F. 310969	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.	Full Council
<b><u>BY CONLIN:</u></b>			
8.	C.F. 311489	Report of the City Clerk on the Certificate of Sufficiency for Initiative No. 101, relating to a tunnel replacing that portion of SR 99 commonly known as the Alaskan Way Viaduct.	Full Council
<b><u>NO SPONSOR REQUIRED:</u></b>			
9.	C.F. 311504	Petition of the Department of Finance and Administrative Services to vacate a portion of Delridge Way SW and other portions of Government Lot 3, in Section 13, Township 24 North, Range 3 East, W.M., adjacent to Fire Station 36 between SW Spokane Street, 23rd Avenue SW and Delridge Way SW, in the Delridge neighborhood.	Transportation

LH: