City

Going Over Mayor's Head on Tunnel, Conlin Signs Off on State Impact Study

Posted by Dominic Holden on Thu, Sep 23, 2010 at 6:31 PM

Updated with the email Conlin sent city council members to explain his reasoning.

Seattle City Council president Richard Conlin signed off on a Supplemental Draft Environmental Impact Statement on the proposed deep-bore tunnel with the state this afternoon, a legally questionable attempt to bypass Mayor Mike McGinn, who earlier today said the city needed another week before approving the document.

"Richard Conlin apparently **believes that he is above the law**," McGinn told *The Stranger* upon receiving the news. "**He needs to retract his signature immediately**. The city has not approved this EIS."

Studies like these are normally signed by the head of a city department under the mayor's purview (in this case, the Seattle Department of Transportation). "Approval of an environmental impact statement (EIS) is an executive-agency action requiring approval from the mayor," McGinn argues. "Legislators in this city have no authority to act as if they are the head of the department of transportation."

In an email to colleagues (in full after the jump), Conlin said he was notified about McGinn's decision to defer signing this morning by SDOT director Peter Hahn. "After consulting with our Law Department, I have now signed the document on behalf of the City," Conlin wrote.

However, City attorney Pete Holmes says he **didn't learn about the action until after Conlin signed** the document. "That is something I just learned," Holmes said when reached by phone. Asked if it was legal for Conlin to sign the EIS, "That is a longer answer," he said. "Lawyers in the office spoke to Richard Conlin. It is a complicated issue, involving lots of deadlines." (Holmes agreed to provide more information tomorrow.)

The state is required to issue a draft study this fall on the impacts of a deep-bore tunnel (*The Stranger* obtained an **earlier version** this summer). The City of Seattle is to sign the document as a co-lead on the project. The Washington State Department of Transportation (WSDOT) provided a copy to the city within the last week, McGinn said, but he asked for **another week** to review the tome of information.

But WSDOT apparently rejected that proposal and went to Conlin instead. In a statement, Conlin wrote: “If this document was not signed today, the City of Seattle would lose its place as co-lead on the project. This means we would no longer be at the planning table, we would lose access and ability to review draft documents and risk losing WSDOT funding, including **16 SDOT positions that would have to be laid off** or compete for scarce general fund resources.”

EXHIBIT D

McGinn doesn't buy that argument, noting that WSDOT has repeatedly delayed the project (such as allowing an extra year for bidders and granting the city council six months before approving contracts).

"Is Richard Conlin going to start granting building permits next?" McGinn asks. "Is he going start grating fire occupancy permits, and start granting contracts for our agencies? **What other executive agency actions does Richard Conlin believe he's permitted to do?** I think if we are going run the city the in an orderly manner, executive actions are left to the executive."

McGinn says the state erred in allowing Conlin to act on behalf of the city. "Governor **Gregoire needs to fix this**," McGinn continued. "Would she let [House Speaker] Frank Chopp sign an EIS on behalf of WSDOT? And if her agency encouraged this, then they were wrong."

[Emphases as published in original article]

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