Honorable Laura Gene Middaugh

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

CITY OF SEATTLE, A Washington municipal corporation, Plaintiff, vs. PROTECT SEATTLE NOW; ANDREW PAXTON, in his capacity as Protect Seattle Now's Committee Chair and a principal referendum petitioner; SCOT BRANNON, in his capacity as Protect Seattle Now's Treasurer and a principal referendum petitioner; LET'S MOVE FORWARD; PHIL LLOYD, in his capacity as Let's Move Forward's Secretary/Treasurer; WASHINGTON STATE DEPARTMENT OF TRANSPORTATION. Defendants.	No. 11-2-11719-7 SEA DECLARATION OF RICHARD CONLIN

I, Richard Conlin, declare under penalty of perjury under the laws of the State of Washington as follows:

1. I am over the age of 18 years and am competent to testify as to the matters herein.

EXHIBIT N

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

2. I am President of the Seattle City Council. Attached as Exhibit A is a copy of the General Rules and Procedures of the Seattle City Council, which were most recently adopted by the Council in 2009 by Resolution No. 31171. Pursuant to Article III, Section 3 of the Seattle City Charter and Council Rule I.B.2.l, as President I "head the Legislative Department" of the City of Seattle.

3. Because the Legislative Department is responsible for placing ordinances subject to valid referendum petitions on the ballot, *see* Seattle Charter art. IV, §§ 1.J-1.K, and because there was extensive publicity surrounding the campaign to obtain signatures for a referendum regarding Ordinance 123542 even before Ordinance 123542 was enacted by veto override, I have had several conversations with City Attorney Peter Holmes and attorneys in his office regarding whether Ordinance 123542 is subject to Seattle's local referendum power, the Legislative Department's legal responsibilities, and procedures for having legal questions regarding Ordinance 123542's referability addressed by a court so that the Legislative Department can comply with its legal responsibilities.

4. During one of these conversations, I asked City Attorney Holmes if he would file a declaratory judgment action on behalf of the City seeking an answer from a court regarding Ordinance 123542's referability. After considering the issue, Mr. Holmes agreed to file a declaratory judgment action. As Council President and head of the Legislative Department, I believe it is in the best interests of the City to receive an answer from a court regarding Ordinance 123542's referability before the May 24, 2011 deadline for placing measures on the August 2011 primary ballot, and I support Mr. Holmes's decision to file the instant declaratory judgment action on behalf of the City.

PETER S. HOLMES
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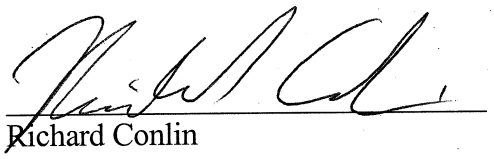
Signed at Seattle, King County, Washington this 2nd day of May, 2011.



Richard Conlin

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