Appendix A

CITY OF SEATTLE

REFERENDUM 1

The Seattle City Council passed Ordinance Number 123542 entering into agreements related to the Alaskan Way Viaduct replacement. Section 6 of that ordinance has been referred to the voters for approval or rejection. Section 6, if approved, would authorize the City Council to give notice to proceed, beyond preliminary design work, with three agreements concerning the State's proposal to replace the Alaskan Way Viaduct with a deep-bore tunnel. Section 6 states: "The City Council is authorized to decide whether to issue the notice referenced in Section 2.3 of each Agreement. That decision shall be made at an open public meeting held after issuance of the Final Environmental Impact Statement."

Should this ordinance section be:

Approved?

Rejected?

Appendix B

City Attorney's draft explanatory statement
Alaskan Way Viaduct replacement agreements referendum measure (Ord. 123542, Section 6)

1. Ordinance Number 123542, Section 6, and the referendum process

This ballot measure will neither eliminate nor choose the deep-bore tunnel as an alternative to replace the Alaskan Way Viaduct. Rather, as explained below, your vote may affect how the City Council will decide whether to proceed with current agreements on the deep-bore tunnel beyond preliminary design work, after environmental review is completed.

The Seattle City Council enacted Ordinance 123542 (the Ordinance) on February 28, 2011, accepting three agreements between the City of Seattle and the Washington State Department of Transportation (the State). The agreements relate to the City's and the State's preferred alternative to replace the Alaskan Way Viaduct along Seattle's central waterfront with a deep-bore tunnel. The three agreements address utility design, utility relocation, property issues, environmental remediation, design review, permitting, and construction coordination. Construction of the proposed deep-bore tunnel is the subject of a separate contract between the State and a contractor. The City is not a party to that construction contract.

A sufficient number of Seattle voters signed referendum petitions to refer the Ordinance to a public vote. The King County Superior Court, however, determined that only Section 6 of the Ordinance is subject to a public vote. The rest of the Ordinance, now in effect, accepts the agreements (Sections 1 and 2); authorizes the Clerk to sign the agreements (Section 3); directs the Mayor to see that the agreements are faithfully kept and performed (Section 4); provides that the agreements may only be amended as authorized by ordinance (Section 5); ratifies and confirms prior consistent acts (Section 7); and provides for an effective date (Section 8).

Section 6 of the Ordinance, which will appear on the August primary ballot, references an identical Section 2.3 in each of the three agreements. Section 2.3, which is already in effect, specifies that the City Council will decide whether to issue the notices to proceed with work under the agreements beyond preliminary design work if the deep-bore tunnel alternative is selected. If the deep-bore tunnel alternative is not selected, the agreements terminate.

Under Section 2.3 only preliminary design work is permitted before issuance of the Final Environmental Impact Statement (FEIS) and the federal Record of Decision (ROD). An FEIS analyzes the environmental impacts of a proposed action and reasonable alternatives to the proposed action. The ROD for this project will be issued by the Federal Highway Administration and selects an alternative in the FEIS for purposes of federal funding.

Section 6 authorizes the City Council to decide whether to issue the notice to proceed with work under the agreements at an open public meeting after issuance of the FEIS and ROD.

Section 6 implies that the City Council may give notice to proceed with the agreements without passing another ordinance.

2. The law as it presently exists

The Ordinance accepted the three agreements regarding replacement of the Alaskan Way Viaduct. Only Section 6 of the Ordinance is suspended pending the results of this referendum. The agreements between the City of Seattle and the State are currently in effect as they relate to preliminary design work on the proposed deep-bore tunnel. The three agreements are available on the City's website at:
http://www.seattle.gov/leg/clerk/tunnelagreements.pdf

In order for the agreements to be effective beyond the preliminary design phase of the project, the City Council must provide notice to the State of its decision to proceed with the agreements. After evaluating the FEIS and issuance of the federal ROD, the City Council may consider whether or not to proceed with these agreements. Under present law, the City Council has the authority to notify the State by enacting another ordinance.

3. The effect of Ordinance 123542, Section 6, if approved by the voters

Section 6 may authorize the City Council alone to issue the notice to proceed with the agreements beyond the initial design phase other than by ordinance. An ordinance may be vetoed by the Mayor, requiring a further two-thirds vote of the City Council to override. Ordinances are sometimes subject to referendum. A decision by the City Council to issue the notice must still be made at an open public meeting after issuance of the FEIS and the FHWA's federal ROD.

4. The effect of this referendum vote

If a majority of voters casting ballots in this referendum vote to **approve** Section 6 of the Ordinance, then it will become law, and the City Council may be able to decide to proceed with the agreements beyond the preliminary design phase of project without passing another ordinance.

If a majority of voters casting ballots in this referendum vote to **reject** Section 6 of the Ordinance, then it will not become law, the law will remain as it is now, and the City Council may be able to proceed with the agreements beyond preliminary design only by enacting another ordinance.

Appendix C

City Attorney's draft explanatory statement
Alaskan Way Viaduct replacement agreements referendum measure (Ord. 123542, Section 6)

1. Ordinance Number 123542, Section 6, and the referendum process

The Seattle City Council enacted Ordinance 123542 (the Ordinance) on February 28, 2011, accepting three agreements with the Washington State Department of Transportation (WSDOT) regarding replacement of the Alaskan Way Viaduct. The three agreements address utility design and relocation on behalf of Seattle Public Utilities and Seattle City Light, and property, environmental remediation, design review, permitting, and construction coordination between the WSDOT and the Seattle Department of Transportation. This work is related to the proposed deep-bore tunnel, currently the City's and the State's preferred alternative for replacing the viaduct along Seattle's central waterfront.

A sufficient number of Seattle voters signed referendum petitions to refer the Ordinance to a public vote. The King County Superior Court determined that only Section 6 of the Ordinance is subject to a public vote. The rest of the Ordinance, now in effect, accepts the agreements (Sections 1 and 2); authorizes the Clerk to sign the agreements (Section 3); directs the Mayor to see that the agreements are faithfully kept and performed (Section 4); provides that the agreements may only be amended as authorized by ordinance (Section 5); ratifies and confirms prior consistent acts (Section 7); and provides for an effective date (Section 8).

Section 6 of the Ordinance, which will appear on the August primary ballot, references an identical Section 2.3 in each of the three agreements, which are already in effect. Section 2.3 specifies that the City Council will decide whether to issue the notices to proceed beyond preliminary design work on the proposed deep-bore tunnel. Section 6 authorizes the City Council to make this decision at an open public meeting after issuance of the Final Environmental Impact Statement (FEIS) and federal Record of Decision (ROD).

A FEIS analyzes the environmental impacts of a proposed action and reasonable alternatives to the proposed action. The ROD for this project will be issued by the Federal Highway Administration and selects an alternative in the FEIS for purposes of federal funding. If the deep-bore tunnel alternative is not selected, the agreements terminate.

Section 2.3 of each agreement provides that the City Council gives the notice to proceed to the State, and Section 6 of the Ordinance states that the City Council is authorized to decide whether to issue the notice to proceed at an open public meeting held after issuance of the final EIS. This language suggests that the City Council may make this decision without passing another ordinance.

2. The law as it presently exists

The Ordinance accepted the three agreements regarding replacement of the Alaskan Way Viaduct. Only Section 6 of the Ordinance is suspended pending the results of this referendum. The agreements between the City of Seattle and WSDOT are currently in effect as they relate to preliminary design work on the proposed deep-bore tunnel. The three agreements are available on the City's website at http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s3=&s4=123542&s2=&s5=&Sect4=AND&l=20&Sect2=THESON&Sect3=PLURON&Sect5=CBORY&Sect6=HITOFF&d=ORDF&p=1&u=%2F%7Epublic%2Fcbory.htm&r=1&f=G.

Under present law, in order for the agreements to be effective beyond the preliminary design phase of the project, the City Council must provide notice to the State of its decision to proceed with the agreements. After evaluating the FEIS and issuance of the federal ROD, the City Council may consider whether or not to proceed with these agreements. Should the City Council choose to proceed, it may enact another ordinance to give notice to State.

3. The effect of Ordinance 123542, Section 6, if approved by the voters

Section 6 may authorize the City Council alone to issue the notice to proceed with the agreements beyond the initial design phase other than by ordinance. An ordinance may be vetoed by the Mayor, requiring a further two-thirds vote of the City Council to override. Ordinances are sometimes subject to referendum. A decision by the City Council to issue the notice must still be made at an open public meeting after issuance of the FEIS and the FHWA's federal ROD.

4. The effect of this referendum vote

If a majority of voters casting ballots in this referendum vote to **approve** Section 6 of the Ordinance, then it will become law, and the City Council may be able to decide to proceed with the agreements beyond the preliminary design phase of project without passing another ordinance.

If a majority of voters casting ballots in this referendum vote to **reject** Section 6 of the Ordinance, then it will not become law, the law will remain as it is now, and the City Council may only decide to proceed with the agreements beyond the preliminary design phase of project by enacting another ordinance.

Appendix D

City Attorney's draft explanatory statement
Alaskan Way Viaduct replacement agreements referendum measure (Ord. 123542, Section 6)

1. Ordinance Number 123542, Section 6, and the referendum process

This ballot measure will neither eliminate nor choose the deep-bore tunnel as an alternative to replace the Alaskan Way Viaduct. Rather, as explained below, your vote may affect how the City Council will decide whether to proceed with the deep-bore tunnel beyond preliminary design work, after environmental review is completed.

The Seattle City Council enacted Ordinance 123542 (the Ordinance) on February 28, 2011, accepting three agreements between the City of Seattle and the Washington State Department of Transportation (the State). The agreements relate to the City's and the State's preferred alternative to replace the Alaskan Way Viaduct along Seattle's central waterfront with a deep-bore tunnel. The three agreements address utility design, utility relocation, property issues, environmental remediation, design review, permitting, and construction coordination. Construction of the proposed deep-bore tunnel is the subject of a separate contract between the State and a contractor. The City is not a party to that construction contract.

A sufficient number of Seattle voters signed referendum petitions to refer the Ordinance to a public vote. The King County Superior Court, however, determined that only Section 6 of the Ordinance is subject to a public vote. The rest of the Ordinance, now in effect, accepts the agreements (Sections 1 and 2); authorizes the Clerk to sign the agreements (Section 3); directs the Mayor to see that the agreements are faithfully kept and performed (Section 4); provides that the agreements may only be amended as authorized by ordinance (Section 5); ratifies and confirms prior consistent acts (Section 7); and provides for an effective date (Section 8).

Section 6 of the Ordinance, which will appear on the August primary ballot, references an identical Section 2.3 in each of the three agreements. Section 2.3, which is already in effect, specifies that the City Council will decide whether to issue the notices to proceed with work under the agreements beyond preliminary design work if the State selects the deep-bore tunnel alternative. If the deep-bore tunnel alternative is not selected, the agreements terminate.

Under Section 2.3 only preliminary design work is permitted before issuance of the Final Environmental Impact Statement (FEIS) and federal Record of Decision (ROD). An FEIS analyzes the environmental impacts of a proposed action and reasonable alternatives to the proposed action. The ROD for this project will be issued by the Federal Highway Administration and selects an alternative in the FEIS for purposes of federal funding.

Section 6 authorizes the City Council to decide whether to issue the notice to proceed with work under the agreements at an open public meeting after issuance of the FEIS and ROD.

Section 6 implies that the City Council may give notice to proceed with the agreements without passing another ordinance.

2. The law as it presently exists

The Ordinance accepted the three agreements regarding replacement of the Alaskan Way Viaduct. Only Section 6 of the Ordinance is suspended pending the results of this referendum. The agreements between the City of Seattle and the State are currently in effect as they relate to preliminary design work on the proposed deep-bore tunnel. The three agreements are available on the City's website at:
http://www.seattle.gov/leg/clerk/tunnelagreements.pdf

In order for the agreements to be effective beyond the preliminary design phase of the project, the City Council must provide notice to the State of its decision to proceed with the agreements. After evaluating the FEIS and issuance of the federal ROD, the City Council may consider whether or not to proceed with these agreements. Under present law, the City Council has the authority to notify the State by enacting another ordinance.

3. The effect of Ordinance 123542, Section 6, if approved by the voters

Section 6 may authorize the City Council alone to issue the notice to proceed with the agreements beyond the initial design phase other than by ordinance. An ordinance may be vetoed by the Mayor, requiring a further two-thirds vote of the City Council to override. Ordinances are sometimes subject to referendum. A decision by the City Council to issue the notice must still be made at an open public meeting after issuance of the FEIS and the FHWA's federal ROD.

4. The effect of this referendum vote

If a majority of voters casting ballots in this referendum vote to **approve** Section 6 of the Ordinance, then it will become law, and the City Council may be able to decide to proceed with the agreements beyond the preliminary design phase of project without passing another ordinance.

If a majority of voters casting ballots in this referendum vote to **reject** Section 6 of the Ordinance, then it will not become law, the law will remain as it is now, and the City Council may be able to proceed with the agreements beyond preliminary design only by enacting another ordinance.

Appendix E

Protect Seattle Now's Proposed Amendment No. 1

Alaskan Way Viaduct replacement agreements referendum measure (Ord. 123542, Section 6)

1. **Ordinance Number 123542, Section 6, and the referendum process**

~~This ballot measure will neither eliminate nor choose the deep-bore tunnel as an alternative to replace the Alaskan Way Viaduct. Rather, as explained below, your vote may affect how the City Council will decide whether to proceed with current agreements on the deep-bore tunnel beyond preliminary design work, after environmental review is completed.~~

The Seattle City Council enacted Ordinance 123542 (the Ordinance) on February 28, 2011, accepting three agreements between the City of Seattle and the Washington State Department of Transportation (the State). The agreements relate to the City's and the State's preferred alternative to replace the Alaskan Way Viaduct along Seattle's central waterfront with a deep-bore tunnel. The three agreements address utility design, utility relocation, property issues, environmental remediation, design review, permitting, and construction coordination. Construction of the proposed deep-bore tunnel is the subject of a separate contract between the State and a contractor. The City is not a party to that construction contract.

A sufficient number of Seattle voters signed referendum petitions to refer the Ordinance to a public vote. The King County Superior Court, however, determined that only Section 6 of the Ordinance is subject to a public vote. The rest of the Ordinance, now in effect, accepts the agreements (Sections 1 and 2); authorizes the Clerk to sign the agreements (Section 3); directs the Mayor to see that the agreements are faithfully kept and performed (Section 4); provides that the agreements may only be amended as authorized by ordinance (Section 5); ratifies and confirms prior consistent acts (Section 7); and provides for an effective date (Section 8).

Section 6 of the Ordinance, which will appear on the August primary ballot, references an identical Section 2.3 in each of the three agreements. Section 2.3, which is already in effect, specifies that the City Council will decide whether to issue the notices to proceed with work under the agreements beyond preliminary design work if the deep-bore tunnel alternative is selected. If the deep-bore tunnel alternative is not selected, the agreements terminate.

Under Section 2.3 only preliminary design work is permitted before issuance of the Final Environmental Impact Statement (FEIS) and the federal Record of Decision (ROD). An FEIS analyzes the environmental impacts of a proposed action and reasonable alternatives to the proposed action. The ROD for this project will be issued by the Federal Highway Administration and selects an alternative in the FEIS for purposes of federal funding.

Section 6 authorizes the City Council to decide whether to issue the notice to proceed with work under the agreements at an open public meeting after issuance of the FEIS and ROD. Section 6 implies that the City Council may give notice to proceed with the agreements without passing another ordinance.

2. The law as it presently exists

The Ordinance accepted the three agreements regarding replacement of the Alaskan Way Viaduct. Only Section 6 of the Ordinance is suspended pending the results of this referendum. The agreements between the City of Seattle and the State are currently in effect as they relate to preliminary design work on the proposed deep-bore tunnel. The three agreements are available on the City's website at:
http://www.seattle.gov/leg/clerk/tunnelagreements.pdf

In order for the agreements to be effective beyond the preliminary design phase of the project, the City Council must provide notice to the State of its decision to proceed with the agreements. After evaluating the FEIS and issuance of the federal ROD, the City Council may consider whether or not to proceed with these agreements. Under present law, the City Council has the authority to notify the State by enacting another ordinance.

3. The effect of Ordinance 123542, Section 6, if approved by the voters

Section 6 may authorize the City Council alone to issue the notice to proceed with the agreements beyond the initial design phase other than by ordinance. An ordinance may be vetoed by the Mayor, requiring a further two-thirds vote of the City Council to override. Ordinances are sometimes subject to referendum. A decision by the City Council to issue the notice must still be made at an open public meeting after issuance of the FEIS and the FHWA's federal ROD.

4. The effect of this referendum vote

If a majority of voters casting ballots in this referendum vote to **approve** Section 6 of the Ordinance, then it will become law, and the City Council may be able to decide to proceed with the agreements beyond the preliminary design phase of project without passing another ordinance.

If a majority of voters casting ballots in this referendum vote to **reject** Section 6 of the Ordinance, then it will not become law, the law will remain as it is now, and the City Council may be able to proceed with the agreements beyond preliminary design only by enacting another ordinance.

Appendix F

Protect Seattle Now's Proposed Amendment No. 2

Alaskan Way Viaduct replacement agreements referendum measure (Ord. 123542, Section 6)

1. **Ordinance Number 123542, Section 6, and the referendum process**

This ballot measure will neither eliminate nor choose the deep-bore tunnel as an alternative to replace the Alaskan Way Viaduct. Rather, as explained below, your vote may affect how the City Council will decide whether to proceed with current agreements on the deep-bore tunnel beyond preliminary design work, after environmental review is completed.

The Seattle City Council enacted Ordinance 123542 (the Ordinance) on February 28, 2011, accepting three agreements between the City of Seattle and the Washington State Department of Transportation (the State). The agreements relate to the City's and the State's preferred alternative to replace the Alaskan Way Viaduct along Seattle's central waterfront with a deep-bore tunnel. The three agreements address utility design, utility relocation, property issues, environmental remediation, design review, permitting, and construction coordination. Construction of the proposed deep-bore tunnel is the subject of a separate contract between the State and a contractor. The City is not a party to that construction contract.

A sufficient number of Seattle voters signed referendum petitions to refer the Ordinance to a public vote. ~~The King County Superior Court, however, determined that only Section 6 of the Ordinance is subject to a public vote.~~ Section 6 of that ordinance has been referred to the voters for approval or rejection. The rest of the Ordinance, now in effect, accepts the agreements (Sections 1 and 2); authorizes the Clerk to sign the agreements (Section 3); directs the Mayor to see that the agreements are faithfully kept and performed (Section 4); provides that the agreements may only be amended as authorized by ordinance (Section 5); ratifies and confirms prior consistent acts (Section 7); and provides for an effective date (Section 8).

Section 6 of the Ordinance, which will appear on the August primary ballot, references an identical Section 2.3 in each of the three agreements. Section 2.3, which is already in effect, specifies that the City Council will decide whether to issue the notices to proceed with work under the agreements beyond preliminary design work if the deep-bore tunnel alternative is selected. If the deep-bore tunnel alternative is not selected, the agreements terminate.

Under Section 2.3 only preliminary design work is permitted before issuance of the Final Environmental Impact Statement (FEIS) and the federal Record of Decision (ROD). An FEIS analyzes the environmental impacts of a proposed action and reasonable alternatives to the proposed action. The ROD for this project will be issued by the Federal Highway Administration and selects an alternative in the FEIS for purposes of federal funding.

Section 6 authorizes the City Council to decide whether to issue the notice to proceed with work under the agreements at an open public meeting after issuance of the FEIS and ROD. Section 6 implies that the City Council may give notice to proceed with the agreements without passing another ordinance.

2. The law as it presently exists

The Ordinance accepted the three agreements regarding replacement of the Alaskan Way Viaduct. Only Section 6 of the Ordinance is suspended pending the results of this referendum. The agreements between the City of Seattle and the State are currently in effect as they relate to preliminary design work on the proposed deep-bore tunnel. The three agreements are available on the City's website at:
http://www.seattle.gov/leg/clerk/tunnelagreements.pdf

In order for the agreements to be effective beyond the preliminary design phase of the project, the City Council must provide notice to the State of its decision to proceed with the agreements. After evaluating the FEIS and issuance of the federal ROD, the City Council may consider whether or not to proceed with these agreements. Under present law, the City Council has the authority to notify the State by enacting another ordinance.

3. The effect of Ordinance 123542, Section 6, if approved by the voters

Section 6 may authorize the City Council alone to issue the notice to proceed with the agreements beyond the initial design phase other than by ordinance. An ordinance may be vetoed by the Mayor, requiring a further two-thirds vote of the City Council to override. Ordinances are sometimes subject to referendum. A decision by the City Council to issue the notice must still be made at an open public meeting after issuance of the FEIS and the FHWA's federal ROD.

4. The effect of this referendum vote

If a majority of voters casting ballots in this referendum vote to **approve** Section 6 of the Ordinance, then it will become law, and the City Council may be able to decide to proceed with the agreements beyond the preliminary design phase of project without passing another ordinance.

If a majority of voters casting ballots in this referendum vote to **reject** Section 6 of the Ordinance, then it will not become law, the law will remain as it is now, and the City Council may be able to proceed with the agreements beyond preliminary design only by enacting another ordinance.

Appendix G

Protect Seattle Now's Proposed Amendment No. 3

Alaskan Way Viaduct replacement agreements referendum measure (Ord. 123542, Section 6)

1. **Ordinance Number 123542, Section 6, and the referendum process**

This ballot measure will neither eliminate nor choose the deep-bore tunnel as an alternative to replace the Alaskan Way Viaduct. Rather, as explained below, your vote may affect how the City Council will decide whether to proceed with current agreements on the deep-bore tunnel beyond preliminary design work, after environmental review is completed.

The Seattle City Council enacted Ordinance 123542 (the Ordinance) on February 28, 2011, accepting three agreements between the City of Seattle and the Washington State Department of Transportation (the State). The agreements relate to the City's and the State's preferred alternative to replace the Alaskan Way Viaduct along Seattle's central waterfront with a deep-bore tunnel. The three agreements address utility design, utility relocation, property issues, environmental remediation, design review, permitting, and construction coordination. Construction of the proposed deep-bore tunnel is the subject of a separate contract between the State and a contractor. The City is not a party to that construction contract.

A sufficient number of Seattle voters signed referendum petitions to refer the Ordinance to a public vote. The King County Superior Court, however, determined that only Section 6 of the Ordinance is subject to a public vote. The rest of the Ordinance, now in effect, accepts the agreements (Sections 1 and 2); authorizes the Clerk to sign the agreements (Section 3); directs the Mayor to see that the agreements are faithfully kept and performed (Section 4); provides that the agreements may only be amended as authorized by ordinance (Section 5); ratifies and confirms prior consistent acts (Section 7); and provides for an effective date (Section 8).

Section 6 of the Ordinance, which will appear on the August primary ballot, references an identical Section 2.3 in each of the three agreements. Section 2.3, which is already in effect, specifies that the City Council will decide whether to issue the notices to proceed with work under the agreements beyond preliminary design work if the deep-bore tunnel alternative is selected. If the deep-bore tunnel alternative is not selected, the agreements terminate.

Under Section 2.3 only preliminary design work is permitted before issuance of the Final Environmental Impact Statement (FEIS) and the federal Record of Decision (ROD). An FEIS analyzes the environmental impacts of a proposed action and reasonable alternatives to the proposed action. The ROD for this project will be issued by the Federal Highway Administration and selects an alternative in the FEIS for purposes of federal funding.

Section 6 authorizes the City Council to decide whether to issue the notice to proceed with work under the agreements at an open public meeting after issuance of the FEIS and ROD. ~~Section 6 implies that the City Council may give notice to proceed with the agreements without passing another ordinance.~~

2. The law as it presently exists

The Ordinance accepted the three agreements regarding replacement of the Alaskan Way Viaduct. Only Section 6 of the Ordinance is suspended pending the results of this referendum. The agreements between the City of Seattle and the State are currently in effect as they relate to preliminary design work on the proposed deep-bore tunnel. The three agreements are available on the City's website at:
http://www.seattle.gov/leg/clerk/tunnelagreements.pdf

In order for the agreements to be effective beyond the preliminary design phase of the project, the City Council must provide notice to the State of its decision to proceed with the agreements. After evaluating the FEIS and issuance of the federal ROD, the City Council may consider whether or not to proceed with these agreements. Under present law, the City Council has the authority to notify the State by enacting another ordinance.

3. The effect of Ordinance 123542, Section 6, if approved by the voters

Section 6 ~~may~~ would authorize the City Council alone to issue the notice to proceed with the agreements beyond the initial design phase. ~~other than by ordinance. An ordinance may be vetoed by the Mayor, requiring a further two-thirds vote of the City Council to override. Ordinances are sometimes subject to referendum~~. A decision by the City Council to issue the notice ~~must still~~ would have to be made at an open public meeting after issuance of the FEIS and the FHWA's federal ROD.

~~**4. The effect of this referendum vote**~~

If a majority of voters casting ballots in this referendum vote to **approve** Section 6 of the Ordinance, then it will become law.~~, and the City Council may be able to decide to proceed with the agreements beyond the preliminary design phase of project without passing another ordinance~~.

~~If a majority of voters casting ballots in this referendum vote to **reject** Section 6 of the Ordinance, then it will not become law, the law will remain as it is now, and the City Council may be able to proceed with the agreements beyond preliminary design only by enacting another ordinance.~~.

Appendix H

Protect Seattle Now's Proposed Substitute Explanatory Statement

Alaskan Way Viaduct replacement agreements referendum measure (Ord. 123542, Section 6)

1. Ordinance Number 123542, Section 6, and the referendum process

The Seattle City Council enacted Ordinance 123542 (the Ordinance) on February 28, 2011, accepting three agreements with the Washington State Department of Transportation (the State) regarding replacement of the Alaskan Way Viaduct. The three agreements address preliminary work on the proposed deep-bore tunnel, currently the City's and the State's preferred alternative for replacing the viaduct along Seattle's central waterfront. The three agreements also address how to implement a final decision to build the tunnel.

Article IV Section 1 of the city charter provides for a referendum petition process. This process allows for a public vote on ordinances passed by the City Council before they become law. If the required number of Seattle voters (at least eight percent of the total number of votes cast for the office of mayor in the most recent City election) sign referendum petitions regarding an ordinance, the ordinance does not take effect and instead is placed on the ballot for City voters to approve or reject.

The required number of voters signed a referendum petition to have a public vote, and Section 6 of the Ordinance has been referred to the voters for approval or rejection.

2. The law as it presently exists

Section 6 of the Ordinance is suspended pending this referendum vote.

The rest of the Ordinance, now in effect, accepts the agreements with the State (Sections 1 and 2); authorizes the Clerk to sign the agreements (Section 3); directs the Mayor to see that the agreements are faithfully kept and performed (Section 4); provides that the agreements may only be amended as authorized by ordinance (Section 5); ratifies and confirms prior consistent acts (Section 7); and provides for an effective date (Section 8).

The three agreements with the State approved by the Ordinance address utility design, utility relocation, property issues, environmental remediation, design review, permitting, and construction coordination. The three agreements are available on the City's website at: http://www.seattle.gov/leg/clerk/tunnelagreements.pdf. The three agreements are currently in effect as they relate to preliminary design work on the proposed deep-bore tunnel.

However, Section 2.3 of each agreement limits the work that can currently be done. Section 2.3 of each agreement means that final design work and construction of the deep-bore tunnel is not allowed unless the City Council gives notice to the State, and vice

versa, that it chooses to proceed with final implementation of the agreements. Section 2.3 of each agreement prohibits the City Council from issuing this "notice to proceed" before issuance of the Final Environmental Impact Statement (FEIS) and the federal Record of Decision (ROD). An FEIS analyzes the environmental impacts of a proposed action and reasonable alternatives to the proposed action. The ROD for this project will be issued by the Federal Highway Administration and selects an alternative in the FEIS for purposes of federal funding. After evaluating the FEIS and issuance of the federal ROD, the City Council may consider whether or not to give the "notice to proceed" with these agreements.

3. The effect of Ordinance 123542, Section 6, if approved by the voters

Section 6 of the Ordinance, which will appear on the August primary ballot, would allow the City Council to give the "notice to proceed" referenced in Section 2.3. The language of Section 6 is as follows: "The City Council is authorized to decide whether to issue the notice referenced in Section 2.3 of each Agreement. That decision shall be made at an open public meeting held after issuance of the Final Environmental Impact Statement."

Section 6, if approved, would give the City Council the sole authority to finally bind the City of Seattle to these agreements by issuing the "notice to proceed" with the agreements beyond the initial design phase. A decision by the City Council to issue the "notice to proceed" would have to be made at an open public meeting after issuance of the FEIS and the FHWA's federal ROD.

Appendix I

THE HONORABLE LAURA GENE MIDDAUGH

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR KING COUNTY

CITY OF SEATTLE, a Washington municipal corporation, Plaintiff, v. PROTECT SEATTLE NOW; SIERRA CLUB SEATTLE GROUP; 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.	Case No. 11-2-11719-7 SEA **~~[PROPOSED]~~ ORDER DISMISSING CITY OF SEATTLE AS PARTY PLAINTIFF AND REARRANGING THE PARTIES** CLERK'S ACTION REQUIRED

This matter came before the Court on the motion of Protect Seattle Now ("PSN") pursuant to CR 12(b) and CR 17 to dismiss the City of Seattle ("the City") as party plaintiff. For the reasons set forth below, the motion is GRANTED, the Washington State Department of Transportation ("WSDOT") is substituted as the plaintiff in charge of the complaint, and the City of Seattle as a necessary party shall remain in the case as a defendant.

I. DOCUMENTS AND EVIDENCE CONSIDERED

In considering the motion, the Court reviewed the following:

- PSN's Motion to Dismiss City of Seattle as Party Plaintiff; Declaration of Gary W. Manca in Support of PSN's Motion to Dismiss City of Seattle as Party Plaintiff; and

MANCA LAW, PLLC
434 NE Maple Leaf Pl #201
Seattle, WA 98115
(206) 992-3264

PSN's Reply in Support of Motion to Dismiss City of Seattle as Party Plaintiff.

- The City's Opposition to Motion to Dismiss; and Declaration of Richard Conlin and the exhibits attached thereto.
- Let's Move Forward and Phil Lloyd's Statement Regarding PSN's Motion to Dismiss.
- WSDOT's Response to PSN's Motion to Dismiss City of Seattle as Party Plaintiff.
- All the other pleadings and papers on file in this case.

II. STATEMENT OF RELEVANT FACTS

On February 28, 2011, the Seattle City Council enacted Ordinance 123542, overriding a mayoral veto. On March 29, 2011, PSN and its volunteers filed a referendum petition ("proposed Seattle Referendum No. 1") with the Seattle City Clerk, and its sufficiency was later verified by the King County Elections Department and the City Clerk. Proposed Seattle Referendum No. 1 seeks to refer Ordinance 123542 to the voters of Seattle for their approval or rejection.

Also on March 29, 2011, Seattle City Attorney Peter Holmes filed the complaint in this case, seeking a declaratory judgment that proposed Seattle Referendum No. 1 is outside the scope of the referendum power of Seattle voters. The President of the Seattle City Council, Richard Conlin, asked Mr. Holmes if he would file such a complaint. The Mayor of Seattle objected to Mr. Holmes bringing this action, and no authorization from the City Council as a legislative body appears in the record.

III. STATEMENT OF ISSUES

A. Whether the Seattle City Attorney has the independent authority to initiate a lawsuit, on behalf of the City of Seattle as a municipal corporation, challenging the referendum or initiative power of Seattle voters.

B. Whether the President of the Seattle City Council has the authority to request the Seattle City Attorney to initiate a lawsuit, on behalf of the City of Seattle as a municipal corporation, challenging the referendum or initiative power of Seattle voters.

C. Whether another party should be substituted as plaintiff.

D. Whether the City of Seattle should remain in this case as a necessary party defendant.

MANCA LAW, PLLC
434 NE Maple Leaf Pl #201
Seattle, WA 98115
(206) 992-3264

III. ORDER

The Seattle City Charter describes the duties and power of the Seattle City Attorney as follows: "The City Attorney shall have full supervisory control of all the litigation of the City, or in which the City or any of its departments are interested, and shall perform such other duties as are or shall be prescribed by ordinance." Seattle City Charter, art. XIII, § 3. ~~A common sense~~ The word "supervisory" means to oversee. [illegible] not [illegible]. The term "supervisory control" does not grant the City Attorney with the independent authority to initiate a lawsuit on behalf of the City of Seattle as a municipal corporation seeking a declaration that a citizen referendum or initiative is beyond the power of city voters. The City has not produced any ordinance showing that the City Attorney has such independent authority.

Nor does Mr. Conlin have the power as President of the Seattle City Council to authorize such a lawsuit in the name of the City of Seattle. Nothing in the City Charter grants such expansive power to the head of the Legislative Department to act in the name of the City of Seattle. The City Council has General Rules and Procedures that set forth the duties of the Council President, but these tend to be ministerial in nature. The Council, when it acts to legislate for the City as a whole, does so as a body. The record does not indicate that the City Council has taken any action as a legislative body to authorize Mr. Holmes to bring this lawsuit on behalf of the City.

Therefore, no city official or body with the power to do so has authorized this lawsuit on behalf of the City of Seattle. The City is therefore dismissed as party plaintiff.

WSDOT has indicated its willingness to substitute as plaintiff and take control of the complaint. Such a substitution is proper under CR 17, and WSDOT shall be rearranged from

MANCA LAW, PLLC
434 NE Maple Leaf Pl #201
Seattle, WA 98115
(206) 992-3264

defendant to plaintiff in this matter, with control of the complaint. This substitution shall have the same effect as if the action had been commenced in the name of WSDOT.

The City of Seattle is a necessary party to this action. Therefore, the City of Seattle shall remain a party in this case, but as a defendant.

The parties to this case shall henceforth caption the case in accordance with the rearrangement of the parties set forth in this order.

The COURT CLERK is directed to update the Clerk's files, however the Clerk deems appropriate, to reflect the current identification of the parties in accordance with the rearrangement of the parties set forth in this order.

IT IS SO ORDERED.

DATED this 20 day of May 2011.

SUPERIOR COURT JUDGE

Laura Gene Middaugh

PRESENTED BY:

MANCA LAW, PLLC

s/ Gary Manca
Gary W. Manca, WSBA No. 42798
Attorney for Protect Seattle Now

MANCA LAW, PLLC
434 NE Maple Leaf Pl #201
Seattle, WA 98115
(206) 992-3264

Appendix J

Honorable Laura Gene Middaugh
Hearing Date: May 20, 2011
Hearing Time: 1:30 p.m.

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

THE 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 ORDER GRANTING IN PART AND DENYING IN PART WASHINGTON STATE DEPARTMENT OF TRANSPORTATION'S, CITY OF SEATTLE'S, AND LET'S MOVE FORWARD AND PHIL LLOYD'S MOTIONS FOR SUMMARY JUDGMENT ~~(PROPOSED)~~

This matter came before the court on May 13, 2011, on motions filed by the Washington State Department of Transportation ("WSDOT"), City of Seattle ("City"), Let's Move Forward and Phil Lloyd, requesting an order of summary judgment pursuant to CR 56 declaring that Ordinance No. 123542, enacted February 28, 2011 ("the 2011 Ordinance"), is

ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
7141 Cleanwater Drive SW
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126 Facsimile: (360) 586-6847

not referable to the voters and that agreements approved by the Seattle City Council in the 2011 Ordinance are in effect as of March 30, 2011, the effective date of the ordinance.

The court considered the following documents, in addition to having heard oral argument:

1. From WSDOT: WSDOT's Motion for Summary Judgment; Declaration of Ronald J. Paananen, P.E.; Declaration of Bryce Brown; Reply in Support of Its Motion for Summary Judgment; and Declaration of Barbara De Ste. Croix, P.E. in Support of WSDOT's Reply in Support of Motion for Summary Judgment; and WSDOT's and Let's Move Forward and Phil Lloyd's Combined Supplemental Brief.

2. From the City of Seattle: Plaintiff's Motion for Summary Judgment; Reply to Protect Seattle Now's Opposition to Motion for Summary Judgment; Plaintiff's Reply to Sierra Club and Brannon's Opposition to Motion for Summary Judgment; and City of Seattle's Supplemental Memorandum.

3. From Let's Move Forward and Phil Lloyd: Defendants Let's Move Forward and Phil Lloyd's Motion for Summary Judgment; Declaration of Paul Lawrence in Support of Let's Move Forward and Phil Lloyd's Motion for Summary Judgment; Declaration of Carol Binder; Declaration of Donald Newby; Declaration of Jan Drago; Declaration of John Odland; Declaration of Warren Aakervik; Let's Move Forward and Phil Lloyd's Reply in Support of Motion for Summary Judgment; and WSDOT's and Let's Move Forward and Phil Lloyd's Combined Supplemental Brief.

ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
7141 Cleanwater Drive SW
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126 Facsimile: (360) 586-6847

4. From Sierra Club and Brannan: Sierra Club Seattle Group and Scot Brannon's Combined Response to Motions for Summary Judgment of Peter Holmes, WSDOT, Let's Move Forward and Phil Lloyd; Declaration of Knoll Lowney in Support of 56(f) Motion and in Opposition to Motions for Summary Judgment; Factual Record, Volume I; and Sierra Club and Scot Brannon's Supplemental Brief.

5. From Protect Seattle Now: PSN's Combined Brief in Opposition to the Pending Motions for Summary Judgment of WSDOT, Let's Move Forward and Phil Lloyd, and the City of Seattle; Declaration of Gary W. Manca in Support of PSN's Combined Brief in Opposition to the Pending Motions for Summary Judgment; Declaration of Cary Moon in Support of PSN's Combined Brief in Opposition to the Pending Motions for Summary Judgment; PSN's Exhibits in Support of PSN's Combined Brief in Opposition to the Pending Motions for Summary Judgment; and PSN's Supplemental Brief Regarding Scope of Referendum.

Based on its consideration of these documents and the arguments of counsel, the court concludes the following:

1. This matter is ripe for decision. Referendums apply to legislative issues and it is certainly appropriate to decide that before it goes on the ballot, if there is a legitimate dispute. There is clearly a legitimate dispute here.

2. Whether the 2011 Ordinance (Ordinance No. 123542) is referable is a question of law that is appropriate for resolution on summary judgment; there are no genuine issues of material fact that would preclude entry of summary judgment.

ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
7141 Cleanwater Drive SW
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126 Facsimile: (360) 586-6847

3. The 2009 Ordinance (Ordinance No. 123133) was clearly a statement of policy, and as such was a legislative action that was referable, but there was no referendum on this ordinance. Therefore, the City's authority to enter into the three Agreements is not referable.

4. Sections 1 through 5 and Sections 7 and 8 of the 2011 Ordinance are administrative and their enactment is not referable. The Agreements attached to the 2011 Ordinance are also administrative and not referable.

5. Section 6 of the 2011 Ordinance represents a policy decision, and therefore its enactment is a legislative action that is referable.

6. Section 2 of the 2011 Ordinance states in part that the attached Agreements will be effective as of the effective date of the ordinance. Section 8 states the effective date will be 30 days after the approval of the ordinance by the mayor. The 2011 Ordinance reflects that it was vetoed by the Mayor, and that the Mayor's veto was overridden by the Council on February 28, 2011. The 2011 Ordinance was thus effective as of March 30, 2011. Therefore, because Section 2 and Section 8 of the 2011 Ordinance are administrative and not referable, the Agreements are deemed to be in effect as of the effective date of the 2011 Ordinance, which was March 30, 2011.

The Court orders as follows:

7. The motions for summary judgment are GRANTED with respect to Sections 1-5 and 7-8 of the 2011 Ordinance, and with respect to the effective date of the Agreements. The motion is DENIED with respect to Section 6 of the 2011 Ordinance.

8. The City of Seattle is hereby directed to refer Section 6 of the 2011 Ordinance to the ballot in accordance with state and city law.

ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
7141 Cleanwater Drive SW
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126 Facsimile: (360) 586-6847

9. Additional conclusions are attached as Appendix A and incorporated herein.

DATED May 20, 2011.

Honorable Laura Gene Middaugh
King County Superior Court

Presented by:

ROBERT M. MCKENNA
Attorney General

s/Bryce E. Brown
BRYCE E. BROWN, WSBA #21230
Senior Assistant Attorney General

PACIFICA LAW GROUP LLP

By s/ Paul J. Lawrence

Paul J. Lawrence, WSBA #13557
Kymberly K. Evanson, WSBA # 39973
Attorneys for Defendants
Let's Move Forward and Phil Lloyd

ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
7141 Cleanwater Drive SW
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126 Facsimile: (360) 586-6847

ATTACHMENT A

1. In 2009 the city established an ordinance stating the policy decision that it was the preference of the City for the tunnel option for replacement of the viaduct. Due to legal requirements a final decision as to which option for the project would be actually chosen could not be made at that time. Any final decision as to an actual choice had to wait until after the Environmental Impact Statement (EIS) and Record of Decision (ROD) were completed.
2. Just as the decision as to preference was a policy decision, so is the decision as to whether the City should ultimately choose to support the tunnel.
3. Policy or legislative decisions are subject to referendum. Administrative decisions are not subject to referendum.
4. The Agreements that are the subject matter of the 2011 Ordinance are both narrow agreements that carry out the policy already enacted in the 2009 Ordinance (administrative decisions) and far reaching agreements on how to implement a final choice/decision to build the tunnel, if such a choice is made (legislative decisions).
5. The Agreements state that each party to the agreement has the right to choose whether to go forward with the agreements after a review of the EIS and the ROD. Under this provision neither party is bound to choose the option of a tunnel even if it is available after the EIS and ROD are completed. Also, even if the party wishes to choose the option of the tunnel either party may choose not to proceed with the agreements as written and adopted under the 2011 Ordinance; implement that choice, that is the agreements themselves can be renegotiated. Parties manifest their choice by giving written "notice" to the other party. Failure to give the written notice in the time frames specified terminates all future obligations under the Agreements.

LGM

6. The 2011 Ordinance provides that the parties' decisions as to whether or not to give the notice (that is whether or not the City shall choose the tunnel for its method of replacement of the viaduct if such an option is available after the EIS) shall be solely in the control of the City Council after an open public meeting. The decision under the ordinance to give this decision making authority solely to the City Council is a policy decision. As such it may be reviewed by referendum.
7. It is clear from all the materials provided that the overriding intent of the referendum was to allow the people of the City to be involved in the final choice of which option the City chooses to replace the viaduct. The discussions as to specifics of contracts relate primarily to the wisdom of the decision, not the specific choices themselves.
8. The only portion of the 2011 Ordinance that relates to that concern is Section 6 which states that the choice to be made shall be made solely by the City Council. Allowing a referendum of this provision to go forward alone does further the intent of the referendum and it is apparent that had the Court's ruling been anticipated, the makers of the referendum would have chosen to go forward on this provision alone
9. The referendum could have been filed on that section alone. However, given the difficulties and complexities involved it could not have been anticipated that this Court would make the decision that it did.
10. The Court may not order matters not subject to referendum, such as administrative decisions, to be place on the ballot. However, the Court may place valid portions on the ballot if they are severable from the invalid portions. Those portions of the agreements adopted that call for actions prior to the choice of tunnel alternative are administrative and are not subject to referendum. However, they may be easily segregated from the

LGM

policy decision (i.e. whether the notice as to whether to go forward with the agreements should be issued solely by the City Council) that is subject to referendum.

LGM

Appendix K

2009 Explanatory Statement for Seattle Referendum No. 1 on Bag Fee

Available at
http://your.kingcounty.gov/elections/contests/measureinfo.aspx?cid=32891&eid=1230

1. Ordinance Number 122752 and the referendum process

In 2008 the city council passed and the mayor signed Ordinance Number 122752. Among other things, this ordinance would amend the Seattle Municipal Code to require grocery, drug and convenience stores to charge their customers a 20-cent fee for every disposable shopping bag that they provided. The stated purpose of the fee is to regulate the generation of waste from disposable shopping bags by creating an economic incentive for customers to use reusable shopping bags.

Article IV Section 1 of the city charter provides for a referendum petition process. This process allows for a public vote on ordinances passed by the City Council before they become law. If the required number of Seattle voters (at least eight percent of the total number of votes cast for the office of mayor in the most recent City election) sign referendum petitions regarding an ordinance, the ordinance does not take effect and instead is placed on the ballot for City voters to approve or reject.

The required number of voters signed referendum petitions to have a public vote on Ordinance Number 122752.

2. The law as it presently exists

The Seattle Municipal Code contains a Solid Waste Code (Municipal Code Chapters 21.36 and 21.40). The Solid Waste Code establishes the City's system for the collection and disposal of garbage, yard waste, recyclable material and other solid waste. Among other things, the Solid Waste Code:

• Sets restrictions and standards about collecting and disposing of solid waste and recyclable material.

• Requires commercial and residential recycling.

• Prohibits food-service businesses from selling food in non-recyclable plastic containers.

• Controls litter and solid-waste dumping.

• Sets rates and charges for collecting solid waste.

• Establishes penalties for violations.

The current Code does not regulate disposable shopping bags or require stores to charge a fee for them.

3. The effect of Ordinance 122752 if approved by the voters

Ordinance 122752 would amend the Solid Waste Code by adding new law regulating the distribution of disposable shopping bags by grocery stores, drug stores and convenience stores. The Ordinance defines "disposable shopping bag" to include bags of any material, such as paper or plastic, designed for one-time use to carry customer purchases from a store.

The term "disposable shopping bag" does not include:

- bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, or small hardware items, such as nails and bolts;

- bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items where dampness may be a problem;
- bags used to protect prepared foods or bakery goods;
- bags provided by pharmacists to contain prescription drugs;
- newspaper bags, door- hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

Among other things the Ordinance would:

- Require grocery stores, drug stores and convenience stores to charge customers a 20-cent fee for each disposable shopping bag that they provided to customers. Stores could not refund the fee to customers.
- Allow stores with less than $1,000,000 in annual gross sales to keep 100% of the fees they collected.
- Require stores with annual gross sales of more than $1,000,000 to pay the City 75% of the total fees they collected, and allow these stores to keep the remaining 25%.
- Establish penalties for late payment or underpayment of the fees by stores.
- Require that the fees paid to the City be deposited into the City's Solid Waste Fund and used to support solid waste prevention and recycling programs.*
- Authorize the City's Public Utilities Director to make reusable shopping bags available to the public free-of-charge if that would significantly reduce the costs associated with recycling and disposing of disposable shopping bags.
- Authorize the City's Public Utilities Director to establish limitations on the fee's application to sales of non-grocery merchandise at warehouse clubs and supercenters.
- Create two new paid city positions to help implement the fee.

The Ordinance would also amend the City's Business License Tax Code (Municipal Code Chapter 5.45) so that stores required to collect the fee would get a business-tax deduction for the fees they collected, including the amount of the fees that they kept.

The Ordinance also directs Seattle Public Utilities to develop a plan to implement the fee; among other things, the plan would include conducting a public education program, developing a proposal for minimizing the fee's impact on low-income customers and food banks, developing business record-keeping and reporting requirements, and evaluating the costs and benefits of extending the fee to all retail businesses.

*The fiscal note prepared by City staff for Ordinance 122752 estimates potential fee revenue of $3,370,000 in the first year-and-a-half of implementation. The fiscal note states that this estimate is highly uncertain and depends fundamentally on how consumers react to the fee. The note estimates total anticipated costs in the first year-and-a-half of implementation of $1,470,000 (including $70,000 in startup administrative costs, a commitment of up to $1,000,000 to purchase reusable shopping bags for distribution to the public, $150,000 in public education expenses, and $250,000 in ongoing administrative expenses). Based on a study by an outside consultant, the fiscal note estimates that the current cost to the City of collection, recycling, disposal and litter cleanup for the 292 million disposable plastic bags and 68 million disposable paper bags currently distributed in the city each year is $2,649,910.

4. The effect of this referendum vote

If a majority of voters casting ballots in this referendum vote to **approve** Ordinance 122752, then it will become law and the changes that it would make to the City's Municipal Code will take effect. If a majority of voters casting ballots in this referendum vote to **reject** the Ordinance, then it will not become law, and the Municipal Code provisions governing solid waste will remain as they are.